

<b>Committee:</b>	<b>Date:</b>
Planning and Transportation	2 April 2019
<b>Subject:</b> Land Adjacent To 20 Bury Street London EC3A 5AX Demolition of existing building and structures and construction of a building to a height of 305.3m AOD for a mixed-use visitor attraction, including viewing areas [2,597sq.m GEA], an education/community facility [567sq.m GEA] (Sui Generis) and restaurant/bar use (Class A3/A4) [1,535sq.m GEA]; together with a retail unit at ground floor (Class A1); a new two-storey pavilion building [1,093sq.m GEA] (Sui Generis) comprising the principal visitor attraction entrance with retail at ground floor level (Class A1/A3) [11sq.m GEA] and a public roof garden; provision of ancillary cycle parking, servicing and plant and alterations to the public realm. [Total Scheme Area: 17,441sq.m GEA].	<b>Public</b>
<b>Ward:</b> Aldgate	<b>For Decision</b>
<b>Registered No:</b> 18/01213/FULEIA	<b>Registered on:</b> 19 November 2018
<b>Conservation Area:</b>	<b>Listed Building:</b> No

### Summary

The proposed development includes the demolition of the existing building at 20 Bury Street and the construction of a building 305.3m high (AoD) (with an area of 470 sqm) comprising a mixed use visitor attraction including viewing areas at levels 4-7 (2,597 sqm GEA) and an education/community facility at level 3 (567 sqm GEA) (Sui Generis), restaurant/bar at levels 8-12 (Class A3/A4) together with a retail unit at ground and basement level (Class A1). The stem of the structure would house lifts and stairs to access the upper floors.

A new two storey pavilion building would be erected at the north west corner of St Mary Axe Plaza and would comprise the principal entrance to the visitor attraction (1,093 sqm GEA) (Sui Generis) where visitors' tickets would be checked with a retail unit 11sqm (GEA) (Class A1) at ground floor level and a publicly accessible roof garden on the roof of the Pavilion building. The Pavilion building would also house some of the cycle parking spaces (long stay and short stay) for the Gherkin and the Tulip at level 1.

The existing servicing ramp leading to the basement of the Gherkin would be removed and would be replaced by two lorry lifts. The two x 2m high walls on either side of the existing vehicle ramp would be removed. The resulting space would be occupied by the new Pavilion building and Plaza and a new pocket park (137sqm).

The basement of the Gherkin would be re-arranged and would provide 4 new loading bays, waste compactor and waste storage facilities, cycle parking and lockers and shower facilities in association with the cycle parking for the Gherkin and the Tulip. A new basement mezzanine floor would provide the area for airport style security checking for visitors to the viewing gallery and access to the lifts which would take visitors to the upper floors.

The development requires an EIA assessment. The application has attracted a number of objections including from Historic Royal Palaces (HRP) and Historic England (HE) and advice from Greater London Authority (GLA) and a number of representations in support of the scheme. These are set out in the report and are attached in a separate bundle of papers.

The characteristics of the proposal and those visiting it and the impact on the servicing arrangements for the Gherkin would mean that it would have some impact on local vehicular and pedestrian movement in the most densely developed part of the City as set out in the report. However, it would not be at a level where it would prejudice the operation of the business City or would limit the development of the City cluster. Impacts would require to be managed by conditions and S106 obligations as set out in the report in order to ensure that the Tulip is operated such that unacceptable impacts would not arise.

It is a shared view with HE, HRP and the Mayor of London along with other objectors that the proposal results in harm to the setting (and to the significance) of the World Heritage Site of the Tower of London. The world heritage site status and the Grade I listing places the Tower of London at the very highest heritage level and as a result greater weight should be given to the asset's conservation. The assessment of the degree of that harm is what is at variance.

It is considered that the Tulip due to its height and form results in less than substantial harm to the significance of the Tower of London World Heritage Site and would be contrary to Local Plan Policy CS12 and London Plan Policies 7.7, 7.8, 7.10, 7.11

The proposal is contrary to Local Plan Policy CS13 and London Plan Policy 7.12 due to non-compliance with the LVMF visual management guidance for view 10A1 from the north bastion of Tower Bridge.

In relation to other designated and non-designated heritage assets, it is considered that the proposed development would not harm their significance or setting.

In considering the proposal, considerable importance and weight must be given to preserving the settings of listed buildings. As set out in paragraph 193 of the NPPF, great weight should be given to the designated heritage asset's conservation, and at paragraph 194, any harm should require clear and convincing justification. Paragraph 196 of the NPPF sets out that where development proposals will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal.

Virtually no major development proposal is in complete compliance with all policies and in arriving at a decision it is necessary to assess all the policies and proposals in the plan and to come to a view as to whether in the light of the whole plan the proposal does or does not accord with it. In this case, while the proposals are in compliance with a number of policies, they are not considered to be in compliance with the development plan as a whole due to non-compliance with heritage policies identified above. The Local Planning Authority must determine the application in accordance with the development plan unless other material considerations indicate otherwise.

Additional material considerations are as follows:

- The proposed development provides the City and London with a new iconic building.
- It provides a new and significant visitor attraction in London, and would help to boost London's tourist offer and economy and would draw people into the City who would not otherwise be drawn to it and thereby benefits the wider UK economy.
- It adds to and diversifies the City's visitor offer and both directly and indirectly supports the City's aspirations to be a 24/7 City. It is anticipated that it would be particularly busy at weekends which is of particular benefit in this regard. It provides a restaurant and bar and facilities that may support local businesses enabling longer opening hours such as in Leadenhall Market. The new facilities it provides may be attractive to local workers and residents.
- The provision of an educational facility for 40,000 of London's state school children free of charge each year is a significant benefit of the proposal enabling each London school child to visit once in their school life time. It is welcomed as a significant resource for key subjects in the school curriculum and has the potential to introduce the City to many children who may not otherwise visit the City or consider it as a place that they may one day wish to work. These benefits would be secured by S106 agreement.
- The educational space would also be available for community and educational use between 1500-1900 hours, the arrangements and details of

this benefit would be secured by S106 obligation.

- Consolidated delivery arrangements would be secured for the Gherkin as well as the Tulip, including the prohibition of peak time servicing.

The scheme would provide benefits through CIL for improvements to the public realm, housing and other local facilities and measures. That payment of CIL is a local finance consideration which weighs in favour of the scheme. In addition to the general there would be site specific measures sought in the S106 Agreement. Together these would go some way to mitigate the impact of the proposal.

This case is very finely balanced. The development is significant in terms of its local and wider impacts and in particular its less than substantial harm to the World Heritage Site. Taking all material matters into consideration, I am of the view that, giving very considerable importance and weight to the desirability of preserving the setting of the Tower of London as a heritage asset of the highest significance, the public benefits of the proposal nevertheless outweigh the priority given to the development plan and other material considerations against the proposals. As such that the application should be recommended to you subject to all the relevant conditions being applied and section 106 obligations being entered into in order to secure the public benefits and minimise the impact of the proposal.

### **Recommendation**

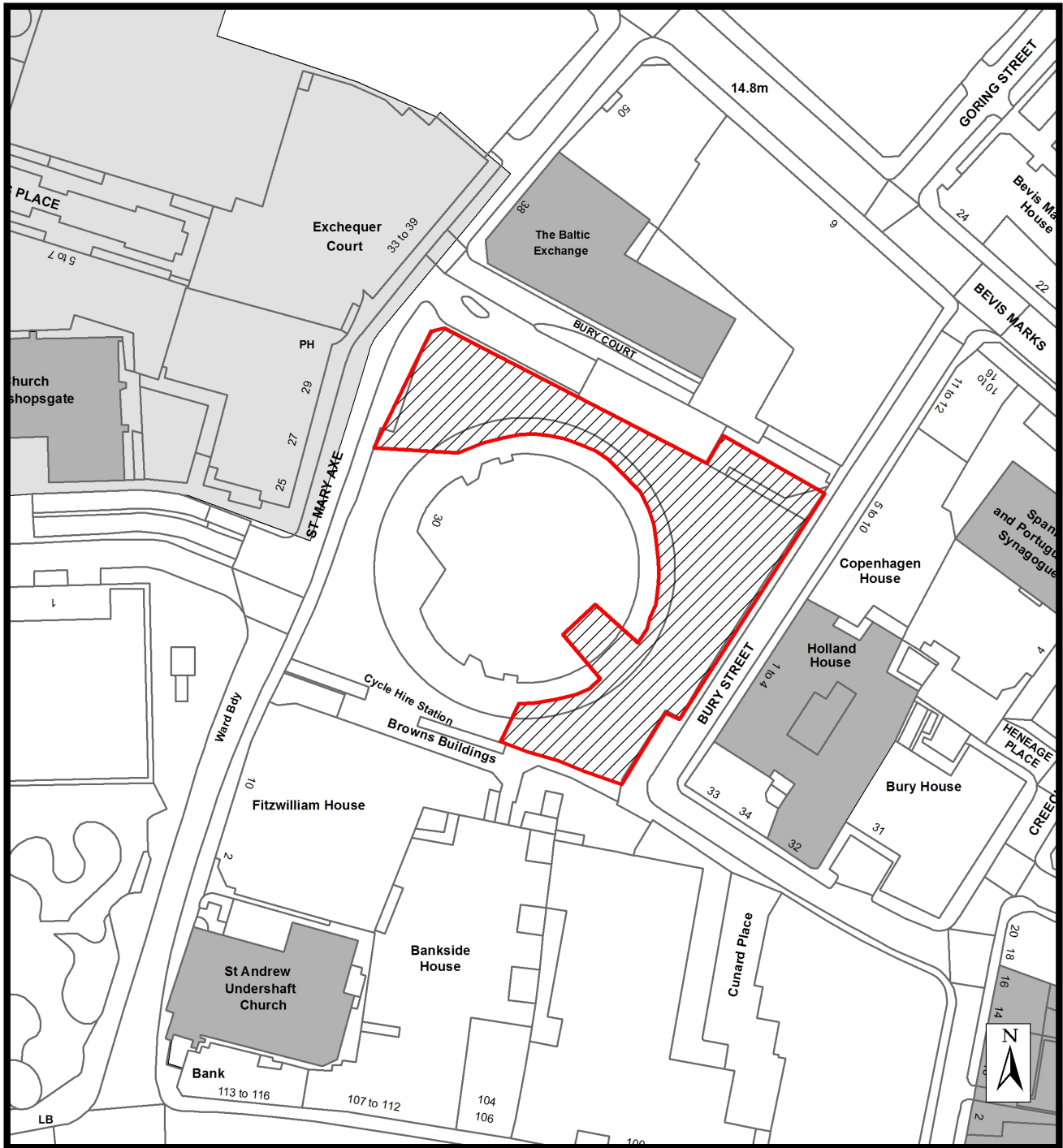
(1) That planning permission be granted for the above proposal in accordance with the details set out in the attached schedule subject to:

(a) the Mayor of London being given 14 days to decide whether to allow the Corporation to grant planning permission as recommended, or to direct refusal, or to determine the application himself (Article 5(1)(a) of the Town & Country Planning (Mayor of London) Order 2008);

(b) planning obligations and other agreements being entered into under Section 106 of the Town & Country Planning Act 1990 and Section 278 of the Highway Act 1980 in respect of those matters set out in the report, the decision notice not to be issued until the Section 106 obligations have been executed;

(c) That your Officers be instructed to negotiate and execute obligations in respect of those matters set out in "Planning Obligations" under Section 106 and any necessary agreements under Section 278 of the Highway Act 1980.

# Site Location Plan



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ADDRESS:

The Tulip, Land Adjacent to 20 Bury Street

CASE No.

18/01213/FULEIA

- CITY BOUNDARY
- SITE LOCATION
- LISTED BUILDINGS
- CONSERVATION AREA BOUNDARY



**CITY  
of  
LONDON**

DEPARTMENT OF THE BUILT ENVIRONMENT



Existing





Proposed

## **Main Report**

### **Environmental Statement**

1. The application is for EIA development and is accompanied by an Environmental Statement (ES). The ES is a means of drawing together, in a systematic way, an assessment of a project's likely significant environmental effects. This is to ensure that the importance of the predicted effects and the scope for reducing them are properly understood by the public and the competent authority before it makes its decision.
2. The Local Planning Authority must take the Environmental Statement into consideration in reaching its decision as well as comments made by the consultation bodies and any representations from members of the public about environmental issues as required by the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.
3. The duties imposed by regulation 26 of the EIA Regulations require the local planning authority to undertake the following steps:
  - a. To examine the environmental information;
  - b. To reach a reasoned conclusion on the significant effects of the proposed development on the environment, taking into account the examination referred to at (a) above, and where appropriate, their own supplementary examination;
  - c. To integrate that conclusion into the decision as to whether planning permission is to be granted; and
  - d. If planning permission or subsequent consent is to be granted, consider whether it is appropriate to impose monitoring measures.
4. The local planning authority must not grant planning permission unless satisfied that the reasoned conclusion referred to at paragraph 3(b) above is up to date.

The draft statement attached to this report at Appendix A sets out the conclusions reached on the matters identified in regulation 26. It is the view of the officers that the reasoned conclusions set out in the statement are up to date.

5. Representations made by anybody required by the EIA Regulations to be invited to make representations and any representations duly made by any other person about the environmental effects of the development also forms part of the environmental information before your Committee.
6. The Environmental Statement is available in the Members' Room, along with the application, drawings, relevant policy documents and the representations received in respect of the application.



## **Site and Surroundings**

7. The proposal site comprises 20 Bury Street and the land to the north west and north east of the building at 30 St Mary Axe ('The Gherkin'). The site extends to cover part of the existing basement space below the Gherkin.
8. A servicing ramp providing access to the basement of the Gherkin which includes a loading bay, plant, car parking and cycle parking. The remainder of the site at ground floor level is public realm. The existing building at 20 Bury Street is six storeys in height (ground plus five storeys) comprising:
  - 428 sqm (GIA) office (Class B1) (Management suite for the Gherkin)
  - 352 sqm (GIA) flexible retail (Class A1/A3) (Vacant)
  - 3119 sqm (GIA) back of house/plant accommodation.
9. The site is adjacent to Grade II listed 38 St Mary Axe to the north, Grade II\* listed Holland House to the east, and Grade I listed Bevis Marks Synagogue to the north east. There are a number of other listed buildings in the vicinity. The site is not in a conservation area. St Helen's Place Conservation Area and the Bishopsgate Conservation Area are close to the site.

## **Relevant Planning History**

10. The existing building at 20 Bury Street was granted planning permission in August 2000 as part of the application for the Gherkin to provide Class B1 offices, Class A retail uses and associated car parking, servicing and plant accommodation, and new vehicular access from St Mary Axe (CoL ref: 5173K).
11. Planning permission was granted in January 2014 for the use of the landscaped open space around the Gherkin as an open-air market one day each week (CoL ref: 13/01150/FULL).
12. The Plaza space surrounding the Gherkin (some of which is within the application Site) has accommodated several temporary installations of sculptures over the years which have been granted planning permission.

## **Proposals**

13. The proposed development comprises a tall building (305.3 AoD) for a mixed-use visitor attraction, including viewing areas and an education/community facility (Sui Generis) and restaurant and bar use (Class A3/A4) with a pavilion building for entry accommodation for the visitor attraction. The proposal includes public realm improvements to the Plaza, replacement of the existing servicing ramp with vehicle lifts and provision of cycle parking.
14. The proposed development would result in the loss of the existing building at 20 Bury Street. The back of house and plant (which serves the Gherkin)

(3119 sqm) is located at basement level and this area would continue to be used as back of house space for the Gherkin.

15. The shaft of the Tulip would contain lifts, stairs and plant runs leading to levels 1-12 of the Tulip.

16. Below is a breakdown of the proposed floorspace for each use;

### **Tulip**

Level	Use	Area (sqm GIA)
1 and 2	Plant/Tuned Mass Dampener	772
3	Education/Community Facility	523
4,5,6 and 7	Viewing Area	2353
8 and 9	Restaurant and Kitchen	1034
10	Kitchen/Building Maintenance Garage	381
11 and 12	Sky Bar	480
		TOTAL: 5543

### **Pavilion Building**

Level	Use	Area (sqm GIA)
Ground	Viewing Gallery Entrance	383
1	Cycle Parking	686
2	Rooftop Terrace	529 *
		TOTAL: 1598

### **Pavilion Building**

17. The entrance to the visitor attraction would be from the Pavilion building on the north west corner of the Plaza. The Pavilion building would be two storeys high with a publicly accessible terrace at roof level.

18. At ground floor level, visitors would enter via a pair of revolving doors into the lobby area, beyond which are entrance turnstiles for ticket scan and check. Once visitors go through the turnstiles and their tickets have been checked, they would be directed down escalators (or lifts) to basement mezzanine level for airport style security checking and the start of the pre-show visitor experience. Visitors would queue at this level prior to going through airport style security and would be taken up to the viewing area using the bottom deck of one of the four double decker lifts which transport visitors from the base of the Tulip to the top. (During busy periods visitors would use both the bottom and top deck of the lifts to minimize waiting times).

19. At first floor level, the Pavilion building would house 284 cycle parking spaces for both long and short stay spaces for the Tulip and the Gherkin. Details of how cycle parking would be accessed and allocated are in the transport section of the report.
20. The roof of the Pavilion building would provide 529sqm of publicly accessible space. This would be accessed via stairs or a lift and would have capacity for approximately 100-120 visitors. Pre-booking would not be required to access this space.
21. At ground floor level there would be a small flexible retail unit, opening onto the Plaza and the new pocket park.

### **Education/Community Facility**

22. Level 3 of the Tulip would house 523 sqm of the education facility for use by London's school children, with priority given to primary school children. The space would comprise 3 classrooms and waiting area/cloakroom. The classrooms would be located 240m above street level to give panoramic views over London. It is proposed that the lessons taught in the classrooms would be tied to specific aspects of the National Curriculum for Key stages 1-4 that relate to London's geography, politics, economic, finance, history and the arts, allowing direct references to key landmarks which would be visible from the classrooms.
23. The accommodation would be free to book for all London's state schools and it is anticipated more than 40,000 school children would attend per year.
24. The education facility would be available to schools between 1000-1500 hours during term times including half terms. Between 1500-1900 hours the space would be available free of charge for community/educational purposes. These arrangements and the available facilities would be the subject of detailed obligations to be set out in the section 106.
25. Access to the education/community facility would be from the Pavilion building using the dual functioning servicing lift which are separate from the main visitor lifts and accessed from the base of the Tulip building.

### **Curated Experience/Viewing Gallery/ Sky Bridge/ Gondola Ride**

26. Levels 4, 5, 6 and 7 of the Tulip would comprise the main tourist attraction with curated viewing spaces, a sky bridge and gondola rides. Visitors would be able to circulate between levels 4 and 7 using lifts or spiral stairs.
27. The 'Gondola' rides would be a key feature of the visitor experience and enable visitors to step outside the Tulip into a moving capsule to go on an 8-minute loop around an external track embedded within the structure of the building. The capsules would be located on each of the three 'Structural Spoons' with each 'Spoon' hosting 8 gondola units. Visitors would board the capsules simultaneously at levels 4, 6 and 8, before making a full revolution and alighting at the level of their entry. The Gondola capsule would be a 3m diameter sphere and would have the

capacity for 6-8 people either standing or sitting. The Gondolas would be available for dining.

28. The 'Sky Bridge' forms a part of the visitor experience and is a transparent walkway suspended within the four-storey void of the gallery levels. The glazed bridge would be positioned to give visitors a view directly down onto the top of the Gherkin.
29. A transparent slide moves people from Level 7 to 6 and from Level 5 to 4 and is an additional element of the visitor attraction. The glazed spiral runs outside the main circulation stair for the gallery levels in a counter-clockwise direction. The four floors of the visitor attraction each provide 360° views across London. The main void that links all floors together provides views to the ground immediately below the Tulip and due to its aspect, frames the Gherkin. The void acts as the organising element linking the different levels together visually. Seasonal events together with curated displays will take place to enrich the visitor's experience.

### **Restaurant and Sky Bar**

30. The upper floors of the Tulip, on levels 8, 9, 11 and 12 would provide restaurant and bar space, supported by a main kitchen (and back of house space) at level 10. Those visiting the restaurant and bar would not enter via the Pavilion but would enter at the base of the Tulip where they would undergo airport style security checking at ground floor level prior to using the top deck of one of the four double decker lifts up to level 7 before transferring to local lifts which serve the top of the Tulip. If visitors accessing the restaurant and bar wished to visit the viewing gallery areas (located at levels 4-7) they may do so by purchasing tickets from the lift lobby of the restaurant/bar area at level 10 and then descend down local lifts to the viewing areas.
31. Visitors from both the restaurant and bar and the viewing gallery areas would descend via one of the four double decker lifts and exit from the base of the Tulip (north east corner of the Plaza) via an escalator or lift through the visitor gift shop.

### **Basement**

32. The basement of the Gherkin would be rearranged and would provide four new loading bays, waste compactor and waste storage facilities, cycle parking and lockers and shower facilities in association with the cycle parking for the Gherkin and the Tulip. A new basement mezzanine floor would provide the area for airport style security checking for visitors, a visitor introduction to the facility and access to the lifts which would take visitors to the upper floors.

### **Public Realm**

33. The proposed Tulip and Pavilion will be housed on the existing Plaza and servicing ramp. This results in the loss of 88 sqm of Plaza space to some degree made up for by the inclusion of the servicing ramp and the rooftop space on the Pavilion. The openness of the Plaza in the north west and north east corners would be more restricted than at present, to some

degree mitigated by the pocket park. The scheme necessitates the removal of 5 trees and the impact of this will be mitigated by planting outlined in the Urban Greening section of this report.

34. In addition to the publicly accessible rooftop terrace atop the Pavilion building, the proposal provides a new pocket park located directly south of Bury Court. This would provide 137sqm of usable landscaped space. The memorial plaque for the 1992 Baltic Exchange bombing victims currently on the high wall of the servicing ramp would be relocated in the pocket park and would be a focal point of this space.
35. It is proposed to open up the existing Plaza (to allow for increased permeability) by the removal of some of the boundary walls and the partial replacement of the current Lanlehin granite with York stone paving to create less of a private feel to the plaza surrounding the Gherkin, details of which would be subject to condition.

### **Consultations**

36. Following receipt of the planning application by the City the application has been advertised and widely consulted upon. The application was reconsulted on following the receipt of an amended plan from the applicants showing an increase in the proposed area for education floorspace (from 190sq.m to 314sq.m.) at level 3. Copies of all letters and e-mails making representations are attached in a separate bundle of background papers.
37. The views of other City of London departments have been taken into account in the preparation of this scheme and some detailed matters are addressed by the proposed conditions and the Section 106 agreement. These include matters relating to environmental controls such as noise, fume extract and ventilation, controls during construction activities, and security matters.
38. The applicants have submitted Statements of Community Involvement during the course of the application stage outlining their engagement with stakeholders, interested groups, nearby building owners and occupiers and residents.
39. The application was received on 14 November 2018 and the applicants launched the project website ([www.thetulip.com](http://www.thetulip.com)) providing proposal information, images and information about the public exhibitions.
40. Public exhibitions took place at the proposed site of the redevelopment, 20 Bury Street, London, EC3A 5AX between November 2018 and March 2019.
41. Since the application has been submitted the applicants have continued to hold public exhibitions and these were publicised by hand delivered leaflets, advertised on the Tulip website and publicised in the Evening Standard and City Matters.
42. On the days of the exhibition, signage advertising the exhibition was placed outside the venue for the duration of the event. The venue was accessible to people with limited mobility. Visitors had the opportunity to



view display boards, models and use virtual reality headsets containing details of the scheme, including site layout and details of the proposed. A total of 593 people attended the 11 exhibitions held.

43. Historic England have commented on the application and state:

“The gradual intensification and densification of the Eastern Cluster of tall buildings has changed the visual relationship between the City and the Tower of London WHS in some views. The proposals will further change this relationship, creating a vertical 'cliff edge' to the Eastern Cluster when viewed from the north bastion of Tower Bridge (LVMF 1 0A.1 ), while the unusual form of the building, intended to be eye-catching, draws attention away from the Tower. In our view, the proposed new building would change the relationship between City and Tower to such an extent that the Eastern Cluster begins to visually challenge the dominance and strategic position of the Tower (both attributes of OUV), thereby causing harm to its significance.

This harm is primarily experienced in one view, but it is the view that best illustrates the relationship between the Tower and the City of London and thereby the attribute of OUV that relates to the strategic and dominant position along the river, set apart from the mercantile City. The proposed building would diminish the sense of dominance of the Tower, resulting in harm to the significance of the World Heritage Site.

A further impact on the significance of the Tower occurs in the view from the Inner Ward towards the Chapel Royal of St. Peter ad Vincula. Here, the top of the 'Tulip' would be visible above the roofline of the Chapel, adding to the modern visual intrusions of the tall buildings at 22 Bishopsgate (under construction) and 1 Undershaft (consented) above the chapel roofline when these buildings are completed. The appearance of modern tall buildings above this roofline causes harm, as it diminishes the self-contained ensemble of historic buildings currently largely unimpeded by signs of the modern city beyond. This is not a pristine view, but each time a new building appears in the view, it contributes to a diminution of the impact of the sense of history in this special place. Our view is that the harm here is less than substantial. We also note that there are already viewing platforms in the City of London, including of course Wren's historic Monument, with which the proposed new development would compete.

NPPF policy states that any harm to the significance of a designated heritage asset should require clear and convincing justification (paragraph 194). In cases where proposals lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal (paragraph 196).

### **Recommendation**

Historic England objects to the application on heritage grounds.

It is for your authority to weigh the harm identified above against any public benefits of the scheme when they consider formal applications. We

also urge you to consider the documents submitted with the application to ensure that the Historic Impact Assessment is in accordance with ICOMOS guidance.

Based on the documents submitted with the application, Historic England is not convinced that the harm to the significance of the Tower of London, a World Heritage Site of international importance, could be outweighed by public benefits. We have informed the DCMS of our position and understand that they intend to send a paragraph 172 notification to the World Heritage Centre.

44. Historic Royal Palaces (HRP) have been consulted and they disagree with the conclusions of the Environmental Statement and consider the proposed development would cause serious harm to the Tower's status as 'an internationally famous monument' and the World Heritage Site's (WHS) Outstanding Universal Value (OUV) would be adversely affected.

HRP disagree with the conclusions in the third paragraph of the Non-Technical Summary, that only one of the three relevant attributes (identified in the Tower London WHS Management Plan 2016) are affected by the proposed development, which is the physical dominance of the White Tower – and then only in one view, the London View Management Framework (LVMF) view 10A.1 from the north bastion of Tower Bridge looking upstream.

HRP state that The Tower's distinctive silhouette as seen in the view from the south bank of the Thames (LVMF protected views 25A.1-3) is recognised internationally; the White Tower has become an iconic image of London, frequently used in publicity by organisations such as Visit Britain. HRP considers that the proposed development would have a major, harmful effect on the setting of the Tower WHS in these views. The height, proximity and dramatic design of the proposed development would diminish the Tower WHS, reducing it to the appearance of a toy castle set-down between the Eastern Cluster and the Tower Bridge. The Heritage Impact Assessment (submitted by the applicant) states that 'The White Tower's distinctive and iconic silhouette seen from the south bank of the Thames would not be altered by the proposed development and the White Tower would continue to dominate its immediate surroundings within the Tower of London World Heritage Site's local setting.'

HRP state the views towards the application site from within the Tower would also be seriously affected by the proposed development, as illustrated in view 26, 29, 30 and 31 in the HIA. In view 26, from the Inner Ward, the proposed development would appear above the eastern end of the Chapel Royal of St Peter ad Vincula as something distinct and separate from the existing and consented buildings of the Eastern Cluster, which already intrude in the view. From this angle, perspective would exaggerate the height of the proposed structure, but not immediately apparent due to the screening effect of a foreground tree in full leaf. The view in winter, or should the mature tree in question be lost, would be very different, with the 'Tulip' providing a distracting object, clearly seen against

open sky above the chapel roof. The HIA acknowledges that the 'magnitude of change resulting from the proposed development' in this view would be 'major' but assesses the 'significance of likely cumulative effect', as 'major, neutral'. HRP considers this conclusion appears neither justified, nor credible.

Other views north-west from within the Inner Ward are similarly affected by the proposed development. In views 29 from the northern Inner Curtain Wall and 31, from the Byward Tower entrance to the Tower, the proposed development would stand apart from the commercial buildings of the Eastern Cluster, appearing as tall as the tallest building in the group. The HIA evaluation of the 'significance of likely cumulative effect' of the proposed development on both of these views is 'major, beneficial', on the basis that the 'Tulip' would 'contribute a high-quality new landmark element to the skyline of the Eastern Cluster' and that the 'modern high-rise commercial character of the background setting of the WHS would be preserved' HRP strongly disagrees and considers that the height and attention-seeking nature of the 'Tulip's' design would make it the most visually intrusive element of the Cluster in these views and that its effect would be both major and adverse.

HRP's conclusion is that the proposed development, would be extremely damaging to the setting of the Tower of London WHS as it would diminish a key attribute of the Tower's Outstanding Universal Value, challenging the Tower's eminence as an iconic, internationally famous monument as seen in the protected LVMF view 25A.1-3. HRP consider that the claimed public benefit of the development, which would neither offer enhancement of the WHS, nor fulfil a planning policy objective, would outweigh the potential harm to the WHS. It would therefore conflict with national planning policy for the historic environment and the relevant policies in both the current London Plan and the City of London Local Plan.

Historic Royal Palaces therefore objects to the proposed development, which we believe would pose a serious risk to the status of the Tower of London as a WHS and we ask the City Corporation to refuse the application.

HRP have commented that the proposal should be referred to UNESCO's World Heritage Centre as a new construction likely to affect the OUV of a World Heritage property in accordance with paragraph 172 of the Operational Guidelines for the Implementation of the World Heritage Convention.

45. Greater London Authority were consulted and they have commented which incorporates comments from Transport for London. They state:

*"London Plan and draft London Plan policies on central activities zone; employment; urban design; heritage; inclusive design; transport; and climate change are relevant to this application. The application does not comply with the London Plan and draft London Plan for the following reasons:*

*Principle of development: The principle of a visitor attraction within a CAZ location would complement the strategic functions of the CAZ. However, the proposal fails to provide free to enter publicly accessible viewing areas and is therefore contrary to London Plan Policy 7.7 and Policy D8 of the draft London Plan.*

*Historic Environment: The development would compromise the ability to appreciate the Outstanding Universal Value of the Tower of London World Heritage Site and would cause harm to the historic environment. Accordingly, the application does not comply with London Plan policies 7.7, 7.8, 7.10, 7.11 and 7.12 and Policies D8, HC1, HC2, HC3 and HC4 of the draft London Plan.*

*Design: GLA officers have significant concerns with the design approach. The height is unjustified and the design and the introduction of significant expanse of solid and inactive building frontage would appear incongruous in the existing faceted context of the Eastern Cluster drawing significant attention in this heritage sensitive location. The site layout and loss of public realm at street level is also of significant concern.*

*Strategic Views: The appearance of the proposed development within LVMF views 10A.1 and 25A 1,2 and 3 would cause harm to these strategic views and would therefore be contrary London Plan Policies 7.11 and 7.12 and Policies HC3 and HC4 of the draft London Plan.*

*Transport: The proposals are considered to result in a poor quality, unwelcoming, unnecessarily confined pedestrian environment contrary to Policy 6.10 of the London Plan and Policy D1 of the draft London Plan. The proposals would not reflect the Healthy Streets approach detailed within Policies T2 and T4 of the draft London Plan. The level of cycle parking would not accord with draft London Plan Policy T5.*

*Energy: The applicant must explore the potential for connection to the City 2 district heat network. The full 'be lean' and 'be green' BRUKL sheets must be submitted. This further information must be submitted before the proposals can be considered acceptable and the carbon dioxide savings verified.*

*Recommendation: That City of London be advised that the scheme does not comply with the London Plan and draft London Plan for the reasons set out above."*

46. GLA submitted further comments following the reconsultation City of London undertook following an increase in the amount of education floorspace provided at Level 3. GLA states:

*On 8 February 2019, the applicant provided an updated floor plan to the City of London for Level 3 of the of the bulb element of the*

proposals (Dwg. No. A-PT-031-03-01 rev 02). As per the initial application drawings, level 3 was to provide an 88 sq. m. classroom plus associated ancillary space along with back of house/plant space. The alterations to level 3 would now see approximately 168 sq. m. provided for classrooms along with associated ancillary space. It is understood that it is now possible to accommodate the plant/back of house space at Levels 1 and 2.

The Stage 1 report (GLA/4868/01) discussed the heritage impacts of the proposals and noted the high degree of harm to the setting of the Tower of London World Heritage Site, a heritage asset of the highest significance, and the Grade I listed St Botolph's Church. Paragraph 67 of the above mentioned report noted that, in accordance with the provisions of the NPPF, this harm should be weighed against the public benefits of the proposals and that, "Given that the harm relates to a [World Heritage Site], a heritage asset of the highest significance, the weight applied to its conservation, and any harm to its significance, should be very high." Furthermore, paragraph 68 of the report noted that, "the negligible level of public benefit [arising from the proposals] falls substantially short of anything appropriate and the proposals would therefore fail to accord with the provisions of the NPPF."

Having regard to the above, while it is noted that the amendments to Level 3 would result in an increase in educational floorspace, this increase would be small in absolute terms and the conclusions of the Stage 1 report with respect to the assessment of harm to heritage assets remain unchanged. Specifically, it is restated by GLA officers that the public benefits of the proposals would fall substantially short of anything appropriate and the proposals would fail to accord with the provisions of the NPPF.

Further to the above, it is noted that the covering letter submitted with the amended drawing (dated 8 February 2019), along with the original application documentation, refers to the percentage of overall floorspace within the proposals that would be dedicated to this educational space (noted as 8.34% within the covering letter). The letter specifically notes that percentage of floorspace afforded to the educational space is greater than the percentage afforded to free to enter publicly accessible spaces within other tall buildings in the eastern cluster of the City of London. It is noted by GLA officers that when attaching weight to the public benefit associated with this educational floorspace, any weight should be based on the absolute level of floorspace provided and not on any relative/percentage figure. It is therefore considered inappropriate to express the education space in percentage terms of the overall building and, given its minimal amount in absolute terms, any weight afforded to this space should be minimal and would not constitute sufficient public benefit to outweigh the identified harm to heritage assets.



*In response to transport comments made at Stage 1, TfL was sent a 'Response to GLA Stage 1 Report' on 19 February 2019 by the applicant's transport consultants Steer. It notes that the amount of public space left over at ground level if the proposed development is constructed would decrease by at least 4%. Furthermore, even if The Tulip is not constructed, pedestrian flows at 6 key locations for pedestrian movement in the surrounding streets will increase by on average 42% due to population growth, other developments already consented nearby, and the future opening of the Elizabeth Line (Crossrail).*

*Due to the growth in pedestrian crowding already expected around the site at St Mary Axe, Undershaft, Bury Street and Cunard Place, reducing the amount of public space around the existing Gherkin building is totally unacceptable and would be contrary to both the London Plan and draft London Plan. It is not accepted that the development would improve or support active travel or public transport in the vicinity. Nor is it considered that the proposals would reflect or deliver any benefits against the TfL 'Healthy Streets' indicators and approach, or the Mayor's 'Vision Zero' objective for there to be no deaths or serious injuries on London's streets and roads by 2041."*

47. Heathrow Airport were consulted and have commented that the proposed development has been examined from an aerodrome safeguarding perspective and have recommended a condition for the submission of a construction management strategy to be submitted prior to any commencement works.

48. NATS have been consulted and they have commented that they are satisfied no impact is anticipated from either the building itself, or the moving gondolas. The proposed development will be shielded by the existing cluster of high-rise buildings, whose impact has been managed or has been deemed to be acceptable.

While NATS has no objection to the building in itself, they commented that high rise cranes in this area do have the potential to affect airspace users and its operations. As such, cranes and construction methodology for a building of this scale, will need to be managed in collaboration with aviation stakeholders. Accordingly, NATS has no objections to the application subject to the imposition of the aviation planning condition requiring the submission of a 'Crane Operation Plan'.

49. London City Airport have been consulted and have commented that they have no direct safeguarding objection to the completed structure subject to the imposition of conditions requiring a Crane Operation Plan and Construction Methodology.

50. London Borough of Tower Hamlets have made the following comments:

*"Design and heritage: the proposed development would cause serious unacceptable (less than substantial) harm to the significance and setting of the Grade I listed Tower of London World Heritage, without significant and proportionate public benefit to justify such harm. The proposed*

*development would conflict with paragraph 193 and 196 of the NPPF and policies 7.7, 7.8, 7.10, 7.11 and 7.12 of the London Plan, including policies D8, HC1, HC2, HC3 and HC4 of the draft London Plan.*

*Transport: the proposal is likely to impact onto the LBTH local public transport infrastructure which would have to absorb a proportion of the forecasted visitors to site annually. Insufficient information has been submitted with the application to allow officers to fully understand the likely impacts on to the transport network. LBTH reserve the right to provide comments when such information is made available.*

*Environment: The Environmental Statement does not contain sufficient information to fully assess the proposals and there is likely to significant adverse effects in terms of greenhouse gas emissions.”*

51. Port of London Authority were consulted on the application and they commented that the proposed development is such that there is unlikely to be any bearing on the interested of the PLA in this instance.
52. The London Borough of Southwark advises it has no objection.
53. The London Borough of Hackney advises it has no objection.
54. Natural England were consulted and they have commented that the proposed development would not have a significant adverse impact on statutorily protected sites and provided advice on other natural environment issues for information for the applicant.
55. Comments have been received on behalf of the Diocese of London (DoL), who have commented that the proposed development would intrude on the skyline and this is not warranted by the use for which it is intended. The applications places undue emphasis on its contribution as an educational facility and further seeks to exploit policies for the diversification of the City's economy and for supporting tourism.

DoL state that the proposed development would add volume to the competition for the nationally protected views of St Paul's Cathedral as well as local views of other historic monuments and world heritage sites.

DoL consider that the application is exploiting flexibility designed to provide for the nationally important financial industry without providing the jobs, revenue and positive contribution delivered by much less controversial application.

On balance the DoL does not see the merit of approving this scheme but if the planning committee does not resolve to refuse permission, there are a number of practical issues which need to be addressed prior to granting:

- Re-providing the rooftop terrace on the Pavilion building is not of equivalent public benefit and an alternative provision should be made elsewhere locally to offset this loss.
- Confirmation of safe access routes for large numbers of school children.

- The free state school visits would need to be part of a curriculum aligned education programme if they are to be of merit. The programme and capacity elements should be properly modelled through detailed consultation with education providers and should be secured with irrevocable planning obligations to maintain the facility free of charge (particularly for those along City fringes and without priority given to fee paying applications from private schools).
- Concerns regarding the noise and vibration generated during the construction period. The applicants should consult and agree with local occupiers an effective package of mitigation measures via planning conditions and obligations including limiting the permitted hours for noisy works.
- Concerns regarding airborne dust and pollution released through the demolition and construction process. The provision of double glazing to the local churches has been considered necessary. These costs should be met by the development, agreed and installed prior to commencement.

Contrary to the applicant's assertion, that this proposal does not adversely affect St Paul's, the DoL considers the proposed development contributes to a bulk and massing that is to the detriment of the setting a nationally protected and iconic silhouette.

56. A representation has been received from the London Sephardi Trust raising concerns about the impact of the proposed development on the setting of the grade I listed Synagogue, the cumulative impact (including from other developments) on the daylight levels, impact from construction and impacts from any illumination. The Synagogue have received independent advice on Daylight/sunlight (Point2 Surveyors Ltd), Heritage (Caroe Architecture Ltd) and Town Planning (J Watson Consulting Ltd). They state:

*"We have established a constructive dialogue with the applicants who have been most helpful in clarifying the potential impacts on the Synagogue, including through assistance with our technical studies.*

#### Setting of the Synagogue and courtyard

*The Tulip would introduce a dramatic new feature into the western skyline of tall buildings viewed from the Courtyard. It will be particularly dominant in views both from the Courtyard on the north side of the Synagogue building and from within the glass roofed restaurant extension to the south of the Synagogue.*

*We are advised that the harm to the heritage significance of the Synagogue would not be 'negligible' as suggested by the applicants' advisors but would amount to 'less than substantial'. We are also advised that under the NPPF (paras 193-194) the City Corporation should give great weight to the conservation of this Grade I listed building.*

*We must therefore object to the proposed development's harm to the heritage significance of the Synagogue and its setting.*

Benefits

*We understand that where a development proposal will lead to 'less than substantial' harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal (NPPF, para 196).*

*We acknowledge that there are potential public benefits to the Synagogue which could go some way in counteracting the harm the Tulip would have on its heritage significance.*

*In particular, the Trust wishes to increase public understanding of the Synagogue's history and is planning to improve visitor facilities along with an expanded educational programme. The Tulip structure would be some 30m-40m from the Synagogue and visitors would look down upon the Synagogue building so there is obviously potential for the Synagogue's history and symbolic importance to be featured in the Tulip's educational facilities. Visitors to the Tulip could also be encouraged to visit the nearby Synagogue.*

*We are in discussions with the applicants about how these and other benefits to the Synagogue could be secured. Without such benefits, the Trust would maintain its objection to the scheme on the grounds of harm to the heritage significance of the Synagogue including its setting.*

#### *Daylight and sunlight*

*We understand that the Tulip would have virtually no overshadowing impact on the Synagogue or courtyard and, considered in isolation, would have a very small impact on daylight levels. However, when considered in the context of the cumulative impact of other proposed developments we are advised it would contribute to a noticeable reduction in daylight levels.*

*The Trust must object to the Tulip's contribution to any reduced daylight levels in the courtyard or Synagogue which are already sensitive to further reductions in levels of light.*

#### *Construction*

*Given the proximity of the site to the Synagogue (30m-40m) we are concerned that appropriate measures should be put in place to ensure no damage or disturbance to the Synagogue during construction. The Synagogue building is 318 years old and has shallow foundations so will be particularly susceptible to construction vibration. We note that the Environmental Statement accompanying the application refers to the uncertainties over predicting construction vibration impacts on nearby buildings and that monitoring will be necessary.*

*We request that appropriate conditions are attached to any planning permission requiring the most sensitive level of construction vibration monitoring and accompanying measures to ensure that no damage is caused to the Synagogue.*

#### *Illumination*

*Illumination of the structure could have significant night-time impacts on the Courtyard and the Synagogue interior, including during candle-lit*

*services. We request that appropriate conditions are attached to any planning permission requiring approval by the City of illumination proposals and that such approval would be subject to no harmful impacts on the activities in the Synagogue and Courtyard.”*

57. A total of 42 representations have been received by the City of London Planning Department making representations in support of and objecting to the application.

58. In addition to this, following the public exhibitions held by the applicants, they completed a door-to-door exercise close to the site and spoke to a mixture of nearby residents and businesses about the proposed development and asked whether they would be interested in supporting the proposals. The applicants prepared a pro-forma letter for the nearby occupiers to sign. 104 individuals signed the pro-forma letter in support of the application. Once a letter was signed, the individual was given a receipt, detailing the application number, planning application and also contact details for Cicero. A copy of the email from the applicants (Cicero) explaining this and an example of the pro-forma letter and receipt is provided in the background papers.

59. The representations are summarised in the tables below:

#### Objections

<b>Representation Received</b>	<b>Number of Responses</b>
There is a need for high density office space but the proposal is a gimmick that would become an embarrassing blot on the horizon that only serves to cheapen London's world-class reputation.	1
The design is not worthy to stand alongside and cast a shadow (literally and metaphorically) over our architectural treasures.	1
This is a poor and unattractive design which adds to the visual clutter of the London skyline (including the phallic nature of the building).	16
The educational facilities are a poor substitute for what the Museum of London provides.	1
It would lead to further pedestrians in area which is already suffering.	2
The City already has difficulty in controlling anti-social activities and litter collection in this area particularly related to the night time economy.	1
Disruption to neighbouring businesses and residents in the construction period, with restricted access and periods of extremely noisy works.	4



Bury Street is extremely narrow and the significant number of lorry movements would have an impact on safety.	1
Construction traffic	1
Unsympathetic to its surroundings. The proposal would dominate and overwhelm the Tower of London World Heritage Site.	2
It is a symbol of exclusivity.	1
The scheme is aimed entirely at attracting tourists and has no benefit to real people who live in the area.	1
Its height is entirely determined by an egotistical desire to have the largest structure in the City of London.	1
It would make no architectural or townscape contribution to the surrounding area, particularly the tower which is blank for the majority of its 305 metres.	1
Unsustainable.	3
The City of London should create a competition for the design.	1
The tourist focussed RV1 bus route should be extended to Liverpool Street station.	1
Concerned about the large number of private coaches that would visit the area.	1
The Tulip would fit better in Dubai than London	1
Would lead to tourist crowds and undesirable side effects – rubbish and street sellers.	
London has enough restaurants bars and viewing galleries.	1
Waste of the finite space available for development.	1
Sets a bad precedent by creating the impression that planning permission can be 'bought' by inclusion of an education space.	1
Adverse Impact on the transport network.	1

### Support

<b>Representation Received</b>	<b>Number of Responses</b>
A world-class visitor attraction for London bringing 1.2 million visitors per year, consistent with the City of London's Culture Mile initiative and the desire to build public engagement within the City.	104 (who signed the proforma) Plus 3
An elegant design that complements the iconic Gherkin and makes a positive architectural contribution to the	104 (who signed the proforma)

London skyline.	Plus 6
The Tulip and the Gherkin will bring life to the City at all times of the day and evening, seven days a week. This creates opportunities for a diverse range of businesses to operate out-of-office hours, bringing real economic and social benefits for the local community and for London.	104 (who signed the proforma) Plus 5
Delivery of high quality public realm, including a new rooftop terrace and street level 'pocket park' providing new landscaped amenity space for local workers, visitors and residents.	104 (who signed the proforma)
Creation of new and substantially improved pedestrian routes adding to permeability in the immediate area.	104 (who signed the proforma)
Generation of 460 full time jobs per year during construction and 600 additional permanent full-time jobs during 20 years of operations	104 (who signed the proforma)
Provision of an education facility within the top of the Tulip, offering 360-degree views and three classrooms. It will enable every inner London state school child between the age of 5-16 years of age to visit the facility free of charge during their school career.	104 (who signed the proforma) Plus 1
This would be a brilliant addition to the London skyline. A beautiful skyline attracts people from across the world and will increase the standing of London as an international City purely through its aesthetic appeal. The City of London needs to deregulate and encourage innovative design in order to compete with the likes of other developing nations.	1
A great innovative design by Fosters again which complements the Gherkin. We should be thankful for the investment by the developers creating something special out of this unused plot	2
The views look awesome and will benefit locals not just tourists. London needs a mix of more tall buildings with restaurants and viewing galleries.	3
With Brexit around the corner, it's key that the City keeps pushing on. It's important to keep alive the City and offer something different.	2
Helps to visually 'thin out' the bulk of the Eastern Cluster of towers	5
The Tulip would not overwhelm the Tower of London as it would be nestled between much larger and wider towers.	2
It is too short. It should be taller to stand out in the Cityscape and have unobscured views.	5

## **Policy Context**

60. The development plan consists of the London Plan and the City of London Local Plan.
61. The Mayor of London and the City of London have prepared draft plans which are material considerations to be taken into account. However, relatively little weight should be afforded to the Draft London Plan and the Draft Local Plan as they are at an early stage prior to adoption.
62. The London Plan and Local Plan policies that are most relevant to the consideration of this case are set out in Appendix B to this report.
63. Government Guidance is contained in the National Planning Policy Framework (NPPF) February 2019 and the Planning Practice Guidance (PPG).
64. There is relevant supplementary planning guidance in respect of; Accessible London: Achieving an Inclusive Environment SPG (GLA, October 2014), Central Activities Zone SPG (GLA, March 2017), Character and Context SPG (GLA, June 2014), Control of Dust and Emissions during Construction and Demolition SPG (GLA, September 2014), Sustainable Design and Construction (GLA, September 2014), Culture and Night-Time Economy SPG (GLA, November 2017), London Environment Strategy (GLA, May 2018), London View Management Framework SPG (GLA, March 2012), London's World Heritage Sites – Guidance on Setting SPG (GLA, March 2012), Use of Planning Obligations in the funding of Crossrail and the Mayoral CIL (GLA, Updated March 2016), Air Quality SPD (CoL, July 2017), Archaeology and Development Guidance SPD (CoL, July 2017), City Lighting Strategy (CoL, October 2018), City Public Realm SPD (CoL, July 2016), City Transport Strategy (CoL, November 2018 – draft), City Waste Strategy 2013-2020 (CoL, January 2014), Open Space Strategy SPD (CoL, January 2015), Protected Views SPD (CoL, January 2012), City of London Planning Advice Notes (relating to Solar Glare, Solar Convergence, Sunlight, Wind and Tall Buildings) (CoL) (July 2017), City of London's draft Wind Microclimate Guidelines (CoL, 2018), Planning Obligations SPD (CoL, July 2014), Historic Environment Good Practice Advice in Planning Note 3 (December 2017), Historic England Advice Note 4 - Tall Buildings (December 2015), Historic England's Guidance 'Protection and Management of World Heritage Sites in England' (July 2009), Tower of London World Heritage Site Management Plan published by Historic Royal Palaces in 2016, Guidance on Assessments for Cultural World Heritage Properties (January 2011) published by ICOMOS.

## **Considerations**

29. The Corporation, in determining the planning application has the following main statutory duties to perform:
  - To have regard to the provisions of the development plan, so far as material to the application, to any local finance considerations, so far as material to the application, and to any other material considerations (Section 70 Town & Country Planning Act 1990);
  - To determine the application in accordance with the development plan

unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004);

For development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses (S66 (1) Planning (Listed Buildings and Conservation Areas) Act 1990). When, as in this case, harm is caused to the significance of a listed building by reason of development within its setting, considerable importance and weight should be given to the desirability of preserving the setting of the listed building/s when carrying out the exercise of balancing public benefits and harm to significance.

65. The NPPF states at paragraph 2 that “Planning Law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise”.
66. Paragraph 10 states that “at the heart of the Framework is a presumption in favour of sustainable development. That presumption is set out at paragraph 11:
- For decision-taking this means:
- c) approving development proposals that accord with an up-to-date development plan without delay; or
  - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
    - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
    - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
67. It states at paragraph 8 that achieving sustainable development has three overarching objectives, being economic, social and environmental.
68. Paragraph 131 of the NPPF states “In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.”
69. Paragraph 190 of the NPPF advises that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and

any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

70. Paragraph 192 of the NPPF advises, "In determining applications, local planning authorities should take account of:
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - c) the desirability of new development making a positive contribution to local character and distinctiveness."
71. Paragraph 193 of the NPPF advises "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance."
72. Paragraph 194 of the NPPF states "Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:
- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
  - b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional."
  - c) Paragraph 196 of the NPPF states "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."
73. Paragraph 197 states "The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."
74. In considering the planning application before you, account must be taken of the environmental information including the Environmental Statement, the statutory and policy framework, the documentation accompanying the application, and views of both statutory and non-statutory consultees.

75. The Environmental Statement is available in the Members' Room, along with the application, drawings and the representations received in respect of the application.

76. The principal issues in considering this application are:

- The extent to which the proposals comply with Government policy advice (NPPF).
- The extent to which the proposals comply with the relevant policies of the London Plan and the Local Plan.
- Principle of the development
- Design
- The impact of the proposal on the World Heritage Site of the Tower of London.
- The Impact of the proposal on the London Views Management Framework
- The impact of the proposals on heritage assets (including the setting of listed buildings, Conservation Areas and other Non-designate Heritage Assets)
- Transportation and Highways (including impact on pedestrian and vehicle movement)
- The impact on nearby buildings, spaces and occupiers (including daylight and sunlight and amenity)
- Assessment of the Public Benefits of the proposal
- Planning Obligations and Community Infrastructure Levy

## **PRINCIPLE OF DEVELOPMENT**

77. Local Plan policy DM1.1 states other uses should be refused where the site is considered to be suitable for long-term viable office use and there are strong economic reasons why the loss should be inappropriate.

78. The site of the proposed development is part of the private open space of a larger site which already comprises a tall office building. The development has been assessed to ascertain whether it would jeopardise the future development of the site for office use in line with this policy. An office building providing a significant amount of floorspace could not be built on this limited site and the principle of the proposed development in this location would not be contrary to this policy.

## **Loss of Office Space**

79. The proposal will result in the loss of 428 sqm of (B1)a office floorspace currently used to support the adjacent Gherkin building. This loss of office floorspace is negligible in relation to the total stock of office floorspace in the City and is acceptable in relation to the proposal.

### Visitor attraction

80. Local Plan Policy CS11 supports the development of a wide range of cultural facilities in order to maintain and enhance the City's contribution to London's world-class cultural status and enable the City's communities to access a range of arts, heritage and cultural experiences. Paragraph 2.2 of the Local Plan states that alongside its prominent role as a business centre, the City now has *"many other roles"*, one of which is its popularity *"as a visitor destination with 8.8 million visitors a year and a distinctive, high quality environment that combines modern architecture and tall buildings with historic buildings and conservation areas within a rich historic environment"*.
81. London Plan Policy 4.5 encourages decision makers to support London's visitor economy and stimulate its growth by taking into account the needs of business as well as leisure visitors and seek to improve the range and quality of provision. London Plan Policy 2.10 (g) states that development should sustain and manage the attractions of CAZ as the world's leading visitor destination. The supporting text states "The CAZ includes many sights, attractions, heritage assets and facilities at the centre of London's visitor offer, complemented by the presence of specialist retail and leisure uses . The visitor economy is important to London as a whole, and there will be a need to ensure that the CAZ retains its status as a world-class visitor destination, while also meeting the needs of those who live and work there". Draft London Plan Policy SD4 states that tourism should be promoted and enhanced in the CAZ which refers to the importance of the visitor economy which should be strengthened by promoting inclusive access, legibility and visitor experience.
82. The principle of a visitor attraction in this location would be considered to be complementary to the business city and would accord with the wider policy aspirations of the emerging and current Local Plan and the emerging and current London Plan for the CAZ.

### Education/Community Facility

83. London Plan Policy 7.1 states development should be designed to improve people's access to social and community infrastructure.
84. Local Plan Policy CS22 seeks to maximise opportunities for the City's working communities to access suitable educational facilities and opportunities including enhancing existing education facilities and ensuring that facilities are sited in appropriate locations. Local Plan DM22.1 states that new social and community facilities will be permitted where they would not be prejudicial to the business City and where there is no strong economic reason for retaining office use.
85. The proposal has been assessed against these policies and the provision of an education use in this context would not be considered to prejudice the business city and would be welcomed.

## Retail

86. Local Plan Policy DM1.5 encourages a mix of commercial uses which contribute to the City's economy and character and provide support services for its businesses, workers and residents. Local Plan Policy DM 20.3, allows retail outside of the PSC's where it would help form an active frontage and provide amenity to City workers, residents and visitors and enhance vibrancy. Emerging Local Plan Policy C4 recognises the importance of the night-time economy for the City's economy where it would not impact on the amenity of nearby residents and other noise sensitive uses.
87. The proposed development would be considered to diversify the offer of the City into the evenings and night time which would be consistent with the relevant policies of the Local Plan and London Plan.

## **DESIGN**

### Height and Bulk

88. The proposed building is located on the eastern side of the both the Eastern Cluster Policy Area in the City of London Local Plan 2015 and the City Cluster Policy Area in the Draft City Plan 2036. Both policies identify the City Cluster policy area as the preferred location for siting tall buildings where deemed appropriate. The principle of a new tower at this location in the eastern part of the cluster is acceptable in broad policy terms though its height and other issues including the setting of the Tower of London and other views would need to be taken into account in accordance with policy.
89. The proposed Tulip would rise to 305.3 m and would be the tallest structure in the City cluster and second tallest building in London and the UK. As a comparison, the following list outlines the heights of existing and permitted towers in the City cluster (in descending AOD height order):
- 1 Undershaft: 304.9m
  - 22 Bishopsgate: 294.94m
  - 122 Leadenhall Street: 239.40m
  - 110 Bishopsgate (former Heron Tower): 217.80m
  - 52-54 Lime Street: 206.50m
  - Tower 42: 199.60m
  - The Gherkin (30 St Mary Axe): 195m
90. The Planning and Transportation Committee were informed on 26th April 2016 that the Department of the Built Environment is undertaking three-dimensional (3D) computer modelling of the City's Eastern Cluster to better understand the effect of existing planning policies for that area and its relationship to its environs and other parts of the City and in particular the Tower of London who have expressed concern in relation to the impact of the emerging cluster on the World Heritage Site. This work is providing confidence that the cluster can evolve while taking full account of key protected views.



91. Through this 3D modelling initiative, the City is aspiring to develop a cluster of towers that step up in height from all directions towards 1 Undershaft, which was envisaged to be the tallest tower in the future cluster. This was informed by the complex amalgamation of key views of the Tower of London, St Paul's Cathedral and other landmarks. The Tulip's substantial height at this location in the cluster is at odds with this aspirational future shape and form of the City cluster.
92. The proposed tower due to its height and form would have a significant and far reaching impact on London wide views as well a substantial impact on local townscape views.

### Design Approach

93. The design is highly unusual and unique within the UK context and has the potential to become an architectural icon for the City, London and the UK potentially providing an international marker.
94. The City Cluster of tall buildings includes an eclectic mix of award-winning designs which define a varied and exciting skyline. Planning negotiations on the various towers focussed on ensuring that each tower has a unique aesthetic to enable it to stand out as a recognizable individual alongside its neighbours whilst contributing to a cohesive cluster.
95. The proposed architectural approach is bold and striking. Its aesthetic inspiration derives from The Gherkin and the proposal seeks to achieve a familial synergy with The Gherkin. The Gherkin itself is a striking iconic building defining the City skyline and a British icon but has been subsumed by the emerging cluster of tall buildings around it in order to deliver the floorspace the City requires. In this regard, a striking and eye-catching architectural statement is not of itself uncharacteristic of the underlying aesthetic of the City cluster.
96. Amongst the more orthodox and conventional new architecture in the City and in wider London, history has shown that there is occasional radical and visually striking new architecture which challenges convention and the norm and provokes a polarized debate as to their appropriateness to the London skyline. London is inherently an innovative and ever-changing City. The Tulip as an architectural expression could continue this tradition of accommodating unconventional and eye-catching landmarks on the skyline, although this needs to be balanced against its impact on other historical landmarks, including the Tower of London World Heritage Site.
97. The design's aesthetic is a tall slender stem rising up to a glazed top enclosed by three curved "spoons". The building comprises of two primary elements, the stem and the top. The combination of both elements and the seamless interface between them results in a convincingly proportioned and accomplished profile to the building, both from views afar and in closer level views.
98. The proposal's glazed top incorporates almost all the uses and is designed to appear light and transparent, primarily clad in glass but also incorporating aluminium and coated stainless steel. Three symmetrical curved oval glazed spoons visually hold the glazed top and at the interface with the top include curved stainless steel channels where 3 metre

spherical glazed gondolas circulate around the perimeter of the spoons.

99. The glazed panels will be of large format (4.5m high and 1.5m wide) are curved with minimal vertical mullion thickness to ensure a lightweight curved appearance and minimizing structural obstruction to views outwards. The glazing is of neutral coloured double-glazed units with minimal internal reflectance. The top will, by virtue of the glazing and internal layout, have a lightweight appearance. In particular the top will be a column free glazed dome of significant volume. Any louvres needed for plant and kitchen extract will be glazed so as not to compromise the architectural integrity.
100. The stem incorporates lifts and stairs rising over 250m and is constructed of in-situ concrete using a jump-form construction method in 4.5m lifts. The base of the stem flares out at lower levels into three splayed concrete buttresses, which structurally brace the base of the stem. This is a dynamic and architecturally honest approach. The arched voids between the buttresses is infilled with glazing with minimal framing which gives the base of the stem a more open and lightweight appearance enabling views in to the interior providing active and vibrant façade on to the surrounding public realm.
101. The stem comprises three smooth vertical ribs that splay to form the handles of the “spoons” of the glazed top. Between the smooth ribs there are fluted recessed strakes, creating detailing, modelling, and vertical emphasis whilst reducing vortex shedding of wind around the stem.
102. The use of concrete on the stem is an honest approach and is effective in emphasizing the contrast between the two primary architectural elements, of the stem and the transparent, lightweight top it supports. Much will depend on the highest quality of materials, detailing and execution and these will be covered by condition. The facing materials are considered high quality, complementary, durable and have appropriate long term weathering properties.
103. The building maintenance units are housed within the upper levels of the top, architecturally integrated in to the building. Two separate BMU systems are used, one for the top 5 storeys and the other for the remainder, with the exception of the base of the stem which will be maintained and cleaned via ground level mobile cherry pickers.
104. The rainfall shedding strategy ensures rainwater washing down the stem is intercepted by a slot drain at the lower levels of the stem which will in turn drain in to a drainage moat at the base of the stem. In addition, the curvature of the façade ensures that there are limited horizontal surfaces where ice could form. Vulnerable areas where there is a risk of ice or snow forming will have electrically heated elements integrated in to the mullions to avoid any ice or snow shedding.
105. The Lighting Strategy seeks to integrate lighting within the architecture and comprises of internal light sources within the glazed top and the spoons as well as uplighters illuminating the dynamic base of the building and lower part of the stem. In addition, landscaping lighting to handrails

and bollards with the intention to reduce light spillage. The scheme has been developed in line with the Draft City Lighting Strategy. Three parallel rows of aviation safety lights are necessary additions on the uppermost levels of the Tulip on three sides. Conditions and legal agreements could ensure that the structure would not be used for advertising or promotion.

106. The Pavilion Building located in the north west corner of the site accommodates the visitor reception, vehicular servicing access and cycle parking access. The two-storey structure incorporates curved fully glazed walls with Glass Reinforced Concrete on the north elevation around the vehicular lifts. The curved elevations respond satisfactorily with the circular route around The Gherkin as well as the design of both the Gherkin and the Tulip and is of an appropriate height, design and footprint which sits comfortably in its townscape setting.
107. The roof of the pavilion building provides of a soft landscaped garden accessible to the public (up to 100-120 people) by means of a lift and staircase. The scheme provides a small pocket park between the Tulip and the pavilion which includes soft landscaping and a water feature and the re-instatement of the memorial to victims of the Baltic Exchange bombings of 1992. Additional greening is provided by Green walls located on a flank wall in the north east corner and on the north elevation of the Pavilion building as well as the landscaping on the publicly accessible roof garden on the Pavilion building. London Plan Policy 5.10 and the Draft New London Plan in Policy G5 (and associated Table 8.2) sets out requirements for major developments to contribute to urban greening. The scheme delivers an Urban Greening Factor of 0.31 of the Draft New London Plan which is acceptable. Security measures are appropriately and discreetly incorporated in to the building facades and landscaping.

### **TOWER OF LONDON WORLD HERITAGE SITE**

108. A key consideration in assessing the application is the impact on the significance of the Tower of London World Heritage Site. Para 194 of the NPPF states that “any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
109. The Statement of Outstanding Universal Value (SOUV) sets out the significance of the Tower of London and was agreed in 2013 and is included in the Tower of London World Heritage Site Management Plan and identifies the Tower as an internationally important monument and one of England’s most iconic structures. These attributes include an internationally famous monument, its landmark siting, symbol of Norman power, the physical dominance of the White Tower, the concentric defences, surviving medieval remains and historical associations (paras 3.2 to 3.6 of the Management Plan).
110. The Glossary of the NPPF in defining heritage significance states “for World Heritage Sites, the cultural value described within each site’s Statement of Outstanding Universal Value forms part of its significance.” The Mayor of London’s Supplementary Planning Guidance “London’s

World Heritage Sites: Guidance on settings” (March 2012) also sets out the OUV and significance of the Tower of London.

111. The Tower of London World Heritage Site Management Plan published by HRP (2016) provides an agreed framework for long-term decision-making on the conservation and improvement of the Tower and sustaining its outstanding universal value. The Plan embraces the physical preservation of the Tower, protecting and enhancing the visual and environmental character of its local setting, providing a consideration of its wider setting and improving the understanding and enjoyment of the Tower as a cultural resource. The local setting of the Tower comprises the spaces from which it can be seen from street and river level, and the buildings that provide definition to those spaces. Its boundary is heavily influenced by views across the Thames.
112. The Tower of London Local Setting Study, produced in 2010, describes the character and condition of the Tower’s local setting and sets out aims and objectives for conserving, promoting and enhancing appreciation of the Outstanding Universal Value of the Tower is recognised and identified in the City of London Local Plan in Policies CS12 and CS13 and on Policies Map A.
113. There are two views within the London View Management Framework which are key in assessing the Tulip’s impact on the World Heritage Site, Tower Bridge (10A) and City Hall (25A), these are considered in detail below.

#### Tower Bridge: (10A.1)

114. This LVMF view is identified also as a key view in the Tower of London World Heritage Site Local Setting Study. Its focus is on the Tower of London with the cluster of towers in the City comprising a distinctive element to the west of the Tower. The application includes a comprehensive Historic Impact Assessment in accordance with the ICOMOS guidance for assessing the impact of proposals affecting the World Heritage Site.
115. From this viewpoint, the proposal will appear as a highly prominent landmark on the skyline because it appears removed from the compact cluster of tall buildings and due to its substantial height and distinct form.
116. From this viewpoint, the consented cluster of towers gradually step downwards from the centre at 1 Undershaft in a deferential manner towards the Tower. This profile has been carefully negotiated through numerous planning decisions to mediate between the significant height of the City towers and the more modest height and setting of the Tower of London thereby avoiding an abrupt vertical cliff edge to the Tower. In addition, there is an aspiration for the cluster of towers to read as a single coherent group to ensure a legible and clear relationship between the City cluster as an entity and the Tower of London as a separate landmark to the east.
117. The proposal falls outside this concept and will appear visually separated from the cluster with the upper half of its profile seen against open sky. This visual impact would compromise the legibility of the cluster

of towers and the Tower of London as two distinct entities on the skyline, which will be visually unsettling in the view.

118. The proposal at over 300m high will have an abrupt and overtly assertive impact on the White Tower and would challenge and reduce the visual dominance of the Tower of London, its visual separateness from the City and diminish its perceived strategic siting on the river, all qualities contributing to the Tower's Outstanding Universal Value as a World Heritage Site.
119. At no point will the Tulip rise above or appear to touch the White Tower in this view. The visual impact of the proposal on this view is tempered by the slender profile of the Tulip framed by open sky which gives the proposal a somewhat lighter appearance on the skyline than would be the case with a large wider office tower though because of this, its nature and form draws attention to it.
120. Therefore, the proposal is considered to dominate the Tower of London contrary to para 183 of the LVMF guidance for this view. In addition, the proposal by reason of its close proximity to the Tower, its vertical profile and eye-catching design would compromise a viewer's ability to appreciate the Outstanding Universal Value of the World Heritage Site contrary to paragraph 186 of the LVMF guidance for this view.
121. Although the proposal does not breach the White Towers' skyline and thus does not breach that element of para 186 of the LVMF guidance it will erode the visual separation between the upper parts of the White Tower and the emerging cluster of tall buildings in the background and thereby undermines the objective of retaining visual separation between the upper parts of the White Tower and the cluster (para 186 of the LVMF guidance for this view). The manner in which the proposal would appear as a separate skyline feature, diminishing the visual dynamic of the city cluster of towers and the Tower of London as two discernible and separate skyline features will be contrary to para 187 of the LVMF guidance for this view. This view is identified as View 9 in the Tower of London Local Setting Study. The guidance for this view seeks to ensure "Buildings behind or close to the White Tower should not diminish its perceived scale from this vantage point". For the reasons outlined in preceding paragraphs, the proposal is considered contrary to this guidance."
122. For the reasons outlined, the proposed Tulip is considered to cause harm to the significance of the Tower of London. The harm is considered to be less than substantial. Paragraph 193 of the NPPF states that "when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater weight should). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance". Given the harm in this case relates to a World Heritage Site, a heritage asset of the highest significance, the weight to be applied to its conservation, and any harm to its significance, should be very high. In this

respect the degree of harm is considered to be at the upper limits of less than substantial harm which is in accordance with the views of Historic England, Historic Royal Palaces and the GLA. In this respect the proposal is considered contrary to London Plan Policy 7.7, 7.8, 7.10, 7.11 and in the manner in which the development harms the significance of the Tower of London World Heritage Site as well as Policy 7.12 of the London Plan which seeks to ensure the implementation of the London View Management Framework. The proposal would have an adverse impact on the World Heritage Site and its setting and compromise a viewer's ability to appreciate its Outstanding Universal Value, integrity, authenticity or significance. Therefore, the proposal's impact on view 10A (Tower Bridge) is contrary to Policies CS10, CS12 and CS13 of the City of London Local Plan.

123. This report agrees with Historic England's conclusions that the proposal will harm the significance and Outstanding Universal Value of the Tower of London World Heritage Site from the north bastion of Tower Bridge (View 10A)

124. In accordance with paragraph 196 of the NPPF the level of harm identified to the heritage asset needs to be weighed against the public benefits of any proposal. This assessment is covered under the remainder of this report where the wider planning and public benefits of the proposal are assessed.

#### City Hall (25A.1, 25A.2 and 25A.3)

125. While outside the Protected Vista, the proposal would affect the views from, and between the three Assessment Points (25A.1, 25A.2 and 25A.3). The City cluster of towers is a characteristic element in these views. The site falls outside the Protected Vista from City Hall focusing on the Tower of London. However, the proposal would affect the views from the three assessment points.

126. The principal focus of all three views is the strategic landmark of the Tower of London. The proposal by virtue of its height and eye-catching appearance would appear as a prominent and striking feature on the skyline on the eastern side of the cluster of towers.

127. The proposal will create an assertive vertical edge to the cluster, which appears abrupt but given its significant distance from the Tower is not considered to be harmful to the setting of the Tower of London. At no point in the three Assessment viewpoints would the proposal appear directly over the White Tower and only in the most easterly viewpoint (25A.3) would it rise above the curtain walls, albeit not to a significant degree. The Tower of London to the east of the cluster would continue to dominate the lower scale of the townscape in this part of the view. The Outstanding Universal value and setting of the Tower of London World Heritage Site would not be compromised.

128. Therefore, the proposal is considered to be in accordance with the guidance for this view (paras 414 to 415 and 418 to 419 of the LVMF) and Policy 7.10B of the London Plan, in particular by virtue of the proposal's

height, scale, massing and materials and its relationship to other buildings in this view and the quality of design. The proposal would not compromise the viewer's ability to appreciate the Outstanding Universal Value, integrity, authenticity or significance of the World Heritage Site, does not dominate the World Heritage Site and relates positively to the Tower of London. Consequently, the World Heritage Site would continue to dominate its surroundings.

#### Other World Heritage Site views

129. The application includes a Historic Impact Assessment in accordance with the ICOMOS guidance for assessing the impact of proposals affecting the World Heritage Site. The impact of the proposal on a total of 19 views identified in the Local Setting Study were assessed, two of which included assessments during the hours of darkness.
130. The Tower of London World Heritage Site is located a significant distance (600m) to the south-east of the site and the site lies outside the identified Local Setting boundary for the World Heritage Site. The proposal has been assessed from all recognized key views of the World Heritage Site identified in the adopted Local Setting Study
131. Other views listed within the Local Setting Study include views from the Inner Ward, Inner Wall and near the Byward Tower entrance. These have been assessed in turn.
132. From the Scaffold Site viewpoint in the Inner Ward, the proposal will be almost concealed behind the parapet of the Chapel Royal of St Peter ad Vincula. The only part of the proposal which will breach this parapet is the top few storeys, where they will be viewed alongside the upper storeys of 1 Undershaft and 22 Bishopsgate. The proposal would not detract from the scale of the buildings of the Inner Ward or the sense of place of the Inner Ward and, would ensure the buildings surrounding the Inner Ward remain the focus of the view in accordance with the guidance for this view in the Local Setting Study.
133. The Local Setting Study acknowledges that there is a range of views within the Inner Ward. A more detailed and comprehensive assessment of the visual impact on the Inner Ward was required as part of the submission. It is clear that the cluster of towers represent a prominent backdrop to views within the Inner Ward. From the south side of the Inner Ward the proposal will appear as a striking and eye-catching landmark on the skyline. However, in this view the cluster of tall buildings create a prominent and bold backdrop to the Chapel Royal of St Peter ad Vincula. In this respect, the proposal, despite its particularly striking profile is seen as part of this varied and eclectic cluster of tall buildings.
134. As one approaches the Chapel on the northern side of the Inner Ward most of the towers are concealed by the Chapel and stepping further forwards towards the Chapel the proposal and the rest of the cluster are concealed from view. Given the dynamic and ever-changing nature of the view with the kinetic relationship of the cluster backdrop to the view, the proposal is not considered to harm this view.
135. Historic England have concluded that there is less than substantial

harm resulting from the proposal's impact on the Inner Ward, arguing "... the appearance of modern tall buildings above this roofline causes harm, as it diminishes the self-contained ensemble of historic buildings currently largely unimpeded by signs of the modern city beyond. This is not a pristine view, but each time a new building appears in the view. It contributes to a diminution of the impact of the sense of history in this special place". This report does not concur with Historic England's view as, for reasons set out in preceding paragraphs, the Inner Ward view is a kinetic one and as one approaches the Chapel Royal of St Peter ad Vincula a short distance to the north of the scaffold site, the historic building can still be seen against open sky, unimpeded by signs of the modern City beyond.

136. From the identified viewpoints from the Inner Wall looking northwards, the proposal would rise to the right of the 100 Leadenhall Street tower and would be largely framed by open sky. The proposed tower would introduce a further distinctive and eye-catching element on the eastern side of the cluster and viewed alongside the dynamic and eclectic designs of the City's towers. The proposal is not considered to harm views out of the World Heritage Site. From this viewpoint, the proposed tower would sit comfortably at the eastern end of the City cluster.
137. In the view from the Byward Tower entrance, the proposed tower would consolidate and add to the profile of the cluster rising behind the 40 Leadenhall Street tower and would not harm views out of the World Heritage Site from this point.
138. In other views and approaches to the Tower identified in the Local Setting Study, the proposal though clearly visible as an eye-catching silhouette appears as a peripheral feature on the skyline some distance from the World Heritage Site. The emerging City cluster of towers to the west of the Tower of London has become an integral part of the setting and views of the World Heritage Site.
139. The 3D modelling initiative referred to in preceding paragraphs is providing evidence that the cluster can evolve while taking account of key protected views and the wider setting of the Tower of London World Heritage Site. This is in line with Policy CS7 of the Local Plan which seeks to deliver "tall buildings on appropriate sites that enhance the overall appearance of the cluster on the skyline" whilst "adhering to the principles of sustainable design, conservation of heritage assets and their settings and taking account of their effect on the wider London skyline and protected views". Furthermore, para 7.6.4 of the explanatory text of Policy S21 (City Cluster) of the draft City Plan 2036 states "The spatial extent of the Cluster has been informed by technical work undertaken to develop the City's 3D modelling, which shows that there is scope for further tall buildings, although not every site within the Cluster will be suitable". The Tulip conflicts with the 3D model in terms of the relationship with the Tower of London World Heritage Site. In particular, there is an aspiration for the emerging cluster to step upwards gradually in height terms away from the Tower in a deferential manner. The proposal introduces an abrupt vertical edge to the cluster in the view from the north bastion of Tower Bridge



(LVMF 10.A), although this is tempered by its slender profile, the upper half of which is seen against open sky.

#### London Views Management Framework

140. The London View Management Framework (LVMF) is a key part of the Mayor's strategy to preserve London's character and built heritage. Policy 7.12 of the London Plan ensures the implementation of the LVMF. In particular, the policy seeks to ensure in 7.12A that "new development should not harm, and where possible should make a positive contribution to, the characteristic and composition of the strategic views and landmark elements". Furthermore Policy 7.12C states that "development proposals in the background of a view should give context to landmarks and not harm the composition of the view as a whole". Policy 7.12D sets out principles that new developments should comply with in respect of London Panoramas (a), River Prospects (b) and Townscape and Linear views (c).
141. The LVMF explains the policy framework for managing the impact of development on key panoramas, river prospects and townscape views. The LVMF provides Mayoral Supplementary Planning Guidance (SPG) on the management of 27 strategically important views designated in the London Plan. It elaborates on the policy approach set out in London Plan policies 7.10, 7.11 and 7.12 and came into effect on 16 March 2012. London Plan policy requires that development should not cause adverse impacts on World Heritage Sites or their settings and that new development should not harm and where possible should make a positive contribution to the characteristics and composition of strategic views and their landmark elements.
142. The site falls outside all of the Protected Vistas of the LVMF but impacts on a number of the identified Assessment Points. These have been assessed in full and the impact on the following Assessment points are covered in detail. The impact on two specific views (10A, the north bastion of Tower Bridge and 25A from City Hall) are discussed in preceding paragraph in relation to the Tower of London World Heritage Site.

#### Waterloo Bridge (15B.1 and 15B.2)

143. The proposed Tulip would be concealed behind the consented 1 Undershaft tower when viewed from and between assessment points 15B.1 and 15B.2.
144. The proposal is considered to accord with the guidance for this view (para 262 to 267 of the LVMF). Its height and high architectural design would not draw the cluster closer to St. Paul's Cathedral ensuring the Cathedral's continued visual prominence.

#### Hungerford Bridge (17B.1, 17B.2)

145. The impact on the eastern views from Hungerford Bridge is very similar to that from Waterloo Bridge. With the proposal almost wholly concealed behind the consented 1 Undershaft tower from, and between assessment points 17B.1 and 17B.2 and would not harm the appreciation, views or setting of St. Paul's Cathedral.

146. The proposal is considered to be in accordance with the guidance for this view (paras 301 to 305 of the LVMF). In particular, the setting of St Paul's Cathedral is preserved while the proposal consolidates the composition of the existing cluster of tall buildings.

#### London Bridge (11B.1, 11B.2)

147. The proposal would be concealed behind the 20 Fenchurch Street tower from and between Assessment Points 11B.1 and 11B.2. It would consequently not harm the setting of the Tower of London World Heritage Site, which is in the extreme east of the view and would not harm the wider settings of the listed Adelaide House, Custom House, St Magnus the Martyr or Billingsgate Market.

148. The proposal is considered to be in accordance with the guidance for this view (paras 202 to 205 of the LVMF). In particular, Tower Bridge would remain the dominant structure in the view and the viewer's ability to easily recognize its profile and the Outstanding Universal Value of the World Heritage Site would not be compromised.

#### Gabriel's Wharf (16B.1, 16B.2)

149. Apart from a narrow slither of the top of the Tulip, the proposal would be concealed behind the consented 1 Undershaft tower from these two viewpoints. The views and setting of St Paul's Cathedral or other Heritage Assets in this view would not be harmed.

150. The proposal is considered to be in accordance with the guidance for this view (paras 280 to 283 of the LVMF). In particular, the proposal would preserve the townscape setting of St. Paul's Cathedral by being located within and contributing to the existing eastern cluster. The prominence of St Paul's Cathedral would not be reduced or compromised.

#### St James' Park (26A)

151. The proposal would be almost entirely concealed by the mature tree canopy on Duck Island during the summer months. During the winter months the top storeys of the proposal would be visible through the branches. Numerous tall buildings have been permitted (some of which are under construction) in both Lambeth and Southwark. These would be visible alongside the proposal above the Duck Island. The result would be a backdrop of taller buildings to this view. In this respect, the proposal would not harm this view.

152. The proposal is in accordance with the guidance for this view (para 431 of the LVMF). In particular, the proposal is of a scale, mass and form that does not dominate, overpower or compete with the existing two groups of buildings or the landscape elements between and either side of them. In addition, the proposal in terms of its materials, shape and silhouette would be of appropriate design quality.

#### Alexandra Palace (1A.1, 1A.2) Parliament Hill (2A.1, 2A.2) Kenwood (3A), Primrose Hill (4A)

153. In each of these views the proposed tower would be located well to the left of the protected vista of St Paul's Cathedral and would not diminish the

appreciation of or the setting of the Cathedral. The tower would be seen on the eastern side of the cluster and would relate satisfactorily with the cluster in accordance with the Visual Management Guidance for these views in the LVMF.

154. In this respect, the proposal is in accordance with the LVMF guidance for these views; para 87 to 90 in the case of 1A.1 and 1A.2; para 98 to 103 in the case of 2A.1 and 2A.2; para 119 to 121 in the case of 3A and para 130 in the case of 4A.1.

#### Greenwich (5A.1, 5A.2) Blackheath (6A)

155. In these views the proposed Tulip is located well to the right of St Paul's Cathedral and would not diminish the viewer's ability to recognize or appreciate the Cathedral. The tower would relate satisfactorily with the cluster of towers. In this respect the proposal is in accordance with the guidance for these views, para 143 to 147 in the case of 5A.1 and 5A.2 and paras 154 to 156 in the case of 6A.

#### Lambeth Bridge (19A.1, 19A.2)

156. The proposal would be visible rising above the mature tree canopy between St Thomas' Hospital and Lambeth Palace alongside the other towers of the City Cluster. Combined with the other consented towers, the proposal would relate satisfactorily with the Cluster of towers as a coherent urban form on the distant skyline. The setting of Lambeth Palace would not be harmed. In this respect, the proposal is in accordance with the guidance for this view (paras 334 to 339 of the LVMF).

#### Other Key Views (non LVMF)

157. London Plan Policy 7.4 requires developments to have regard to local character. In addition, policy CS10 of the Local Plan requires the design of developments to have regard to their surroundings and the historic and local character of the City.
158. The height of the proposed tower means its impact on surrounding townscape views is widespread and the key views impacted upon are discussed in turn:

#### Monument

159. The proposal falls outside the identified viewing cones from the Monument and would not harm or conceal views of important heritage assets in the view. The proposed tower would be partly obscured by the consented 100 Leadenhall tower but the proposal's eye-catching profile will be discernible on the skyline. The proposal would not harm or obstruct important views of the Monument from afar or in local views.

#### Fleet Street / Ludgate Hill

160. The Processional Route is identified as a Viewing Point of St Paul's in the City of London's "Protected Views" SPD, January 2012. The gap of open sky between the Cathedral and the cluster is important in the views as well as the ability to appreciate the Cathedral and its western towers against open sky as well as the wider setting of the Cathedral.

161. The proposal will be concealed in the views along Fleet Street to Ludgate, obscured by the 22 Bishopsgate tower which is approaching completion. The tower will not harm views or the appreciation of St Pauls Cathedral.

#### Bank Junction

162. Looking eastwards at Bank Junction, the tower will be concealed behind the consented towers of 1 Undershaft, 6-8 Bishopsgate and 22 Bishopsgate. The proposal is not considered to harm this view.

#### St. Paul's Cathedral

163. The proposal would not harm views of, the setting or significance of St. Paul's.
164. Exceptional public views of London are afforded from the Golden gallery of St. Paul's. From here the Tulip would be concealed behind 22 Bishopsgate and no harm to this view arises. The proposal will not harm views out of or the setting of St Paul's Churchyard.
165. The proposal is not considered to harm views within and out of or the setting or significance of St Paul's Cathedral as a listed building or the St. Paul's Conservation Area.

#### Views from other publicly accessible elevated viewing areas

166. The City cluster forms a key element in a number of elevated views from the upper storeys of buildings, which because they are freely available to the public have significant public benefits. Such areas are increasing in number and are proving to be highly popular and much visited elevated public realm offering exceptional views. In particular, the cluster of towers forms a dynamic element in views from the Skygarden in 20 Fenchurch Street, 120 Fenchurch Street and New Change roof terrace. The impact of the proposal has been assessed and where visible, the proposal would contribute positively to the dynamic qualities of these views.
167. The proposed tower would not harm the views out from other elevated public spaces on 1 Undershaft, 22 Bishopsgate, 100 Leadenhall Street or 6-8 Bishopsgate and where visible will appear as an eye catching addition to the dynamic skyline.
168. The proposal would be a dynamic element in the heart of the City cluster of towers from the viewing gallery of Tate Modern on Bankside

#### Other Local Views

169. Given the scale of the proposal, it would have a considerable impact on other views both in the City and in the wider area of central London. These have been assessed.
170. The Tulip would appear as a prominent element in views approaching the City cluster from the north, east and south east. The impact of the proposal is significantly less visible in views from the west and south west given the presence of tall buildings on the western side of the cluster which largely conceal it from view.

171. Local views from the west along Leadenhall Street would reveal the striking architectural frisson between The Gherkin and the Tulip rising above it. In this view, the tower would be viewed between the existing Lime Street, Leadenhall Street and St Mary Axe towers, adding another landmark to the established dynamic townscape character, there would be no harm caused.
172. In views south from Bishopsgate and east from Whitechapel Road, the proposal will appear as a dynamic and eye-catching landmark on the skyline. The building would form part of the established cluster and would not have a harmful visual impact. A similar impact would be seen in wider views from Shoreditch High Street, to the north to Whitechapel Road, Altab Ali Park and Commercial Road in the east.
173. From Butler's Wharf the proposed tower would appear as a prominent feature on the skyline at the eastern edge of the City cluster to the right of the northern tower of Tower Bridge. From the eastern end of Butler's Wharf, where the bridge is viewed virtually head on, Tower Bridge would remain visible against clear sky with the emerging City cluster of towers consolidated as a more coherent urban form to its north. This view would not be harmed.
174. From the river terrace of Somerset House, the proposal would be located behind the mature tree canopy in the foreground to the south of existing and approved City cluster towers. The proposal would be a significant distance to the south of St Paul's and would not harm its setting when viewed in winter.
175. In other views such as from Finsbury Circus, Bunhill Fields and the Geffrye Museum, the proposal would be seen as part of the City cluster of towers albeit through mature tree canopies which would largely conceal the tower during the summer months and would not harm to these views.
176. In the case of the impact on the Artillery Company grounds and Finsbury Square, the proposal would be seen alongside the existing towers of the City cluster and alongside permitted towers, the proposal would consolidate the cluster of tall buildings. Therefore, the proposal would not harm the quality of these views.

#### Impact on significance and setting of listed buildings

177. A large number of listed buildings are located in close proximity of the site. In addition, by reason of the scale and height of the development it would affect the setting of a number of other listed buildings further afield. These will be discussed in turn:

#### Holland House, Bury Street, grade II\*

178. Grade II\* listed offices of 1914-16, built to designs by H.P. Berlage for a Dutch shipping company. The building is a striking landmark and particularly in its use of grey-green faience materials. It has a very high quality of detailing and execution.
179. The proposal will be in close proximity to the listed building and will

have a significant impact appearing as an assertive neighbour. The base of the stem would obscure views of the listed building in views eastwards from across the public realm around The Gherkin. However, the listed building is already close to The Gherkin and will be close to the 100 Leadenhall Street tower and as such has an established relationship with the tall buildings of the cluster which are a characteristic part of the listed building's setting. Within this context, the proposal would not harm the setting or significance of the listed building.

#### Bevis Marks Synagogue, Heneage Lane, grade I

180. A representation has been received from the London Sephardi Trust, stating that the harm to the heritage significance of the Synagogue and its setting would not be 'negligible' as suggested by the applicants' advisors but would amount to 'less than substantial'.
181. Synagogue of 1701 with associated buildings and courtyard. It is of very high architectural and historic significance and importance reflecting the area's connection with the Jewish community. The synagogue forms a group with adjacent unlisted buildings facing Bury Street and Heneage Lane, which reflect the historic built-up nature of its setting.
182. The synagogue has large windows to the north, east and west, resulting in a well illuminated space during daylight hours, contributing to the quality and appreciation of the exceptional interior. Artificial light within the building is minimal and largely restricted to historic fittings. Given the large double height windows, the enclosed nature of the Synagogue's setting, the presence of numerous existing and consented tall buildings as a backdrop and the slender profile of the proposal's stem, the proposal will not diminish daylight to a degree that would harm the appreciation of the historic interior.
183. The forecourt is a remnant of the historic street pattern which has been absorbed into the synagogue's use, and now forms a private, gated and enclosed space used in conjunction with the building. From within the courtyard tall buildings, including The Gherkin, 52 Lime Street, 6 Bevis Marks and 100 Leadenhall Street are viewed.
184. The proposal would have a significant impact on views from the courtyard. It would appear as a prominent skyline feature with the added perception of overhanging the courtyard which may appear uncomfortable in views westwards. However, within the context of the established townscape, including existing and consented tall buildings, it is not considered that the proposal would harm the setting or significance of the synagogue, as such the report does not agree with the conclusions of the objector that there is harm to the listed Synagogue.

#### 38 St Mary Axe, grade II

185. The current Baltic Exchange. The proposal will be a very assertive neighbour to this listed building in views to the east. However, the listed building stands in close proximity to The Gherkin and its backdrop in many views is characterized by the tall buildings of the cluster. In this respect, though the proposal will have a significant impact on the listed building, the impact is not considered harmful.

186. The two storey Pavilion building will obscure views of part of the south elevation of the listed building and the two servicing lifts serving the development will be directly opposite this listed façade. However, the scheme involves the removal of an unsightly vehicular ramp and the provision of a new pocket park along with significant urban greening including the north wall of the Pavilion building. In this respect the setting and significance of the listed building will not be harmed given the public realm enhancements proposed.

Church of St Andrew Undershaft, grade I

187. 16<sup>th</sup> century church and one of the City's few surviving pre-fire buildings. The proposal will appear as a prominent feature on the skyline rising behind The Gherkin in views looking north east. The setting of the Church is dominated by 30 St Mary Axe, the consented 100 Leadenhall Street tower along with the Scalpel and other consented towers and the addition of the proposal will contribute to this dynamic backdrop of towers and would not harm the setting or significance of the listed building

Church of St Helen Bishopsgate, grade I

188. 13th century church with additions from the 14th-20th centuries. As one of the City's few surviving pre-fire buildings, the building has exceptional architectural and historic interest. The churchyard contributes to the building's significance.
189. The church's immediate setting from the west comprises a group of 19th and 20th century buildings, with the tall buildings of the City Cluster providing a long-established dramatic contrast in scale immediately to the south and west.
190. The proposal will be visible as an eye-catching feature in views to the east rising over The Gherkin. Views of the tower in the context of the church would be limited to views eastwards from Great St Helens, and it is not considered there would be a harmful impact on the setting or significance of the listed building.

Church of St Botolph, Aldgate, grade I

191. The church of St Botolph Aldgate dates to 1741-4 is of brick with classical stone detailing and a distinctive obelisk tower. The churchyard and railings to the south and west contribute to the building's setting and significance. The church's setting is enhanced by the new Aldgate Square public realm to its west, with a group relationship to the Sir John Cass School. The setting is otherwise characterised by modern commercial buildings of medium scale in the City and Tower Hamlets, with the tall buildings of the cluster set some distance away to the west defining a prominent backdrop.
192. The proposal would be seen in the backdrop of the church as part of the established cluster. In certain views looking north west there would be a somewhat uneasy relationship between the tower of the Church and the eye-catching upper storeys of the Tulip which visually challenges the Church tower. However, this is a transient impact and the Church tower is appreciated against open sky in most other views, north, east and south in

its immediate setting. In this regard the setting and significance of the Church is not considered to be harmed.

Sir John Cass School, grade II\*

193. School of 1908. The proposal would appear as a prominent landmark in views westwards across Aldgate Square but as part of the imposing backdrop of the tall buildings cluster. There would be no harm to the setting or significance of the school.

Guild Church of St Ethelburga the Virgin, grade I

194. Dating to the 14th and 15th centuries with significant 20th century phases arising from bomb damage, built of ragstone and brick. Exceptionally significant as a pre-fire building. The church's modest scale is contrasted greatly by the neighbouring tall buildings.
195. The proposed development would be seen as a prominent and distinctive skyline feature in views looking east, rising to the left of the Gherkin. The backdrop of the Church is characterized by tall buildings and within this dynamic context the proposal will not cause any harm to its setting or significance.

Church of St Katherine Cree, grade I

196. Church of 1631 with a tower of c.1504. A rare date for a City church and the building is a unique example in the City of the early use of classical architectural motifs alongside the perpendicular gothic features. The building is of exceptional architectural and historic significance, with the enclosed churchyard to the north-east contributing to this significance.
197. The church sits within a street block, and its setting is complemented by moderately-scaled masonry warehouse and office buildings, now in part residential use which buffer the building from tall buildings further to the west.
198. However, the Church's backdrop is characterized by tall buildings including The Gherkin, The Leadenhall Building, Creechurch Place and the consented 100 Leadenhall Street tower. The proposal will add another skyline feature to this backdrop but given the dynamic nature of the backdrop, not in a manner which causes any harm to the setting or significance of the church.

Lloyd's Building, grade I and grade II

199. The 1986 High Tech building by Richard Rogers Partnership and the retained 1928 Portland stone frontage to Leadenhall Street. The building is highly significant utilising high quality materials and innovative construction techniques. The building's setting has evolved since its completion and it sits comfortably amongst the taller buildings of the cluster, whilst providing a mediation in scale to the lower rise buildings to the west.
200. The proposal would be seen as a striking skyline feature behind the Gherkin in views to the north east introducing a bold new architectural addition to the setting of the ground-breaking architecture of Lloyd's. In this respect, the proposal would complement the setting of Lloyd's and would not harm the setting or significance of the listed building.



#### Leadenhall Market, grade II\*

201. A market complex built in 1881 by the City Corporation to the designs of Horace Jones on the site of the Roman forum-basilica. The market is of high architectural and historical significance and forms a key landmark in the City cluster.
202. The market is largely appreciated internally from within its covered arcades, with development at its perimeter having minimal impact on its character. A number of existing and consented tall buildings lie between the market and the proposed development. The development would not be perceived from the Market and would not result in any harm to its setting or significance.

#### Lloyd's Register of Shipping, 71 Fenchurch Street, grade II\*

203. Built between 1899 and 1901 to designs by the Victorian architect Thomas Edward Colcutt, the building is of very high architectural significance. The building has a relationship with modern tall buildings and has a substantial extension by Richard Rogers dating to 2001.
204. The proposed tower would form a prominent new element in the building's dynamic backdrop when viewed from Lloyd's Avenue, but would not be harmful to its setting or significance.

#### Dixon House, 1 Lloyd's Avenue, grade II

205. A Portland stone classical building of 1900 which is of high architectural quality and has strong group value with Lloyd's Register and other buildings in the Lloyd's Avenue Conservation Area.
206. The proposed tower would form a prominent new element in the building's backdrop when viewed from Lloyd's Avenue. The building would be highly visible in the context of the listed building, but would not be harmful to its setting or significance.

#### Nos. 46, 48, 52-58, 60-68, 70 Bishopsgate

207. This collection of grade II listed buildings on Bishopsgate defines the western boundary of the St Helen's Place Conservation Area. The proposed tower would appear as part of the backdrop to these listed buildings in views southwards along Bishopsgate where the view is characterised by tall buildings, in particular 22 Bishopsgate immediately to the south. The proposed tower would not harm the setting of these listed buildings.

#### 2-16 Creechurch Lane, grade II

208. A former tea warehouse faced in brick and stucco, dating to 1885. The building sits within a group of warehouse buildings that form a coherent townscape setting. The proposed development would be visible in views to the north as a prominent feature on the skyline.
209. However, the setting of these listed buildings is characterised by taller buildings such as Creechurch Place, The Gherkin as well as the consented 100 Leadenhall Street tower. In this context the proposal would not harm the listed building's setting or significance.

#### 19-21 Billiter Street, grade II

210. A Victorian commercial building in a classical style dating to 1865. The building is embedded within a modern office development and its context will be further altered when these buildings are replaced by the 40 Leadenhall Street development. The proposal would be concealed behind both the consented 100 Leadenhall Street and 40 Leadenhall Street towers. Therefore, the proposal would not harm its setting or significance.

#### **The Setting of other Listed Buildings**

211. There are a large number of listed buildings in this part of London where the proposal will appear in their setting. The impact on these other listed buildings have been assessed and harm to their setting or significance was not identified

#### **Impact on the significance of conservation areas**

212. The site is adjacent or in close proximity to a number of conservation areas. The proposal would also affect more distant conservation areas within and outside the City. These include conservation areas in other Boroughs, in particular, the London Boroughs of Islington, Tower Hamlets and Hackney. The impact of the proposal on nearby conservation areas within the City is set out below:

#### **St. Helen's Place Conservation Area**

213. To the west of the site lies the St. Helen's Place Conservation Area, which comprises a compact group of historic buildings around St Helen's Place and Church. The St. Helen's Place Conservation Area, more so than any other, is surrounded by the tall buildings of the City cluster which comprise its setting. The proposal would be visible as a prominent landmark in views eastwards along St Helen's Place alongside The Gherkin to the north of the 100 Leadenhall Street tower with the 1 Undershaft tower to the south. In the context of its existing character and setting, the additional impact of the development would not be harmful to the significance of the conservation area.

#### **Bank Conservation Area**

214. The Bank Conservation Area is located some distance to the west. By virtue of the presence of tall buildings to the immediate west of the proposal, the scheme will be largely concealed in views within the Conservation Area, especially in key views such as Bank junction and Cornhill. Views of and from within this conservation area are characterised by the backdrop of tall buildings in the City cluster on the north and east side of Bishopsgate.
215. In the limited parts of the Conservation Area where glimpses are afforded of the proposal such as Great Winchester Street and Copthall Avenue, it would be seen against the backdrop of the completed and consented towers. In this respect, the proposal is not considered to harm the significance of the Bank Conservation Area

#### Leadenhall Market Conservation Area

216. Leadenhall Market is characterised by the presence of tall buildings as a backdrop to the north and east. The proposal is some distance to the north east. The proposal would not harm views in to or from the conservation area or its significance.

#### Bishopsgate Conservation Area

217. This conservation area lies a significant distance to the north of the site. However, by reason of the substantial height of the proposal it would have an impact on the setting and in views southwards from the conservation area. The conservation area is characterised by an extensive grouping of historic masonry buildings around Liverpool Street Station, with a backdrop of towers in the City cluster.

218. In views from Devonshire Square, the proposal will appear as an imposing landmark, though alongside other tall buildings. The visual effect is not considered harmful and is seen alongside the other towers of the City cluster.

219. In views south within the Conservation Area, the proposal would contribute to the dynamic quality of the tall buildings cluster and is not considered to harm the significance of the Bishopsgate Conservation Area.

#### Lloyd's Avenue Conservation Area

220. The Conservation Area lies to the south east of the site and comprises a significant group of Edwardian and later buildings. The area is focused on the Lloyd's Avenue thoroughfare, with the view north terminated by 105 Fenchurch Street, and flanked by Lloyd's Register (GII\*) and Dixon House (GII). The Gherkin is a distinctive focal point in views along Lloyds Avenue, which along with the consented 100 Leadenhall Street tower create a visual termination to the view. The proposal will introduce a striking and imposing new focal point in this view. Given the characteristic backdrop of tall buildings in this view and the enclosed character of the conservation area the scheme would not harm its significance.

#### Fenchurch Street Station Conservation Area

221. This small conservation area lies to the south of the site and is centred on Fenchurch Street Station and earlier buildings to its south. The proposal would be concealed from views from the station forecourt by the consented 100 Leadenhall Street tower. In this respect, the proposal would not harm the setting of the Conservation Area.

#### Old Broad Street Conservation Area

222. This Conservation lies to the north west and limited glimpses of the proposal would be afforded although from many vantage points, the proposal would be concealed behind existing towers which is a distinctive backdrop to the Conservation Area in views to the east. The proposal will not harm the setting of the Conservation Area or its significance.

#### Finsbury Circus Conservation Area

223. This Conservation Area lies a significant distance north west of the site

and focuses on the formal Circus with its central garden framed by fine masonry buildings. The proposal would be seen in views eastwards from the northern half of the Circle as an eye-catching feature on the skyline but alongside the other towers within the City Cluster defining a distinctive backdrop to the Circus, albeit screened to a degree by the mature trees of the gardens. In this respect the neither the setting nor the significance of the Conservation Area will be harmed

#### Non-designated Heritage Assets

224. The proposed development would impact on the significance of non-designated heritage assets within the site boundary and in its vicinity.
225. Despite its relatively recent completion (2003), The Gherkin (30 St Mary Axe) is regarded as a non-designated Heritage Asset due to its striking architectural contribution and impact on the skyline.
226. Since completion, the building has caught the public imagination and arguably developed an architectural iconic status, frequently used to symbolize the City of London and London as a whole, both to the UK and globally (for example, publicizing the London Olympics). The building has won numerous architectural awards including the Stirling Prize in 2004. As one of the earlier towers in an area subsequently earmarked for a cluster of towers, the Gherkin has been subsumed in the emerging cluster. As such its distinctive appearance on the skyline of London is has diminished, particularly from the west. Despite this, its striking profile and appearance means it retains a high architectural significance worthy of being identified as a non-designated heritage asset.
227. The Tulip has been assessed in relation to The Gherkin's significance and is not considered to have a harmful impact. The design process by the same architect in developing the Tulip was based primarily on the familial aesthetic relationship with the Gherkin to achieve architectural synergy between the two. The architectural frisson between two complementary and remarkable architectural forms creates a dynamic and striking relationship which is considered appropriate.
228. The Tulip's and its pavilion's impact on the public realm around The Gherkin is considered acceptable. In particular, the form of the public realm was not satisfactorily resolved as part of The Gherkin development, appearing ill-defined with an ambiguous relationship to the dense urban grain of vits surroundings.

#### Outside the site

229. A number of unlisted historic buildings in the immediate setting of the proposed development are considered non-designated heritage assets.
230. 113-116 Leadenhall Street is an attractive stone bank dating to 1891 with refined detailing. As the only surviving Victorian building on Leadenhall Street, the building is a valuable element of the townscape and reinforces and contributes to the setting of St Andrew's Church.
231. 33-34 Bury Street is an office building of 1912, built for Messrs Burge, grain dealers. The building is a characterful survival of a small-scale early 20th-century office building, once a common type in the City. It has good

quality carved stone detailing and makes an effective contrast with Holland House adjacent.

232. To the east of Creechurch Lane, north of the church are a group of high quality 19th century former warehouse buildings. Each is considered a non-designated heritage asset for the positive contribution it makes to the townscape and setting of the church. The buildings form a strong group and provide a valuable surviving historic townscape at the eastern edge of the City cluster. The buildings are 18-20 Creechurch Lane (Cree House), 24 Creechurch Lane (Fibi House), 12-14 Mitre Street (Mitre House), 27-31 Mitre Street.
233. The proposed development would impact on the setting of the above non-designated heritage assets due to its scale and proximity. However, the historic buildings have a relationship with the tall buildings of the City cluster and it is not considered that the impacts of the scheme would be harmful to their significance.

### **TRANSPORT, SERVING PARKING AND IMPACT ON PUBLIC HIGHWAYS**

234. Local Plan Policy CS16 sets the strategic aim to improve the sustainability and efficiency of travel in, to, from and through the City. London Plan Policy 6.3 states that development proposals should ensure that impacts on transport capacity and the transport network are fully assessed and that development should not adversely affect safety on the transport network. The applicants have submitted a Transport Assessment in support of the application to assess the impacts on the transport network.

#### **Servicing**

235. The existing 30 St Mary Axe development is serviced primarily from a basement servicing area accessed by a two-way ramp from St Mary Axe in the north-western corner of the site. The two-way ramp is proposed to be removed and would be replaced by two vehicle lifts leading to a smaller basement servicing area comprising three 8-metre bays and one smaller bay for vans and facilities maintenance vehicles.
236. The submitted transport assessment sets out the existing servicing arrangements for 30 St Mary Axe (Gherkin). The existing number of deliveries received by the Gherkin is 81 deliveries per day. 19 deliveries are in addition from couriers which are made by bicycle or on foot.
237. It is estimated that these deliveries would remain, and the proposed development would generate a further 28 deliveries; comprising 21 deliveries for the restaurant, bar, café and shop, 6 for the viewing gallery and 1 for the education facility. The estimate of 21 deliveries for the restaurant is considered to be a conservative estimate, as restaurants often require to inspect food deliveries personally prior to accepting them, and there is a concern that not all restaurant deliveries would be able to be consolidated, as they would need to arrive at the site from the individual suppliers.

238. With the increase in the number of extra deliveries to the Tulip, the addition of approximately 1.2m visitors per year and additional cycling movements, it is likely to increase the conflicts within the Eastern Cluster. In order to ensure that the proposal does not prejudice the operations of the business city, limit development in the Eastern Cluster or create additional servicing pressures in the Eastern Cluster, conditions/s106 obligations are recommended to mitigate any adverse impact.
239. If planning permission were to be granted, it is considered that the proposed development should not create additional servicing pressures on the Eastern City Cluster through attracting additional vehicles to the site. The following conditions and S106 obligations would be necessary prior to the first operation of the development and must be maintained for the life of the building (and accepted by the applicant):
- The total number of deliveries to both the Gherkin and the Tulip shall be no more than 81 deliveries per day (excluding courier deliveries made by bicycle or on foot)
  - Deliveries to both the Gherkin and the Tulip shall be consolidated and an off-site consolidation centre be operated to route as many deliveries as possible to both buildings.
  - No deliveries shall be accepted to either the Gherkin or the Tulip other than from a consolidation centre from the date on which the operation of the Tulip commences [other than approved non-consolidated deliveries such as for certain fresh food products].
  - No deliveries shall be accepted to the Gherkin or the Tulip other than from a motor vehicle parked wholly within the basement servicing area or from a courier on a bicycle or on foot.
  - No deliveries shall be made to the Gherkin or the Tulip during peak periods (between 0700 and 1000 hours, 1200 and 1400 hours and between 1600 and 1900 hours) Monday to Friday Except in emergency (lift repairs, etc.)
240. With restrictions for deliveries during peak periods, a high proportion of deliveries would arrive at night-time. A condition is recommended regulating the acoustic properties of the lift doors to minimise disruption to the surrounding area.
241. The use of an off-site logistics centre and consolidated servicing system would have a number of benefits including:
- Reduction in the number of service deliveries to the Gherkin and Tulip combined
  - Scheduled deliveries in accordance with times to be agreed by the City of London and controlled by a delivery management system;
  - Use of the optimal type of vehicle for the specific journey and load and driven by a regular team of drivers;
  - Associated environmental benefits:
242. There would also be a number of security benefits;

- All delivery vehicles from the consolidation centre would be expected;
- Vehicle contents could be security checked and vehicles sealed at the consolidation centre;
- Drivers would be security vetted.

243. The imposition of these conditions and S106 obligations would mean that both the Tulip and the Gherkin would have no greater impact in terms of vehicular traffic than the Gherkin does alone at present and peak hour deliveries would be prohibited.

#### Parking

244. Local Plan Policy DM16.5 states that new development should be car free except for designated Blue Badge spaces.

245. There will be no car parking spaces, except for 2 disabled user spaces in the basement, which is a reduction on the existing 15 general and 3 disabled users spaces. Whilst the loss of the general parking is welcome, the loss of a disabled bay is not ideal. It would comply with the requirements of the London Plan policy 6.13 (and table 6.2) which requires at least one space to be provided. There are on-street disabled bays in the vicinity.

#### Bicycle Spaces

246. The number of existing cycle parking spaces serving the Gherkin is 114 long stay spaces (in accordance with the original permission) accessed via the existing ramp from St Mary Axe. There is no existing provision for short stay cycle parking at ground floor level within the curtilage of the Gherkin.

247. New cycle parking spaces are proposed for the Tulip and Gherkin by way of a VeloMinck® automated cycle parking system which would be located at first-floor level of the Pavilion building. The VeloMinck® system is an automated system which transports bicycles to and from the entry point to a parking space within the building. Users would access one of three access points to the system within the ground floor of the pavilion building by inputting an entry code to store and to retrieve their bicycle. The automated cycle parking system capacity would be standard cycles. In addition, 10 cycle parking racks (accommodating 20 cycles) at grade would be located at the north-eastern and south eastern corners of the site.

248. Draft London Plan Policy T5 requires the provision of 21 long stay and 126 short stay cycle parking spaces (a total of 147 spaces) for the Tulip. A total of 21 long stay and 63 short stay cycle parking spaces (50% of the short stay provision required) is being provided for sole use by the Tulip in the Pavilion building. The long stay provision would be compliant with the draft London Plan standards for the Tulip, however, the short stay cycle parking spaces would not be compliant with the draft London Plan Standards for the Tulip.

249. The remaining 200 cycle parking spaces within the Pavilion building would be provided as spaces for use by the tenants of the Gherkin. The Gherkin building is outside the scope of the Tulip development planning unit, except for its basement, where the existing cycle parking for the building is located, is included within the Tulip development planning unit. It is proposed the 200 spaces use by the tenants of the Gherkin within the Pavilion building, which would be in addition to the existing 114 long stay cycle parking spaces in the basement which would be a significant improvement to the current situation, a total of 314 cycle parking space. In order to make the Gherkin building compliant with the cycle parking standards of London Plan Policy 6.9 and draft London Plan Policy T5, a total of approximately 842 and 1005 spaces respectively would be required.
250. The development would provide 40 showers (including accessible showers), lavatories, and 398 lockers in association with the cycle parking.
251. A condition is recommended which would set out the total number of cycle parking spaces and associated shower and locker facilities which would be required and for them to remain for the life of the building. A s106 obligation requiring a cycle parking management strategy is also recommended to ensure all occupiers and visitors to the Tulip and Gherkin would have access to the relevant cycle parking spaces and the associated facilities (this is discussed below in the report).

#### Public Transport

252. London Plan Policy 6.1 highlights that development should be supported “that generates high levels of trips at locations with high levels of public transport accessibility and/or capacity”.
253. The development site is highly accessible by public transport and records the highest possible Public Transport Access Level (PTAL) of 6b. Liverpool Street Underground Station (which includes the Elizabeth Line when operational) is within a seven minute walk from the site. Liverpool Street and Fenchurch Street Mainline Stations are both within a seven minute walk. There are 26 bus services available within 640m of the site.
254. The proposed development is predicted to generate a low number of people per public transport mode when the visitors are distributed to various modes. It is predicted that the proposed development is likely to attract a maximum of 1447 people per hour during peak use, which includes 700 visitors to the viewing gallery, 194 visitors to the education facility and 553 visitors to the restaurant/bar (Table 5.2 Transport Assessment).
255. Using the ticket sale restrictions that have been accepted by the applicant, it can be expected that a maximum total of 1047 people will visit the development per hour during the AM peak and 1247 people per hour during the PM peak. There may be up to 80 additional people per hour that visit the area to view the attraction, but do not enter the building.
256. The trips have been measured against the existing baseline and split between the different predicted modes of transport; the majority of journeys would be undertaken by train or Underground and DLR, with the



remaining smaller percentage by bus, taxi, bicycle or foot. The AM peak has not been predicted because it will be unlikely to be at capacity levels therefore the PM peak demonstrates the worst case scenario.

257. It is estimated that the proposed development would increase the number of national rail passengers by about 6.6% in the PM peak hours in the inbound direction (Moorgate), inbound trains at peak times generally have enough capacity to cope with this increase. The proposed development would increase the demand for outbound trains by a maximum of 0.7% (Liverpool Street). There is a negligible increase to all underground and DLR trips predicted, ranging from a 0.0% increase on the Central Line westbound (Bethnal Green) to a 0.5% increase on the Circle line (clockwise). The only increase above 0.5% is a predicted 3.5% increase on the Waterloo & City line (eastbound). It is anticipated that the proposed opening of Crossrail in 2018 would alleviate the pressure on the rail services, because the Elizabeth Line will account for 20% of the trips.
258. Overall a total of 319 inbound and 319 outbound PM peak (1700-1800) trips are forecast on the rail network.
259. Overall a total of 191 inbound and 191 outbound PM peak (1700-1800) trips are forecast on the underground network.
260. Overall a total of 174 inbound and 174 outbound PM peak (1700-1800) trips are forecast on the Elizabeth Line.
261. Overall a total of 54 inbound and 54 outbound PM peak (1700-1800) trips are forecast on the bus network.
262. Overall a total of 44 inbound and 44 outbound daily taxi movements are forecast.

#### Pedestrian Movements

263. London Plan Policy 6.10 states development proposals should ensure high quality pedestrian environments and emphasise the quality of the pedestrian and street. London Plan Policy 7.5 establishes a criteria for proposals to make the public realm the highest quality. Local Plan Policy DM16.2 states pedestrian movements must be facilitated through and around new developments.
264. The applicants have undertaken a pedestrian modelling assessment to assess the impact of the Tulip on the surrounding pedestrian network. This report has been independently assessed by Arup on behalf of the City of London. Arup have concluded that the proposed development will not result in an unacceptable impact on the wider pedestrian network, provided that City of London are satisfied with the public realm impacts of the development, given that it reduces the extent of the current open space around the Gherkin.
265. The assessment method adopted by Space Syntax when assessing the pedestrian movements takes into consideration a typical busy day for the visitor attraction (which is referred to as the design day) and this is likely to occur on approximately 30 busiest days of the year including during summer holidays and public holidays. The applicants have assessed this as a worst-case scenario.

266. The applicant has indicated that, in the peak hour during its design day the Tulip development would add an additional 1 740 pedestrian movements (870 arrivals and 870 departures, comprised of 848 visitors to the viewing gallery, education facility and restaurant and bar and 22 staff). In addition, there would be an estimated maximum of 80 trips per hour to account for non-paying visitors, e.g., architectural tourists and visitors who want to visit and view the building but who do not wish to pay to enter it. These 1 820 visits in the peak hour would add significant additional stress to the streets in the City Cluster, which already experience substantial crowding in some locations at sometimes.
267. The ability for streets in the City Cluster to cope with the additional pedestrians arising from the Tulip development would depend on those visitors' arrival and departure routes and, in particular, the widths of the affected footways and footpaths. This means that the effects of the additional pedestrian trips would not be evenly spread, but would vary substantially between individual locations. The analysis undertaken as part of the application indicates that in some locations the streets would cope well with the additional trips. On the eastern arm of Bury Street, for example, the predicted pedestrian numbers in the peak hour would increase from 713 to 783, which would not alter its pedestrian comfort level of A–, which is described by the *Pedestrian Comfort Guidance for London* (Transport for London) as “comfortable for all areas”.
268. In other locations, however, very crowded conditions are likely to be experienced. The likely most crowded street would be St Mary Axe between Camomile Street/Bevis Marks and Bury Court, where predicted pedestrian numbers would reach 6 599 in the evening peak hour, which would result in a pedestrian comfort level (PCL) of C–, which is described by the *Pedestrian Comfort Guidance for London* as “very uncomfortable”. The guidance states that “At PCL C+ - C–, the pedestrian environment is becomes increasingly uncomfortable, with the majority of people experiencing conflict or closeness with other pedestrians and bi-directional movement becoming difficult.”.
269. In other locations the predicted pedestrian comfort level depends on whether or not consented developments and their accompanying enhancements to the public realm go ahead. In particular, if the 1 Undershaft development does not proceed and thereby provide additional pedestrian space on the south side of Undershaft and the western side of St Mary Axe south of Undershaft, the predicted pedestrian comfort level on Saint Mary Axe south of Undershaft would be C+ and the predicted pedestrian comfort level on Undershaft would be C–.
270. However, these poor conditions need to be considered firstly in the context of the degree to which the predicted pedestrian comfort levels result from the Tulip development and secondly the degree to which the crowding could be mitigated, for example through footway widening or timed closures to motor vehicles or by limiting access to the Tulip.

271. In the most problematic location, i.e., St Mary Axe between Camomile Street/Bevis Marks and Bury Court, the Tulip development is predicted to contribute 609 pedestrian trips per hour to the total of 6 599, i.e., the Tulip development-related pedestrians are approximately 9.2% of the total. In other potentially problematic locations, the Tulip development-derived contribution to the crowding is likely to be less, with the Tulip development contributing 644 pedestrians per hour to the predicted total of 7 326 pedestrians on St Mary Axe south of Undershaft, i.e., 8.8% of the total, and 191 pedestrians per hour to the predicted total of 4 620 pedestrians on Undershaft, i.e., 4.1% of the total. Therefore, while the Tulip development is adding significant additional stress to the streets in the City Cluster, the majority of the pedestrian trips that are likely to result in the uncomfortably crowded conditions are not caused by that development.
272. In some locations where poor conditions are likely to result, action would be able to be taken to provide relief through the provision of additional pedestrian space. In particular, the consented development at 1 Undershaft would, if constructed, provide additional pedestrian space on the south side of Undershaft and the western side of St Mary Axe south of Undershaft. This would improve the predicted pedestrian comfort level on St Mary Axe south of Undershaft from C+ to B and on Undershaft from C- to A-. However, on St Mary Axe between Camomile Street/Bevis Marks and Bury Court there may be much less scope to provide relief and improve on the very poor predicted pedestrian comfort level of C.
273. The City has published an *Eastern Cluster Area Strategy* for consultation, and this proposed that a raised carriageway be installed on St Mary Axe and that timed closures be introduced to restrict some or all motor vehicle movements along this street at peak times. However, no detailed analysis has yet been undertaken on the feasibility of these proposals and the timed closures would be likely to be very challenging, given the volume of freight that will need to access Undershaft to service the cluster of very large buildings that are or will be serviced from this cul-de-sac, in particular 6-8 Bishopsgate, 22 Bishopsgate, 122 Leadenhall Street and 1 Undershaft. Therefore, the level of mitigation that may be able to be implemented will vary considerably.
274. The predicted pedestrian comfort level of C- on St Mary Axe between Camomile Street/Bevis Marks and Bury Court needs to be considered likely. At present the Plaza area around the Gherkin is generous and is used both for access, sitting, tables and chairs, sculptures and once a week for a market. The Tulip and the Pavilion will increase the numbers needing to access the site and will result in a loss of public realm (88sqm) which will change the character and the purpose of the space, making it a busier environment. This is to some degree mitigated by the creation of the pocket park and the rooftop pavilion. In order to mitigate these impacts it will be necessary to restrict other activities (such as markets and tables and chairs) by condition and S106 obligations.
275. In order to reduce potential pedestrian conflict and to ensure the quality of the pedestrian environment would not be unacceptable, both within the

Plaza and the public highway as a result of the proposed development, conditions/S106 obligations are recommended which limit the number of ticket sales during the peak commuter periods Monday to Friday (excluding weekends and bank holidays) between;

- 0700-1000 hours – no more than 300 tickets per hour
- 1200-1400 hours and 1630-1830 – no more than 500 tickets per hour
- at all other times – no more than 700 tickets per hour

276. The visitors to the bar, restaurant and education/community facility would not be capped. This means that there would be the possibility of the Tulip generating pedestrian numbers at the design day capacity at every day of the year, though the applicants have indicated that this is unlikely to occur.

#### S278 Works

277. Section 278 works are considered necessary to mitigate the impacts of the increase in the potential number of cyclist and pedestrian trips generated to and from the site. Section 278 works (including design and evaluation costs) include but are not limited to:

- Pedestrian improvements to St Mary Axe and Bevis Marks to improve pedestrian priority
- Contributions to the delivery Eastern City Cluster Strategy projects
- Improvements to Bishopsgate/Camomile Street/Wormwood Street e.g. modelling and crossing improvements.

#### Stopping up/Dedication of land as public highway

278. There is no intended permanent stopping up.

#### Coach Parking

279. There would be a group booking process for the visitor attraction, and as part of that process the person making the booking would be asked to advise how the group was intending to access the site. If the person making the booking advised that the group would arrive by coach, they would be advised that the booking could not be accepted on that basis as coach access to the site would create additional vehicular pressure in the surrounding streets. A S106 obligation is recommended to ensure that no groups and school parties to the education/community facility or groups to the visitor attraction shall be accepted who come by coach and are dropped within the Square Mile.

### **ACCESS**

280. London Plan Policy 7.2 states that development should achieve the highest standards of accessible and inclusive design, ensuring that developments can be used safely, easily and with dignity by all regardless of disability, age gender ethnicity or economic circumstances. Local Plan policy DM10.8 requires that developments meet the highest standard of accessibility and inclusive design.

281. The proposed development and surrounding public realm has been designed to ensure that it is accessible and inclusive for all visitors.
282. Two wheelchair accessible parking bays would be provided at basement level and a lift within the Pavilion building would provide access to street level.
283. There would be a level approach from the north-west into the reception area of the Pavilion building which is the main entrance for the visitor attraction. Visitors would pass through the reception area, cross the security barriers, and take a lift or an escalator down to the Basement Mezzanine level which runs eastwards towards the Tulip lift lobby.
284. There would be level access to the lobby at ground floor level, at the south side of the base of the Tulip tower, for dedicated lift access to the restaurant and bar.
285. Access to the rooftop terrace on the Pavilion building would be accessible by stairs and a lift.
286. Designated escape routes for disabled staff and visitors from each part of the building would be incorporated.
287. The Access Officer welcomes the inclusive access to and within the building which would meet the requirements of Local Plan policy DM10.8 and London Plan policy 7.2. S106 obligations/conditions are recommended to ensure the facilities meet the requirements for the educational/community uses to ensure to ensure full accessibility and provision.

## **WASTE MANAGEMENT**

288. The basement layout would be revised and would include a new basement mezzanine level alongside the two existing basement levels. The basement area would be shared between the Gherkin and the Tulip.
289. The waste management for the Gherkin would be amended and coordinated with the Tulip.
290. Each of the tenants in the Tulip would be provided with waste storage areas within their demise which allows their generated waste to be segregated in to residual refuse, mixed recycling and organic waste.
291. At regular intervals, the segregated waste from the Tulip would be transported to the basement waste storage area via back of house service corridors. A lift leading to basement level from the Pavilion Building would be used to access the basement waste storage area.

292. The centralised waste storage area would be located at basement level, and it is proposed to use a commercial waste collection contractor (with a consolidation strategy) to collect the waste from the basement waste storage area via the vehicle lifts.
293. There would be minimum headroom of 5m within the service area and lifts.
294. The Waste and Amenity Planning Manager is satisfied with the proposals would comply with Local Plan Policies CS17, DM17.1 and London Plan Policy 5.17.

## **SECURITY**

295. A number of internal and external security measures would be employed to address security issues which arise with a development of this size, location and nature.
296. Externally, perimeter protection would be achieved by the installation of Hostile Vehicle Mitigation (HVM) bollards which would all be on the development site on private land. There are existing perimeter walls to the South, East and West of the site which would be retained for a total of 146m along the site perimeter which would work in conjunction with the HVM bollards. At the pocket park along Bury Court, a water feature partially sunk below the park floor level is proposed, which would help prevent vehicles crossing the Plaza. The Plaza currently has security and CCTV surveillance to all entry points and corners and this is proposed to be continued.
297. The security access arrangements for entry to the visitor attraction and the restaurant and bar have been reviewed. For visitors attending for the visitor attraction, an initial security scan would be carried out within the ground floor of the Pavilion building prior to visitors descending to the basement mezzanine level where airport style security checking would take place. For visitors who are attending the restaurant or bar, they would be security checked at the ground floor of the Tulip tower prior to ascending to the upper levels.
298. The City of London Police have commented that they have reviewed the public realm amendments covering Hostile Vehicle Mitigation and public access to the visitor attraction and are happy with the proposals.
299. If planning permission were to be granted, details of the security measures and a requirement that no queuing arises external to the Tulip and Pavilion buildings would be sought by condition/S106 obligation. Any alterations on the highway would be secured through a Section 278 agreement. The applicants would also be required to enter into a separate security S106 agreement.
300. Overall, proposed security measures (subject to the recommended conditions and S106 obligations) would comply with paragraph 95 of the

NPPF, London Plan Policies 7.3 and 7.13, and Local Plan Policies CS3, DM3.2 and DM3.3, DM3.4.

## **FIRE STRATEGY**

301. Draft London Plan Policy GG6 (Increasing efficiency and resilience) states developments must create a safe and secure environment which is resilient against the impact of emergencies including fire and terrorism. Draft London Plan Policy D3 (Inclusive Design) states development proposals should be designed to incorporate safe and dignified emergency evacuation for all building users with suitable sized fire evacuation lifts.
302. The application is accompanied by a Fire Strategy which includes a number of points in relation to the proposed building. The proposed development would be divided into three zones, each with its own fire strategy as each of the zones have different occupancies. The zones would be spatially separated by fire rated construction, allowing the zones to be treated independently from one and another.
303. Zone 1 comprises the top of the proposed development, Zone 2 comprises the stem of the proposed development designed (to be used for egress and maintenance only) and zone 3 comprises the base of the proposed development including ground floor (retail), basement mezzanine (public waiting area) and basement level (mechanical, electrical and public health equipment).
304. The top levels of the building - comprising the top of the Proposed Development - are the most critical in terms of life safety. The fire strategy is to initiate phased evacuation of each level following smoke detection within the zone. The fire floor should be evacuated first, followed by the others. Throughout Zone 1, occupants on every area of the floor plate will have access to two fire escape routes. The travel distances would be compliant with Part B of the Building Regulations with the maximum travel distances on a typical floorplate being 21 m, which would be less than the maximum allowable 45 m.
305. Emergency egress from the Gondola's would be possible from every level of the building. Emergency brakes would secure the cabin in a locked and stable position. Depending on the location of the cabins, passengers would be able to escape onto the nearest floorplate through hatches in the building envelope. Ladders would be deployed in cases where the cabin were in between floors and trained members of staff would assist with evacuation.
306. The stem (zone 2) would contain two independent staircases (in the form of a scissor staircase), maintaining one usable escape route even if one staircase were to become compromised by smoke. Occupants would

enter the staircases through protected, ventilated lobbies, limiting the quantity of smoke that could flow into the stairwell. There would be an option to use the express lifts for emergency evacuation from levels 3, 4, 6 & 7. Disabled occupants who are unable to use the staircases can wait in the refuge areas located in the protected lobbies. A manual call point would be available to be used to communicate with the security team at the base of the building, and the fire lift can be used for evacuation. Zone 2 would comprise a rest space on every landing and at every fifth level, there would be a stopping point for the lift that allows occupants to wait in front of the fire lift for evacuation.

- 307. Occupants on Ground level would be able to evacuate via the main external doors in the retail areas. Occupants on Basement Mezzanine level will be able to evacuate via one of six staircases and escalators to reach the exterior.
- 308. Zones 1 and 3 in the building are to be fitted out with an automatic smoke detection and alarm systems.
- 309. The escape routes of 30 St. Mary Axe (the Gherkin) would remain independent and unaffected by the proposed escape routes from the Proposed Development.
- 310. If planning permission were to be granted, a condition would be recommended requiring the submission of details of a Fire and Emergency Escape Strategy for all building users (including people with disabilities) with details of the means of escape (including the Gondolas), areas of refuge and fire evacuation lifts and stairs shall be submitted to and approved in writing by the Local Planning Authority in consultation with the London Fire and Emergency Planning Authority, Building Control Health and Safety Team prior to first occupation of the building and the strategy shall remain in place thereafter.

## **AVIATION**

- 311. An aviation safeguarding assessment has been submitted in support of the application. The assessment evaluates the proposed development in terms of aerodrome safeguarding with specific reference to London City Airport, Heathrow Airport and the National Air Traffic Services (NATS) and other users of the airspace in London.
- 312. NATS, London City Airport and Heathrow have been consulted and they have advised that no impact is anticipated from either the building itself, or the moving gondolas as the proposed building would be shielded by the existing cluster of high rise buildings, whose impact has been deemed to be acceptable.
- 313. Heathrow, NATs and London City Airport have advised that whilst there is no safeguarding objection to the completed structure, the operations of cranes during the construction of the structure may have the potential to affect airspace users and its operations. They have since reviewed the matter and are of the view that the development in construction and operation could be acceptable subject to conditions which includes a Crane Operation Plan and a Construction Management Strategy which



would need to be submitted for approval in consultation with London City Airport and NATS to safeguard aviation routes at Heathrow and London City Airport.

## **ENVIRONMENTAL IMPACT OF PROPOSAL ON SURROUNDING AREA**

314. The impact of the scheme on the amenity of the surrounding area has been assessed taking into account Development Plan policy and relevant guidance. If planning permission were to be granted conditions have been recommended.

## **WIND MICROCLIMATE**

315. The likely effect of the development on the wind microclimate in the immediately surrounding area has been assessed using two methodologies and the results considered against the policy requirements of policies 7.6 and 7.7 of the London Plan and DM10.1 of the Local Plan. The assessment has been undertaken using a boundary layer wind tunnel and computer-based technologies to simulate the wind microclimate conditions and the likely effects on sensitive receptors have been assessed for suitability using the widely accepted Lawson Comfort Criteria.
316. For a mixed use urban site such as the proposed development and surrounding area the desired wind microclimate would typically have walking during the windiest season on pedestrian thoroughfares, standing conditions at main entrances, sitting conditions at outdoor seating and amenity areas during the summer season.
317. The assessment, using wind tunnel tests, provides details of the average and gust wind conditions around the existing site and the proposed development and assesses the cumulative impact with other proposed developments including 22 Bishopsgate, 1 Undershaft, 1 Leadenhall Street, 6-8 Bishopsgate, 40 Leadenhall Street, 60-70 St Mary Axe, 52-54 Lime Street. Assessments are given for both the summer season and the windiest season. Wind speeds were measured at 196 locations for 36 wind directions at 10o intervals. The measurements covered ground and terrace level locations along the building facades and at corners, thoroughfares within open amenity spaces and on pedestrian routes within and around the site and roof top terraces.
318. The methodology adopted to carry out the wind assessment combined the use of Computational Fluid Dynamics (CFD) and physical model-based wind testing using a boundary layer wind tunnel testing. Both studies were carried out independently from one another. The combination of the two methods of assessment provides a comprehensive understanding of wind effects around the site.
319. The methodology adopted to assess the wind microclimate is in line with City of London's draft Wind Microclimate Guidelines. This includes the use of the updated Pedestrian Comfort Criteria.

320. Windspeeds across the site were tested under a number of different configurations to demonstrate a robust assessment of the wind environment, assessing the existing site with the existing surrounding buildings, the Proposed Development with the existing surrounding buildings, the Proposed Development with future consented buildings (cumulative scenario) and six further scenarios capturing the phasing of consented developments within the Eastern Cluster.

### **Existing Baseline Scenario**

321. The baseline assessment scenario has wind conditions ranging from being suitable for 'frequent sitting' to 'walking' use during the windiest season. The wind conditions generally around the site are suitable for a mix of 'standing' and 'occasional sitting' use with localised areas of 'walking' use wind conditions toward the south-west of the site, adjacent to 122 Leadenhall Street. These conditions are acceptable for the intended use.

322. In the summer season, wind conditions around the site are generally one category calmer with the vast majority of locations having 'standing' to 'occasional sitting' wind conditions, specifically around the St Mary Axe Plaza, Aldgate Square and the St Helen's Churchyard. Wind conditions near the 122 Leadenhall amenity space are suitable for 'standing' use with one instance of 'walking' use wind conditions. There were no exceedances of the 15m/s safety threshold at any location in the baseline scenario.

### **Proposed development with existing surrounding buildings**

323. With the completion of the proposed development the wind conditions generally remain consistent with the baseline scenario in the windiest season.

### **Thoroughfares**

324. All thoroughfare locations along St Mary Axe, Bury Court, Bury Street, Leadenhall Street and Bevis Marks would experience wind conditions ranging from suitable for 'frequent sitting' to 'walking' use. All thoroughfare locations would be suitable for the intended pedestrian uses during the windiest season.

### **Entrances**

325. All entrances to the Proposed Development would experience 'standing' or calmer wind conditions and therefore are suitable for the intended use. All surrounding buildings entrances remained suitable for 'standing' or calmer use during the windiest season.

### Ground Floor Amenity Spaces

326. The proposed pocket park north of the Gherkin would experience wind conditions which are suitable for 'occasional sitting' and 'standing' during the windiest season and 'frequent sitting' during the summer season and therefore would be suitable for the intended use. This would be achieved by specific landscaping features at which include:

- Two 6m evergreen trees in the pocket park;
- 1m hedging on the north and east side of seating areas in the pocket park;

327. St Mary Axe Plaza, St Helen's Churchyard and Aldgate Square would experience wind conditions which are suitable for a mix of 'occasional sitting' and 'standing' use in the windiest season which would be consistent with the baseline scenario. The amenity space at 122 Leadenhall Street remained consistent with the baseline scenario during the windiest season.

### Terrace Level Amenity Space

328. The amenity space on the roof of the Pavilion building would experience wind conditions which are suitable for 'occasional sitting' and 'standing' in the windiest season and a mix of 'occasional sitting' and 'frequent sitting' in the summer season. This would be achieved by specific landscaping features at roof level which includes:

- 1m hedging on the north and east side of southern seating areas on the pavilion building roof;
- 1m hedging on the west, north and east of the northern seating areas on the pavilion building roof;
- Four evergreen 4m tall trees on southern corner of pavilion building roof; and
- 1m hedging in southern area of pavilion building roof.

329. There were no locations in and around the Proposed Development site which would have strong winds exceeding the 15m/s safety threshold.

### Proposed Development with Future Consented Buildings (Cumulative Scenario)

330. Wind conditions are windier than in the baseline scenario and Proposed Development with existing surrounding building scenarios by up to one category towards the south-west of the site. All other areas (around St Mary Axe and along Bevis Marks and Leadenhall Street) of the site remain largely consistent with the previous mentioned configurations. Wind conditions ranged from suitable for 'frequent sitting' to 'walking' use during the windiest season.

331. During the summer season wind conditions surrounding the site range from suitable for 'frequent sitting' to 'standing' use with one instance of 'walking'.

#### Thoroughfares

332. All thoroughfare locations along St Mary Axe, Bury Court, Bury Street, Leadenhall Street and Bevis Marks would experience wind conditions ranging from suitable for 'occasional sitting' to 'standing' use with one instance of 'walking' use during the windiest season. The respective thoroughfare locations would experience wind conditions suitable for 'frequent sitting' to 'walking' use during the summer season. All thoroughfare locations would be suitable for the intended pedestrian uses during the windiest and summer season.

#### Entrances

333. All entrances to the Proposed Development would experience 'standing' or calmer wind conditions and therefore are suitable for their intended uses during the windiest season.
334. The majority of surrounding building entrances would remain suitable for 'standing' or calmer use ; however, one entrance location towards the south-west of the site would experience 'walking' wind conditions during the windiest season. This is one category windier than desired. No mitigation would be required on behalf of the Proposed Development as results for the Future Baseline scenario (Existing Site with Future Consented Surrounding Buildings) shows that this 'walking' wind condition remained and is therefore not caused by the Proposed Development.

#### Ground Level Amenity Spaces

335. The new pocket park of the proposed development would experience wind conditions which are suitable for 'frequent sitting', occasional sitting' and 'standing' during the windiest season. In the summer season the new pocket park would experience wind conditions suitable for 'frequent sitting' during the summer season.

#### Terrace Level Amenity Spaces

336. The rooftop terrace of the Pavilion building would experience wind conditions which would be suitable for a mix of 'frequent sitting' and 'occasional sitting' in the windiest season and 'frequent sitting' during the summer season, which would be suitable for the intended use.
337. There were no occurrences of strong winds exceeding the 15m/s safety threshold.

#### Conclusion

338. Throughout all the configurations tested, the changes in wind conditions would not result in any areas becoming windier than desired for

their intended use in either the windiest or the summer season and the safety threshold would not be exceeded at any time.

## **DAYLIGHT AND SUNLIGHT**

339. Local Plan Policy DM10.7 'Daylight and Sunlight' resists development which would reduce noticeably the daylight and sunlight available to nearby dwellings to unacceptable levels, taking account of the Building Research Establishment's (BRE) guidelines. Policies 7.6 and 7.7 of the London Plan provide further guidance. Policy 7.6B(d) states that buildings and structures should not cause unacceptable harm to the amenity of surrounding land and buildings. Policy 7.7D states that tall buildings should not affect their surroundings adversely. Paragraph 3.10.41 of the Local Plan indicates that the BRE guidelines will be applied consistent with BRE advice that ideal daylight and sunlight conditions may not be practicable in densely developed city centre locations and should be applied flexibly.
340. The BRE guidelines consider a number of factors in measuring the impact of development on daylight and sunlight on existing dwellings:
- Daylight to windows: Vertical Sky Component (VSC): a measure of the amount of sky visible from a centre point of a window. The VSC test is the main test used to assess the impact of a development on neighbouring properties. A window that achieves 27% or more is considered to provide good levels of light, but if with the proposed development in place the figure is both less than 27% and reduced by 20% or more from the existing level (0.8 times the existing value), the loss would be noticeable.
  - Daylight Distribution: No Sky Line (NSL): The distribution of daylight within a room is measured by the no sky line, which separates the areas of the room (usually measured in sq. ft) at a working height (usually 0.85m) that do and do not have a direct view of the sky. The BRE guidelines states that if with the proposed development in place the level of daylight distribution in a room is reduced by 20% or more from the existing level (0.8 times the existing value), the loss would be noticeable. The BRE advises that this measurement should be used to assess daylight within living rooms, dining rooms and kitchens; bedrooms should also be analysed although they are considered less important.
  - Sunlight: sunlight levels are calculated for all main living rooms in dwellings if they have a window facing within 90 degrees of due south. Kitchens and bedrooms are considered less important although care should be taken not to block too much sun. The BRE explains that sunlight availability may be adversely affected if the centre of the window receives less than 25% of annual probable sunlight hours (APSH), or less than 5% APSH between 21 September and 21 March; and receives less than 0.8 times its former sunlight hours as result of a proposed development; and has a reduction in sunlight hours received over the whole year greater than 4% of annual probable sunlight hours.

341. It should be noted that where there are existing low levels of daylight in the baseline figures any change in the measured levels has been generally described in two ways to give a more complete picture. These are:

Percentage change (10% reduced to 8% = 20% reduction); and

Actual/Absolute change (10% reduced to 8% = 2% change).

342. The main assessment for loss of daylight and sunlight considers the proposals in the context of the existing scenario, where the proposed scheme is the only change and consented buildings which are not yet constructed are not included in the assessment model. Where buildings are already under construction, they have been included in the existing scenario. This is referred to as the existing vs proposed scenario.

343. Paragraph 3.10.41 of the Local Plan states when considering proposed changes to existing lighting levels, the City Corporation will take into account the cumulative effect of development proposals.

344. The applicants have carried undertaken a daylight and sunlight assessment for a number of scenarios. These include:

- Baseline
- Baseline vs Proposed Development (referred to as proposed vs existing scenario)
- Baseline vs Cumulative Scenario (i.e. all schemes which have been consented but not yet implemented) (referred to as cumulative scenario)
- Baseline + Cumulative without Proposed Development vs Cumulative Scenario including the Proposed Development (referred to as future baseline)

345. The future baseline scenario is considered to be a more appropriate approach as it allows the extra impact of the Tulip itself to be quantified.

346. The daylight, sunlight and overshadowing assessment submitted by the applicant as part of the Environmental Statement, has been independently assessed by BRE to review the scope, methodology and conclusions of the report. A copy of this report is provided in the background papers and is available to view online.

347. While the assessment has been carried out for the surrounding buildings including commercial offices, in this report particular attention is paid to those considered as sensitive in terms of daylight and sunlight including residential, religious and educational buildings.

348. The map below shows the location of the sensitive residential receptors in relation to the proposed development.



**SOURCES OF INFORMATION**  
MEASURED SURVEY - 08.10.2016

- Residential
- Religious
- Ancillary Accommodation
- Guildhall Properties
- School
- Spaces to assess for overshadowing
- Mixed use

1) 4-8 Creechurch Lane  
 2) 10-12 Creechurch Lane  
 3) 14-16 Creechurch Lane  
 4) 18-20 Creechurch Lane  
 5) 2 Creechurch Lane  
 6) The Gibson Hall  
 7) 50 Bishopsgate  
 8) 27-31 Mitre Square  
 9) 4 Heneage Lane, Spanish and Portuguese Synagogue  
 10) St Katherine Creechurch  
 11) 26 Wormwood Street  
 12) Cornhill - St Peter upon Cornhill Church  
 13) 50 Cornhill  
 14) 1-24 Wormwood Street  
 15) 25 Wormwood Street  
 16) St Helens Church Bishopsgate  
 17) St Andrew Undershaft Church  
 18) Merchant Taylors Hall  
 19) Merchant Taylors Hall  
 20) 33 Great St Helens  
 21) John Cass Primary School  
 22) Rabbi's House (2 Hebease Lane)  
 23) Petticoat Tower  
 24) 150 Bishopsgate  
 25) 1-6 White Kennet  
 26) St Ethelburgas Centre  
 27) 52-68 Bishopsgate  
 28) Drapers Hall  
 29) 19 Old Broad Street

**NOTES**  
 (PROPOSED SHAPES SHOWN IN GRAY)  
 ALL HEIGHTS AND DIMENSIONS GIVEN IN m AOD  
 PROJECTS UNDER CONSTRUCTION IN ORANGE  
 N.B. DO NOT SCALE OFF THIS DRAWING

**PROJECT**  
 PROJECT TULIP

**DRAWING NAME**  
 IN AN VIEW BACKSIGHT  
 PROPOSED RD

DWN BY	SCALE	CHK BY	DATE	REV No
TBP	1:1000		05.08.18	A
DRG No.	RP No.	ADD No.	IS No.	DWG No.
10004	01		01	01

**gia**  
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 Belvedere Road  
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### **Daylight Assessment Results**

349. In terms of the impact on daylight, the assessment shows, that for 29 of the properties that have been identified as being sensitive, the effect of the proposed development on 22 of the properties would experience losses ranging between be very minor or negligible where the proposed development could be expected to result in a small but barely noticeable losses and are therefore considered appropriate.
350. The nearest sensitive properties to the proposed development are; The Bevis Marks Synagogue and the associated Rabbi's House at 2 Heneage Lane, the residential properties at 10-12, 14-16 and 18-20 Creechurch Lane and the Churches of St Andrew Undershaft and St Helens Bishopsgate.

### **St Helens Bishopsgate Church**

351. In the proposed vs existing scenario, 55 out of the 55 windows assessed would experience a negligible impact with VSC losses ranging between 0%-5%. Overall, the effect of the proposed development on this property is considered to be negligible in the proposed vs existing scenario.
352. In the cumulative scenario 24 out of 55 windows assessed would experience a negligible impact with losses ranging 0%-19%. 4 out of the 55 windows assessed would experience a major adverse impact with losses ranging between 34.6%-38.9%. 21 out of the 55 windows would experience a major adverse impact with losses exceeding 40%, with one window which would nearly lose all of its light. However, these losses are attributable to the consented developments rather than the proposed development.
353. In the future baseline scenario, 53 out of the 55 windows assessed would experience a negligible impact with losses ranging between 0%-2.9%. one window (W16/F00) would experience a minor adverse impact with a loss of 20%. and one window (W7/F01) would experience a moderate adverse impact with a loss of 33.3%. Both of these windows have very low existing levels of VSC in the baseline. W16/F00 has an existing VSC of 0.5 with a retained value of 0.4 in this scenario. W7/F01 has an existing VSC of 0.3 with a retained value of 0.2 in this scenario. The relative losses for both of these windows would be 0.1 and this shows as a high level of change when expressed as a percentage. Overall, the effect of the proposed development in the future baseline scenario is considered to be minor to negligible and well within the BRE guideline values .

### **The Bevis Marks Synagogue**

354. In the proposed vs existing scenario, eighteen windows (serving the main religious space) would experience a negligible impact with VSC



losses ranging between 3% - 8.6%. The actual degree of change is very small, which shows as a larger percentage loss because the existing VSC is very low. Overall, the effect of the proposed development on this property is considered to be negligible in the proposed vs existing scenario.

355. In the cumulative scenario, eight windows (serving the main religious space) would experience a major adverse impact with VSC losses exceeding 40%. Another two windows (serving the main religious space) would experience a moderate adverse impact with a loss of 34% VSC to each of these windows. The actual degree of change is small, which shows as a larger percentage loss because the existing VSC is very low. Overall, the effect of the proposed development on this property is considered to be moderate to major adverse in the cumulative scenario. Most of the losses are attributable to the consented developments rather than the proposed development.

356. A representation has been received from the Synagogue stating that whilst they acknowledge the Tulip would have virtually no overshadowing impact on the Synagogue or courtyard and, considered in isolation, would have a very small impact on daylight levels, however when considered in the context of the cumulative impact of other proposed developments they are advised it would result in a noticeable reduction in daylight levels and object to the Tulip's contribution to any reduced daylight levels in the courtyard or Synagogue.

357. As discussed above, the future baseline scenario allows the extra impact of the Tulip itself (in comparison to cumulative developments) to be quantified. In the future baseline scenario, 18 windows (serving the main religious space) would experience losses ranging between 3.6%-13% which would be negligible. The actual degree of change is very small, which shows as a larger percentage loss because the existing VSC is very low. Overall, the effect of the proposed development in the future baseline scenario is considered to be minor to negligible and well within the BRE Guidelines.

358. In all the scenarios assessed and summarised below, the actual degree of change is very small, which shows as a larger percentage loss because the existing VSC to these properties is very low.

## **2 Heneage Lane (Rabbi's House)**

359. In the proposed vs existing scenario, all the windows assessed serving the property would experience a negligible impact with VSC losses ranging between 4.9% - 10.9%. Overall, the effect of the proposed development on this property is considered to be negligible in the proposed vs existing scenario.

360. In the cumulative scenario, four windows would experience a negligible impact with VSC losses ranging between 8% - 17.8%. Two windows serving bedrooms would experience a minor impact with VSC losses of

23% and 28%. Overall, the effect of the proposed development on this property is considered to be negligible to minor in the cumulative scenario and most of it attributable to the consented developments rather than the proposed development.

361. In the future baseline scenario, all 6 windows serving the property assessed would experience a negligible impact with VSC losses ranging between 6.3%-10.9%. Overall, the effect of the proposed development on this property is considered to be negligible and well within the BRE guideline values.

## **2 Creechurch Lane**

362. In the proposed vs existing scenario, 24 out of the 24 windows assessed serving the property would experience a negligible impact with VSC losses ranging between 4.7% - 9.3%. Overall, the effect of the proposed development on this property is considered to be negligible in the proposed vs existing scenario.

363. In the cumulative scenario, 14 out of 24 windows assessed serving the property would experience a major adverse impact with VSC losses above 40%. Overall, the effect of the proposed development on this property is considered to be major adverse in the cumulative scenario however any losses are attributable to the consented developments rather than the proposed development.

364. In the future baseline scenario, In the proposed vs existing scenario, 24 out of the 24 windows assessed serving the property would experience a negligible impact with VSC losses ranging between 6.7% - 13.5%. Overall, the effect of the proposed development on this property is considered to be negligible and well within the BRE guideline values.

## **4-8 Creechurch Lane**

365. In the proposed vs existing scenario, 34 out of the 59 windows assessed serving the property would experience a negligible impact with VSC losses ranging between 1.3% - 8.1%. Overall, the effect of the proposed development on this property is considered to be negligible in the proposed vs existing scenario.

366. In the cumulative scenario, 27 out of the 59 windows assessed would experience a negligible impact with VSC losses ranging between 0% - 18.8%. 14 out of the 59 windows assessed would experience a minor adverse impact with VSC losses ranging between 23.4% - 27.2%. 2 out of the 59 windows assessed would experience a moderate adverse impact with losses of 30% and 35 % (to windows serving the living room). 16 out of the 59 windows assessed would experience a major adverse impact with VSC losses above 40%. Overall, the effect of the proposed development on this property is considered to be negligible to minor in the cumulative scenario and any losses are attributable to the consented developments rather than the proposed development.

367. In the future baseline scenario, 59 out of the 59 windows assessed would experience a negligible impact with VSC losses ranging between 0% - 10.3%. Overall, the effect of the proposed development on this property is considered to be negligible and well within the BRE guideline values.

#### **10-12 Creechurch Lane**

368. In the proposed vs existing scenario, 32 out of the 32 windows assessed serving the property would experience a negligible impact with VSC losses ranging between 9.4% - 19.5%. Overall, the effect of the proposed development on this property is considered to be negligible in the proposed vs existing scenario.

369. In the cumulative scenario, 1 out of the 32 windows assessed would experience a minor adverse impact with a VSC loss of 29.7%. 14 out of the 32 windows assessed would experience a major adverse impact with VSC losses above 40%. Overall, the effect of the proposed development on this property is considered to be moderate to major adverse in the cumulative scenario and any losses are attributable to the consented developments rather than the proposed development.

370. In the future baseline scenario, 25 out of the 32 windows assessed would experience a negligible impact with VSC losses ranging between 0-20%. 7 out of 32 windows assessed would experience a minor adverse impact with VSC losses ranging between 20% - 25.8%. Overall, the effect of the proposed development on this property is considered to be negligible to minor.

#### **14-16 Creechurch Lane**

371. In the proposed vs existing scenario, 32 out of the 32 windows assessed serving the property would experience a negligible impact with VSC losses ranging between 8.3% - 17%. Overall, the effect of the proposed development on this property is considered to be negligible in the proposed vs existing scenario.

372. In the cumulative scenario, 5 out of the 32 windows assessed would experience a moderate adverse impact with VSC losses ranging between 30.5%-36%. 27 out of the 32 windows assessed would experience a major adverse impact with VSC losses above 40%. Overall, the effect of the proposed development on this property is considered to be moderate to major adverse in the cumulative scenario and any losses are attributable to the consented developments rather than the proposed development.

373. In the future baseline scenario, 26 out of the 32 windows assessed would experience a negligible impact with VSC losses ranging between 15.3%-19.6%. 6 out of the 32 windows assessed would experience a minor adverse impact with VSC losses ranging between 20.5% - 21.6%. Overall, the effect of the proposed development on this property is considered to be negligible to minor.

## **18-20 Creechurch Lane**

374. In the proposed vs existing scenario, 41 out of the 41 windows assessed serving the property would experience a negligible impact with VSC losses ranging between 3.9% - 9.7%. Overall, the effect of the proposed development on this property is considered to be negligible in the proposed vs existing scenario.
375. In the cumulative scenario, 19 out of the 41 windows assessed would experience a negligible impact with VSC losses ranging between 5.3%-15%. 4 out of the 41 windows assessed would experience a minor adverse impact with VSC losses ranging between 24.3%-26.7%. 18 out of the 41 windows assessed would experience a major adverse impact with losses over 40%. Overall, the effect of the proposed development on this property is considered to be moderate to major adverse in the cumulative scenario and any losses are attributable to the consented developments rather than the proposed development.
376. In the future baseline scenario, 41 out of the 41 windows assessed would experience a negligible impact with VSC losses ranging between 4.3%-15.5%. Overall, the effect of the proposed development on this property is considered to be negligible and well within the BRE guideline values.
377. Loss of daylight to the following buildings have also been assessed and would experience negligible losses below 20% and would be well within the BRE guidelines for all windows in the proposed/existing scenario and the future baseline scenario. While some of these would have adverse impacts in the cumulative scenario, the results demonstrate that the impact would be principally due to the consented buildings and not the proposed one.
- Petticoat Tower
  - 33 Great St Helens
  - St Andrew Undershaft Church
  - Gibson Hall
  - 50 Bishopsgate
  - 52-68 Bishopsgate
  - 78 Bishopsgate (St Ethelburga's Centre)
  - 27-31 Mitre Street
  - Sir John Cass Primary School
  - St Katherine Cree Church
  - Cornhill-St-Peter upon Cornhill Church
  - 26 Wormwood Street

- 50 Cornhill
- 1-24 Wormwood Street
- 25 Wormwood Street
- 19 Old Broad Street (City of London Club)
- Drapers Hall
- Merchant Taylors Hall
- 1-6 White Kennett Street
- 150 Bishopsgate

### Conclusion

378. The applicants have identified all of the relevant locations in the vicinity of the development which would have a requirement for daylight, and have been comprehensive in this respect, by including a number of residential, religious, educational and commercial properties.
379. Many of these buildings are some distance away and the losses of daylight would either be very small or zero. The nearest ones are the Bevis Marks Synagogue and associated Rabbi's House, residential dwellings at 10-12, 14-16 and 18-20 Creechurch Lane and St Andrews Undershaft and St Helens Bishopsgate Churches. The loss of daylight to the two churches and the Synagogue would be very small. The adjoining Rabbi's house at 2 Heneage Lane would have a slightly larger relative loss, but still well within the BRE guidelines. The dwellings at 10-12, 14-16 and 18-20 Creechurch Lane would have the largest relative losses, although still within BRE guidelines in all cases.
380. In the cumulative scenario, many of the existing buildings including 33 Great St Helens, St Helens Church, St Andrew Undershaft Church, 2, 4-6, 10-12, 14-16 and 18-20 Creechurch Lane, 50 and 52-68 Bishopsgate, 27-31 Mitre Street, the Synagogue, St Peter's Cornhill, 50 Cornhill, 19 Old Broad Street and 1-6 White Kennet Street would all experience large cumulative losses. However, the loss of light would be largely due to the other consented buildings in the cumulative scenario and very little of it would be due to the Tulip.
381. In conclusion the assessment shows that the proposed development would not result in unacceptable adverse impacts to any of the properties affected. It is considered that the proposed development would not cause unacceptable harm to the amenity of surrounding land and buildings and complies with Local Plan Policy DM 10.7 and policies 7.6B and 7.7D of the London Plan.

### Sunlight

382. The following properties have been assessed and would experience negligible losses of annual probable sunlight hours (APSH) and would be within the BRE guidelines in all cases in the proposed vs existing scenario and the future baseline scenario. Additional losses would be experienced by these properties in the cumulative scenario, however the results show

any sunlight losses would be attributable to neighbouring consented schemes and not the Proposed Development.

- Petticoat Tower
- 33 Great St Helens
- St Helens Church Bishopsgate
- St Andrew Undershaft Church
- 4-8 Creechurch Lane
- 18-20 Creechurch Lane
- The Gibson Hall
- 50 Bishopsgate
- 52-68 Bishopsgate
- 78 Bishopsgate (St Ethelburga's Centre)
- 27-31 Mitre Street
- 4 Heneage Lane Spanish And Portuguese Synagogue
- Sir John Cass Primary School
- St Katharine Cree Church
- 26 Wormwood St
- Cornhill-St Peter Upon Cornhill Church
- 50 Cornhill
- 1-24 Wormwood St
- 25 Wormwood St
- 19 Old Broad Street (City of London Club)
- Drapers Hall
- 1-6 White Kennett Street
- 150 Bishopsgate

### **Conclusion**

383. In conclusion the proposed development would not cause unacceptable harm to sunlight levels to the nearby sensitive properties identified. It is considered that the proposed development would not cause unacceptable harm to the amenity of surrounding land and buildings and complies with Local Plan Policy DM 10.7 and policies 7.6B and 7.7D of the London Plan.

### **Transient Overshadowing**

384. The assessment of the impact of transient overshadowing was undertaken according to the BRE Guidelines in respect of several key

amenity areas identified in proximity to the site and considered having regard to Policies 7.6 and 7.7 of the London Plan.

385. The applicants have assessed the impact on five of the closest open spaces nearest to the proposed development which includes; St Helen's Bishopsgate Churchyard, Jubilee Gardens (off Houndsditch), the Courtyard of Bevis Marks Synagogue, the playgrounds at Sir John Cass Primary School and Aldgate Square.
386. The results show that there would be no significant overshadowing effects caused by the Proposed Development on any neighbouring amenity areas on March 21st, June 21st or December 21st and would not cause unacceptable harm to the amenity of the surrounding land and buildings and complies with policies 7.6 and 7.7 in the London Plan.

### **Solar Glare**

387. The BRE Guidelines recommend that solar glare analysis be carried out to assess the impact of glazed facades on road users in the vicinity. In this case, viewpoints for the analysis were positioned at points before a signalised railway, road junctions and pedestrian crossings where a distraction to motorists may occur.
388. A total of 50 junctions on the nearby roads and railways were assessed. The assessment considered the potential occurrence of solar reflections from the Proposed Development, their duration and proximity to a driver's line of sight.
389. Out of the 50 sensitive locations tested, the proposed development would not be visible from 22 of them and the effects on these locations are considered to be negligible.
390. From 20 of the remaining 28 locations, reflections either occur more than 30° from the drivers' line of sight, or only a small portion of the facade of the Proposed Development is visible with small reflections occurring at distances greater than 15° of a driver's line of sight. From these 20 viewpoints, the effects are considered to be negligible.
391. The remaining eight junctions would experience minor adverse impacts. The reasons for the minor adverse impact would be due to solar reflections occurring within 30° to 10° or between 10° and 5° on a small section of the facade and for short periods of time with traffic signals remaining unaffected.
392. If planning permission were to be granted, a S106 obligation would be recommended to require a solar glare assessment to be submitted post completion but prior to occupation which would include details of any mitigation measures (if considered necessary).

## **Solar Convergence**

393. Solar convergence is a geometric phenomenon related to concave facade design and the building focuses the sun's rays which can cause localised areas of solar radiation. The proposed development contains concave glazed façade treatments on both the Pavilion building and at the bottom of the Tulip tower. The Pavilion glazing covers two storeys plus a parapet. The glazing on the Tulip tower is around 17m high, although it tapers as it goes up. There is a small chance that sunlight could reach both areas of glazing (although the Pavilion glazing may be partly overshadowed at the critical times by the Leadenhall building and 1 Undershaft).
394. The Gherkin (30 St Mary Axe) would be the principal obstruction restriction incoming sunlight to the proposed development. Whilst the Gherkin is there, sunlight could only reach the concave facades on the base of the Tulip tower and Pavilion at an oblique angle which would significantly limit the convergence effect. However, instead of the Sun's rays converging to a point, the reflection has the potential to form an optical 'caustic' or extended area of high levels of reflected light in the walkway between the Pavilion and Tulip tower and the Gherkin.
395. BRE have produced a guidance note, which the City of London adopted to produce a planning advice note on solar convergence called "Guidelines and best practice for assessing solar convergence in the City of London" 2017. These guidance notes provide advice on reviewing the effects of the convergent reflections onto exposed building materials at street level, as well as people in order to recommend limiting irradiance levels so that damage to objects and injury to people may be avoided.
396. Following comments from the independent assessment carried out by BRE on behalf of the City of London, the applicants have undertaken further analysis to assess the potential solar convergent reflections caused by the concave glazed facades of the Tulip and the Pavilion building. Mitigation measures have been introduced to both buildings which include; faceted glazed façade at the base of the building, a solid projecting canopy projecting 1.5m at the base of the Tulip above the entrance and projecting louvres at the base of the Pavilion building to help intercept the sun's rays.
397. The daylight and sunlight consultants have run simulations for a full yearly study at 5-minute intervals for the relevant hours of the day (from 07:00 to 15:00) for the 21st of months January to December) to assess the occurrence of any convergence using a worst-case scenario. The occurrence of any convergence is dependent upon the time of day and season. However, due to the proposed building's orientation and the dense urban environment, issues would only arise around midday at the base of the Tulip and in the early morning and late morning/early afternoon in front of the Pavilion. BRE's report recommends overall that:
- no area should receive a solar irradiance of 10,000 W/m<sup>2</sup> or above;



- Areas where people are likely to be present (including windows to occupied rooms) should not receive a solar irradiance of more than 2,500 W/ m<sup>2</sup> for more than 30 seconds;
- Areas where people are likely to be present (including windows to occupied rooms) should not receive a solar irradiance of more than 2,500 W/m<sup>2</sup> for more than 30 seconds;

398. The results for the year have been broken down by period of the year.

#### 21st January and 21st February

399. All levels of irradiance are below the 1,000 W/m<sup>2</sup> threshold and therefore these will have no impact on people at street level.

#### 21st March

400. The maximum levels of irradiance are below the 1,500 W/m<sup>2</sup> threshold and would be considered to have a negligible impact on people at street level.

#### 21st April to 21st August

401. The maximum levels of reflected irradiance are below the 1,500 W/m<sup>2</sup> threshold, whilst the maximum levels of combined irradiance achieve a maximum of approximately 2,250 W/m<sup>2</sup> for a few moments per day. These values are generated by the base of the Tulip and occur approximately between 11:50 and 12:25. these are maximum values and occur in a very small area, with the vast majority of the remaining area measuring levels below the 1,500 W/m<sup>2</sup> threshold. owing to the small size of the area affected and the short time in which reflections occur, these levels are likely to have a negligible impact on people at street level.

#### 21st September

402. The maximum levels of irradiance are below the 1,500W/m<sup>2</sup> threshold and would be considered to have to have a negligible impact on people at street level.

#### 21st October 21st November and 21st December

403. All levels of irradiance are below the 1,000 W/m<sup>2</sup> threshold and therefore these will have no impact on people at street level.

#### Conclusions

404. Overall, all levels of irradiance on the public space fall below the 2,500 W/m<sup>2</sup> threshold. All levels of reflected irradiance fall below the 1,500 W/m<sup>2</sup> threshold. The maximum recorded combined irradiance is approximately 2,250 W/m<sup>2</sup> and this is generated by the base of the Tulip

for only a brief period of time around noon. The affected area would be small, and it would be unlikely to cause any impacts at all on people in the public realm. A condition requiring the mitigation measures at the base of the Tulip and the Pavilion building to be submitted prior to commencement. A S106 obligation will require a solar convergence assessment to be submitted post completion but prior to occupation which would include details of any mitigation measures (if considered necessary).

### **Light Pollution**

405. The impact of light pollution has been considered in respect of the effect on nearby properties, including 4-8, 10-12, 14-16, 18-20 and 2 Creechurch Lane, 50 Bishopsgate, 27-31 Mitre Street, 26 Wormwood Street, 50 Cornhill, 1-24 wormwood Street, 25 Wormwood Street, 33 Great St Helens, 2 Heneage Lane (Rabbi's house), Petticoat Lane and 150 Bishopsgate.
406. The closest sensitive residential receptor is 2 Heneage Lane (Rabbi's house) which would be the worst-case scenario. Any light pollution impact experienced by all the other receptors will be lower than that presented for the Rabbi's house due to their greater distance between the light source and the sensitive receptor.
407. A representation has been received by the London Sephardi Trust on behalf of Bevis Marks Synagogue, who have raised concerns about the illumination of the structure could have night impacts on the Courtyard of the Synagogue interior, including during candlelit services.
408. If planning permission, were to be granted a condition would be recommended requiring details of their lighting strategy for both internal and external lighting for the proposed development, including lighting within the public realm to ensure there is no unacceptable impact on nearby occupiers and the visual amenity of the area.

### **ENERGY AND SUSTIANABILITY**

409. The NPPF, London Plan Policies 5.2, 5.3, 5.6, 5.7, 5.9 and 5.15 and the Local Plan Policies CS15, DM15.1, DM15.2, DM15.3, DM15.4 and DM15.5 seeks to ensure that sustainability is integrated into designs for all development.
410. A sustainability statement has been produced to demonstrate that the proposed development has been designed to take into account the likely impacts of climate change, that the materials specification would follow principles of lean design and use of environmentally friendly and responsibly sourced materials, that waste reduction measures would be incorporated, that pollution would be minimised, that sustainable travel methods would be promoted.

## **Energy Consumption**

411. The London Plan requires an assessment of energy demand that demonstrates the steps taken to apply the Mayor's energy hierarchy to achieve the reduction of energy consumption within buildings and to use renewable energy sources. London Plan policy requires non-domestic buildings to achieve a 35% carbon emissions reduction over Part L (2013) of the Building Regulations. Policy CS15 of the Local Plan supports this approach.
412. The Energy Statement prepared by Foster & Partners shows that this development has been designed to achieve a 42.04% improvement in carbon emissions compared with the 2013 Building Regulations requirements. This would be achieved by the installation of electrically driven Air Source Heat Pumps (ASHPs) to provide space heating and hot water and the installation of integrated photovoltaic panels at the top of the proposed structure.
413. The façade of the main Tulip structure would be formed from doubly-curved units and would be covered with films and coatings to ensure that the internal spaces do not over heat, reducing the need to rely on mechanical cooling.
414. The internal spaces within the Pavilion Building and the Tulip would be equipped with low energy lighting, including LEDs. Due to the purpose of the space, illumination would be low which would help to further reduce energy. Energy efficiency measures such as Occupancy sensing and automated lighting will be specified to an appropriate level throughout the back of house areas, toilets and circulation spaces would be used. This would assist with reducing the use of artificial lighting when areas are not occupied.
415. The applicant has investigated the feasibility of CHP. However, the applicant does not consider that it is practical or economic, as a connection would result in higher carbon emissions and worsened local air pollution. If planning permission were to be granted, a condition has been recommended which requires details of potential connection opportunities to any district heating network outlining design proposals for future proofing arrangements.
416. The reduction in regulated carbon emissions following the energy demand reduction and with the proposed energy efficient measures in place would be 42.04% which would exceed the London Plan policy 5.2 target of 35% improvement over Building regulations. If planning permission were to be granted, an "as built" BRUKL assessment should be required through S106 agreement so that carbon offsetting can be secured if this carbon reduction is not achieved.

## **BREEAM**

417. A preliminary BREEAM pre-assessment has been carried out which indicates that the building would achieve an 'excellent' rating with the potential to achieve additional credits above this. Areas which would be targeted to achieve further credits include water and waste management. If

planning permission were to be granted, a condition would be recommended requiring the submission of a post construction BREEAM assessment to demonstrate what credits the completed building has achieved.

## **URBAN GREENING**

418. Local Plan Policies DM10.2 and DM10.3 and London Plan Policy 5.10, 5.11 and the draft London Plan Policy G5 requires major developments to contribute to the greening of London by including urban greening as a fundamental element of site and building design, and by incorporating measures such as high-quality landscaping, green roofs and green walls. The Mayor has developed a generic Urban Greening Factor model to assist boroughs and developers in determining the appropriate provision of urban greening for new developments. The draft policy suggests a target Urban Greening Factor (UGF) of 0.3 for commercial developments.
419. The proposed development would incorporate new areas of greening including the creation of a new pocket park with trees and low-level planting, two green walls, a publicly accessible rooftop terrace with soft landscaping and trees. The incorporation of additional greening on the site would positively enhance the site's ecological value. The UGF for this application has been calculated as 0.31 which would exceed the draft London Plan Policy G5 and is welcomed.

## **AIR QUALITY**

420. The EIA includes an assessment of the likely changes in air quality as a result of the construction and operational phases of the development and has been considered having regard to Policies 5.9 and 7.14 of the London Plan and policies CS15, DM15.6 and CS16 of the Local Plan.
421. During construction dust emissions would increase and would require control through the implementation of good practice mitigation measures in the Construction Method Statements. If planning permission were to be granted this would be secured via a condition to the planning permission.
422. The number of additional vehicles during the construction phase would lead to a small increase in the number of vehicles on the local highway network. The overall impact would not be considered sufficient to cause a significant effect at any of the nearby local air quality receptors.
423. It is proposed to replace the current boilers within the Gherkin with high efficiency ultra-low NOx boilers. This is welcomed and would contribute to reducing the air quality emissions in the area which would be welcomed.
424. The hot water and heating for the Tulip and the Pavilion Building would be sourced through air source heat pumps (which extract heat from the air outside) and the
425. pavilion building would be provided by an air source Variable Refrigerant Flow (VRF) system, thus energy use at the Tulip and the pavilion building would not require the use of combustion plant. The proposed buildings hot water, space heating and cooling demands would not contribute to local air pollution emissions.

426. The air quality assessment states that the development should have no significant detrimental impact on air quality during the construction and operational phases. The proposals would meet the air quality neutral requirements and would comply with Local Plan Policies CS15, CS16, DM15.6 and London Plan Policies 7.14.

## **FLOOD RISK AND WATER MANAGEMENT**

427. The site is located in Flood Zone 1 and as such it is at a low risk of fluvial and tidal flooding. A Flood Risk Assessment has been carried out in accordance with Local Plan policy CS18 for major developments.
428. It is proposed to capture all runoff from the footprint of the Tulip via a slot channel around the façade and retain it on the site from greywater use.
429. The runoff from the roof of the Pavilion building would be attenuated within the substrate of the green roof prior to discharge to the combined public sewer at a rate not exceeding 1.5l/s. In order to allow for this a 100mm deep substrate plus an attenuation layer with a minimum depth of 91mm would be required.
430. The proposals would be compliant with Local Plan Policies DM18.2 and DM 18.3 and London Plan Policies 5.12 and 5.13. If planning permission were to be granted, conditions requiring further details of the proposed SuDs (including a lifetime maintenance plan) and the measures to be taken to prevent flooding during the course of the construction works would be secured via a condition.

## **NOISE AND VIBRATION**

431. The EIA assesses the impact from noise and vibration on the surrounding area and in particular in relation to noise sensitive receptors around the site such as residential properties on Creechurch Lane and Mitre Street, nearby religious uses including St Helens Church and Bevis Marks Synagogue and a number of commercial and office premises in close proximity to the proposed development. The assessment has been considered having regard to policies 7.15 of the London Plan and DM15.7 of the Local Plan.
432. The noise environment present within the vicinity of the proposed development predominantly consists of road traffic noise on the local road network, fixed plant, delivery noise sources and noise associated with existing commercial premises surrounding the Site.
433. During the construction phase, higher noise levels are likely to be generated with the highest predicted noise level likely to be during the demolition and construction phase. If planning permission were to be granted conditions would be recommended to include control over working hours and types of equipment to be used, would be included in a Construction Management Plan, a Construction Logistics Plan to manage all freight vehicle movements to and from the site and a scheme for

protecting nearby residents, churches and commercial occupiers from noise, dust and other environmental effects attributable to the development to be approved under condition.

434. The Proposed Development includes several event spaces located in the top of the Tulip (over 240m above ground level). The event spaces have the potential to generate noise and are likely to be used during the daytime into the evenings and early night-time periods. The Sky Bar, located at the upper part of the top, would be mechanically ventilated, but could be naturally ventilated during some parts of the year. The proposed height of the building results in the openings being approximately 300m from the nearest sensitive receptors. On this basis the internal noise levels associated with its operation expected to be inaudible at the nearest noise sensitive properties.
435. Noise levels from mechanical plant in the completed development would need to comply with the City of London's standard requirement that there would be no increase in background noise levels and approved under planning conditions to ensure there would not be an adverse effect on the surrounding area.
436. During the operational phase of the development it is predicted that that changes in predicted traffic flows would result in a negligible change in road traffic noise.
437. A representation has been received from the London Sephardi Trust regarding potential damage or disturbance to the foundations of the Synagogue and any impacts from construction vibration.
438. If planning permission were to be granted, the impacts on noise and vibration would be managed through conditions and provisions in the S106 agreement to minimise adverse effects (including to the Synagogue) so as to ensure that no unacceptably adverse impact occurs.
439. Subject to the imposition of conditions and S106 provisions, the proposed development would comply with the relevant policies of the NPPF, London Plan Policies 7.7 and 7.15 and Local Plan Policies DM3.5 and DM15.7.

### **TELEVISION AND RADIO (ELECTRONIC INTERFERENCE)**

440. If planning permission were to be granted, a condition is recommended requiring the applicants to submit a baseline Terrestrial Television and Radio Interference Study prior to demolition. Once the development is completed but prior to occupation, the applicants would be required to submit a post construction Terrestrial Television and Radio Interference Study to assess any deterioration (if any) attributable to the proposed development and detail any mitigation measures, to ensure that there are no unacceptably adverse impacts as a result of the proposed development.

### **ARCHAEOLOGY**

441. The site is in an area where remains from all periods from Roman to post medieval have been recorded. An Historic Environment Assessment

setting out the archaeological potential and impact of the proposed building has been submitted with the application.

442. The proposed building is within the north east of the basement footprint of 30 St Mary Axe. There have been a number of archaeological investigations on the site, including excavation prior to the construction of 30 St Mary Axe. The building and archaeological records and existing construction drawings from the site have been assessed and it is considered that the depth of the existing basement is below the depth of archaeological remains. A sub-basement from an earlier building on the site may survive below the existing basement. The assessment indicates that the proposed development would not have an archaeological impact.
443. The proposed building would include a basement level lower than the existing and new piled foundations.
444. If planning permission were to be granted, an informative is recommended to cover any potential changes to the proposed basement and foundations and, in this eventuality, to enable consideration of any archaeological impact.
445. The burial and plaque of the Roman Woman found on the site when the Gherkin was redeveloped would be outside the red line of the planning application and will remain in its location.

### **ASSESSMENT OF PUBLIC BENEFITS**

446. Paragraph 196 of the NPPF states “where a development proposal will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use”. The National Planning Practice Guidance states that “public benefits...could be anything that delivers economic, social or environmental progress as described in the National Planning Policy Framework. Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to the genuine public benefits”. Paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. The paragraph 196 NPPF balancing approach is also set out in paragraph 7.31A of the London Plan. As the statutory duty imposed by section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is engaged, considerable importance and weight must be given to the desirability of preserving the setting of listed buildings when carrying out the balancing exercise.

### **Economic Impact**

447. In economic development terms the Tulip is unusual within the City in that its sole purpose is as a tall purpose-built visitor attraction which by its nature is impactful on the skyline and the City’s image. The unique nature of the Tulip will provide an iconic and different visitor attraction to the City and a new skyline image.

448. Its height as London's second tallest building requires its location in the City in the Eastern Cluster. Its small footprint occupies a site which could not significantly contribute to the office stock in the City. The scheme results in the loss of 1,227 sq. m of office space and 352 sq. m of flexible retail space as well as other supporting functions for the Gherkin which are to be retained or re-provided.
449. The economic significance of the Tulip rests on its ability to contribute to: -
- a. Attracting visitors to the City, London and the UK
  - b. The consequential benefits to other visitor providers
  - c. The degree to which it would enhance the image of the City both as a visitor destination and as a business City
  - d. The extent to which it would support the City's aspirations to become a 24/7 more diverse City, supporting the needs of workers, visitors and residents.
  - e. To be considered alongside its impact on the operation of the Business City.
450. The facility provides a visitor attraction for an anticipated 1.2million visitors a year with exceptional facilities including the gondolas. No such attraction exists in the City.
451. High level viewing galleries have been sought as planning benefits in the City and have been provided in and are planned for a number of tall buildings which are accessed free of charge. These have proved to be popular and have opened this aspect of the City to workers, visitors and residents in a way that has not previously been possible except from St Paul's, the Monument and Tower Bridge. Since it opened over 2 million people have visited the Sky Garden at 20 Fenchurch Street.
452. This proposal adds to the City's portfolio of visitor attractions in a contrasting and positive way which has the potential to draw in new audiences. Those audiences may be younger than the City's existing visitor demographic widening its visitor base.
453. The City's modern architecture of exemplary quality is already a significant draw for visitors and the Tulip could become a part of the City's identity, strengthening it as a national and internationally recognised visitor destination, adding to London's standing.

#### **Visitors to the City, London and the UK**

454. The Applicant anticipates that 1.2 million visitors would visit the Tulip each year. The economic analysis and economic impact of the scheme has been analysed in the context of this presumption.



455. The Tulip's capacity to accommodate visitors is greater than the 1.2 million specified. If the Tulip were to be operated throughout the day at its operation capacity (i.e. the number of people who could be accommodated within the facility and be transported by the lifts) the figures would be much greater. On this basis it is legitimate for Members to manage the impact of the proposal from visitors by the imposition of conditions restricting number of tickets sold per hour and during peak periods. The restrictions on numbers recommended would enable more visitors than the 1.2 million anticipated. Clearly economic benefits would decrease if there were fewer visitors and increase with greater numbers of visitors except with regard to (e) if it were to detrimentally impact on business operations in the area. No analysis of this economic impact has been undertaken by the applicant as it is not assumed to arise. A S106 obligation would secure the availability of the facility for visitors, including visitors on low incomes and children.

456. For comparison other similar high-level attractions across the world had the following approximate visitors in 2015 in millions:

- Eiffel Tower, Paris 6.9 m
- London Eye, London 3.6 m
- Burj Khalifa, Dubai 2.1 m
- CN Tower, Toronto 1.6 m
- Space Needle, Seattle 1.4 m
- Shard, London 0.8m

457. Visitor numbers to other attractions in the City or in adjoining boroughs for comparison were in 2017 in millions, [figures extracted from the Association of Leading Visitor Attractions]:

- South Bank Centre 3.2 m
- Tower of London 2.8 m
- St Paul's Cathedral 1.6 m
- Tower Bridge 0.8 m
- Museum of London 0.7 m

458. Two hundred and thirty-eight attractions across the UK were included in this 2017 survey with visitor numbers ranging from 8,014 to 5.9 million at the British Museum. 1.2 million visitors would place the Tulip in a band between 1 and 1.5 million which would include the 21<sup>st</sup> and 33<sup>rd</sup> most visited attractions in the country. Of the 1.2 million visitors 923,800 are expected to be from the UK with 376,200 from overseas. The Tower of London is in the top ten and St Paul's in the top twenty most visited attractions in the UK.

459. London and Partners in 'A tourist vision for London' 2017 identified 31.2 million overnight visitors with the tourism sector contributing £15.4 billion in direct gross added value to the London economy each year. By 2025 overnight visitors are estimated to grow to 40 million.
460. According to the same study the 2 greatest pull factors for culture and leisure visitors to London are cultural experiences (39%) and architectural and iconic landmarks (18%). These support 80,000 jobs of which 45,000 are in cultural experience and architectural and iconic landmarks.
461. According to an analysis prepared by Deloitte on behalf of the applicant the Tulip would provide 60 FTE jobs per year directly and 600 additional FTE jobs in London over a 20-year operational phase.
462. The economic benefits of the construction phase have not been included in this report as would be the normal practice in relation to other City developments.
463. The Deloitte report based on the anticipated 1.2million visitors indicated that the gross value added (GVA) from the development between 2026-2045 during its operational phase would be £760M across London. This would be derived from:
- £90M from direct onsite activity
  - £130M from indirect activity (the increased demand for intermediate goods and services)
  - £390M from direct offsite activity (e.g. accommodation, food and beverages and offsite spending)
  - £400M from net economic spillovers to the rest of the UK
  - In addition, Deloitte assesses the wider impacts over the same period would be £110M derived from:
    - £100M Icon value
    - £1M enhanced public realm
    - £9M education
    - £3M agglomeration
464. Icon value is additional value to consumers beyond the price paid for attendance including the ability to choose to visit an attraction as a result of its existence.
465. It is estimated that the Tulip's icon value would be lower than other similar attractions elsewhere in the world because of the depth of London's broad based cultural/ tourism offer.
466. The £3M benefits from agglomeration occurs when firms and people locate together for economic benefit. The Tulip could lead to benefits and co-location in tourism employment density in East London, drawing

investment to cater for the growing weekend economy in the City and its environs.

467. Deloitte assess that *“this is a marginal impact based on current parameters but one which could increase significantly if this stimulates a broader step-change in the City of London’s tourist offer. The analysis on agglomeration only considers the productivity uplift from the Tulip itself”*.
468. The Tulip has no other purpose than as paid for attraction, restaurant and bar. The benefit derived from it is the provision of one floor to provide a free of charge educational facility for 40,000 London school children affording the opportunity for every London state school child to visit the facility once in their school lifetime as well as for community use.

### **Education/ Community Offer**

469. The proposal would provide 523 sqm (GIA) of education floorspace at level 3 of the Tulip comprising three fully equipped classrooms for use by 40,000 state school children per annum.
470. The education space would be a flexible facility which would be bookable free of charge to state schools in London. The facility would be available for use between 1000 – 1500 hours Monday to Friday during term time (including the three half term holidays). It would provide an opportunity for London school children to interactively study a wide range of subjects in line with the national curriculum (including history, politics, finance, economics, human and physical geography and others) with the opportunity to see, first hand, the historical, cultural, political or geographical landmarks and spatial features of the Greater London area.
471. Between 1500-1900 hours this facility will be provided for free for other education and community use and would be bookable by such groups and individuals. This would widen the benefits of the proposal to the wider community.
472. Outside these hours and at weekends, the space is available for commercial and private hire.
473. The applicant has referred to studies that shows museums and similar cultural institutions play a role in promoting learning outside the classroom. They refer to research undertaken jointly by the Department for Digital, Culture, Media and Sport (DCMS) and the Department for Education (DfE) which has identified benefits for both pupils and teachers when education is taken out of a formal environment. Learning outside of formal environmental is seen as enhancing motivation, confidence, enjoyment and understanding that underpins academic achievement.
474. The proposed development would provide a socially inclusive offer for the whole of London as it is targeted for use by all schools in London and provides access to school children who may not otherwise have the opportunity to visit the City which is seen as a place for just finance and business.

475. In February 2019 the Applicant held a roundtable discussion with London teachers and education stakeholders directly involved in organising school trips and relevant issues to seek their views on the education facilities and its operational management.
476. The seventy-four schools within 3 miles of the site were contacted. Twelve teachers and representatives attended.
477. There was a significant interest in the Tulip being a focal point for 'cultural capital' in helping to build pupils' understanding of the City around them and the opportunities it offered as social and cultural exclusion is an issue.
478. They considered a single visit may need to be longer than forty-five minutes and would need to be supported by pre-visit and post-visit information. It could help bring curriculum topics to life in terms of construction/sustainability/history/design and technology with the Tulip acting as an example of 'aspirational architecture'.
479. As well as being a teaching space they were of the view that the facility could be an aspirational space for school and extra-curriculum activities such as prize giving events.
480. They indicated that demand would be low around exam periods and the facility would not be used during school holidays. This means that the educational space would be available for other community uses for at least a quarter of the year and out of school hours.
481. In dealing with barriers to use of the education facility the teachers raised a number of points in relation to the need for:
- Risk assessment visits
  - Accessible facilities for disabled children
  - Cost of the visit to the school even when the facility is free
  - Teacher education sessions
  - The need for the facility to be language accessible
482. On balance the education facility would be a valued resource the use of which needs to be widened to achieve other community benefits. If planning permission were to be granted, details of the hours of use, by whom, the booking system and a management strategy for the space would need to be secured via a s106 obligation.

### **Delivering Social and Cultural Enhancement**

483. The proposed development would provide a new tourist attraction which would be considered to be an added benefit to promote the strategic function of the City of London as a nationally important location for globally orientated financial and business services. The provision of a visitor attraction in this location would be seen to be complementary to this function and would accord with the wider policy aspirations for the CAZ in line with London Plan Policy 2.10 and 4.5. GLA have commented in their

consultation response that this function would accord with the policy aspirations set out in the London Plan.

484. The impact of a paid visitor attraction on the free to access roof gardens and viewing galleries provided and permitted is unclear. The requirement for these is supported by the Draft London Plan and Local Plan policies and remains as a benefit to be sought as part of major developments. The present indications are that these have proved very popular and that demand for them outstrips capacity. The proposed development would provide a different offer to the existing viewing galleries for tourists by providing a wider offer by continuing to provide a facility which is free at the point of entry so to that degree they are socially inclusive.
485. In discussions with the applicants, officers have sought to increase the public benefits by securing concession. The concessions agreed are; under 4s free, 4-12 discounted, student discount and senior citizen discount and visitors on state benefits with the amounts to agreed, which would be secured via a s106 obligation. This would ensure that the attraction is widely accessible to all members of the community in line with Local Plan Policy CS11 as well as provide a wider benefit. These would be secured by a s106 obligation.
486. Special arrangements are being sought in relation to open house day which would be secured via a s106 obligation.

### **Impact on retail**

487. The Tulip is proposed to be open 7 days a week with 1.2 million visitors anticipated to visit the attraction per annum. The number of visitors anticipated would be lower than those visiting St Paul's. The existing evening and weekend economy in the City of London is predominantly Monday – Friday with the majority of retail units closed during the weekend including the nearby Leadenhall Market. The introduction of a visitor attraction to the area would present the benefits of enlivening different types of retail operations within the Eastern Cluster, which would not be limited to the typical City peaks and troughs of commuter and lunchtime activities, thus supporting the potential for more evening and weekend opening. Furthermore, it could provide greater linking between the existing facilities to the East and North including the Tower of London and Petticoat Lane and Spitalfields, acting as a catalyst for enlivening adjoining areas such as Leadenhall Market and the Culture Mile.
488. Your officers consider this presents a wider benefit for the City as this new retail and visitor attraction has the potential to be a catalyst to encourage other retailers to open later into the evenings and weekends which would be supported by Local Plan Policy CS11, London Plan Policies 2.10 and 4.5 and the emerging Local Plan policy C4.

### **Impact on the business community**

489. Your officers have assessed the impact of the proposed development on the business community. London Plan policy 2.10 (c) states development should sustain and manage the attractions of the CAZ as the world's leading visitor destination. The proposed development would create an iconic building which has the potential to enhance the status of the financial business centre and may be an attractor for other businesses to locate here.
490. It is acknowledged that at peak times (morning, lunch and evening rush hour), there will be an increase in the number of visitors to the area over and above the existing workforce which will to a limited degree worsen existing and projected pedestrian movements.
491. The influx of visitors, customers to the restaurant and bar and groups of school children and the pattern of their movements and behaviour (e.g. taking photos, gathering in groups in unison, tour guides) could disrupt members of the business community when they move through the area to carry out their day to day activities.

### **CIL AND PLANNING OBLIGATIONS**

492. The development would require planning obligations in a Section 106 agreement to mitigate the impact of the proposal and make it acceptable in planning terms. It would also result in payment of the Community Infrastructure Levy (CIL) to help fund the provision of infrastructure in the City of London.
493. These contributions would be in accordance with the SPGs adopted by the Mayor of London and Supplementary Planning Documents (SPDs) adopted by City of London
494. From 1<sup>st</sup> April 2019 Mayoral CIL 2 supersedes the Mayor of London's CIL and associated section 106 planning obligations charging schedule. This change removes the Mayors planning obligations for Crossrail contributions. Therefore, the mayor will be collecting funding for Crossrail 1 and Crossrail 2 under the provisions of the Community Infrastructure Levy regulations 2010 (as amended). CIL contributions and City of London Planning obligations are set out below.

#### **Mayoral CIL and planning obligations**

<b>Liability in accordance with the Mayor of London's policies</b>	<b>Contribution</b>	<b>Forwarded to the Mayor</b>	<b>City's charge for administration and monitoring</b>
Mayoral Community Infrastructure Levy payable	£549,300	£527,328	£21,972
Mayoral planning obligation net liability*	0	0	0

<b>Total liability in accordance with the Mayor of London's policies</b>	<b>£549,300</b>	<b>£527,328</b>	<b>£21,972</b>
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Net liability on the basis of the CIL charge remaining unchanged and subject to variation.

#### City CIL and S106 Planning Obligations

<b>Liability in accordance with the City of London's policies</b>	<b>Contribution</b>	<b>Available for allocation</b>	<b>Retained for administration and monitoring</b>
City CIL	<b>£823,950</b>	<b>£782,753</b>	<b>£41,198</b>
City Planning Obligation Affordable Housing	<b>£219,970</b>	<b>£217,523</b>	<b>£2,197</b>
City Planning Obligation Local, Training, Skills and Job Brokerage	<b>£32,958</b>	<b>£32,628</b>	<b>£330</b>
Carbon Offsetting as designed	<b>£186,498</b>	<b>£186,498</b>	<b>0</b>
City Planning Obligation Monitoring Charge	<b>£3,750</b>	<b>0</b>	<b>£3,750</b>
Security S106 Eastern City Cluster	<b>£50,000</b>	<b>£50,000</b>	<b>0</b>
S278 Evaluation and Design	<b>£100,000</b>	<b>£100,000</b>	<b>0</b>
<b>Total liability in accordance with the City of London's policies</b>	<b>£1,416,876</b>	<b>£1,369,402</b>	<b>£47,474</b>

#### Monitoring and Administrative Costs

495. A 10-year repayment period would be required whereby any unallocated sums would be returned to the developer 10 years after practical completion of the development. Some funds may be set aside for future maintenance purposes.

496. The applicant will pay the City of London's legal costs and the City Planning Officer's administration costs incurred in the negotiation, execution and monitoring of the legal agreement and strategies.

#### City's Planning Obligations and Conditions

497. Due to the specific nature of the site, there are a number of conditions and S106 obligations which will be necessary to make the development

acceptable in addition to those already set out in the appendix/schedule of this report. The obligations set out below are required in accordance with the City's SPD. They are necessary to make the application acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development and meet the tests in the CIL Regulations and government policy.

- Highway Reparation and other Highways obligations
- Delivery and Servicing Management Plan
- Consolidation for the Tulip and the Gherkin
- Maintain the existing cycle parking at basement level for the Gherkin and provide the additional 284 spaces provided for both the Tulip and the Gherkin with required locker and shower provision.
- Provide 20 Short Stay Cycle Parking Spaces at grade.
- Additional Cycle Spaces for adaptable bicycles.
- The present Market use shall cease.
- The tables and chairs around the base of the Gherkin shall be limited to ensure adequate space for movement.
- Travel Plan
- No coach drop off within the Square Mile
- Local Training, Skills and Job Brokerage Strategy (Construction)
- Local Procurement
- Carbon Offsetting
- Utility Connections
- Public Realm Access Pocket Park
- Highways S278 Agreement (to include but not limited to):
- Pedestrian improvements to St Mary Axe and Bevis Marks to improve pedestrian priority
- Contributions to the delivery Eastern City Cluster Strategy projects
- Improvements to Bishopsgate/Camomile Street/Wormwood Street e.g. modelling and crossing improvements
- S278 Evaluation and Design
- Security S106
- Visitor Management Plan (including but not limited to)
  - Restrictions on the number of tickets sold to 700 per hour on Monday-Friday (excluding Public and Bank Holidays) at all times except;
  - Restrictions on the number of tickets sold to 500 per hour on Monday-Friday (excluding Public and Bank Holidays) between



12noon-2pm and 4.30pm-6.30pm and 300 per hour between 0700-1000 on Monday to Friday (excluding Public and Bank Holidays)

- Provide residents in the City and neighbouring boroughs discounted tickets which is specified by postcode.
- A concession policy (under 4s free, 4-12 discounted, student discount and senior citizen discount and visitors on state benefits)
  - amounts to agreed
- Booking arrangements including minimum requirements regarding the visitor attraction being open for bookings and available booking slots.
- Opening hours
- Security/Emergency
- Access arrangements (including queue restriction, access for people with disabilities)
- Maintenance
- Review Mechanisms
- Education/Community Facility Management Plan
  - Free use of education floorspace by State Schools between 1000-1500 hours
  - Free use of educational floorspace by community/other educational organisations between 1500-1900
  - Security/Emergency
  - Access and facilities (including age appropriate requirements and facilities for people with disabilities)
  - Maintenance
  - Review Mechanisms
- No part of the Tulip shall be used for advertisement purposes. There shall be no advertising on the Pavilion building unless otherwise approved by the Local Planning Authority.
- Illumination would be controlled via the submission of a lighting strategy for both internal and external lighting.
  - Wind mitigation
  - TV Interference
  - Legible London
  - Solar Glare and Solar Convergence
  - Site Specific Mitigation
- Establish a construction coordination working group with City of London and the developers for 1 Undershaft and 100 Leadenhall

should any parts of the respective construction programmes overlap.

498. I request that I be given delegated authority to continue to negotiate and agree the terms of the proposed obligations as necessary.

#### Site Specific Mitigation

499. The City will use CIL to mitigate the impact of development and provide necessary infrastructure but in some circumstances, it may be necessary additionally to seek site specific mitigation to ensure that a development is acceptable in planning terms. Other matters requiring mitigation are still yet to be fully scoped.

### **CONCLUSIONS**

500. The proposal has been assessed in accordance with the relevant statutory duties, and having regard to the development plan and other relevant policies and guidance, SPDs and SPGs and relevant advice including the NPPF, the draft London Plan and the draft Local Plan and considering all other material considerations.
501. The impact on neighbouring residential occupiers and nearby buildings and spaces has been considered. The scheme would not result in unacceptable environmental impacts in terms of noise, air quality, wind and daylight and sunlight and overshadowing. The impact on daylight and sunlight has been thoroughly tested and has been independently reviewed. It is not considered that the impacts would cause unacceptable harm such as to warrant a refusal of planning permission. The proposal would be in compliance with Local Plan Policies DM 10.7 and DM21.3 and policies 7.6 and 7.7 of the London Plan.
502. The scheme would make optimal use of the capacity of a site with high levels of public transport accessibility and would be car free except for two disabled parking spaces. The proposal would require deliveries to both the Gherkin and the Tulip to be consolidated and would reduce the number of service deliveries to no more than 81 deliveries per day (for both the Tulip and the Gherkin) and would reflect servicing measures sought for other major developments in the City. The servicing logistics strategy would be incorporated in the Delivery and Servicing Management Plan. The proposal would be in compliance with Local Plan Policies DM16.1, DM16.5 and 6.13 of the London Plan.
503. 84 bicycle spaces would be provided for the Tulip and the number of bicycle spaces for the Gherkin building would be increased from 114 spaces (existing) to 314 spaces in total which would include 12 spaces for adaptable cycles. 20 short stay spaces (for the Tulip and the Gherkin) would be provided at grade within the Plaza. Associated shower and locker facilities would be provided for the new cycle facilities. The total number of cycle parking spaces for the Tulip would not be compliant with the requirements of Local Plan Policy 16.3 and London Plan Policy 6.9, however the shortfall of spaces for the Tulip has been provided as additional spaces for use by tenants of the Gherkin and the total number of

cycle parking spaces for the Gherkin has been increased, which is considered to be a significant improvement for the tenants of the Gherkin.

504. The characteristics of the proposal and those visiting it and the impact on the servicing arrangements for the Gherkin will mean that it will have some impact on local vehicular and pedestrian movement in the most densely developed part of the City as set out in the report. However, it is not at a level where it prejudices the operation of the business City or would limit the development of the City cluster. Impacts would be required to be managed by conditions and S106 obligations as set out in the report in order to ensure that the Tulip is operated such that unacceptable impacts would not arise and to ensure the proposed development would be in compliance with Local Plan Policies CS16, DM16.1, DM16.2 and London Plan Policies 6.3 and 6.10
505. It is a shared view with HE, HRP and the Mayor of London along with other objectors that the proposal results in harm to the setting (and to the significance) of the World Heritage Site of the Tower of London. The assessment of the degree of that harm is what is at variance.
506. It is considered that the Tulip due to its height and form results in less than substantial harm to the significance of the Tower of London World Heritage Site and would be contrary to Local Plan Policy CS12 and London Plan Policies 7.7, 7.8, 7.10, 7.11
507. The proposal is contrary to Local Plan Policy CS13 and London Plan Policy 7.12 due to non-compliance with the LVMF visual management guidance for view 10A1 from the north bastion of Tower Bridge.
508. Planning of the Eastern cluster has sought to safeguard the immediate setting of the Tower of London in accordance with guidance and to step the height of development away from the Tower so that it rises to a peak some way from the Tower. The Tulip does create a tall element adjacent to the Tower contrary to that approach. The form and nature of the Tulip mitigates that impact when compared to a more conventional accommodation building due to the amount of sky it retains around it.
509. In relation to other designated and non-designated heritage assets, it is considered that the proposed development would not harm their significance or setting.
510. Virtually no major development proposal is in complete compliance with all policies and in arriving at a decision it is necessary to assess all the policies and proposals in the plan and to come to a view as to whether in the light of the whole plan the proposal does or does not accord with it.
511. In this case, while the proposals are in compliance with a number of policies, they are not considered to be in compliance with the development plan as a whole due to non-compliance with the heritage policies identified above.
512. The Local Planning Authority must determine the application in accordance with the development plan unless other material considerations indicate otherwise.

513. The other material considerations relevant to this case are set out below.
514. Paragraph 8 of the NPPF sets out that there is a presumption in favour of sustainable development.
515. Paragraph 131 of the NPPF sets out that great weight should be given to outstanding and innovative designs which help raise the standard of design more generally in the area.
516. As set out in paragraph 193 of the NPPF, great weight should be given to the designated heritage asset's conservation, and at paragraph 194, that any harm should require clear and convincing justification. The world heritage site status and the Grade I listing places the Tower of London at the very highest level and as a result greater weight should be given to the asset's conservation.
517. Paragraph 196 of the NPPF sets out that where development proposals will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal (set out below).
518. The proposal has been assessed in accordance with the definition of the Outstanding Universal Value and significance of the World Heritage Site as set out in the Tower of London World Heritage Site Management Plan (2016). In addition the proposal has been assessed in terms of the guidance set out in the Tower of London Local Setting Study (2010) and the London Views Management Framework SPG. The proposal is considered to dominate the Tower of London in view 10A.1 from Tower Bridge, contrary to para 183 of the LVMF guidance. In addition, the proposal by reason of its close proximity to the Tower, its vertical profile and eye-catching design would compromise a viewer's ability to appreciate the Outstanding Universal Value of the World Heritage Site contrary to paragraph 186 of the LVMF guidance for this view (10A.1).
519. The proposal has been assessed in accordance with other relevant SPGs, SPDs and guidance notes listed in the report.
520. Additional material considerations are as follows:
- The proposed development provides the City and London with a new iconic building.
  - It provides a new and significant visitor attraction in London, and would help to boost London's tourist offer and economy and would draw people into the City who would not otherwise be drawn to it and thereby benefits the wider UK economy.
  - It adds to and diversifies the City's visitor offer and both directly and indirectly supports the City's aspirations to be a 24/7 City. It is anticipated that it would be particularly busy at weekends which is of particular benefit in this regard. It provides a restaurant and bar and facilities that may support local businesses enabling longer opening hours such as Leadenhall Market. The new facilities it provides may be attractive to local workers and residents.

- The provision of an educational facility for 40,000 of London's state school children free of charge each year is a significant benefit of the proposal enabling each London school child to visit once in their school life time. It is welcomed as a significant resource for key subjects in the school curriculum and has the potential to introduce the City to many children who may not otherwise visit the City or consider it as a place that they may one day wish to work. These benefits would be secured by S106 agreement.
- The educational space would also be available for community and educational use between 1500-1900 hours, the arrangements and details of this benefit would be secured by S106 obligation.
- Consolidated delivery arrangements would be secured for the Gherkin as well as the Tulip, including the prohibition of peak time servicing.

521. The scheme would provide benefits through CIL for improvements to the public realm, housing and other local facilities and measures. That payment of CIL is a local finance consideration which weighs in favour of the scheme. In addition to the general planning obligations there would be site specific measures secured in the S106 Agreement. Together these would go some way to mitigate the impact of the proposal.

522. It is for the LPA to weigh the other material considerations and decide whether those that support the development outweigh the priority statute has given to the development plan and the other material considerations which do not support the proposal.

523. In carrying out that balancing exercise considerable importance and weight must be given to preserving the settings of listed buildings. As set out in paragraph 193 of the NPPF, great weight should be given to the designated heritage asset's conservation, and at paragraph 194, that any harm should require clear and convincing justification. The world heritage site status and the Grade I listing places the Tower of London at the very highest heritage level.

524. However, the cumulative weight attributable to the identified benefits, particularly those relating to tourism and education is also considered to be very significant.

525. This case is very finely balanced. The development is significant in terms of its local and wider impacts and in particular its less than substantial harm to the World Heritage Site. Taking all material matters into consideration, I am of the view that, giving very considerable importance and weight to the desirability of preserving the setting of the Tower of London as a heritage asset of the highest significance, the public benefits of the proposal nevertheless outweigh the priority given to the development plan and other material considerations against the proposals. As such that the application should be recommended to you subject to all the relevant conditions being applied and section 106 obligations being entered into in order to secure the public benefits and minimise the impact of the proposal.

## **Background Papers**

### **External**

Mr Philip Ridley	28.11.2018
Mr John Safa	06.12.2018
Mr Felipe Pelaez	07.12.2018
Mr Bob Slater	18.12.2018
Mr A Quinn	02.01.2019
Mr David Fitzgerald	03.01.2019
Mr Nick Llewellyn	03.01.2019
Miss Marie Marie	07.02.2019
Mr Rob Hutchings	03.12.2018
Mr Oliver Goldstein	28.01.2019
Mr Mark Banks	28.01.2019
Mr Manuel Kaiser	20.11.2018
Mr Nicholas Fryett	06.12.2018
Mr Richard Rowlands	09.12.2018
Mr Joseph Mc Hale	04.01.2019
Mr Doug Ayling	27.11.2018
Miss Mari Shahin	07.12.2018
Miss Astrid Kirchner	24.11.2018
Mrs Diane Howard	28.11.2018
Mr Ray Tang	04.12.2018
Mr Adam Caddy	07.12.2018
Cronain O'Kelly	19.01.2019
Mr Scott Lebon	18.12.2018
Mr Kenneth Stern	05.12.2018
Mr Ivan Arenas	07.12.2018
Catherine Clark	17.12.2018
Mrs Anastasia Shteyn	26.11.2018
Mr R Waldegrave	29.11.2018
Mr Simon Hancock	20.12.2018
Miss Rachel Harris	28.11.2018
Mr Daniel Roberts	06.12.2018
Ms Marianne Harris	20.11.2018
Mr Tim Widden	08.12.2018

Mr Ray Moore 11.12.2018  
Mr Steve Crew 06.12.2018  
Miss Rebecca Alexander 12.12.2018  
Mr Peter Rose 14.03.2019  
Diocese of London 12.02.2019  
Mr Nick Llewellyn 15.02.2019  
Mr Sam Resouly 28.02.2019  
David Ereira 11.03.2019  
Mr Jamie MacArthur 20.02.2019  
Ms Diana Eltree 19.02.2019  
Letter Historic Royal Palaces dated 17 December 2018  
Letter Historic England dated 6 December 2018  
Letter Greater London Authority dated 14 January 2019  
Email Greater London Authority dated 21 March 2019  
Letter - London Borough of Tower Hamlets dated 8 February 2019  
Letter London City Airport dated 28 November 2018  
Email London City Airport dated 13 March 2019  
Letter Heathrow Airport dated 3 December 2018  
Email Port of London Authority dated 4 December 2018  
Letter Southwark Council  
Letter Natural England dated 1 December 2018  
Letter London Borough of Hackney  
BRE – Independent Review of the Daylight and Sunlight Assessment (on behalf of the City of London) dated 22 January 2019  
Email – Paul Littlefair, BRE - Independent Review of the Daylight and Sunlight Assessment – Solar Convergence (on behalf of the City of London) dated 15 March 2019  
Arup Independent Review of the Pedestrian Movement Assessment (on behalf of the City of London) dated 28 February 2019  
Email from Cicero re: door to door engagement dated 15 March 2019 and copy of pro-forma letter (signed by 104 individuals) and a copy of the receipt they received.

## **Application Documents**

Design and Access Statement ('DAS'), prepared by F+P;

Planning Statement, prepared by DP9;

Transport Assessment (including Framework Travel Plan, Outline Construction Logistics Plan and Delivery and Servicing Plan), prepared by Steer;

Pedestrian Movement Assessment, prepared by Space Syntax;

Waste Management Strategy, prepared by Steer;

Energy Statement, prepared by F+P;

Sustainability Statement, prepared by F+P;

Economic and Social Benefits Statement, prepared by Hatch Regeneris;

Fire Strategy, prepared by F+P;

Utilities Statement, prepared by F+P;

Flood Risk Assessment and Drainage Strategy, prepared by RMA Environmental;

Aviation Safeguarding Assessment, prepared by Swanson Aviation Consultancy;

Tower of London Heritage Impact Assessment prepared by Tavernor Consultancy and Cityscape Digital.

Environmental Statement – Volume 1 – Main Chapters prepared by Trium

Environmental Statement – Volume 2 - Townscape and Visual and Built Heritage Assessment ('TVBHA') - prepared by Tavernor Consultancy in conjunction with Cityscape

Environmental Statement – Volume 3 – Technical Appendices including EIA Scoping

Environmental Statement – Non-Technical Summary

Environmental Statement View Clarification – Additional Winter View from St James's Park to Horse Guards Road (View Assessment Point 26A.1)

Deloitte Report – The Tulip: An Economic Impact Assessment dated 31<sup>st</sup> January 2019

Tavernor Consultancy: The Tulip – Response to letter from Historic royal Palaces dated 17/12/2018

Technical Note – VeloMinck Cycle Parking System prepared by Steer dated 12 February 2019

Technical Note - Retail Servicing Trip Rate prepared by Steer dated 12



February 2019

Technical Note – Response to CoL Public Realm Coach Strategy 13 February 2019

Applicant's response to Transport Objection raised by London Borough of Tower Hamlets

Space Syntax – Pedestrian Movement Assessment – Points of Clarification dated February 2019

Space Syntax – Pedestrian Movement Assessment – Points of Clarification dated March 2019

GIA Daylight and Sunlight Solar Convergence Assessment – Additional Note dated 7 March 2019

Statement of Community Involvement 1 dated December 2018

Statement of Community Involvement 2 dated February 2019

Statement of Community Involvement 3 dated March 2019

Email – Elinor Hugget (F+P) – In response to CoL Energy and Sustainability Comments dated 9 January 2019

Public Open Space Comparison at Grade, prepared by Fosters and Partners

Educational Roundtable prepared by Cicero dated March 2019

Detailed cross section of the pavilion roof terrace (F+P)

Steer's Response to GLA Stage 1 Response dated 19 February 2019

Foster and Partners – Response to GLA Stage 1 Energy Comments dated 20 February 2019

## **Appendix A**

### **London Plan Policies**

The London Plan policies which are most relevant to this application are set out below:

Policy 2.9 (Inner London) establishes the strategic aim to “sustain and enhance [inner London Boroughs’] recent economic and demographic growth...”

Policy 2.10 Enhance and promote the unique international, national and London wide roles of the Central Activities Zone (CAZ) and as a strategically important, globally-oriented financial and business services centre.

Policy 3.2 New developments should be designed, constructed and managed in ways that improve health and promote healthy lifestyles to help to reduce health inequalities.

Policy 3.3 Ensure the housing need identified in the London Plan is met, particularly through provision consistent with at least an annual average of 32,210 net additional homes across London which will enhance the environment, improve housing choice and affordability and provide better quality accommodation for Londoners.

Policy 4.1 Promote and enable the continued development of a strong, sustainable and increasingly diverse economy; Support the distinctive and crucial contribution to London’s economic success made by central London and its specialist clusters of economic activity;

Promote London as a suitable location for European and other international agencies and businesses.

Policy 4.5 Support London’s visitor economy and stimulate its growth, taking into account the needs of business as well as leisure visitors and seeking to improve the range and quality of provision.

Policy 5.2 Development proposals should make the fullest contribution to minimising carbon dioxide emissions.

Policy 5.5 (Decentralised Energy Networks) Development proposals should prioritise connections to existing or planned decentralised energy networks where feasible.

Policy 5.3 Development proposals should demonstrate that sustainable

design standards are integral to the proposal, including its construction and operation. Major development proposals should meet the minimum standards outlined in supplementary planning guidance.

Policy 5.6 Development proposals should evaluate the feasibility of Combined Heat and Power (CHP) systems, and where a new CHP system is appropriate also examine opportunities to extend the system beyond the site boundary to adjacent sites.

Policy 5.7 Major development proposals should provide a reduction in carbon dioxide emissions through the use of on-site renewable energy generation, where feasible.

Policy 5.9 Reduce the impact of the urban heat island effect in London and encourage the design of places and spaces to avoid overheating and excessive heat generation, and to reduce overheating due to the impacts of climate change and the urban heat island effect on an area wide basis.

Policy 5.10 Promote and support urban greening, such as new planting in the public realm (including streets, squares and plazas) and multifunctional green infrastructure, to contribute to the adaptation to, and reduction of, the effects of climate change.

Policy 5.11 Major development proposals should be designed to include roof, wall and site planting, especially green roofs and walls where feasible.

Policy 5.12 Development proposals must comply with the flood risk assessment and management requirements set out in PPS25 and address flood resilient design and emergency planning; development adjacent to flood defences will be required to protect the integrity of existing flood defences and wherever possible be set back from those defences to allow their management, maintenance and upgrading to be undertaken in a sustainable and cost effective way.

Policy 5.13 Development should utilise sustainable urban drainage systems (SUDS) unless there are practical reasons for not doing so.

Policy 5.15 (Water Use and Supplies) sets out a series of ways to achieve the objective “to protect and conserve water supplies and resources”. This includes supporting schemes which incorporate water saving measures.

Policy 5.17 (Waste Capacity) states that development proposals should seek

to reduce waste production and also encourage reuse and recycling, through on-site facilities and space.

Policy 5.18 Encourage development waste management facilities and removal by water or rail transport.

Policy 6.1 The Mayor will work with all relevant partners to encourage the closer integration of transport and development.

Policy 6.3 Development proposals should ensure that impacts on transport capacity and the transport network are fully assessed.

Policy 6.9 Developments should provide secure, integrated and accessible cycle parking facilities and provide on-site changing facilities and showers for cyclists, facilitate the Cycle Super Highways and facilitate the central London cycle hire scheme.

Policy 6.10 (Walking) encourages new developments to “ensure high quality pedestrian environments and emphasise the quality of the pedestrian and street space.”

Policy 6.13 The maximum standards set out in Table 6.2 should be applied to planning applications. Developments must:

ensure that 1 in 5 spaces (both active and passive) provide an electrical charging point to encourage the uptake of electric vehicles

provide parking for disabled people in line with Table 6.2

meet the minimum cycle parking standards set out in Table 6.3

provide for the needs of businesses for delivery and servicing.

Policy 7.1 Development should be designed so that the layout, tenure, mix of uses interface with surrounding land will improve people’s access to social and community infrastructure (including green spaces), the Blue Ribbon Network, local shops, employment opportunities, commercial services and public transport.

Policy 7.2 All new development in London to achieve the highest standards of accessible and inclusive design.

Policy 7.3 Creation of safe, secure and appropriately accessible environments.

Policy 7.4 Development should have regard to the form, function, and structure of an area, place or street and the scale, mass and orientation of surrounding buildings. It should improve an area's visual or physical connection with natural features. In areas of poor or ill-defined character, development should build on the positive elements that can contribute to establishing an enhanced character for the future function of the area.

Policy 7.5 London's public spaces should be secure, accessible, inclusive, connected, easy to understand and maintain, relate to local context, and incorporate the highest quality design, landscaping, planting, street furniture and surfaces.

Policy 7.6 Buildings and structures should:

- a be of the highest architectural quality
- b be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm
- c comprise details and materials that complement, not necessarily replicate, the local architectural character
- d not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate. This is particularly important for tall buildings
- e incorporate best practice in resource management and climate change mitigation and adaptation
- f provide high quality indoor and outdoor spaces and integrate well with the surrounding streets and open spaces
- g be adaptable to different activities and land uses, particularly at ground level
- h meet the principles of inclusive design
- i optimise the potential of sites.

Policy 7.7 Tall and large buildings should be part of a plan-led approach to changing or developing an area by the identification of appropriate, sensitive and inappropriate locations. Tall and large buildings should not have an unacceptably harmful impact on their surroundings. Applications for tall or large buildings should include an urban design analysis that demonstrates the proposal is part of a strategy that will meet the criteria set out in this policy.

Policy 7.8 Development should identify, value, conserve, restore, re-use and incorporate heritage assets, conserve the significance of heritage assets and their settings and make provision for the protection of archaeological resources, landscapes and significant memorials.

Policy 7.11 (London View Management Framework) Manage the impact of development on key panoramas, river prospects and townscape views.

Policy 7.10 Development in World Heritage Sites and their settings, including any buffer zones, should conserve, promote, make sustainable use of and enhance their authenticity, integrity and significance and Outstanding Universal Value.

Policy 7.12 New development should not harm and where possible should make a positive contribution to the characteristics and composition of the strategic views and their landmark elements identified in the London View Management Framework. It should also, where possible, preserve viewers' ability to recognise and to appreciate Strategically Important Landmarks in these views and, where appropriate, protect the silhouette of landmark elements of World Heritage Sites as seen from designated Viewing Places.

Policy 7.13 Development proposals should contribute to the minimisation of potential physical risks, including those arising as a result of fire, flood and related hazards.

Policy 7.14 Implement Air Quality and Transport strategies to achieve reductions in pollutant emissions and minimise public exposure to pollution.

Policy 7.15 Minimise existing and potential adverse impacts of noise on, from, within, or in the vicinity of, development proposals and separate new noise sensitive development from major noise sources.

Policy 7.19 Development proposals should, wherever possible, make a positive contribution to the protection, enhancement, creation and management of biodiversity.

Policy 7.21 Trees should be protected, maintained, and enhanced. Existing trees of value should be retained and any loss as the result of development should be replaced.

Policy 7.28 Development proposals should restore and enhance the Blue Ribbon Network

## **Appendix B**

### **REASONED CONCLUSIONS ON SIGNIFICANT EFFECTS**

#### **Reasoned Conclusions**

Following examination of the environmental information a reasoned conclusion on the significant effects of the proposed development on the environment has been reached and is set out in the report as summarised in the Conclusions section of the report.

#### **Monitoring Measures**

If planning permission were granted, it is considered that monitoring measures should be imposed to secure compliance with the cap on servicing trips and other elements of the Delivery and Servicing Management Plan, caps on the number of tickets sold to per hour, as well as other measures to ensure the scheme is acceptable, which will be monitored by the S106 and recommended conditions.

#### **Relevant Local Plan Policies**

##### ***CS1 Provide additional offices***

To ensure the City of London provides additional office development of the highest quality to meet demand from long term employment growth and strengthen the beneficial cluster of activities found in and near the City that contribute to London's role as the world's leading international financial and business centre.

##### ***DM1.1 Protection of office accommodation***

To refuse the loss of existing (B1) office accommodation to other uses where the building or its site is considered to be suitable for long-term viable office use and there are strong economic reasons why the loss would be inappropriate. Losses would be inappropriate for any of the following reasons:

- a) prejudicing the primary business function of the City;
- b) jeopardising the future assembly and delivery of large office development sites;
- c) removing existing stock for which there is demand in the office market or long term viable need;
- d) introducing uses that adversely affect the existing beneficial mix of commercial uses.

##### ***DM1.5 Mixed uses in commercial areas***

To encourage a mix of commercial uses within office developments which contribute to the City's economy and character and provide support services for its businesses, workers and residents.

## ***CS2 Facilitate utilities infrastructure***

To co-ordinate and facilitate infrastructure planning and delivery to ensure that the functioning and growth of the City's business, resident, student and visitor communities is not limited by provision of utilities and telecommunications infrastructure.

### ***DM2.1 Infrastructure provision***

- 1) Developers will be required to demonstrate, in conjunction with utility providers, that there will be adequate utility infrastructure capacity, both on and off the site, to serve the development during construction and operation. Development should not lead to capacity or reliability problems in the surrounding area. Capacity projections must take account of climate change impacts which may influence future infrastructure demand.
- 2) Utility infrastructure and connections must be designed into and integrated with the development wherever possible. As a minimum, developers should identify and plan for:
  - a) electricity supply to serve the construction phase and the intended use for the site, and identify, in conjunction with electricity providers, Temporary Building Supply (TBS) for the construction phase and the estimated load capacity of the building and the substations and routes for supply;
  - b) reasonable gas and water supply considering the need to conserve natural resources;
  - c) heating and cooling demand and the viability of its provision via decentralised energy (DE) networks. Designs must incorporate access to existing DE networks where feasible and viable;
  - d) telecommunications network demand, including wired and wireless infrastructure, planning for dual entry provision, where possible, through communal entry chambers and flexibility to address future technological improvements;
  - e) separate surface water and foul drainage requirements within the proposed building or site, including provision of Sustainable Drainage Systems (SuDS), rainwater harvesting and grey-water recycling, minimising discharge to the combined sewer network.
- 3) In planning for utility infrastructure developers and utility providers must provide entry and connection points within the development which relate to the City's established utility infrastructure networks, utilising pipe subway routes wherever feasible. Sharing of routes with other nearby developments and the provision of new pipe subway facilities adjacent to buildings will be encouraged.
- 4) Infrastructure provision must be completed prior to occupation of the development. Where potential capacity problems are identified and



no improvements are programmed by the utility company, the City Corporation will require the developer to facilitate appropriate improvements, which may require the provision of space within new developments for on-site infrastructure or off-site infrastructure upgrades.

### ***CS3 Ensure security from crime/terrorism***

To ensure that the City is secure from crime, disorder and terrorism, has safety systems of transport and is designed and managed to satisfactorily accommodate large numbers of people, thereby increasing public and corporate confidence in the City's role as the world's leading international financial and business centre.

#### ***DM3.1 Self-containment in mixed uses***

Where feasible, proposals for mixed use developments must provide independent primary and secondary access points, ensuring that the proposed uses are separate and self-contained.

#### ***DM3.2 Security measures***

To ensure that security measures are included in new developments, applied to existing buildings and their curtilage, by requiring:

- a) building-related security measures, including those related to the servicing of the building, to be located within the development's boundaries;
- b) measures to be integrated with those of adjacent buildings and the public realm;
- c) that security is considered at the concept design or early developed design phases of all development proposals to avoid the need to retro-fit measures that impact on the public realm;
- d) developers to seek recommendations from the City of London Police Architectural Liaison Officer at the design stage. New development should meet Secured by Design principles;
- e) the provision of service management plans for all large development, demonstrating that vehicles seeking access to the building can do so without waiting on the public highway;
- f) an assessment of the environmental impact of security measures, particularly addressing visual impact and impact on pedestrian flows.

#### ***DM3.3 Crowded places***

On all major developments, applicants will be required to satisfy principles and standards that address the issues of crowded places and counter-terrorism, by:

- a) conducting a full risk assessment;
- b) keeping access points to the development to a minimum;

- c) ensuring that public realm and pedestrian permeability associated with a building or site is not adversely impacted, and that design considers the application of Hostile Vehicle Mitigation measures at an early stage;
- d) ensuring early consultation with the City of London Police on risk mitigation measures;
- e) providing necessary measures that relate to the appropriate level of crowding in a site, place or wider area.

#### ***DM3.4 Traffic management***

To require developers to reach agreement with the City Corporation and TfL on the design and implementation of traffic management and highways security measures, including addressing the management of service vehicles, by:

- a) consulting the City Corporation on all matters relating to servicing;
- b) restricting motor vehicle access, where required;
- c) implementing public realm enhancement and pedestrianisation schemes, where appropriate;
- d) using traffic calming, where feasible, to limit the opportunity for hostile vehicle approach.

#### ***DM3.5 Night-time entertainment***

1) Proposals for new night-time entertainment and related uses and the extension of existing premises will only be permitted where it can be demonstrated that, either individually or cumulatively, there is no unacceptable impact on:

- a) the amenity of residents and other noise-sensitive uses;
- b) environmental amenity, taking account of the potential for noise, disturbance and odours arising from the operation of the premises, customers arriving at and leaving the premises and the servicing of the premises.

2) Applicants will be required to submit Management Statements detailing how these issues will be addressed during the operation of the premises.

#### ***CS4 Seek planning contributions***

To manage the impact of development, seeking appropriate developer contributions.

## ***CS10 Promote high quality environment***

To promote a high standard and sustainable design of buildings, streets and spaces, having regard to their surroundings and the character of the City and creating an inclusive and attractive environment.

### ***DM10.1 New development***

To require all developments, including alterations and extensions to existing buildings, to be of a high standard of design and to avoid harm to the townscape and public realm, by ensuring that:

- a) the bulk and massing of schemes are appropriate in relation to their surroundings and have due regard to the general scale, height, building lines, character, historic interest and significance, urban grain and materials of the locality and relate well to the character of streets, squares, lanes, alleys and passageways;
- b) all development is of a high standard of design and architectural detail with elevations that have an appropriate depth and quality of modelling;
- c) appropriate, high quality and durable materials are used;
- d) the design and materials avoid unacceptable wind impacts at street level or intrusive solar glare impacts on the surrounding townscape and public realm;
- e) development has attractive and visually interesting street level elevations, providing active frontages wherever possible to maintain or enhance the vitality of the City's streets;
- f) the design of the roof is visually integrated into the overall design of the building when seen from both street level views and higher level viewpoints;
- g) plant and building services equipment are fully screened from view and integrated in to the design of the building. Installations that would adversely affect the character, appearance or amenities of the buildings or area will be resisted;
- h) servicing entrances are designed to minimise their effects on the appearance of the building and street scene and are fully integrated into the building's design;
- i) there is provision of appropriate hard and soft landscaping, including appropriate boundary treatments;
- j) the external illumination of buildings is carefully designed to ensure visual sensitivity, minimal energy use and light pollution, and the discreet integration of light fittings into the building design;
- k) there is provision of amenity space, where appropriate;
- l) there is the highest standard of accessible and inclusive design.

### ***DM10.2 Design of green roofs and walls***

- 1) To encourage the installation of green roofs on all appropriate developments. On each building the maximum practicable coverage of green roof should be achieved. Extensive green roofs are preferred and

their design should aim to maximise the roof's environmental benefits, including biodiversity, run-off attenuation and building insulation.

- 2) To encourage the installation of green walls in appropriate locations, and to ensure that they are satisfactorily maintained.

### ***DM10.3 Roof gardens and terraces***

- 1) To encourage high quality roof gardens and terraces where they do not:
  - a) immediately overlook residential premises;
  - b) adversely affect rooflines or roof profiles;
  - c) result in the loss of historic or locally distinctive roof forms, features or coverings;
  - d) impact on identified views.
- 2) Public access will be sought where feasible in new development.

### ***DM10.4 Environmental enhancement***

The City Corporation will work in partnership with developers, Transport for London and other organisations to design and implement schemes for the enhancement of highways, the public realm and other spaces. Enhancement schemes should be of a high standard of design, sustainability, surface treatment and landscaping, having regard to:

- a) the predominant use of the space, surrounding buildings and adjacent spaces;
- b) connections between spaces and the provision of pleasant walking routes;
- c) the use of natural materials, avoiding an excessive range and harmonising with the surroundings of the scheme and materials used throughout the City;
- d) the inclusion of trees and soft landscaping and the promotion of biodiversity, where feasible linking up existing green spaces and routes to provide green corridors;
- e) the City's heritage, retaining and identifying features that contribute positively to the character and appearance of the City;
- f) sustainable drainage, where feasible, co-ordinating the design with adjacent buildings in order to implement rainwater recycling;
- g) the need to provide accessible and inclusive design, ensuring that streets and walkways remain uncluttered;
- h) the need for pedestrian priority and enhanced permeability, minimising the conflict between pedestrians and cyclists;
- i) the need to resist the loss of routes and spaces that enhance the City's function, character and historic interest;
- j) the use of high quality street furniture to enhance and delineate the public realm;

- k) lighting which should be sensitively co-ordinated with the design of the scheme.

### ***DM10.5 Shopfronts***

To ensure that shopfronts are of a high standard of design and appearance and to resist inappropriate designs and alterations. Proposals for shopfronts should:

- a) respect the quality and architectural contribution of any existing shopfront;
- b) respect the relationship between the shopfront, the building and its context;
- c) use high quality and sympathetic materials;
- d) include signage only in appropriate locations and in proportion to the shopfront;
- e) consider the impact of the installation of louvres, plant and access to refuse storage;
- f) incorporate awnings and canopies only in locations where they would not harm the appearance of the shopfront or obstruct architectural features;
- g) not include openable shopfronts or large serving openings where they would have a harmful impact on the appearance of the building and/or amenity;
- h) resist external shutters and consider other measures required for security;
- i) consider the internal treatment of shop windows (displays and opaque windows) and the contribution to passive surveillance;
- j) be designed to allow access by users, for example, incorporating level entrances and adequate door widths.

### ***DM10.7 Daylight and sunlight***

- 1) To resist development which would reduce noticeably the daylight and sunlight available to nearby dwellings and open spaces to unacceptable levels, taking account of the Building Research Establishment's guidelines.
- 2) The design of new developments should allow for the lighting needs of intended occupiers and provide acceptable levels of daylight and sunlight.

### ***DM10.8 Access and inclusive design***

To achieve an environment that meets the highest standards of accessibility and inclusive design in all developments (both new and refurbished), open spaces and streets, ensuring that the City of London is:

- a) inclusive and safe for of all who wish to use it, regardless of disability, age, gender, ethnicity, faith or economic circumstance;
- b) convenient and welcoming with no disabling barriers, ensuring that everyone can experience independence without undue effort, separation or special treatment;
- c) responsive to the needs of all users who visit, work or live in the City, whilst recognising that one solution might not work for all.

### ***CS11 Allow hotels in suitable locations***

To maintain and enhance the City's contribution to London's world-class cultural status and to enable the City's communities to access a range of arts, heritage and cultural experiences, in accordance with the City Corporation's Destination Strategy by (inter alia) allowing hotels that support the primary business or cultural role and refusing hotels where they would compromise the City's business function.

### ***CS12 Conserve or enhance heritage assets***

To conserve or enhance the significance of the City's heritage assets and their settings, and provide an attractive environment for the City's communities and visitors.

#### ***DM12.1 Change affecting heritage assets***

1. To sustain and enhance heritage assets, their settings and significance.
2. Development proposals, including proposals for telecommunications infrastructure, that have an effect upon heritage assets, including their settings, should be accompanied by supporting information to assess and evaluate the significance of heritage assets and the degree of impact caused by the development.
3. The loss of routes and spaces that contribute to the character and historic interest of the City will be resisted.
4. Development will be required to respect the significance, character, scale and amenities of surrounding heritage assets and spaces and their settings.
5. Proposals for sustainable development, including the incorporation of climate change adaptation measures, must be sensitive to heritage assets.

#### ***DM12.2 Development in conservation areas***

1. Development in conservation areas will only be permitted if it preserves and enhances the character or appearance of the conservation area.

2. The loss of heritage assets that make a positive contribution to the character or appearance of a conservation area will be resisted.
3. Where permission is granted for the demolition of a building in a conservation area, conditions will be imposed preventing demolition commencing prior to the approval of detailed plans of any replacement building, and ensuring that the developer has secured the implementation of the construction of the replacement building.

#### ***DM12.4 Archaeology***

1. To require planning applications which involve excavation or ground works on sites of archaeological potential to be accompanied by an archaeological assessment and evaluation of the site, including the impact of the proposed development.
2. To preserve, protect, safeguard and enhance archaeological monuments, remains and their settings in development, and to seek a public display and interpretation, where appropriate.
3. To require proper investigation and recording of archaeological remains as an integral part of a development programme, and publication and archiving of results to advance understanding.

#### ***CS13 Protect/enhance significant views***

To protect and enhance significant City and London views of important buildings, townscape and skylines, making a substantial contribution to protecting the overall heritage of the City's landmarks.

#### ***CS14 Tall buildings in suitable places***

To allow tall buildings of world class architecture and sustainable design in suitable locations and to ensure that they take full account of the character of their surroundings, enhance the skyline and provide a high quality public realm at ground level.

#### ***CS15 Creation of sustainable development***

To enable City businesses and residents to make sustainable choices in their daily activities creating a more sustainable City, adapted to the changing climate.

#### ***DM15.1 Sustainability requirements***

1. Sustainability Statements must be submitted with all planning applications in order to ensure that sustainability is integrated into designs for all development.

2. For major development (including new development and refurbishment) the Sustainability Statement should include as a minimum:
  - a) BREEAM or Code for Sustainable Homes pre-assessment;
  - b) an energy statement in line with London Plan requirements;
  - c) demonstration of climate change resilience measures.
3. BREEAM or Code for Sustainable Homes assessments should demonstrate sustainability in aspects which are of particular significance in the City's high density urban environment. Developers should aim to achieve the maximum possible credits to address the City's priorities.
4. Innovative sustainability solutions will be encouraged to ensure that the City's buildings remain at the forefront of sustainable building design. Details should be included in the Sustainability Statement.
5. Planning conditions will be used to ensure that Local Plan assessment targets are met.

#### ***DM15.2 Energy and CO2 emissions***

1. Development design must take account of location, building orientation, internal layouts and landscaping to reduce likely energy consumption.
2. For all major development energy assessments must be submitted with the application demonstrating:
  - a) energy efficiency - showing the maximum improvement over current Building Regulations to achieve the required Fabric Energy Efficiency Standards;
  - b) carbon compliance levels required to meet national targets for zero carbon development using low and zero carbon technologies, where feasible;
  - c) where on-site carbon emission reduction is unviable, offsetting of residual CO2 emissions through "allowable solutions" for the lifetime of the building to achieve national targets for zero-carbon homes and non-domestic buildings. Achievement of zero carbon buildings in advance of national target dates will be encouraged;
  - d) anticipated residual power loads and routes for supply.

#### ***DM15.3 Low and zero carbon technologies***

1. For development with a peak heat demand of 100 kilowatts or more developers should investigate the feasibility and viability of connecting to existing decentralised energy networks. This should include investigation of the potential for extensions of existing heating and cooling networks to serve the development and development of new networks where existing networks are not available. Connection routes



should be designed into the development where feasible and connection infrastructure should be incorporated wherever it is viable.

2. Where connection to offsite decentralised energy networks is not feasible, installation of on-site CCHP and the potential to create new localised decentralised energy infrastructure through the export of excess heat must be considered
3. Where connection is not feasible or viable, all development with a peak heat demand of 100 kilowatts or more should be designed to enable connection to potential future decentralised energy networks.
4. Other low and zero carbon technologies must be evaluated. Non combustion based technologies should be prioritised in order to avoid adverse impacts on air quality.

#### ***DM15.4 Offsetting carbon emissions***

1. All feasible and viable on-site or near-site options for carbon emission reduction must be applied before consideration of offsetting. Any remaining carbon emissions calculated for the lifetime of the building that cannot be mitigated on-site will need to be offset using "allowable solutions".
2. Where carbon targets cannot be met on-site the City Corporation will require carbon abatement elsewhere or a financial contribution, negotiated through a S106 planning obligation to be made to an approved carbon offsetting scheme.
3. Offsetting may also be applied to other resources including water resources and rainwater run-off to meet sustainability targets off-site where on-site compliance is not feasible.

#### ***DM15.5 Climate change resilience***

1. Developers will be required to demonstrate through Sustainability Statements that all major developments are resilient to the predicted climate conditions during the building's lifetime.
2. Building designs should minimise any contribution to the urban heat island effect caused by heat retention and waste heat expulsion in the built environment.

#### ***DM15.6 Air quality***

1. Developers will be required to consider the impact of their proposals on air quality and, where appropriate, provide an Air Quality Impact Assessment.

2. Development that would result in deterioration of the City's nitrogen dioxide or PM10 pollution levels will be resisted.
3. Major developments will be required to maximise credits for the pollution section of the BREEAM or Code for Sustainable Homes assessment relating to on-site emissions of oxides of nitrogen (NOx).
4. Developers will be encouraged to install non-combustion low and zero carbon energy technology. A detailed air quality impact assessment will be required for combustion based low and zero carbon technologies, such as CHP plant and biomass or biofuel boilers, and necessary mitigation must be approved by the City Corporation.
5. Construction and deconstruction and the transport of construction materials and waste must be carried out in such a way as to minimise air quality impacts.
6. Air intake points should be located away from existing and potential pollution sources (e.g. busy roads and combustion flues). All combustion flues should terminate above the roof height of the tallest building in the development in order to ensure maximum dispersion of pollutants.

#### ***DM15.7 Noise and light pollution***

1. Developers will be required to consider the impact of their developments on the noise environment and where appropriate provide a noise assessment. The layout, orientation, design and use of buildings should ensure that operational noise does not adversely affect neighbours, particularly noise-sensitive land uses such as housing, hospitals, schools and quiet open spaces.
2. Any potential noise conflict between existing activities and new development should be minimised. Where the avoidance of noise conflicts is impractical, mitigation measures such as noise attenuation and restrictions on operating hours will be implemented through appropriate planning conditions.
3. Noise and vibration from deconstruction and construction activities must be minimised and mitigation measures put in place to limit noise disturbance in the vicinity of the development.
4. Developers will be required to demonstrate that there will be no increase in background noise levels associated with new plant and equipment.
5. Internal and external lighting should be designed to reduce energy consumption, avoid spillage of light beyond where it is needed and protect the amenity of light-sensitive uses such as housing, hospitals and areas of importance for nature conservation.

## ***CS16 Improving transport and travel***

To build on the City's strategic central London position and good transport infrastructure to further improve the sustainability and efficiency of travel in, to, from and through the City.

### ***DM16.1 Transport impacts of development***

1. Development proposals that are likely to have effects on transport must be accompanied by an assessment of the transport implications during both construction and operation, in particular addressing impacts on:
  - a) road dangers;
  - b) pedestrian environment and movement;
  - c) cycling infrastructure provision;
  - d) public transport;
  - e) the street network.
2. Transport Assessments and Travel Plans should be used to demonstrate adherence to the City Corporation's transportation standards.

### ***DM16.2 Pedestrian movement***

1. Pedestrian movement must be facilitated by provision of suitable pedestrian routes through and around new developments, by maintaining pedestrian routes at ground level, and the upper level walkway network around the Barbican and London Wall.
2. The loss of a pedestrian route will normally only be permitted where an alternative public pedestrian route of at least an equivalent standard is provided having regard to:
  - a) the extent to which the route provides for current and all reasonably foreseeable future demands placed upon it, including at peak periods;
  - b) the shortest practicable routes between relevant points.
3. Routes of historic importance should be safeguarded as part of the City's characteristic pattern of lanes, alleys and courts, including the route's historic alignment and width.
4. The replacement of a route over which pedestrians have rights, with one to which the public have access only with permission will not normally be acceptable.
5. Public access across private land will be encouraged where it enhances the connectivity, legibility and capacity of the City's street

network. Spaces should be designed so that signage is not necessary and it is clear to the public that access is allowed.

6. The creation of new pedestrian rights of way will be encouraged where this would improve movement and contribute to the character of an area, taking into consideration pedestrian routes and movement in neighbouring areas and boroughs, where relevant.

### ***DM16.3 Cycle parking***

1. On-site cycle parking must be provided in accordance with the local standards set out in Table 16.2 or, for other land uses, with the standards of the London Plan. Applicants will be encouraged to exceed the standards set out in Table 16.2.

2. On-street cycle parking in suitable locations will be encouraged to meet the needs of cyclists.

### ***DM16.4 Encouraging active travel***

1. Ancillary facilities must be provided within new and refurbished buildings to support active transport modes such as walking, cycling and running. All commercial development should make sufficient provision for showers, changing areas and lockers/storage to cater for employees wishing to engage in active travel.

2. Where facilities are to be shared with a number of activities they should be conveniently located to serve all proposed activities.

### ***DM16.5 Parking and servicing standards***

1. Developments in the City should be car-free except for designated Blue Badge spaces. Where other car parking is exceptionally provided it must not exceed London Plan's standards.

2. Designated parking must be provided for Blue Badge holders within developments in conformity with London Plan requirements and must be marked out and reserved at all times for their use. Disabled parking spaces must be at least 2.4m wide and at least 4.8m long and with reserved areas at least 1.2m wide, marked out between the parking spaces and at the rear of the parking spaces.

3. Except for dwelling houses (use class C3), whenever any car parking spaces (other than designated Blue Badge parking) are provided, motor cycle parking must be provided at a ratio of 10 motor cycle parking spaces per 1 car parking space. At least 50% of motor cycle parking spaces must be at least 2.3m long and at least 0.9m wide and all motor cycle parking spaces must be at least 2.0m long and at least 0.8m wide.

4. On site servicing areas should be provided to allow all goods and refuse collection vehicles likely to service the development at the same time to be conveniently loaded and unloaded. Such servicing areas should provide sufficient space or facilities for all vehicles to enter and exit the site in a forward gear. Headroom of at least 5m where skips are to be lifted and 4.75m for all other vehicle circulation areas should be provided.
5. Coach parking facilities for hotels (use class C1) will not be permitted.
6. All off-street car parking spaces and servicing areas must be equipped with the facility to conveniently recharge electric vehicles.
7. Taxi ranks are encouraged at key locations, such as stations, hotels and shopping centres. The provision of taxi ranks should be designed to occupy the minimum practicable space, using a combined entry and exit point to avoid obstruction to other transport modes.

### ***CS17 Minimising and managing waste***

To support City businesses, residents and visitors in making sustainable choices regarding the minimisation, transport and management of their waste, capitalising on the City's riverside location for sustainable waste transfer and eliminating reliance on landfill for municipal solid waste (MSW).

#### ***DM17.1 Provision for waste***

1. Waste facilities must be integrated into the design of buildings, wherever feasible, and allow for the separate storage and collection of recyclable materials, including compostable material.
2. On-site waste management, through techniques such as recycle sorting or energy recovery, which minimises the need for waste transfer, should be incorporated wherever possible.

#### ***DM17.2 Designing out construction waste***

New development should be designed to minimise the impact of deconstruction and construction waste on the environment through:

- a) reuse of existing structures;
- b) building design which minimises wastage and makes use of recycled materials;
- c) recycling of deconstruction waste for reuse on site where feasible;
- d) transport of waste and construction materials by rail or river wherever practicable;

- e) application of current best practice with regard to air quality, dust, hazardous waste, waste handling and waste management

### ***CS18 Minimise flood risk***

To ensure that the City remains at low risk from all types of flooding.

#### ***DM18.1 Development in Flood Risk Area***

1. Where development is proposed within the City Flood Risk Area evidence must be presented to demonstrate that:
  - a) the site is suitable for the intended use (see table 18.1), in accordance with Environment Agency and Lead Local Flood Authority advice;
  - b) the benefits of the development outweigh the flood risk to future occupants;
  - c) the development will be safe for occupants and visitors and will not compromise the safety of other premises or increase the risk of flooding elsewhere.
2. Development proposals, including change of use, must be accompanied by a site-specific flood risk assessment for:
  - a) all sites within the City Flood Risk Area as shown on the Policies Map; and
  - b) all major development elsewhere in the City.
3. Site specific flood risk assessments must address the risk of flooding from all sources and take account of the City of London Strategic Flood Risk Assessment. Necessary mitigation measures must be designed into and integrated with the development and may be required to provide protection from flooding for properties beyond the site boundaries, where feasible and viable.
4. Where development is within the City Flood Risk Area, the most vulnerable uses must be located in those parts of the development which are at least risk. Safe access and egress routes must be identified.
5. For minor development outside the City Flood Risk Area, an appropriate flood risk statement may be included in the Design and Access Statement.
6. Flood resistant and resilient designs which reduce the impact of flooding and enable efficient recovery and business continuity will be encouraged.

### ***DM18.2 Sustainable drainage systems***

1. The design of the surface water drainage system should be integrated into the design of proposed buildings or landscaping, where feasible and practical, and should follow the SuDS management train (Fig T) and London Plan drainage hierarchy.
2. SuDS designs must take account of the City's archaeological heritage, complex underground utilities, transport infrastructure and other underground structures, incorporating suitable SuDS elements for the City's high density urban situation.
3. SuDS should be designed, where possible, to maximise contributions to water resource efficiency, biodiversity enhancement and the provision of multifunctional open spaces.

### ***DM18.3 Flood protection and climate***

1. Development must protect the integrity and effectiveness of structures intended to minimise flood risk and, where appropriate, enhance their effectiveness.
2. Wherever practicable, development should contribute to an overall reduction in flood risk within and beyond the site boundaries, incorporating flood alleviation measures for the public realm, where feasible.

### ***CS19 Improve open space and biodiversity***

To encourage healthy lifestyles for all the City's communities through improved access to open space and facilities, increasing the amount and quality of open spaces and green infrastructure, while enhancing biodiversity.

#### ***DM19.1 Additional open space***

1. Major commercial and residential developments should provide new and enhanced open space where possible. Where on-site provision is not feasible, new or enhanced open space should be provided near the site, or elsewhere in the City.
2. New open space should:
  - a) be publicly accessible where feasible; this may be achieved through a legal agreement;
  - b) provide a high quality environment;
  - c) incorporate soft landscaping and Sustainable Drainage Systems, where practicable;
  - d) have regard to biodiversity and the creation of green corridors;

e) have regard to acoustic design to minimise noise and create tranquil spaces.

3. The use of vacant development sites to provide open space for a temporary period will be encouraged where feasible and appropriate.

### ***CS20 Improve retail facilities***

To improve the quantity and quality of retailing and the retail environment, promoting the development of the five Principal Shopping Centres and the linkages between them.

### ***CS21 Protect and provide housing***

To protect existing housing and amenity and provide additional housing in the City, concentrated in or near identified residential areas, as shown in Figure X, to meet the City's needs, securing suitable, accessible and affordable housing and supported housing.

### ***DM21.3 Residential environment***

1. The amenity of existing residents within identified residential areas will be protected by:

a) resisting other uses which would cause undue noise disturbance, fumes and smells and vehicle or pedestrian movements likely to cause disturbance;

b) requiring new development near existing dwellings to demonstrate adequate mitigation measures to address detrimental impact.

2. Noise-generating uses should be sited away from residential uses, where possible. Where residential and other uses are located within the same development or area, adequate noise mitigation measures must be provided and, where required, planning conditions will be imposed to protect residential amenity.

3. All development proposals should be designed to avoid overlooking and seek to protect the privacy, day lighting and sun lighting levels to adjacent residential accommodation.

4. All new residential development proposals must demonstrate how potential adverse noise impacts on and between dwellings will be mitigated by housing layout, design and materials.

5. The cumulative impact of individual developments on the amenity of existing residents will be considered.

### ***CS22 Maximise community facilities***



To maximise opportunities for the City's residential and working communities to access suitable health, social and educational facilities and opportunities, while fostering cohesive communities and healthy lifestyles.

## **SCHEDULE**

**APPLICATION: 18/01213/FULEIA**

**Land Adjacent To 20 Bury Street London EC3A 5AX**

**Demolition of existing building and structures and construction of a building to a height of 305.3m AOD for a mixed-use visitor attraction, including viewing areas [2,597sq.m GEA], an education/community facility [567sq.m GEA] (Sui Generis) and restaurant/bar use (Class A3/A4) [1,535sq.m GEA]; together with a retail unit at ground floor (Class A1); a new two-storey pavilion building [1,093sq.m GEA] (Sui Generis) comprising the principal visitor attraction entrance with retail at ground floor level (Class A1/A3) [11sq.m GEA] and a public roof garden; provision of ancillary cycle parking, servicing and plant and alterations to the public realm. [Total Scheme Area: 17,441sq.m GEA].**

## **CONDITIONS**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON: To ensure compliance with the terms of Section 91 of the Town and Country Planning Act 1990.
- 2 Demolition works shall not begin until a Deconstruction Logistics Plan to manage all freight vehicle movements to and from the site during deconstruction of the existing building(s) has been submitted to and approved in writing by the Local Planning Authority. The Deconstruction Logistics Plan shall include relevant measures from Section 3 of the Mayor of London's Construction Logistics Plan Guidance for Developers issued in April 2013, and specifically address the safety of vulnerable road users through compliance with the Construction Logistics and Cyclist Safety (CLOCS) Standard for Construction Logistics, Managing Work Related Road Risk. The demolition shall not be carried out otherwise than in accordance with the approved Deconstruction Logistics Plan or any approved amendments thereto as may be agreed in writing by the Local Planning Authority.  
REASON: To ensure that demolition works do not have an adverse impact on public safety and the transport network in accordance with London Plan Policy 6.14 and the following policies of the Local Plan: DM15.6, DM16.1. These details are required prior to demolition work commencing in order that the impact on the transport network is minimised from the time that demolition starts.
- 3 No works except demolition to basement slab level shall take place before details of the foundations and piling configuration, to include a detailed design and method statement, have been submitted to and

approved in writing by the Local Planning Authority, such details to show the preservation of surviving archaeological remains which are to remain in situ.

REASON: To ensure the preservation of archaeological remains following archaeological investigation in accordance with the following policy of the Local Plan: DM12.4.

- 4 A scheme for protecting nearby residents and commercial occupiers from noise, dust and other environmental effects during demolition shall be submitted to and approved in writing by the Local Planning Authority prior to any demolition taking place on the site. The scheme shall be based on the Department of Markets and Consumer Protection's Code of Practice for Deconstruction and Construction Sites and arrangements for liaison set out therein. A staged scheme of protective works may be submitted in respect of individual stages of the demolition process but no works in any individual stage shall be commenced until the related scheme of protective works has been submitted to and approved in writing by the Local Planning Authority. The demolition shall not be carried out other than in accordance with the approved scheme

REASON: In the interests of public safety and to ensure a minimal effect on the amenities of neighbouring premises and the transport network in accordance with the following policies of the Local Plan: DM15.6, DM15.7, DM21.3. These details are required prior to demolition in order that the impact on amenities is minimised from the time that development starts.

- 5 A scheme for protecting nearby residents and commercial occupiers from noise, dust and other environmental effects during construction shall be submitted to and approved in writing by the Local Planning Authority prior to any construction work taking place on the site. The scheme shall be based on the Department of Markets and Consumer Protection's Code of Practice for Deconstruction and Construction Sites and arrangements for liaison set out therein. A staged scheme of protective works may be submitted in respect of individual stages of the construction process but no works in any individual stage shall be commenced until the related scheme of protective works has been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved scheme.

REASON: In the interests of public safety and to ensure a minimal effect on the amenities of neighbouring premises and the transport network in accordance with the following policies of the Local Plan: DM15.6, DM15.7, DM21.3. These details are required prior to demolition in order that the impact on amenities is minimised from the time that the construction starts.

- 6 No work except demolition to basement slab level shall take place until an investigation and risk assessment has been undertaken to establish if the site is contaminated and to determine the potential for pollution in accordance with the requirements of DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Where remediation is necessary a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and to the natural and historical environment must be submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority the remediation scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing of the Local Planning Authority.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the Local Plan DM15.8. These details are required prior to commencement in order that any changes to satisfy this condition are incorporated into the development before the design is too advanced to make changes.

- 7 Within five working days of any site contamination being found when carrying out the development hereby approved the contamination must be reported in writing to the Local Planning Authority and an investigation and risk assessment must be undertaken in accordance with the requirements of DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Where remediation is necessary a detailed remediation scheme to bring the site to a condition suitable for the intended use must be submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority the remediation scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing of the Local Planning Authority.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without

unacceptable risks to workers, neighbours and other offsite receptors in accordance with the Local Plan DM15.8. These details are required prior to commencement in order that any changes to satisfy this condition are incorporated into the development before the design is too advanced to make changes.

- 8 Before the development hereby permitted is begun a detailed site investigation shall be carried out to establish if the site is contaminated and to determine the potential for pollution of the water environment. The method and extent of this site investigation shall be agreed in writing with the Local Planning Authority prior to commencement of the work. Details of measures to prevent pollution of ground and surface water, including provisions for monitoring, shall then be submitted to and approved in writing by the Local Planning Authority before the development commences. The development shall proceed in strict accordance with the measures approved.  
REASON: To prevent pollution of the water environment in accordance with the following policy of the Local Plan: DM15.8. These details are required prior to commencement in order that any changes to satisfy this condition are incorporated into the development before the design is too advanced to make changes.
- 9 Before any works including demolition are begun a site survey and survey of highway and other land at the perimeter of the site shall be carried out and details must be submitted to and approved in writing by the local planning authority indicating the proposed finished floor levels at basement and ground floor levels in relation to the existing Ordnance Datum levels of the adjoining streets and open spaces. The development shall be carried out in accordance with the approved survey unless otherwise agreed in writing by the local planning authority.  
REASON: To ensure continuity between the level of existing streets and the finished floor levels in the proposed building and to ensure a satisfactory treatment at ground level in accordance with the following policies of the Local Plan: DM10.8, DM16.2. These details are required prior to commencement in order that a record is made of the conditions prior to changes caused by the development and that any changes to satisfy this condition are incorporated into the development before the design is too advanced to make changes.
- 10 No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

REASON: The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of the piling method statement

- 11 No development including demolition shall take place until the developer has secured the completion of a Base-Line Terrestrial Television and Radio Interference Study ("the Base-Line Study") to assess terrestrial television and radio reception to residential properties in the vicinity of the site. The Base-Line Study shall be carried out in accordance with a Base-Line Study Scheme first submitted to and approved in writing by the Local Planning Authority, and which shall include details of the residential properties to be surveyed.  
REASON: To ensure that the existing television reception at other premises is not significantly affected by the proposed development. These details are required prior to commencement in order to create a record of the conditions prior to changes caused by the development.
- 12 Construction works shall not begin until a Construction Logistics Plan to manage all freight vehicle movements to and from the site during construction of the development has been submitted to and approved in writing by the Local Planning Authority. The Construction Logistics Plan shall include relevant measures from Section 3 of the Mayor of London's Construction Logistics Plan Guidance for Developers issued in April 2013, and specifically address [driver training for] the safety of vulnerable road users through compliance with the Construction Logistics and Cyclist Safety (CLOCS) Standard for Construction Logistics, Managing Work Related Road Risk. The development shall not be carried out otherwise than in accordance with the approved Construction Logistics Plan or any approved amendments thereto as may be agreed in writing by the Local Planning Authority.  
REASON: To ensure that construction works do not have an adverse impact on public safety and the transport network in accordance with London Plan Policy 6.14 and the following policies of the Local Plan: DM15.6, DM16.1. These details are required prior to construction work commencing in order that the impact on the transport network is minimised from the time that construction starts.
- 13 Details of connection opportunities to any district heating network outlining design proposals for future proofing arrangements shall be submitted to and approved by the Local Planning Authority prior to any demolition taking place on site.  
REASON: To minimise carbon emissions and provide a sustainable development in accordance with the following policies of the Local Plan: DM 15.1, DM15.3 and London Plan Policy 5.5
- 14 Before any construction works hereby permitted are begun the following details shall be submitted to and approved in writing by the Local Planning Authority in conjunction with the Lead Local Flood Authority and all development pursuant to this permission shall be carried out in accordance with the approved details:

(a) Fully detailed design and layout drawings for the proposed SuDS components including but not limited to: attenuation systems, rainwater pipework, pumps, design for system exceedance, design for ongoing maintenance; surface water flow rates shall be restricted to no greater than 5 l/s from each outfall and from no more than three distinct outfalls, provision should be made for an attenuation volume capacity capable of achieving this as outlined in the Flood Risk Assessment and Outline Drainage Strategy ;  
(b) Full details of measures to be taken to prevent flooding (of the site or caused by the site) during the course of the construction works.

(c) Evidence that Thames Water have been consulted and consider the proposed discharge rate to be satisfactory.

REASON: To improve sustainability, reduce flood risk and reduce water runoff rates in accordance with the following policy of the Local Plan: DM18.1, DM18.2 and DM18.3.

- 15 Before any piling or construction of basements is commenced a scheme for the provision of sewer vents within the building shall be submitted to and approved in writing by the local planning authority. Unless otherwise agreed in writing by the local planning authority the agreed scheme for the provision of sewer vents shall be implemented and brought into operation before the development is occupied and shall be so maintained for the life of the building.  
REASON: To vent sewerage odour from (or substantially from) the development hereby permitted and mitigate any adverse air pollution or environmental conditions in order to protect the amenity of the area in accordance with the following policy of the Local Plan: DM10.1. These details are required prior to piling or construction work commencing in order that any changes to satisfy this condition are incorporated into the development before the design is too advanced to make changes.
- 16 No construction of basements shall take place until it has been demonstrated that there would be no unacceptable risk to below ground utilities infrastructure, details of which shall be approved in writing by the Local Planning Authority in liaison with Thames Water before such works commence and the development shall be carried out in accordance with the approved details.  
REASON: To ensure that below ground utilities infrastructure is protected in accordance with the following policy of the Local Plan: DM2.1.
- 17 Development shall not commence until a construction management strategy has been submitted to and approved in writing by the Local Planning Authority covering the application site and any adjoining land which will be used during the construction period. Such a strategy shall include the following matters:  
- details of cranes and other tall construction equipment (including

the details of obstacle lighting) - Such schemes shall comply with Advice Note 4 'Cranes and Other Construction Issues'(available at [www.aoa.org.uk/policy-campaigns/operations-safety](http://www.aoa.org.uk/policy-campaigns/operations-safety)).

REASON: To ensure that construction work and construction equipment on the site and adjoining land does not contravene the regulation set out in the London Tall Buildings Policy, and endanger aircraft movements and the safe operation of Heathrow Airport.

- 18 No cranes or scaffolding shall be erected on the site unless and until construction methodology and diagrams clearly presenting the location, maximum operating height, radius and start/finish dates for the use of cranes during the Development has been submitted to and approved by the Local Planning Authority, the Local Planning Authority having consulted London City Airport.  
REASON: In the interests of the safe operation of Heathrow Airport, London City Airport and of NATS En-route PLC.
- 19 No part of this development shall be constructed before the completed building and it's construction methodologies are assessed against London City Airport's instrument flight procedures (IFPs) by a CAA approved procedure designer.  
REASON: In the interests of the safe operation of Heathrow Airport, London City Airport and of NATS En-route PLC.
- 20 No Building or structure to permanently form part of the Development shall exceed London City Airport's Obstacle Limitation Surfaces (OLS) dated August 2004.  
REASON: In the interests of the safe operation of Heathrow Airport, London City Airport and of NATS En-route PLC.
- 21 No temporary infringements of the London City Airport protected surfaces (305.3m AOD) shall occur while LCY is open or closed unless explicitly authorised by London City Airport Limited.  
REASON: In the interests of the safe operation of Heathrow Airport, London City Airport and of NATS En-route PLC.
- 22 No construction work shall commence on site until the Developer has agreed a "Crane Operation Plan", in consultation with NATS and Heathrow Airport, which has been submitted to and has been approved in writing by the Department of the Built Environment, City of London in consultation with the "Radar Operator".  
Construction at the site shall only thereafter be operated in accordance with the approved "Crane Operation Plan".  
Reason: In the interests of aviation safety and the operations of NATS En- route PLC.
- 23 Before any mechanical plant is used on the premises it shall be mounted in a way which will minimise transmission of structure borne sound or vibration to any other part of the building in accordance with a



scheme to be submitted to and approved in writing by the Local Planning Authority.

REASON: In order to protect the amenities of commercial occupiers in the building in accordance following policy of the Local Plan: CS15.

- 24 (a) The level of noise emitted from any new plant shall be lower than the existing background level by at least 10 dBA. Noise levels shall be determined at one metre from the window of the nearest noise sensitive premises. The measurements and assessments shall be made in accordance with B.S. 4142. The background noise level shall be expressed as the lowest LA90 (10 minutes) during which plant is or may be in operation. Following installation but before the new plant comes into operation measurements of noise from the new plant must be taken and a report demonstrating that the plant as installed meets the design requirements shall be submitted to and approved in writing by the Local Planning Authority.
- (b) All constituent parts of the new plant shall be maintained and replaced in whole or in part as often is required to ensure compliance with the noise levels approved by the Local Planning Authority.

REASON: To protect the amenities of neighbouring residential/commercial occupiers in accordance with the following policies of the Local Plan: CS15, CS21.

- 25 Prior to any plant being commissioned and installed in or on the building an Air Quality Report shall be submitted to and approved in writing by the Local Planning Authority. The report shall detail how the finished development will minimise emissions and exposure to air pollution during its operational phase and will comply with the City of London Air Quality Supplementary Planning Document and any submitted and approved Air Quality Assessment. The measures detailed in the report shall thereafter be maintained in accordance with the approved report(s) for the life of the installation on the building.

REASONS: In order to ensure the proposed development does not have a detrimental impact on air quality, reduces exposure to poor air quality and in accordance with the following policies: Local Plan policy DM15.6 and London Plan policy 7.14B.

- 26 Before any works hereby permitted are begun additional details and information in respect of the following shall be submitted to and approved in writing by the Local Planning Authority and all development pursuant to this permission shall be carried out in accordance with the approved details:
- (a) Particulars and samples of the materials to be used on all external faces of the building including external ground and upper level surfaces ;
- (b) details of the proposed elevations including typical details of the fenestration and entrances;

- (c) details of the elevations of the development (elevations, plans and cross-sections at scale 1:20 with 1 : 1 details of joints and junctions)
- (d) details of the concrete stem including surface colour, texture, draining channels and daily pour sequence
- (e) details of the ground floor entrances;
- (f) details of soffits, hand rails, balustrades and boundary walls around St Mary Axe Plaza;
- (g) details of junctions with adjoining premises;
- (h) details of the integration of window cleaning equipment and the garaging thereof, plant, flues, fire escapes and other excrescences at roof level
- (i) details of the integration of cleaning equipment, cradles and the garaging thereof;
- (j) details of plant and ductwork to serve the [A1] [A3] [A4] use(s);
- (k) details of external and internal illumination (including aviation lights)
- (l) details of signage and other displays
- (m) details of ventilation and air-conditioning for the [A1] [A3] [A4] use(s);
- (n) details of all ground level surfaces including materials to be used;
- (o) details of the re-instatement of the Baltic Exchange bombing memorial
- (p) details of external surfaces within the site boundary including hard and soft landscaping;
- (q) measures to be taken during the period of demolition and construction for the protection of the trees to be retained and details of any pruning of the trees;
- (r) details of the arrangements for the provision of refuse storage and collection facilities within the curtilage of the site to serve each part of the development.

REASON: To ensure that the Local Planning Authority may be satisfied with the detail of the proposed development and to ensure a satisfactory external appearance in accordance with the following policies of the Local Plan: DM3.2, DM10.1, DM10.5, DM12.2.

- 27 All unbuilt surfaces (including podium terraces at level 4) shall be treated in accordance with a landscaping scheme to be submitted to and approved in writing by the Local Planning Authority before any landscaping works are commenced. This shall include details of the locations and design of short stay cycle parking spaces at ground floor level. All hard and soft landscaping works shall be carried out in accordance with the approved details not later than the end of the first planting season following completion of the development. Trees and shrubs which die or are removed, uprooted or destroyed or become in the opinion of the Local Planning Authority seriously damaged or defective within 5 years of completion of the development shall be replaced with trees and shrubs of similar size and species to those

originally approved, or such alternatives as may be agreed in writing by the Local Planning Authority.

REASON: In the interests of visual amenity in accordance with the following policies of the Local Plan: DM10.1, DM19.2.

- 28 No part of the building shall be occupied until the details of wind mitigation measures on the rooftop terrace of the Pavilion building and within the St Mary Axe Plaza have been submitted, approved and implemented. The said wind mitigation measures shall be retained in place for the life of the building unless otherwise agreed by the Local Planning Authority.  
REASON: In order to ensure that the proposed development does not have a detrimental impact on the amenities of the area in accordance with the following policies of the Local Plan: DM10.1, DM16.1, DM16.2.
- 29 No part of the development shall commence until details of the solar convergence mitigation measures required at the base of the Tulip and the Pavilion building as set out in the 'Solar Convergence Assessment' dated 07 March 2019' have been submitted to and approved by the Local Planning Authority and the mitigation measures shall remain in place for the life of the building.  
REASON: In order to ensure that the proposed development does not have a detrimental impact on the amenities of the area in accordance with the following policies of the Local Plan: DM10.1, DM16.1, DM16.2.
- 30 The development shall incorporate such measures as are necessary within the site to resist structural damage arising from an attack with a road vehicle or road vehicle borne explosive device (including deflection measures for the entrance to the vehicle lifts), details of which must be submitted to and approved in writing by the Local Planning Authority before any construction works thereby affected are begun. The said measures shall be retained in place for the life of the building unless otherwise agreed in writing by the Local Planning Authority.  
REASON: To ensure that the premises are protected from road vehicle borne damage within the site in accordance with the following policy of the Local Plan: DM3.2.
- 31 Before any works thereby affected are begun details of all the entrances at ground floor shall be submitted to and approved by the Local Planning Authority. Such details shall be implemented prior to the occupation of the building unless otherwise approved in writing by the Local Planning Authority.  
REASON: To ensure that the Local Planning Authority may be satisfied with the detail of the proposed development and to ensure a satisfactory external appearance in accordance with the following policies of the Local Plan: DM10.1.
- 32 There shall be no promoted events on the premises. A promoted event for this purpose, is an event involving music and dancing where the

musical entertainment is provided at any time between 22:00 and 07:00 by a disc jockey or disc jockeys one or some of whom are not employees of the premises licence holder and the event is promoted to the general public.

REASON: To safeguard the amenity of the adjoining premises and the area generally in accordance with the following policies of the Local Plan: DM15.7, DM21.3.

- 33 The (A1/A3/A4) (use/premises) hereby permitted shall not be open to customers between the hours of (23:00) on one day and (07:00) on the following day.

REASON: To safeguard the amenity of the adjoining premises and the area generally in accordance with the following policies of the Local Plan: DM15.7, DM21.3.

- 34 Self-closing mechanisms must be fitted on the doors of all the retail units at ground floor level before the retail uses commences and shall be retained for the life of the premises. The doors must not be left open except in an emergency or for maintenance purposes.

REASON: To safeguard the amenity of the adjoining premises and the area generally in accordance with the following policies of the Local Plan: DM15.7, DM21.3.

- 35 The rooftop terraces on the Pavilion building hereby permitted shall not be used or accessed between the hours of 22:00 on one day and 07:00 on the following day other than in the case of emergency.

REASON: To safeguard the amenity of the adjoining premises and the area generally in accordance with the following policies of the Local Plan: DM15.7, DM21.3.

- 36 No amplified or other music shall be played on the roof terrace.

REASON: To safeguard the amenity of the adjoining premises and the area generally in accordance with the following policies of the Local Plan: DM15.7, DM21.3.

- 37 No live or recorded music shall be played that it can be heard outside the premises or within any residential or other premises in the building.

REASON: To safeguard the amenity of the adjoining premises and the area generally in accordance with the following policies of the Local Plan: DM15.7, DM21.3.

- 38 No cooking shall take place within any Class A1, A3 or A4 unit hereby approved until fume extract arrangements and ventilation have been installed to serve that unit in accordance with a scheme approved by the Local Planning Authority. Any works that would materially affect the external appearance of the building will require a separate planning permission.

REASON: In order to protect the amenity of the area in accordance with the following policies of the Local Plan: DM15.6, DM21.3.

- 39 Before any works thereby affected are begun, a scheme shall be submitted to and approved in writing by the Local Planning Authority which specifies the fume extract arrangements, materials and construction methods to be used to avoid noise and/or odour penetration the Class A use. The details approved must be implemented before the Class A use takes place.

REASON: In order to protect residential/commercial amenities in the building in accordance with the following policies of the Local Plan: DM15.6, DM15.7, DM21.3.

- 40 Before any works thereby affected are begun, a scheme in the form of an acoustic report compiled by a qualified specialist shall be submitted to and approved in writing by the Local Planning Authority specifying the materials and constructional methods to be used demonstrating that there is adequate sound proofing to both airborne and structure borne noise transmission between the Class A use and the surrounding offices in the building. The development pursuant to this permission shall be carried out in accordance with the approved scheme and so maintained thereafter.

REASON: To protect the amenities of commercial occupiers in the building in accordance with the following policy of the Local Plan: DM15.7.

- 41 Details of the acoustic properties of the loading bay door shall be submitted to and approved by the Local Planning Authority before any works thereby affected are begun and shall be maintained for the life of the building.

REASON: To minimise disruption to nearby occupiers in accordance with the following policies of the Local Plan: DM10.1 and DM21.3.

- 42 Before the shell and core is complete the following details shall be submitted to and approved in writing by the Local Planning Authority in conjunction with the Lead Local Flood Authority and all development pursuant to this permission shall be carried out in accordance with the approved details:

(a) A Lifetime Maintenance Plan for the SuDS system to include:

- A full description of how the system would work, it's aims and objectives and the flow control arrangements;
- A Maintenance Inspection Checklist/Log;
- A Maintenance Schedule of Work itemising the tasks to be undertaken, such as the frequency required and the costs incurred to maintain the system.

REASON: To improve sustainability, reduce flood risk and reduce water runoff rates in accordance with the following policy of the Local Plan: DM18.1, DM18.2 and DM18.3.

- 43 Before any works thereby affected are begun details must be submitted to and approved in writing by the local planning authority indicating the proposed finished floor levels at basement and ground floor levels in relation to the existing Ordnance Datum levels of the adjoining streets and open spaces and all development pursuant to this permission shall be carried out in accordance with the approved details.  
REASON: To ensure continuity between the level of existing streets and the finished floor levels in the proposed building and to ensure a satisfactory treatment at ground level in accordance with the following policies of the Local Plan: DM10.8, DM16.2.
- 44 No occupation of the development shall take place until the developer has secured  
(i) the completion of a Post Construction Terrestrial Television and Radio Study ("the Post-Construction Study") to assess any significant deterioration to terrestrial television and radio reception attributable to the development. The Post-Construction shall be carried out in accordance with a Post-Construction Study Scheme first submitted to and approved in writing by the Local Planning Authority, and which shall include details of the residential properties to be surveyed.  
  
(ii) the implementation of a Scheme of Mitigation Works for the purpose of remedying significant interference to terrestrial television and radio reception in the vicinity of the site attributable to the development identified by the Post-Construction Study. Such Scheme of Mitigation Works shall be first submitted to and approved in writing by the Local Planning Authority.  
REASON: To ensure that the existing television reception at other premises is not significantly affected by the proposed development.
- 45 A post construction BREEAM assessment demonstrating that a target rating of 'Excellent' has been achieved (or such other target rating as the local planning authority may agree provided that it is satisfied all reasonable endeavours have been used to achieve an 'Outstanding' rating) shall be submitted as soon as practicable after practical completion.  
REASON: To demonstrate that carbon emissions have been minimised and that the development is sustainable in accordance with the following policy of the Local Plan: CS15, DM15.1, DM15.2
- 46 A detailed facade maintenance plan shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority prior to the occupation of the building hereby permitted.  
REASON: To ensure that the Local Planning Authority may be satisfied with the detail of the development to ensure that there is no obstruction on the streets and in the interests of public safety in accordance with the following policy of the Local Plan: CS16

- 47 The development shall be designed to allow for the retro-fit of heat exchanger rooms to connect into a district heating network if this becomes available during the lifetime of the development.  
REASON: To minimise carbon emissions by enabling the building to be connected to a district heating and cooling network if one becomes available during the life of the building in accordance with the following policies of the Local Plan: DM15.1, DM15.2, DM15.3, DM15.3, DM15.4.
- 48 Details of the position and size of the green roof(s), the type of planting and the contribution of the green roof(s) to biodiversity and rainwater attenuation shall be submitted to and approved in writing by the local planning authority before any works thereby affected are begun. The development shall be carried out in accordance with those approved details and maintained as approved for the life of the development unless otherwise approved by the local planning authority.  
REASON: To assist the environmental sustainability of the development and provide a habitat that will encourage biodiversity in accordance with the following policies of the Local Plan: DM18.2, DM19.2.
- 49 Details of the construction, planting irrigation and maintenance regime for the proposed green wall(s)/roof(s) shall be submitted to and approved in writing by the local planning authority before any works thereby affected are begun. The development shall be carried out in accordance with those approved details and maintained as approved for the life of the development unless otherwise approved by the local planning authority.  
REASON: To assist the environmental sustainability of the development and provide a habitat that will encourage biodiversity in accordance with the following policies of the Local Plan: DM18.2, DM19.2.
- 50 No more than 81 motor vehicles (not including motorcycles) shall be permitted access to the servicing area within the building which shall apply for the life of the building (for both the Gherkin and the Tulip combined).  
REASON: To protect the amenities of neighbouring residential and commercial occupiers in accordance with the following policies of the Local Plan: DM21.3, DM21.5.
- 51 No Servicing vehicles are permitted into/on the premises between the hours 0700-1000 hours, 1200-1400 hours and between 1600-1900 hours on Mondays to Fridays (including bank holidays and public holidays). Servicing includes the loading and unloading of goods from vehicles and putting rubbish outside the building. This shall apply for the life of the building.  
REASON: To avoid obstruction of the surrounding streets and to safeguard the amenity of the occupiers of adjacent premises, in accordance with the following policies of the Local Plan: DM15.7, DM16.2, DM21.3.

- 52 The refuse collection and storage facilities shown on the drawings hereby approved shall be provided and maintained throughout the life of the building for the use of all the occupiers.  
REASON: To ensure the satisfactory servicing of the building in accordance with the following policy of the Local Plan: DM17.1.
- 53 A clear unobstructed minimum headroom of 5m must be maintained for the life of the building in the refuse skip collection area as shown on the approved drawings and a clear unobstructed minimum headroom of 4.75m must be provided and maintained over the remaining areas and access ways.  
REASON: To ensure that satisfactory servicing facilities are provided and maintained in accordance with the following policy of the Local Plan: DM16.5.
- 54 No doors or gates shall open over the public highway.  
REASON: In the interests of public safety
- 55 At all times when not being used for cleaning or maintenance the window cleaning gantries, cradles and other similar equipment shall be garaged within the enclosure(s) shown on the approved drawings.  
  
REASON: To ensure a satisfactory external appearance in accordance with the following policy of the Local Plan: DM10.1.
- 56 No public address system (PA), amplified live or amplified recorded music shall be played within any part of the building or site so loud that it can be heard outside the site or within any other premises in the building on the site.  
REASON: To safeguard the amenity of the occupiers of nearby premises and the area in general in accordance with the following policies of the Local Plan: DM15.7, DM21.3.
- 57 The loading and unloading areas must remain ancillary to the use of the building and shall be available at all times for that purpose for the occupiers thereof and visitors thereto.  
REASON: To ensure that satisfactory servicing is maintained in accordance with the following policy of the Local Plan: DM16.5.
- 58 Goods, including fuel, delivered or collected by vehicles arriving at or departing from the building shall not be accepted or dispatched unless the vehicles are unloaded or loaded within the curtilage of the building.  
  
REASON: To avoid obstruction of the surrounding streets and to safeguard the amenity of the occupiers of adjacent premises, in accordance with the following policies of the Local Plan: DM16.1, DM16.5, DM21.3.



- 59 A level clear standing area shall be provided and maintained entirely within the curtilage of the site at street level in front of any vehicle lift sufficient to accommodate the largest size of vehicle able to use the lift cage.  
REASON: To prevent waiting vehicles obstructing the public highway in accordance with the following policy of the Local Plan: DM16.5.
- 60 2 car parking spaces suitable for use by people with disabilities shall be provided on the premises in accordance with the drawings hereby approved and shall be maintained throughout the life of the building and be readily available for use by disabled occupiers and visitors without charge to the individual end users of the parking.  
REASON: To ensure provision of suitable parking for people with disabilities in accordance with the following policy of the Local Plan: DM16.5.
- 61 Provision shall be made for disabled people to obtain access to the visitor attraction, rooftop terrace, the pocket park and to each retail unit via their respective principal entrances without the need to negotiate steps and shall be maintained for the life of the building.  
REASON: To ensure that disabled people are able to use the building in accordance with the following policy of the Local Plan: DM10.8.
- 62 The pass door shown adjacent to or near to the entrances on the drawings hereby approved shall remain unlocked and available for use at all times when the adjacent revolving doors are unlocked.  
REASON: In order to ensure that people with mobility disabilities are not discriminated against and to comply with the following policy of the Local Plan: DM10.8.
- 63 Permanently installed pedal cycle racks shall be provided and maintained on the site throughout the life of the building sufficient to accommodate a minimum of 398 pedal cycles within the Pavilion Building, the basement of the Tulip (including 20 spaces for adaptable cycles) plus 20 spaces within St Mary Axe Plaza. The cycle parking provided on the site must remain ancillary to the use of the Tulip and the Gherkin building and must be available at all times throughout the life of the building for the sole use of the occupiers thereof and their visitors without charge to the individual end users of the parking.  
  
REASON: To ensure provision is made for cycle parking and that the cycle parking remains ancillary to the use of the building and to assist in reducing demand for public cycle parking in accordance with the following policy of the Local Plan: DM16.3.
- 64 Unless otherwise approved in writing by the local planning authority, changing facilities and showers, including no less than 40 showers and 398 lockers, shall be provided in accordance with the drawings hereby

approved and maintained throughout the life of the building for the use of occupiers of the building.

REASON: To make travel by bicycle more convenient in order to encourage greater use of bicycles by commuters in accordance with the following policy of the Local Plan: DM16.4.

- 65 Submission of details of a Fire and Emergency Escape Strategy for all building users (including people with disabilities) with details of the means of escape (including the Gondolas), areas of refuge and fire evacuation lifts and stairs shall be submitted to and approved in writing by the Local Planning Authority in consultation with the London Fire and Emergency Planning Authority, Building Control Health and Safety Team prior to first occupation of the building and the strategy shall remain in place thereafter.

REASON: In the interests of the safety of occupants of the buildings in the event of a fire or emergency in accordance with City of London Local Plan policy CS3.

- 66 The generator(s) shall be used solely on brief intermittent and exceptional occasions when required in response to a life threatening emergency or an event requiring business continuity and for the testing necessary to meet those purposes and shall not be used at any other time. At all times the generator(s) shall be operated to minimise its noise impacts and emissions of air pollutants and a log of its use shall be maintained and be available for inspection by the Local Planning Authority.

REASON: To ensure that the generator(s), which does not meet City of London noise standards, and would have a negative impact on local air quality, is used only in response to a life threatening emergency or exceptional business continuity situation in accordance with the following policies of the Local Plan: DM15.6, DM15.7, DM21.3.

- 67 Development should not be commenced until Impact studies of the existing water supply infrastructure have been submitted to, and approved in writing by, the local planning authority (in consultation with Thames Water). The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point.

REASON: To ensure that the water supply infrastructure has sufficient capacity to cope with the/this additional demand in accordance with the following policy of the Local Plan: DM18.1, DM18.2 and DM18.3.

- 68 Submission of details of a lighting strategy for the internal and external illumination for the both the Tulip and the Gherkin.

REASON: To ensure a satisfactory external appearance and minimise disruption to nearby occupiers in accordance with the following policies of the Local Plan: DM10.1, DM10.5.

- 69 Unless otherwise approved by the Local Planning Authority no part of the Tulip shall be used for advertisement purposes.  
REASON: To ensure a satisfactory external appearance in accordance with the following policies of the Local Plan: DM10.1, DM10.5.
- 70 The development shall not be carried out other than in accordance with the following approved drawings and particulars or as approved under conditions of this planning permission: A-000-XX-01 Rev 01, A-000-XX-11 Rev 04, A-000-XX-21 Rev 01, A-LO-011-EX-01 Rev 01, A-SL-011-EX-01 Rev 01, A-SL-011-EX-02 Rev 01, A-EXB1-010-XX-01 Rev01, A-EXB1-010-XX-02 Rev 01, A-SL-011-XX-01 Rev 01, A-SL-014-EX-01 Rev 01, A-SL-014-EX-02 Rev 01, A-SL-014-XX-01 Rev 01, A-EXSL-014-03-01 Rev 01, A-EXSL-014-01-01 Rev 01, A-EXSL-014-02-01 Rev 01, A-EXSL-014-04-01 Rev 01, A-SL-014-01-01 Rev 01, A-SL-014-02-01Rev 01, A-SL-014-03-01 Rev 01, A-SL-014-04-01 Rev 01, A-PT-031-00-01 Rev 02 (Ground Floor), A-PT-031-BM-01, A-PT-031-B1-01 Rev 02, A-PT-031-01-01 Rev 01, A-PT-031-02-01 Rev 01, A-PT-031-03-01 Rev 03, A-PT-031-05-01 Rev 01, A-PT-031-06-01 Rev 01, A-PT-031-07-01 Rev 01, A-PT-031-08-01 Rev 01, A-PT-031-09-01 Rev 01, A-PT-031-10-01 Rev 01, A-PT-031-11-01 Rev 01, A-PT-031-12-01 Rev 01, A-PT-031-RF-01 Rev 01, A-PT-031-04-01 Rev 01, A-PV-039-XX-01 Rev 02, A-PT-053-01-01 Rev 01, 002 Rev 01, 001 Rev 01, A-PT-064-01-01 Rev 02, A-PT-064-02-01 Rev 02, A-PT-064-03-01 Rev 01, A-PT-064-04-01 Rev 01, A-PT-194-XX-01 Rev 01, A-PT-199-01-01 Rev 01, A-PT-199-02-01 Rev 01, A-PT-199-03-01 Rev 01, A-PT-199-04-01 Rev 01, A-PT-199-05-01 Rev 01, A-PV-199-01-01 Rev 01.  
REASON: To ensure that the development of this site is in compliance with details and particulars which have been approved by the Local Planning Authority.

## INFORMATIVES

- 1 In dealing with this application the City has implemented the requirements of the National Planning Policy Framework to work with the applicant in a positive and proactive manner based on seeking solutions to problems arising in dealing with planning applications in the following ways:
- detailed advice in the form of statutory policies in the Local Plan, Supplementary Planning documents, and other written guidance has been made available;
- a full pre application advice service has been offered;
- where appropriate the City has been available to provide guidance on how outstanding planning concerns may be addressed.

- 2 The Mayoral Community Infrastructure Levy is set at a rate of £50 per sq. m on "chargeable development" and applies to all development over 100sq.m (GIA) or which creates a new dwelling.

The City of London Community Infrastructure Levy is set at a rate of £75 per sq. m for offices, £150 per sq. m for Riverside Residential, £95 per sq. m for Rest of City Residential and £75 on all other uses on "chargeable development".

The Mayoral and City CIL charges will be recorded in the Register of Local Land Charges as a legal charge upon "chargeable development" when development commences. The Mayoral CIL payment will be passed to Transport for London to support Crossrail. The City CIL will be used to meet the infrastructure needs of the City.

Relevant persons, persons liable to pay and owners of the land will be sent a "Liability Notice" that will provide full details of the charges and to whom they have been charged or apportioned. Please submit to the City's Planning Obligations Officer an "Assumption of Liability" Notice (available from the Planning Portal website: [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil)).

Prior to commencement of a "chargeable development" the developer is required to submit a "Notice of Commencement" to the City's Section 106 Planning Obligations Officer. This Notice is available on the Planning Portal website. Failure to provide such information on the due date may incur both surcharges and penalty interest.

- 3 The City is an Air Quality Management Area with high levels of nitrogen dioxide. All gas boilers should therefore meet a dry NO<sub>x</sub> emission rate of <40mg/kWh in accordance with the City of London Air Quality Strategy 2015.

All gas Combined Heat and Power plant should be low NO<sub>x</sub> technology as detailed in the City of London Guidance for controlling emissions from CHP plant and in accordance with the City of London Air Quality Strategy 2015.

When considering how to achieve, or work towards the achievement of, the renewable energy targets, the Markets and Consumer Protection Department would prefer developers not to consider installing a biomass burner as the City is an Air Quality Management Area for fine particles and nitrogen dioxide. Research indicates that the widespread use of these appliances has the potential to increase particulate levels in London to an unacceptable level. Until the Markets and Consumer Protection Department is satisfied that these appliances can be installed without causing a detriment to the local air quality they are discouraging their use. Biomass CHP may be acceptable providing sufficient abatement is fitted to the plant to reduce emissions to air.

Developers are encouraged to install non-combustion renewable technology to work towards energy security and carbon reduction targets in preference to combustion based technology.

- 4 Advice on a range of measures to achieve the best environmental option on the control of pollution from standby generators can be obtained from the Department of Markets and Consumer Protection.

There is a potential for standby generators to give out dark smoke on start up and to cause noise nuisance. Guidance is available from the Department of Markets and Consumer Protection on measures to avoid this

- 5 This permission must in no way be deemed to prejudice any rights of light which may be enjoyed by the adjoining owners or occupiers under Common Law.
- 6 This permission is granted having regard to planning considerations only and is without prejudice to the position of the City of London Corporation or Transport for London as Highway Authority; and any temporary or permanent works affecting the public highway must not be commenced until the consent of the Highway Authority has been obtained.
- 7 Improvement or other works to the public highway shown on the submitted drawings require separate approval from the local highway authority and the planning permission hereby granted does not authorise these works.
- 8 The correct street number or number and name must be displayed prominently on the premises in accordance with regulations made under Section 12 of the London Building Acts (Amendment) Act 1939. Names and numbers must be agreed with the Department of the Built Environment prior to their use including use for marketing.
- 9 The Department of the Built Environment (Transportation & Public Realm Division) must be consulted on the following matters which require specific approval:
  - (a) Hoardings, scaffolding and their respective licences, temporary road closures and any other activity on the public highway in connection with the proposed building works. In this regard the City of London Corporation operates the Considerate Contractors Scheme.
  - (b) The incorporation of street lighting and/or walkway lighting into the new development. Section 53 of the City of London (Various Powers) Act 1900 allows the City to affix to the exterior of any building fronting any street within the City brackets, wires, pipes and apparatus as may be necessary or convenient for the public lighting of streets within the City. Early discussion with the Department of the Built Environment Transportation and Public Realm Division is recommended to ensure

the design of the building provides for the inclusion of street lighting.

(c) The need for a projection licence for works involving the construction of any retaining wall, foundation, footing, balcony, cornice, canopy, string course, plinth, window sill, rainwater pipe, oil fuel inlet pipe or box, carriageway entrance, or any other projection beneath, over or into any public way (including any cleaning equipment overhanging any public footway or carriageway).

You are advised that highway projection licences do not authorise the licensee to trespass on someone else's land. In the case of projections extending above, into or below land not owned by the developer permission will also be required from the land owner. The City Surveyor must be consulted if the City of London Corporation is the land owner. Please contact the Corporate Property Officer, City Surveyor's Department.

(d) Permanent Highway Stopping-Up Orders and dedication of land for highway purposes.

(e) Connections to the local sewerage and surface water system.

(f) Carriageway crossovers.

10 The Markets and Consumer Protection Department (Environmental Health Team) must be consulted on the following matters:

(a) Approval for the installation of furnaces to buildings and the height of any chimneys. If the requirements under the legislation require any structures in excess of those shown on drawings for which planning permission has already been granted, further planning approval will also be required.

(b) Installation of engine generators using fuel oil.

(c) The control of noise and other potential nuisances arising from the demolition and construction works on this site and compliance with the Construction (Design and Management) Regulations 2015; the Environmental Health Team should be informed of the name and address of the project manager and/or main contractor as soon as they are appointed.

(d) Alterations to the drainage and sanitary arrangements.

(e) The requirements of the Health and Safety at Work etc Act 1974 and the other relevant statutory enactments (including the Offices, Shops and Railway Premises Act 1963); in particular: - provision for window cleaning (internal and external) to be carried out safely.

(f) The use of premises for the storage, handling, preparation or sale of food.

(g) Use of the premises for public entertainment.

(h) Approvals relating to the storage and collection of wastes.

(i) Limitations which may be imposed on hours of work, noise and other environmental disturbance.

(j) The control of noise from plant and equipment;

(k) Methods of odour control.

- 11 The Director of Markets and Consumer Protection (Environmental Health Team) advises that:  
Noise and Dust  
(a) The construction/project management company concerned with the development must contact the Department of Markets and Consumer Protection and provide a working document detailing steps they propose to take to minimise noise and air pollution for the duration of the works at least 28 days prior to commencement of the work. Restrictions on working hours will normally be enforced following discussions with relevant parties to establish hours of work for noisy operations.  
(b) Demolition and construction work shall be carried out in accordance with the City of London Code of Practice for Deconstruction and Construction. The code details good site practice so as to minimise disturbance to nearby residents and commercial occupiers from noise, dust etc. The code can be accessed through the City of London internet site, [www.cityoflondon.gov.uk](http://www.cityoflondon.gov.uk), via the a-z index under Pollution Control- City in the section referring to noise, and is also available from the Markets and Consumer Protection Department.  
(c) Failure to notify the Markets and Consumer Protection Department of the start of the works or to provide the working documents will result in the service of a notice under section 60 of the Control of Pollution Act 1974 (which will dictate the permitted hours of work including noisy operations) and under Section 80 of the Environmental Protection Act 1990 relating to the control of dust and other air borne particles. The restrictions on working hours will normally be enforced following discussions with relevant parties to establish hours of work for noisy operations.  
(d) Construction work shall not begin until a scheme for protecting nearby residents and commercial occupiers from noise from the site has been submitted to and approved by the Markets and Consumer Protection Department.
- 12 With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. The contact number is 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

A Trade Effluent Consent will be required for any Effluent discharge other than a 'Domestic Discharge'. Any discharge without this consent is illegal and may result in prosecution. (Domestic usage for example includes - toilets, showers, washbasins, baths, private swimming pools and canteens). Typical Trade Effluent processes include: -

Laundrette/Laundry, PCB manufacture, commercial swimming pools, photographic/printing, food preparation, abattoir, farm wastes, vehicle washing, metal plating/finishing, cattle market wash down, chemical manufacture, treated cooling water and any other process which produces contaminated water.

Pre-treatment, separate metering, sampling access etc, may be required before the Company can give its consent. Applications should be made at <https://wholesale.thameswater.co.uk/Wholesale-services/Businesscustomers/Trade-effluent> or alternatively to Waste Water Quality, Crossness STW, Belvedere Road, Abbeywood, London. SE2 9AQ. Telephone: 020 3577 9200.

- 13 There is a Thames Water main crossing the development site which may/will need to be diverted at the Developer's cost, or necessitate amendments to the proposed development design so that the aforementioned main can be retained. Unrestricted access must be available at all times for maintenance and repair. Please contact Thames Water Developer Services, Contact Centre on Telephone No: 0800 009 3921 for further information.
- 14 There are large water mains adjacent to the proposed development. Thames Water will not allow any building within 5 metres of them and will require 24 hours access for maintenance purposes. Please contact Thames Water Developer Services, Contact Centre on Telephone No: 0800 009 3921 for further information.
- 15 The Directorate of the Built Environment (District Surveyor) should be consulted on means of escape and constructional details under the Building Regulations and London Building Acts.
- 16 Many species are protected under legislation such as the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010. A contravention of those statutory provisions may constitute a criminal offence. The grant of this consent/planning permission does not override any statutory requirement to notify Natural England and/or obtain a licence prior to carrying out activities which may harm or disturb protected species such as bats.
- 17 Any furnace burning liquid or gaseous matter at a rate of 366.4 kilowatts or more, and any furnace burning pulverised fuel or any solid matter at a rate of more than 45.4 kilograms or more an hour, requires chimney height approval. Use of such a furnace without chimney height approval is an offence. The calculated chimney height can conflict with



requirements of planning control and further mitigation measures may need to be taken to allow installation of the plant.