

PLANNING AND TRANSPORTATION COMMITTEE

Tuesday, 2 April 2019

Minutes of the meeting of the Planning and Transportation Committee held at the Guildhall EC2 at 10.30 am

Present

Members:

Christopher Hayward (Chairman)	Alderman Nicholas Lyons
Deputy Alastair Moss (Deputy Chairman)	Deputy Brian Mooney
Rehana Ameer	Sylvia Moys
Randall Anderson	Barbara Newman
Peter Bennett	Graham Packham
Mark Bostock	Susan Pearson
Deputy Keith Bottomley	Judith Pleasance
Peter Dunphy	James de Sausmarez
Marianne Fredericks	Oliver Sells QC
Alderman Prem Goyal OBE JP	Graeme Smith
Graeme Harrower	William Upton, QC
Christopher Hill	Alderman Sir David Wootton
Deputy Jamie Ingham Clark	

Officers:

Gemma Stokley	- Town Clerk's Department
Angela Roach	- Assistant Town Clerk
Joseph Anstee	- Town Clerk's Department
Jennifer Ogunleye	- Town Clerk's Department
Deborah Cluett	- Comptroller and City Solicitor's Department
Annie Hampson	- Department of the Built Environment
Carolyn Dwyer	- Director of Built Environment
David Horkan	- Department of the Built Environment
Gwyn Richards	- Department of the Built Environment
Zahur Khan	- Department of the Built Environment
Bhakti Depala	- Department of the Built Environment
Ted Rayment	- Department of the Built Environment
Gordon Roy	- Department of the Built Environment
Craig Stansfield	- Department of the Built Environment
Neel Devlia	- Department of the Built Environment
Mark Pundsack	- Department of the Built Environment
Robin Whitehouse	- Department of Markets and Consumer Protection

1. APOLOGIES

Apologies for absence were received from Henry Colthurst, Stuart Fraser, Shravan Joshi, Natasha Maria Cabrera Lloyd-Owen, Andrew Mayer and Deputy Henry Pollard.

2. **MEMBERS' DECLARATIONS UNDER THE CODE OF CONDUCT IN RESPECT OF ITEMS ON THE AGENDA**

James de Sausmarez declared a personal, non-pecuniary, interest in agenda Item 9 by virtue of his membership of the St Paul's Cathedral Council and its Finance, Audit and Risk Committee and the fact that the Diocese of London had submitted a written objection.

Alderman Prem Goyal declared a personal interest in agenda Items 7 and 8 by virtue of holding a tenancy in Farringdon Within.

3. **MINUTES**

The Committee considered the public minutes of the meeting held on 18 March 2019.

A Member reported that he had requested that Officers separate out the Committee's desire to see alternative guidelines on daylight/sunlight developed from the need for further Member training on this issue. Officers had agreed to this request and had undertaken to bring a full report on the matter to the Committee for their May meeting. The Member requested that the minutes of the last meeting be amended to reflect this point.

The Town Clerk undertook to make this amendment.

The Town Clerk drew Members attention to an addendum that had been tabled regarding the resolution for the item concerning Seal House. The Town Clerk reported that, whilst the version of the minutes published on the public website accurately reflected the Committee's decision in full, the version circulated to the Committee for today's meeting did not. The Town Clerk clarified that a final recommendation containing a proviso had been added at the last meeting after an addendum was tabled and circulated. The full recommendation should therefore read as follows:

RESOLVED – That:

(a) The application be referred to the Mayor of London 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 permission be **GRANTED** for the above proposal in accordance with the details set out in the attached schedule, the planning obligations and other agreements being entered into in respect of those matters set out in the report, the decision notice not to be issued until such obligations have been executed;

(c) That your officers be instructed to negotiate and execute obligations in respect of those matters set out in the report under Section 106 and any necessary agreements under Section 278 of the Highway Act 1980;

(d) Recommendations (a) to (c) above are provisional and subject to prior notice being given of the effect of the development on city walkway, and to prior consideration of any representations received in response to such notice. In the

event of any representations being received the City Planning Officer and Development Director shall be delegated authority to consider the representations and determine whether or not to proceed in accordance with recommendations (a) to (c), subject to first reporting to this Committee should representations raise significant new issues not considered in this report.

RESOLVED – That, subject to the amendments noted, the public minutes of the last meeting held on 18 March 2019 be approved as a correct record.

MATTERS ARISING

Millennium Inclinor Update Report (page 5) – A Member stressed that the Committee were keen to receive a report as to the costs to date associated with maintaining the Millennium Inclinor. He asked that this be added to the Committee’s list of outstanding actions so that Officers did not lose sight of this request. The Chairman agreed that this point should be added to the list of outstanding actions and the City Surveyor reminded of this request.

Bartholomew Lane (page 15) – A Member referred to his questioning, at the last meeting on the impact of eastbound traffic and potential conflict with pedestrians at Lothbury and Bartholomew Lane as a result of changes to Bank Junction. He asked that this matter also be added to the Committee’s list of outstanding actions.

Air Quality (page 15) – A Member also asked that Air Quality feature on the Committee’s list of outstanding actions going forward given that the Committee had requested some form of oversight on the matter at their last meeting. The Chairman clarified that this was a shared responsibility with the Port Health and Environmental Services Committee.

4. MINUTES OF THE STREETS AND WALKWAYS SUB COMMITTEE

The Committee received the draft minutes of the Streets and Walkways Sub Committee meeting held on 26 February 2019.

RECEIVED.

5. MINUTES OF THE LOCAL PLANS SUB COMMITTEE

The Committee received the draft minutes of the Local Plans Sub Committee meeting held on 6 March 2019.

RECEIVED.

6. OUTSTANDING ACTIONS

The Committee received a report of the Town Clerk detailing outstanding actions from their last meeting.

Updates were provided as follows:

Ludgate Circus

The Transportation and Public Realm Director reported that he had recently met with the Director of 'Vision Zero' at Transport for London (TfL) who had indicated that they would be attending the May 2019 meeting of the Planning and Transportation Committee to present solutions to the problems faced at this dangerous junction.

The Chairman stated that he was very encouraged by this and would eagerly await the forthcoming presentation from TfL.

Daylight/Sunlight Training

The Chairman reported that Officers were working to set some suitable dates for Member training on this subject for May 2019.

Daylight/Sunlight – Alternative Guidelines

The Chairman emphasised that this matter had now been separated out from the Daylight/Sunlight Training at the request of Members and would be dealt with separately at Committee level. Members were informed that a report on the matter was now expected to be brought to the June 2019 meeting of the Planning and Transportation Committee.

Illegal Street Traders on the City's Bridges

The Chairman reported that the Chair of the Policy and Resources Committee had met with the Mayor of the London Borough of Tower Hamlets (LBTH) early last week and had used the meeting as an opportunity to raise this matter and request that the LBTH expedite the signing of the Section 101 agreement. This had then be followed up by a letter signed by both the Chairman of the Planning and Transportation Committee and the Chairman of the Port Health and Environmental Services Committee as instructed by Members. The letter had been sent in the latter part of last week and, to date, a response was still awaited. The Chairman undertook to continue to pursue this matter and was pleased to report that the Mayor of LBTH had indicated, at his meeting with the Chair of Policy and Resources, that he was supportive of and sympathetic to the City Corporation's request.

A Member commented that he understood that the LBTH Cabinet had approved the Section 101 agreement and that he could therefore not understand the reasons for the delay in ratifying this at Officer level. The Chairman agreed with this point and emphasised that the argument for this had been made in very strong terms.

In response to questions, the Committee were informed that the City Corporation's Assistant Director Public Protection had chased the matter further with LBTH this morning but that there was no further update to report. Officers went on to confirm that the City Corporation had staff ready to action the agreement as soon as it had been signed.

A Member expressed extreme concern at this and stated that she expected the LBTH to now progress this without any further delay whatsoever.

A Member questioned whether the Committee might receive a report on enforcement on Illegal Traders on the City's Bridges with Southwark and how this was working. Officers undertook to bring such a report to the 24 May meeting of the Committee.

Fumes

The Chairman confirmed that a further report on this matter would be brought to the next meeting of this Committee.

Expansion of Heathrow Airport

The Chairman clarified that this matter came under the remit of the Policy and Resources Committee and, as such, suggested that this be removed from this Committee's list of outstanding actions. He added that the Policy and Resources Committee would, however, be made aware of this Committee's comments on the matter.

A Member stated that, whilst this was within the remit of the Policy and Resources Committee, it was still, in his view, something that this Committee should be kept advised of and have the opportunity to form an opinion on. It was agreed that any reports to the Policy and Resources Committee on this subject, alongside any decisions that that Committee may take on the matter should also be shared with the Planning and Transportation Committee for information.

RECEIVED.

7. DELEGATED DECISIONS OF THE CHIEF PLANNING OFFICER AND DEVELOPMENT DIRECTOR

The Committee received a report of the Chief Planning Officer and Development Director detailing development and advertisement applications determined by the Chief Planning Officer and Development Director or those so authorised under their delegate powers since the report to the last meeting.

RECEIVED.

8. VALID PLANNING APPLICATIONS RECEIVED BY THE DEPARTMENT OF THE BUILT ENVIRONMENT

The Committee received a report of the Chief Planning Officer and Development Director detailing applications received by the Department of the Built Environment since the report to the last meeting.

Members noted that the report now featured applicant details for each application as requested at the last meeting.

RECEIVED.

9. LAND ADJACENT TO 20 BURY STREET LONDON EC3A 5AX

The Committee considered a report of the Chief Planning Officer and Development Director seeking approval for the demolition of an 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] on land adjacent to 20 Bury Street, London, EC3A 5AX.

The Chairman preceded the Chief Planning Officer and Development Director's introduction of the report by underlining that this was an important decision for the Committee to make. He stressed that Members should come to a decision based on the information and representations received before them and that, once that decision was made, it was possible that the Mayor of London would direct in respect of the application or that the Secretary of State would call-in the application for his determination. The Chairman stated that neither of these possibilities fettered the Committee's ability to make a recommendation as Local Planning Authority.

The Chief Planning Officer and Development Director began by drawing Members attention to a correction within the report highlighting that paragraph 44, sub paragraph 6, should read: "*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 **not** outweigh the potential harm to the WHS*".

The Chief Planning Officer and Development Director went on to report that the Site Location Plan shown on page 65 had been updated and recirculated to Members as had a number of late, additional representations that had been received towards the end of last week. She clarified that these representations did not raise any substantial new issues.

The Committee were also informed that Mr Ridley, who had originally intended to attend today's meeting and address the Committee, was now unable to do so and had chosen to submit a written statement to substitute his appearance. This was tabled and circulated.

Finally, Member's attention was drawn to two further, late representations, that were tabled and circulated. One from the Head of Sir John Cass Primary School in support of the application and a second from Mr Frederick Rodgers objecting to the application.

The Chief Planning Officer and Development Director went on to introduce the report, stating that this was a major proposal for a key building, set to be the second tallest in London and offers a major visitor attraction encompassing both educational and community facilities as well as a restaurant and sky bar over two floors. It was highlighted that the educational and community facilities had been significantly enhanced through negotiation on the scheme. Members

were informed that the substantial issues and benefits were set out in full within the written report.

The Chief Planning Officer and Development Director summarised by reporting that the application before the Committee was a for a striking new building marking the City's skyline which would occupy a tight floorspace. It was intended to be a major visitor attraction which would provide a boost to both the London and UK economy. It was anticipated that the attractions busiest period would be at weekends. The building would also offer educational and community facilities free of charge allowing 40,000 schoolchildren per year to visit the attraction free of charge. The main focus of the curriculum here would be for primary school children under the age of 11. Members were informed that the building would be energy efficient and would not impact on the servicing arrangements for The Gherkin in a satisfactory position and would improve cycle provision. The plaza space in the area would be replaced with a small garden.

Once all of the schemes currently under construction and consented to are realised in the City's Eastern Cluster, the greatest impact of The Tulip would be an increase of 8.4% in pedestrian movement at St Mary Axe at peak times. The pedestrian comfort level here was rated as 'C minus' and this would remain unchanged with the addition of The Tulip. The Chief Planning Officer and Development Director stressed that it was symptomatic of a successful City that it would be busy. Both the Transport Strategy and the Eastern City Cluster Strategy consider pedestrian flow and busy City streets in greater detail.

Members were informed that the most significant impact of the scheme would be on the Tower of London World Heritage Site (WHS) which makes it of Outstanding Universal Value (OUV). Here, it was accepted that The Tulip would result in 'less than substantial harm' to the view of the Tower of London from Tower Bridge (View 10A).

Members were also informed that the proposal included a request to demolish and rebuild the building that currently housed the back of house office facilities for The Gherkin but that the main entrance to The Gherkin would remain unchanged with a small 'pocket park' introduced between the pavilion and The Tulip which would accommodate the memorial to the victims of the 1992 bombing as well as a new roof garden space on the proposed pavilion building.

The Chief Planning Officer and Development Director underlined that it was a requirement of the proposal that there be no on-street queuing for the attraction. Fire strategies within the proposed building were a matter of condition as were various refuge points. Members were shown various images depicting views from the proposed building. The Committee were informed that the facility would be available until 11pm in the evening.

Members were informed that the proposals included plans for revolving gondolas to move around the outside of 'the spoons' of the building and that these would be accessed at levels 4, 6 and 8. It was anticipated that it would take approximately 8 minutes for the gondolas to complete a full circuit and that

each would hold between 8-10 people. The gondolas could also be used for dining purposes.

The Assistant Director (Development Management Design) addressed the Committee specifically on the Eastern Cluster Policy area. He underlined that the aspiration was to develop a cluster of tall buildings in this area. He accepted that this was a unique, unorthodox proposal but stated that he considered the City dynamic was one that allowed architectural ingenuity to flourish and that there were already many examples of this within the City skyline. He went on to state that the merits and appropriateness of The Tulip on the City skyline had led to a polarised debate, but he considered that this would be an eclectic and exciting mix of buildings. He added that he was of the view that The Tulip represented strong architectural integrity and would provide a familial relationship with The Gherkin which would sit closely alongside.

Members were informed that the proposal was for a concrete core/stem with a glazed element for the upper stories of the building, using large sheets of curved glass. At ground floor level, proposals were for the removal of a ramp which would be replaced with urban greening in the form of a 'pocket park' situated between the proposed new pavilion building and The Tulip itself which would provide an enhanced public realm offering.

The Assistant Director (Development Management Design) went on to state that there was consensus around the fact that the proposal would impact upon the WHS of the Tower of London in terms of the view from the North Bastion of Tower Bridge. It was agreed that this would result in a degree of harm which Officers felt was towards the upper level of less than substantial.

Officers accepted that the addition of The Tulip would create an abrupt vertical edge to the Eastern Cluster but also considered that the building was a sufficient distance away so as not to affect any of the other views of The Tower which had been assessed. Members were shown the view across the Inner Court and it was highlighted that the view of The Tulip across the Chapel of the Tower of London was transient.

Members were shown the impact of the proposal from numerous different locations and informed that the most prominent views of the new building would be as one approached the City from both the North and the East. From both Bishopsgate and Whitechapel Road The Tulip would be very prominent although not, in the view of Officers, harmful. The view from Aldgate, St Botolph's, whilst prominent in places, was also transient.

Members were advised that it was for them to balance the harm against the benefits of the proposal.

The Chief Planning Officer and Development Director clarified that Officers had strongly emphasised that the building was never to be used for advertising or excessive illumination. She concluded by stating that Officers were of the view that the economic, educational, social and architectural benefits of the scheme

outweighed the harm and that the application was therefore recommended for approval.

The Chairman thanked Officers for their introduction, introduced the registered objectors and invited them to address the Committee. Anna McPherson, representing Historic Royal Palaces (HRP) which is the custodian of the Tower of London emphasised that the Tower was a UNESCO WHS, a Grade I listed building and one of London's most popular visitor attractions with approximately 4 million visitors now per annum. She underlined that HRP had consistently objected to proposals for buildings in the City's Eastern Cluster which were progressively encroaching on the Tower of London. She added that this proposal, which, if granted, would result in a building of great height located on the edge of the Cluster which would have a seriously damaging affect and challenge the iconic status and setting of the Tower. She stated that the proposals breached both national and London plans for the protection of historic sites, as noted within the report.

Ms McPherson went on to state that the Tower itself hosted school parties throughout the year. She added that HRP had referred the proposal to UNESCO's World Heritage Centre as being likely to affect the OVU of a WHS. The World Heritage Centre had requested a report on the cumulative effect of all of the buildings coming forward within the Eastern Cluster which had been sent to them after some delay. Their views were not yet available to inform today's proceedings. She concluded by asking the Committee to refuse the application.

Duncan Wilson, Chief Executive of Historic England (HE) addressed the Committee, referring to NPPF guidance around how planning authorities should carry out the duty of considering the impact of proposals in terms of listed buildings and their settings. He added that the preservation of WHS was vital and that the City Corporation's own plans recognised this. He informed the Committee that the Tower had gained WHS status in 1988, positioned in a strategic site, functioning as the fortress for London and a symbol of Royal power against the mercantile city. He stated that development within the Eastern Cluster had already changed the relationship between the City and the Tower but that the addition of The Tulip would make this more fragile still, creating a vertical 'cliff edge' and challenging the dominance of the Tower which would appear even more subservient to nearby modern development.

Mr Wilson went on to note that the City officers were in agreement in terms of the levels of harm that would be done to the views of the Tower of London from Tower Bridge as set out within the report. He recognised that the proposal was for the construction of an iconic building with economic benefits that would boost London's tourist offering and visitor numbers. However, he did not consider that these were substantial enough to warrant approval. He added that the Tower of London was already London's most iconic attraction and argued that approval of this scheme could not possibly be deemed as sustainable development.

The Chairman thanked the objectors for their contributions and invited questions from Members.

A Member questioned why there were concerns that The Tulip would spoil the visitor experience to the Tower of London given that the two would clearly provide very different visitor experiences. Mr Wilson stated that the addition of The Tulip to the Eastern Cluster would significantly affect the setting of the Tower and would have a cumulative impact on this. He added that he felt that the visual separation between the two that currently existed was very significant.

A Member stated that he understood that the City's Officers shared the views expressed around harm but had still reached the conclusion that this would be 'less than substantial'. He questioned, therefore, how the views formed by HE and HRP around significant harm were informed. Mr Wilson clarified that HE was, in fact, in agreement with Officers around the fact that the proposals would result in less than substantial harm. It should not, however, be concluded from this, that the harm caused would not be significant as less than substantial harm was far from minor. He added that, where HE differed from City Officers was in their assessment of the benefits of the scheme. Ms McPherson added that harm was relative to the sensitivity of the subject and that the NPPF made clear that the harm here was not insignificant.

A Member noted that both parties had previously objected to most proposals for buildings within the Eastern Cluster over the last decade. He went on to refer to visitor numbers at the Tower of London which had increased substantially in this time. He questioned therefore whether, despite previous objections, the addition of certain buildings/attractions in the Cluster had actually attracted more visitors to the area which the Tower had benefited from. Mr Wilson stated that it was true to say that HE had commented on previous applications that would have an effect on the views of both St Paul's Cathedral and the Tower of London but clarified that they had not objected to proposals for all tall buildings in the City. He went on to report that tourism was a rising tide worldwide but that HE's objections were not necessarily based on the effect on visitor numbers but on the fact that the addition of this new building would damage the visitor experience and surrounding environment.

A Member emphasised that UNESCO, on their last deputation to London, had expressed great concerns around the harm being done to the Tower of London WHS. She stressed that it had been given assurances at this time about future development proposals around the site and questioned whether the fear was now that a continual encroachment from the Eastern Cluster towards the Tower could result in the revocation of its WHS status. Ms McPherson confirmed that this was exactly the case. She confirmed that UNESCO had last visited London in 2011 and had made clear that it considered that the setting of the Tower was extremely important, and that further encroachment could indeed pose a risk to its status and lead to it being added to the 'danger list'. This was the main concern of HRP. Ms McPherson reiterated that ICOMOS's view had not, however, been received in time to further inform today's deliberations.

At this point, the Assistant Director (Development Management Design) clarified that the ICOMOS report had been received and circulated to Members as part of the additional documentation sent to the Committee on the previous Friday. Ms McPherson stated that she was yet to have the benefit of reading this.

The Chairman questioned HRP's views on The Shard and how much harm they considered that this had caused to the Tower and its setting. Ms McPherson highlighted that, at present, The Shard stood as a single iconic structure. It did, however, affect the views of the Tower of London although it was recognised that the building had been designed in such a way to minimise the impact of this.

Mr Wilson stated that HE would not welcome the Tower losing its WHS status. He added that, in his view, The Tulip went beyond what was being discussed as the Eastern Cluster.

A Member stated that he was struggling to understand the harm/impact that the proposal would have on the Tower of London. He stated that he did not think it possible that any new building could challenge the Tower's iconic status. He added that any visitors to the Tower were generally well aware that the City was in close proximity to the site. Mr Wilson accepted that this was a subjective judgement but reiterated that the view of HE was that the introduction of The Tulip would constitute a significant breach with regard to setting of the Tower apart from the City.

The Deputy Chairman referred to the letter of objection submitted by HE dated 6 December, included as an appendix to the written and circulated report. He noted that the letter agreed with the Officer view that The Tulip would result in less than substantial harm. The test for Members would therefore be to decide whether this harm outweighed the public benefits of the scheme and went on to question why there was no commentary on this point within the HE letter. Mr Wilson stated that, whilst HE alluded to the educational and tourist benefits of the proposed scheme and stated that they were not convinced by these, they had refrained from commenting in any detail on the economic benefits as they considered that this was for the LPA to determine and weigh up. He added that it was, however, right and proper for HE to comment on the claimed benefits and clarify an assessment on the level of harm which they would do.

The Deputy Chairman went on to point out that the ICOMOS technical review recommendations were primarily focused on "political" points. Ms McPherson reiterated that all parties were required to protect WHSs and that this was set out within the UK Planning System. UNESCO were strongly of the view that a policy around this should also be incorporated within Local Plans.

A Member commented that the City had always been a juxtaposition of historic and modern buildings. He stated that his personal view was that this kind of setting could actually heighten the significance of historic buildings and questioned whether the view of HE was that this should now be avoided at all

costs. Mr Wilson clarified that there was no objection per se to the use of modern design in a historical context from HE.

A Member questioned whether the view formed by HE on the application was based on professional views or prejudice or had been publicly surveyed. Mr Wilson stated that this was the professional view of HE and had not been based on public surveys. The view of HE with regard to harm was shared by the City Corporation's own officers, the key question was therefore whether or not this assessment affected the Committee's decision today.

A Member questioned what defined the Tower's status as a WHS and the effect that development might have on this status. Ms McPherson confirmed that ICOMOS had produced a set of Heritage Site Impact guidelines around this which were also referred to within the written report before Members. Ms McPherson went on to report that WHS were inscribed on a list by UNESCO as they were deemed to be of OUV. She clarified that the Tower of London featured on the list as a cultural WHS and that, whilst such status was something for the country to be proud of, recognition went far beyond the host country and was often international. She stressed that if this status were to be revoked it would be a great loss to the country.

The Chairman invited those speaking in favour of the application to address the Committee. Mr Robert Tavernor, founding Director of The Tavernor Consultancy – Townscape and Heritage Consultants stated that he had been commissioned to assess the impact of the proposal on WHS of the Tower of London. Mr Tavernor reported that he had previously advised on proposals involving tall buildings and had substantial expertise in the City. He clarified that he had assessed 62 separate views for The Tulip and identified harm in relation to just one of these, from the North Bastion of Tower Bridge, a location where existing buildings within the Eastern Cluster were already very visible.

Mr Tavernor went on to argue that the existing line between the City's tall buildings and the White Tower would be preserved but that they were in agreement with Historic England around the harm that would be done to this particular view. However, Mr Tavernor went on to suggest that this was not the best view from which to appreciate the relationship between the Tower and the City. He referred to the river view where the historic dominance of the Tower was best experienced. He referred to the iconic view of the Tower from Queen's Walk from which point the Tulip would appear very separate.

Mr Tavernor concluded by making reference to the several key public inquiries that had taken place with regard to The Shard which had suggested that it was not regarded as inherently harmful to the views of the Tower of London. He reiterated that a full range of views had been assessed in relation to The Tulip and that he was confident, on the basis of this, that The Tulip would be an exceptional, modern landmark which would enhance the views of The Tower as a whole.

Grant Booker, Senior Executive Partner at Foster and Partners began by offering Lord Forster's apologies to the Committee. He added that he would be

reading a short comment from Lord Foster at the end of his speech. Mr Booker stated that he was an experienced architect who cared passionately about his work and had worked on most major Foster development projects in the City in recent years. He reported that the site in question had a fantastic and rich history and had, with the development of the now iconic Gherkin building (which was also very controversial at the time), been rebuilt following the Bishopsgate terror attack.

Mr Booker stated that The Tulip was intended to be a companion structure to The Gherkin and would therefore be sympathetic to the design of this with the intention of being a slim, curvaceous and gentle addition to the area. Mr Booker referred to the building as symbolic, exciting and dynamic – featuring moving elements in the form of glass gondolas towards the top of the structure. Members were informed that The Tulip was intended as a purpose-built attraction with educational elements which would provide what the applicant believed to be amongst the best, most exciting classrooms on offer anywhere in the world. Mr Booker reported that the applicant had held round table discussions with educationalists, including the Head of Sir John Cass School, on what might be delivered here with some praising the offer as ‘taking the mystery out of the City and making it a possibility for every schoolchild’.

Mr Booker concluded by delivering a comment from Sir Norman Foster which referred to The Tulip as a structure that was to be totally devoted to the public with a generous educational dimension for younger generations. He continued that there was currently no such facility in London – available for its citizens and visitors alike. Socially, it was intended to broaden the City’s activities beyond purely economic and would become a symbol far beyond its host city.

The Chairman thanked those speaking in favour of the application for their contributions and invited questions from Members.

A Member noted that most of the views shown depicted the trees around the Tower of London in full bloom, particularly the view depicted from the scaffold site from within the Tower. She added that the Gherkin was already very visible from this site in the winter months when the trees were bare. She questioned why there were no images depicting this. Mr Tavernor clarified that images were provided for a range of periods throughout the year as this was part of the requirements for assessment.

A Member questioned how long it was likely to take to evacuate visitors from the attraction in the event of an emergency. Mr Booker stated that it was anticipated that it would take approximately 45 minutes to clear the building from the very top. He confirmed that there would be twin staircases covering all exits. In response to further questions on this subject Mr Booker confirmed that there were a number of mechanisms to secure evacuation from the glass gondolas including the ability to move these around on the rails by hand to one of a number of evacuation points across various levels.

In response to how the arrival of school parties would be managed, Mr Booker confirmed that transport to the attraction would not be planned on behalf of the schools visiting but that separate access routes would be available for school

parties on arrival. He added that it would be a requirement for school parties to pre-book.

A Member referred to the assumption of visitor numbers to The Tulip per annum made within the written report and stated that, if these estimates were correct, the attraction would be operating at between 50-60% capacity. He went on to question whether it was considered that this would be sufficient to justify the cost of the building and maintenance. Mr Booker stated that it was considered that this was sufficient. He added that Officers had imposed conditions around capacity.

In response to further questions on the economics of the building, a Member queried its sustainability and enquired as to whether branding had been part of the business equation. Mr Booker confirmed that it had not and that the applicant considered that the building would be sustainable based on visitor numbers alone. Mr Booker referred also to the restaurant and sky bar offerings proposed.

At this point, the Chairman sought approval from the Committee to continue the meeting beyond two hours from the appointed time for the start of the meeting, in accordance with Standing Order 40, and this was agreed.

A Member questioned how the figure relating to the likely number of school children visiting the attraction per annum had been arrived at. Mr Booker confirmed that this was based on the times available and the number of classroom spaces.

A Member questioned the views of The Tulip from nearer the structure. He referred to the proposed concrete stem of the building which he considered was a major change and would have significant impact for those visiting the Gherkin. He questioned the developers views on this. Mr Tavernor reported that a fine concrete would be used to build the stem of the building with articulated lines within its surface. He added that the ends of the stem would be curvaceous and have a tactile quality. The impact would be positive and appealing and create a positive contrast to the surrounding glass structures such as The Gherkin.

In response to final questions, Mr Booker confirmed that independent studies as to the public and educational benefits of the scheme had been carried out. It was considered that the proposal would be of benefit to London and a positive contribution.

The Chairman asked that Members now move to debate the application.

A Member noted the objections raised by both HE and HRP. He referred to the growing Eastern Cluster which had previously been presented as rising from one side and 'falling away' at the other. He noted that proposals for this building would not conform to this. He stated that he was, however, in favour of the application and the way it would contribute to the City's vibrant and increasing night time economy. He was satisfied that the harm caused to views would not

be substantial particularly when weighed against the potential benefits. He expressed support for the proposal of a mixed-use building which would add greatly to the Cluster and the City as a whole. He concluded by stating that potential visitor numbers and increased footfall in the area were a concern and served to reiterate the work that the City Corporation must continue to do around matters such as delivery consolidation and air quality to help mitigate this.

A Member underlined that tourism was an extremely important and significant industry in London. He referred to the proposals which were for a building with a small footprint that would bring economic and educational benefits. He stated that he was also therefore minded to support the application and was confident that the benefits of this outweighed any harm.

A Member spoke against the application on the basis of taste and aesthetics. He stated that the proposals for a concrete shaft with a glass bubble on top would not be out of place in Las Vegas but were clearly not in keeping with the City skyline. He underlined that, by the Officers' own admissions, the proposals were not in compliance with the development plan. However, this was set against additional material considerations within the written report, one of which was the provision of an educational facility for 40,000 of London's state school children free of charge each year which would enable each London school child to visit once in their school life. The Member stated that this claim had been used as a 'trump card' but went on to articulate the view that the best place for school children to learn was within their own classroom without the distraction of a day out. He stated that he was minded to vote against this application.

A Member stated that he had some doubts as to the form of the building and the proposal around the use of concrete for the stem of the building given that it tended not to age well. He also expressed concern around the increased footfall in the area but went on to state that he considered that the building had the 'wow' factor and the ability to become a new icon for the City presenting it as historic, yet with an open mind and sense of fun for future generations.

A Member emphasised that the central question was that of harm versus public benefit which was always a challenge to determine. He stated that he had two key observations – the first being that, of all the views from and alongside the Tower of London WHS just one was of issue. He therefore stated that it was important to maintain perspective around this. The Member went on to refer to what he felt were the very real educational benefits of the scheme. He reported that he was currently associated with a state school in the London Borough of Tower Hamlets and considered that an offering such as The Tulip would make a huge amount of difference to London state school children in terms of its contribution to social mobility. He urged Members to be bold, brave and passionate in their approval of such an application as the City moved through the 21st century.

A Member disagreed with this view and referred to the proposals as little more than a vanity project. He added that even the City Corporation's own Officers were in agreement with HE over the fact that this was a fine balancing act between harm and public benefit. He referred to the numerous written objections received, amongst which were the GLA, and the fact that the City

already offered many viewing platforms and educational opportunities. The Member concluded by warning against underestimating the irreversible heritage harm that would be caused should this application be granted. He referred also to the loss of public realm around The Gherkin and questioned whether this was the correct location for such a development where it would clearly have a severe impact in many ways.

Another Member referred to the numerous letters of support received in favour of the proposals. She stated that the unique mixture of ancient and modern represented what the City was and always had been about. She referred to the restaurant offering within the building which would could be used for the entertaining of clients and therefore provide a link between the City's business and visitor offerings.

A Member noted that the heritage aspects were the only thing against the application. She referred to the fact that the City was looking to diversify and praised the juxtaposition between old and new that this proposal would result in. She reported that traders at nearby Leadenhall Market, situated within her electoral Ward, were struggling to attract trade at weekends and it was hoped that these proposals would help attract visitors to the area seven days a week. She concluded by praising the developers approaches to the Museum of London to discuss how to develop The Tulip's educational offerings and noted that the proposals had the support of the Head of Sir John Cass School.

A Member reiterated that his main concern centered around the sustainability of the building and whether the anticipated 1.2 million visitors per year was significant enough to provide financial return. He estimated that these numbers were representative of the attraction only running at approximately 60% of capacity.

Another Member echoed concerns around the sustainability of the building which the developer had carried out his economic appraisal on over a 20-year operational life. She questioned the use of such a building thereafter. She also expressed concern over the loss of public realm here and increased footfall. She went on to note the service lifts that would facilitate 4-5 deliveries per hour. She questioned how this would be managed and also noted that this did not cover waste collection. Finally, she questioned proposals for cycle parking which did not appear to be adequate and stated that, for all of these reasons, she did not support the proposals.

A Member stated that he strongly supported the application which reflected the need/ability for the City to be flexible and attract and encourage this type of iconic building.

Another Member stated that, in view of the social, economic and architectural benefits of the application, he was fully supportive of the proposals.

A Member stated that, whilst he had been impressed by the contributions from both HE and HRP around the need for balance between harm and public benefit, he was in favour of the application. He stated that he considered that the proposals introduced an interesting mix to the City's skyline and that he was

keen to ensure that the movement and mixture of people across the City was enhanced by this.

A Member stated that the design of the building was reminiscent of a fairground ride which would be very expensive to maintain and would be a huge embarrassment if it were to be a failure.

A Member referred to the fact that office space remained the prime focus for the City Corporation and that this scheme offered none. She questioned the assurances that had previously been given to UNESCO regarding the development of the Eastern Cluster and also questioned the impact on the ground once all of the consented buildings here were fully occupied. The Member went on to refer to the fact that the educational offering was far from unique as similar offerings were available nearby as were similar roof top gardens, sky bars and restaurants. She referred to the Tower of London's iconic status that was recognised worldwide and should therefore be protected at all costs. She considered it was sad that the continued development of the Eastern Cluster was, in her view, continually chipping away at this important silhouette and protected views. She concluded by stating that whilst she was sure that there were many locations around London that would appreciate and benefit from such an attraction in terms of boosting their local economy, this was not the correct location for such a building.

Officers responded to various points raised by Members. Members were informed that the last UNESCO visit to London had taken place in 2011 where the deputation left assured that the City Corporation were competent and capable custodians of the City's World Heritage Sites. Officers added that they were of the view that work carried out since this time, such as the introduction of 3D modelling, would now further re-assure UNESCO.

Officers went on to agree that development on the edge of the Eastern Cluster had not been anticipated but that the proposals before the Committee were for a slim structure with a small footprint that should now be considered on its own merits. In terms of the relationship with The Gherkin, the view of Officers and the developer was that the new structure would be in synergy.

With regard to the concrete stem, Officers reported that concrete was a very good material when well executed, in the right hands. It has been used for many iconic structures across London such as The Barbican and Battersea Power Station.

In terms of opening hours, Officers confirmed that this was key to the recommendations before Members and that the building would be operational between 7am-11pm. Peak time hours would be controlled, and it was anticipated that the busiest periods would fall at weekends thereby limiting the impact of the attraction on the business city. The impact in terms of increased footfall took into account all approved schemes within the Cluster and resulted in an increase of 8.4% at worst. This assessment also took into account a stress factor of 10% and still resulted in a C- pedestrian comfort rating for the area. This had also been independently assessed on behalf of the City Corporation. Schoolchildren would visit the attraction between 10am-3pm only

to match school hours and to minimise the impact of school parties approaching the attraction during rush/peak hours.

With regard to sustainability/viability, Officers had discussed concerns around this early on in the scheme and how this might be managed. The fundamental costs associated with the proposals were around its initial construction. Maintenance costs would then be relatively small in comparison and Officers were satisfied that these were realistic.

Officers reiterated that The Tulip should not be used for advertising or be highly illuminated and that these would be controlled.

The Chairman concluded the debate with his own contribution, stating that only very occasionally did the Planning Committee get the opportunity of a lifetime for its city and he considered that this application could well be it. He referred to The Tulip as a beneficial, iconic addition to the City and London as a whole - something which has the potential to play an important role in realising the vision of the Square Mile as a vibrant 24/7 city and enabling it to continue to remain at the forefront of a globally competitive environment.

Members then proceeded to vote on the recommendation, with 18 Members voting in favour of the recommendation and 7 Members voting against the recommendation. There were no abstentions.

RESOLVED – 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.

10. QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE

There were no questions.

11. ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT

There were no additional, urgent, items of business for consideration.

12. **EXCLUSION OF THE PUBLIC**

RESOLVED– That, under Section 100(A) of the Local Government Act 1972, the public be excluded from the meeting for the following items on the grounds that they involve the likely disclosure of exempt information as defined in Part I of the Schedule 12A of the Local Government Act.

Item No.
13-14

Paragraph(s)

-

13. **NON-PUBLIC QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE**

There were no questions raised in the non-public session.

14. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT AND WHICH THE COMMITTEE AGREES SHOULD BE CONSIDERED WHILST THE PUBLIC ARE EXCLUDED**

There were no additional, urgent items of business for consideration in the non-public session.

The meeting closed at 1.27 pm

Chairman

Contact Officer: Gemma Stokley
tel. no.: 020 7332 3414
gemma.stokley@cityoflondon.gov.uk