

Addendum report No.2 to Committee Report: Application Nos. 23/01304/FULEIA, 23/01277/LBC and 23/01276/LBC	
Committee	Date
Planning Applications Sub Committee	17 April 2024

Late Representation

A late representation has been received from Fred Rodgers which is attached. The responses raises no new substantive planning grounds and the issues are dealt with within the report and associated documents.

From: [REDACTED]
To: [REDACTED]
Subject: FW: London Wall West - 23/01304/FULEIA etc (the Scheme)
Date: 16 April 2024 16:56:18
Attachments: [REDACTED]

Sarah Gentry
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From: Fred Rodgers [REDACTED]

Sent: Tuesday, April 16, 2024 4:34 PM

To: Frederick Rodgers [REDACTED]

Cc: Richards, Gwyn [REDACTED]; Hayward, Christopher (Deputy)
[REDACTED]; Wilkinson, Paul
[REDACTED]

Subject: London Wall West - 23/01304/FULEIA etc (the Scheme)

THIS IS AN EXTERNAL EMAIL

Dear Planning Applications Sub- Committee Member,

Tomorrow, you will have the responsibility of making a decision on the Scheme, a decision forced on you by other members of the Court of Common Council and one which is completely unnecessary. The Scheme's Sponsor, your Policy Chair, is one of those other members. The same Policy Chair who, when on P&TC, was absent on the two occasions 31 Bury Street (the scheme that would have adversely affected Beavis Marks) and recommended by the Director of Planning and Development was considered. Even then, four current members of the PAS-C voted for approval when it was refused. Whatever decision you take though, it will add to the reputational damage which City Corporation (CoLC), as applicant, has already caused to itself through its blinkered pursuance of the Scheme.

Unfortunately, you will be damned if you do and damned if you don't, although many more will be adversely affected if you do than the few egos that may be hurt if you don't. The alleged purpose of the Scheme is to ensure that CoLC obtains best value on a subsequent disposal, sometime later this decade. It's understandable that, having spent over £11.5 million on the Scheme, CoLC wants to show it is money well spent. However, as the Policy Chair has stated publicly, CoLC will not be implementing the Scheme and it's highly unlikely any developer would wish to implement it either, especially as possession will not be available for some time.

Although the public consultation on the Scheme ended on 06 April, comments are still being posted to the planning portal. However, you have already received a copy of the Officer's report to Committee (Report), and you will be receiving at least one Addendum before the meeting but there are several questions of officers which have been outstanding for some time and it is doubtful that those questions will be answered in time to be considered at the meeting. This is something you should be raising with officers if you wish to reach a balanced decision on the Scheme. In the meantime, there are one or two issues regarding the Scheme which you should raise on Wednesday in any event, including – and as detailed in the Schedule:

1. The Report refers to officers.
2. The Report confirms that CoLC, as LPA, does not identify Bastion House, the Museum of London building or the Rotunda as Non-Designated Heritage Assets (NDHAs).
3. As far as carbon emissions and the submitted Whole Life-Cycle Carbon Assessment (WLCA) are concerned.
4. According to Buro Happold's *Carbon Optioneering Study, including Dashboard 1 and Dashboard 2 of 17 November 2023*.

The above are facts. There may be more incorrect “facts” in the Report. Certainly, there are many subjective views and claims, a lot of which is box-ticking, but, of course, opinions on design and public benefit will always be subjective. However, CoLC, whether as applicant or as LPA, has obligations in respect of the whole of the Square Mile and issues such as additional cultural facilities and additional of open, particularly green, spaces should be viewed in the round. Here we have Barbican Arts Centre which costs us over £30 million a year with horrific refurbishment costs but without any Culture Strategy, alongside the failure, through lack of resources, to present Destination City as a thriving green oasis. At the same time, residents and students in the east of the City are denied any cultural offers, certainly not affordable ones.

As mentioned above, the submission of the Scheme was unnecessary; “facts” you are being asked to consider aren’t; there is prima facie evidence of conflicts of interest for officers; and the Policy Chair has apparently claimed in a *Financial Times* interview in February, that he personally directs council officers to make things “work” for major office developers”. In the circumstances you have every right to refuse permission for the Scheme. After all, there would be little danger of the “costs of an appeal” threat against refusal having much weight in refusing permission.

Best regards,

Fred Rodgers

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The Schedule

1. The Report refers to officers. However, it doesn't distinguish between officers representing CoLC, as applicant, and those representing CoLC, as LPA. There is, of course, the required Handling Note (Note) which names most of the officers involved but the Note is undated. One consequence is that the successive claims of Buro Happold – CoLC's, as applicant, de credere planning agent, regarding disproportionate collapse have been accepted by CoLC's, as LPA, officers without question or challenge. During the period which should have been covered by the Note, CoLC's, as LPA, officers, including those identified in the Handling Note, instructed Buro Happold to prepare CoLC's, as LPA, draft Planning for Sustainability SPD which has recently gone out for public consultation. How can there not be a prime facie conflict of interest here?

2. The Report confirms that CoLC, as LPA, does not identify Bastion House, the Museum of London building or the Rotunda as Non-Designated Heritage Assets (NDHAs). This is important in that the Report would then have to give proper and due consideration to these buildings as heritage assets. These buildings – and Ironmongers' Hall – were excluded from the Barbican and Golden Lane Conservation Area (CA) in 2018 - rejected with nothing more than references to the then current Certificate of Immunity from Listing (COIL) which was due to expire on 21 July 2020, although the Hall was identified as an NDHA. Contrary to paragraph 107 of the Report, there was no appraisal of the CA in 2022 or at all. Paragraphs 551 to 553 of the Report seek to justify the non-identification by reference to guidance from Historic England (HE) for the creation of local lists of heritage assets, despite HE distinguishing local listing from identification of NDHAs. The reason for non-consideration for the CA – the COIL – whilst mentioned in paragraph 551 - isn't repeated in the Report. However, having used the HE guidance to support the non-identification, Barber-Surgeons' Hall is identified as an UDHA in paragraph 554 without it even being tested against HE's criteria. CoLC, as applicant, covertly applied to renew the COIL last November – engaging a new heritage consultant at a cost of £37,000 – but the application became public knowledge and several objections were submitted to HE. At the beginning of this month, HE hadn't submitted its advice on the application to the Secretary of State, Digital, Culture Media and Sport and it would seem reasonable to await the outcome of that application before a decision is made on the Scheme.

3. As far as carbon emissions and the submitted Whole Life-Cycle Carbon Assessment (WLCA) are concerned, according to paragraph 1106 of the Report, The methodology as set out in the COG [Carbon Optioneering Guidance] was only available in draft form from July 2022. My own response to the consultation on the draft COG is dated 06 June 2022 and the "final" issue of the document is dated 25 May 2022. CoLC, as applicant, published its first WLCA on 31 May 2022, although "document properties" shows it was created on 30 May 2022, so it seems the "excuse" offered in paragraph 1106 has no basis in fact. The failure of CoLC, as applicant to provide a detailed appraisal of "Option 2" and that of CoLC, as LPA, to require one shows a complete lack of objectivity on the part of the latter. Not only has CoLC, as applicant, through Buro Happold, moved the goalposts between May 2022 and as recently as last month as far as the construction of Bastion House is concerned, CoLC, as LPA, hasn't challenged this at all, making a mockery of CoLC bragging about its "retrofit first" policy! For the record, the cost of the original buildings was provided by the GLC and CoLC, sometime after the Ronan Point disaster; it's obvious from the architects' drawings that the structure of Bastion House was significantly changed after November 1968 – with the number of proposed external columns being reduced from six to four; the letter of 26 September 1969 from the architects referencing changes to meet the newly introduced wind speed code is missing from CoLC's file 4648 but a later confirmatory

letter remains; although the “new” design code for concrete (CP110) was introduced in November 1972, the Handbook on the Unified Code for Structural Concrete (CP110: 1972), published by the Cement and Concrete Association, is dated 01 January 1972, which is not surprising as regulations of this type are, of course, considered in draft before being approved and coming into force at a later date; and, conclusively, drawing 172-T1-15, Section A-A in both London Metropolitan Archives and CoLC file 4648 has an alteration dated 24 November 1972 with Note re 3rd floor slab added. The note reads: NB For details of construction of third floor slab see Dwgs 172-T8 -2 + 3 and Engineers’ Drawings!

4. According to Buro Happold’s Carbon Optioneering Study, including Dashboard 1 and Dashboard 2 of 17 November 2023:

3.2 Bastion House: Based on its current use as an office tower, the floor-to-floor heights in Bastion House are very low at 3.3m. The existing floor-to-ceiling heights in Bastion House are approximately 2.54m. This limits natural lighting to the depth of the floor plate and creates undesirable office accommodation. Guidance from the British Council for Offices (BCO) recommends that for refurbishments 2.45m to 2.8m floor-to-ceiling heights are acceptable in some circumstances, whilst for new-build offices with deep plan floor plates, floor-to-ceiling heights should be 2.8m to 3.2m.

The floor-to-floor height is 11 feet – 3.35 metres – the floor slab to ceiling slab height is 10 feet two inches - 3.1 metres – and the floor slab to fitted false ceiling height is 9 feet - 2.74 metres.

Comments on selected paragraphs of the officer's report to Committee

No	Para no	REPORT	Comment
1	107	The Barbican and Golden Lane Conservation Area Appraisal (2022)	There is no such document. The actual document is the Barbican and Golden Lane Conservation Area SPD.
	284	<i>.... will transform a hostile, traffic dominated environment into a lively and accessible destination, perfectly situated on the pedestrian and cultural desire line between the Barbican, St Paul's Cathedral, Millenium Bridge and the Tate.</i>	With the London Museum opening in West Smithfield and more likely to attract visitors than the Barbican Centre, especially during daytime, the more likely desire line from St Paul's will be along King Edward Street, Little Britain and West Smithfield.
2	413	<i>The southern boundary lower-ground level carpark, interface with the school playing fields and truncated severing of Mountjoy Highwalk [sic], are elements which appear unfinished, inconsistent and detract from the special interest of the garden.</i>	This requires explanation. Presumably "Highwalk" should be "Close"? Which is the "garden"? It can't be the Engineers' Garden unless it's accepted that this should also be added to the Barbican Estate RPG, as per the recent application.
3	460	<i>Taking into account the overall scale of the Barbican and Golden Lane Estate Conservation Area as a designated heritage asset the development within the conservation area and within its setting is not considered to harm its character or appearance and would preserve the significance and contribution made by setting.</i>	Can it be the case that "the overall scale" is such that no intervention within a CA can be considered to harm the character or appearance of a CA? If so, this would be giving carte blanche to completely encircle the CA with interventions of modern buildings. That would hardly preserve the significance nor the contribution made by setting.
4	461	<i>..The hall is the only surviving pre 1930s structure in the immediate locality, following the clearance of the area after the Blitz which further enhances its rarity and historic interest in the local context.</i>	Obviously "immediate locality" is relative but 1 Golden Lane, Bridgewater House, Nat West Bank, St Giles Cripplegate, St Anne and St Agnes, St Botolph's Aldersgate, St Bartholomew's Hospital, St Bartholomew's the Great, St Bartholomew's the Lesser, parts of Little Britain, Newbury Street, East Passage, Middle Street, Cloth Fair, Long Lane and West Smithfield can all be said to be nearby, at least.
5	534	<i>The immediate landscape setting would be positively transformed, made publicly accessible and be supported by heritage interpretation indicated by View 27 and the D&A Landscape Masterplan and Ground Level.</i>	"Transformed" yes, but "positively" is subjective. It could be made publicly accessible now in any event.

6	551	<p><i>The existing buildings on the site are the former Museum of London building and associated office development of Bastion House, of 1968-76 by Powell and Moya. These buildings have been assessed and found not to qualify for listed status by Historic England. They are now subject to a Certificate of Immunity from Listing (COIL).</i></p>	<p>CoLC's, as LPA, failure to identify the three buildings as NDHAs now relies on Historic England Guidance which doesn't relate to NDHAs. However, there is an element of hindsight which the current failure to provide information regarding CoLC's response to Tavernor Consultancy's request on this subject of April 2022. That the question was asked is notable, that the answer hasn't been supplied is perhaps not so. As Historic England is in the process of advising the SoS, DCMS, on the application to renew the COIL – against several objections – CoLC, as LPA, should have delayed the consideration of the applications pending the SoS's decision.</p>
7	551	<p><i>The Twentieth Century Society and other third-party objectors have argued that these buildings should be treated as a non-designated heritage asset (NDHA). Such assets are defined in the National Planning Policy Guidance (NPPG, para 039) as 'buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree of heritage significance meriting consideration in planning decisions but which do not meet the criteria for designated heritage assets'. Criteria for identification of sites as NDHAs are suggested in Historic England's Advice Note 7 (Local Heritage Listing). An assessment against these criteria is made below.</i></p>	<p>This is irrelevant and incorrect in any event.</p>
8	566 567	<p><i>In conclusion, the buildings meet, to a limited extent, two of the seven criteria suggested by Historic England for identifying non-designated heritage assets. On balance it is considered that the buildings do not possess enough heritage significance to warrant this status.</i></p> <p><i>As such, they are considered to fall short of the criteria for identification as a non-designated heritage asset, and their</i></p>	<p>This is a purely subjective view having its origins in the "appraisal" of the CA in 2017/18.</p>

		<i>demolition is not objectionable from a heritage perspective.</i>	
9	568	<i>This neo-Georgian hall to the east of the site dates from 1969, designed by Kenneth Cross following a 29-year delay after the Blitz, which irreparably damaged the second hall. Its significance principally stems from its typology and historic values with the Barber's Company having a hall in the northwest corner of the Roman Fort since the 1440s. To a lesser degree significance derives from associations with notable members and the establishment of the physic garden in Bastion 13.</i>	No evidence has been produced of the assessment of the Hall against the HE guidelines.
10	579	<i>Objections on heritage impacts have been received from Historic England, and The Twentieth Century Society, St Paul's Cathedral, BQA and many others. Officers have considered these representations carefully and afford them considerable importance and weight. There is some consensus, but some clear disagreement in the application of professional judgement. Where disagreement exists, clear reasoning has been provided in this report.</i>	Again, this is subjective but CoLC, as LPA, doesn't have a full time Heritage Officer. The reasoning may be clear but is its conclusion reasonable?
11	600	<i>Concerns have been raised by CoLAG regarding the construction phase of the development and how access issues for Barbican residents need to be considered, particularly if residents that currently use the Thomas More House ramp are to be rerouted to using the Seddon House entrance on Aldersgate Street.</i>	Although mentioned on the Planning Portal as being included with the "Documents", CoLAG's comments aren't there. As a result, there is no opportunity for ascertaining the extent of its comments.
12	645	<i>The assessments demonstrated that the proposals would significantly improve the on-street experience of users, with Indicator scores as set out below.</i>	10% London Wall and 8% Aldersgate is hardly significant.
13	646	<i>It can be seen that the proposals would materially improve the experience of pedestrians from a Healthy Streets perspective. The improvements observed relate to design items bedded into the</i>	It is really difficult to understand how the conversion of a roundabout to a peninsula improves the street environment. The Old Street/City Road junction has hardly been

		<i>proposals, such as the provision of new resting points, street level planting, improved crossing capabilities, new on-street cycle parking, and a more ambivalent street environment.</i>	improved in this way. All the other “improvements” could be provided now by CoLC, if there was a real concern.
14	684	<i>The existing access ramp into the car park from London Wall would be repurposed to enable safe pedestrian / cycle access into the site at the western end of the car park. The existing car park access operations are indicated below in Figure 6.</i>	It's difficult to understand how mixing pedestrians and cyclists on a narrow sloping and curving ramp will enable safe access or egress for that matter.
15	1103	<p><i>A retention of the buildings is likely to require:</i></p> <ul style="list-style-type: none"> <i>• _anti-carbonation coating applied every 15-20 years</i> <i>• _for lettability and risk/insurance reasons intumescent paint or fire boarding of the structure to comply with fire safety regulations which would further reduce floor-to-ceiling heights</i> <i>• _significant alterations to the Level 3 transfer structure in the form of jacketing to beams and associated columns at Bastion House required to comply with present-day disproportionate collapse requirements.</i> 	<p>This is pure conjecture on the part of Buro Happold. The failure to include “Option 2” in the submitted WLCA is completely contrary to the retrofit first policy and, of course, it was never an intention of CoLC, as applicant, to retrofit the buildings from the outset. Presumably that decision has nothing to do with the terms of engagement of the lead architects.</p> <p>The Director of Planning and Development recommended the destruction of a 20 year old building at 120 Fleet Street so anti-carbonisation every 20 years shouldn't be a problem.</p> <p>Ceiling heights only seem to be “reduced” in Buro Happold's opinion as opposed to fact.</p> <p>Even if correct, alterations to level 3 would be neither significantly expensive or cause significant embodied carbon emissions. However:</p> <p><i>The Office Tower, the most suitable structure from the planning and service engineering points of view is a thin “flat” slab, supported by two internal lines of columns at 16' spacing straddling the centre line of the block, and lines of perimeter columns set just inside the curtain walling. This leads to an economic structure having an 8½” thick slab with 15” diameter perimeter columns at 12'</i></p>

			<p>6" centres and 24" square internal columns at up to 25' centres. The two shafts near the ends of the block incorporating lifts and stairs are to be designed to resist lateral wind forces – an important consideration in a building which is 230' above the ground at the top. The loads from the columns of the Tower are "collected" at third floor level by massive cross beams which transmit the forces to a larger grid of columns within the Podium – Museum of London second scheme - Appendix D: Report on the proposed structure, Charles Weiss and Partners, Consulting Construction Engineers: 12.68. As mentioned elsewhere, there was a significant redesign of Bastion Tower after 1968 prior to submission of the drawings and plans for approval on 05 May 1970. The approval, of course, is dated 18 September 1975 – 4648 B.</p>
16	1104	<p><i>The construction of Bastion House began in the early part of 1972 but disproportionate collapse requirements only first appeared in the structural design code for concrete (CP110) in November that year. Given that structural designs are normally completed prior to the start of construction, on the balance of probability it is considered more likely that Bastion House did not incorporate the requirements of CP110. This does not mean that the building is at risk in its present condition. The requirements of future changes to design codes are generally not retrospectively applied to an existing building, except in the case of significant alterations/modifications to that building. Investigations for Bastion House undertaken to date have indicated that, generally, compliance with modern-day requirements can be demonstrated. The applicants have allowed for a carbon contingency in the WLC assessments to cover any structural works that might be needed to</i></p>	<p>Unfortunately for Buro Happold, for the record, the cost of the original buildings was provided by the GLC and CoLC, some time after the Ronan Point disaster; it's obvious from the architects' drawings that the structure of Bastion House was significantly changed after November 1968 – with the number of proposed external columns being reduced from six to four; the letter of 26 September 1969 from the architects referencing changes to meet the newly introduced wind speed code is missing from CoLC's file 4648, although a later confirmatory letter remains; although the "new" design code for concrete (CP110) replaced the then existing CP114 in November 1972, the <i>Handbook on the Unified Code for Structural Concrete (CP110: 1972)</i>, published by the Cement and Concrete Association, is dated 01 January 1972, which is not surprising as regulations of this type are, of</p>

		<i>demonstrate compliance with current structural requirements.</i>	course, considered in draft before being approved and coming into force at a later; and, conclusively, 172-T1-15, Section A-A in both London Metropolitan Archives and CoLC file 4648 has an alteration dated 24 November 1972 with <i>Note re 3rd floor slab added</i> . The note reads: <i>NB For details of construction of third floor slab see Dwg's 172-T8 -2 + 3 and Engineers' Drawings!</i> Why hasn't CoLC, as LPA, challenged Buro Happold as most of the above information is in its possession?
17	1106	<i>2 distinctive development options for the London Wall West site have been assessed and published in spring 2022 to address this request. The methodology as set out in the COG was only available in draft form from July 2022, and the COG in its final version was adopted in March 2023</i>	As far as carbon emissions and the submitted Whole Life-Cycle Carbon Assessment (WLCA) are concerned, according to paragraph 1106 of the Report, <i>The methodology as set out in the COG [Carbon Optioneering Guidance] was only available in draft form from July 2022</i> . However, my response to the consultation on the draft COG is dated 06 June 2022 and the "final" issue of the document is dated 25 May 2022. CoLC, as applicant, published its first WLCA on 31 May 2022, although "document properties" shows it was created on 30 May 2022, so it seems the "excuse" offered in paragraph 1106 has no basis in fact.
18	1108	<i>The optioneering exercise updated in 2023 initially included 10 development options that reflected a wide range of reuse and land use scenarios which were qualitatively assessed. Of those, the following 5 options were discounted in agreement with planning officers (none of which were discounted on the basis of disproportionate collapse concerns): Scenario 2: Major refurbishment – required works for this scenario were integrated into scenario 1 (minor refurbishment) as a second phase to the minor refurbishment, to achieve a future lifetime beyond 15 years.</i>	The failure of CoLC, as applicant to provide a detailed appraisal of "Option 2" and of CoLC, as LPA, to require one shows a complete lack of objectivity on the part of the latter
19	1111	<i>.... In particular, the Museum of London building has been designed for the</i>	Again, this is entirely objective. With Option 2, Bastion House could

		<i>specific needs of a museum and has limited scope for adaptation to other uses. The options to change the use of Bastion House to hotel or residential would address some of the internal space constraints of the building, ...</i>	continue to be used as offices. Irrespective of any other factors, there is no reason why another museum cannot replace the Museum of London.
20	1113	<i>Although the redevelopment option would result in the highest quantity of demolition waste and the highest absolute carbon emissions of the assessed options due to its largest size, it would offer substantial benefits of connectivity, high quality public realm and sustainable design quality for the whole site that are required to future proof the City as a highly sustainable location. This option therefore has been further developed for the application scheme.</i>	The purpose of the Net Zero target is exactly that. In environmental terms, there can be no benefits in ignoring that target. This is all the more the case when CoLC is the applicant and ignoring the intentions of its much acclaimed Climate Action Strategy is purely hypocrisy. There can be no justification for, as CoLC, as LPA, is doing in promoting this scheme.
21	1119	<i>...The decarbonisation proposals will need to be compliant with the pending Heat Network Zoning regulations which are due to come into force in 2025 and set minimum carbon limits where new network connections are made to buildings.</i>	Is this an actual problem or more fearmongering?

17 April 2024.

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