

<b>Committee(s):</b>	<b>Date(s):</b>	<b>Item no.</b>
Planning and Transportation	23 February 2016	
<b>Subject:</b> 20 Fenchurch Street – Sky Garden	<b>Public</b>	
<b>Report of:</b> The Chief Planning Officer	<b>For Decision</b>	
<b><u>Executive Summary</u></b>		
<p>This report recommends approval of the Visitor Management Plan setting out details of the access, ticketing and security arrangements applicable to the Sky Garden.</p> <p><b>Recommendations</b></p> <p>That the Visitor Management Plan at Appendix 1 be approved.</p>		

## **Main Report**

### **1 Background**

- 1.1 The provision of a sky garden was a significant feature in justifying the form and mass of 20 Fenchurch Street.
- 1.2 Covenants to secure the proposed sky garden arrangements were contained in a Section 106 Agreement dated 6<sup>th</sup> October 2009 and subsequently varied to reflect approved scheme amendments. The relevant covenants are reproduced in the Annex to the Visitor Management Plan at Appendix 1.
- 1.3 In September 2013, the owner presented to the City Corporation its proposals for the Visitor Management Plan, and extensive discussions ensued regarding the detailed arrangements. A Non-public report was considered at the meeting of Planning and Transportation Committee on 13 January 2015 when the Committee's views were sought regarding the access arrangements, the draft Visitor Management Plan, and the way forward. Inter alia the Committee considered some aspects of the access controls excessive and endorsed further discussions which were to be reported back. A further report was taken to the meeting of Planning and Transportation Committee on 31<sup>st</sup> July 2015. The decision was deferred to allow an opportunity for Members to visit the Sky Garden. The visits have taken place.

## 2 Present Position

- 2.1 Following extensive discussions and the experience of the access arrangements being operated for some time the draft Visitor Management Plan has been adjusted on several occasions. The result of these adjustments has been to increase the numbers of non-diners, to allow significant additional booking slots for non-diners, and to allow for a proportion of visitors (50 per hour) to attend at off peak times on weekdays without the need for pre-booking (known as “walk-ups”), in addition to the minimum 250 non-diners required during the full public access hours.
- 2.2 As a unique facility, a “bedding down” period was appropriate during which the arrangements could be monitored and reviewed. The initial access arrangements put in place by the owner were overly cautious, partly due to the owner’s concerns to avoid excessive queuing. Since then, as a result of Members’ views that the initial arrangements were too restrictive and experience of how the facility operates in practise, there have been changes to the draft Visitor Management Plan and incremental adjustments to the operational arrangements which are in place at the Sky Garden.
- 2.3 The Visitor Management Plan now provides for all the minimum requirements of the Section 106 Agreement to be met or exceeded, as follows:

<b>20 FENCHURCH STREET SKY GARDEN - FREE PUBLIC ACCESS ARRANGEMENTS</b>		
<b>ISSUE</b>	<b>SECTION 106 REQUIREMENTS 2009 (as amended 2011)</b>	<b>PROPOSED VISITOR MANAGEMENT PLAN</b>
<b>1. CORE HOURS</b>	<b>1.1</b> 1000-1800 Week days <b>1.2</b> 1100-2100 Saturdays, Sundays, Public Holidays and Bank Holidays	As required
<b>2. CLOSURE PERIODS WITHIN CORE HOURS</b>	<b>2.1</b> 14 days p.a.	As required – to be split into limited closures of shorter duration as follows: 112 hours p.a. [equivalent to 14 days calculated on the basis of 14 days x 8 hours = 112 hours] spread across no more than 26 instances of no less than 2 hours p.a.
<b>3. CAPACITY/ NUMBERS</b>	<b>3.1</b> 420 members of the public	As required

OF VISITORS	3.2 Of the 420, at least 250 must be non-diners.	In addition to the 250 minimum non-diners, 50 “walk-up” non-diners will be given access between 10am – 11-30am and 2pm – 4-30pm during weekdays
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### 3 Evaluation

3.1 The proposed arrangements are summarised below.

#### 3.2 Booking System

3.2.1 It is accepted that a booking system is a necessary feature of such a space but it is essential that the booking system is effective and transparent in order to ensure the effectiveness of the Visitor Management Plan.

3.2.2 The booking slots now allow for a 1 hour dwell time (reduced from the initial 1.5 hour dwell time). This has increased the number of booking slots available and more accurately reflects the average dwell time.

3.2.3 The website is accessible and makes clear that access is for non-diners free of charge as well as those using the restaurants.

3.2.4 Bookings for up to ten persons can be made. Persons over 16 are not required to be accompanied by an adult. Children under 16 must be accompanied by an adult over 18 at a ratio of one adult per three children.

#### 3.3 Hours and Capacity

3.3.1 Access is provided to meet the minimum numbers of non-diners during the public access hours. The availability of booking slots has been adjusted to allow for over-booking, in order to address under-use due to the significant proportion of “no shows” which have been recorded. In addition, an extra 50 non-diners will be given access without pre-booking during each of the off peak hours of 10am to 11-30am and 2pm to 4-30pm on weekdays. Due to limited lift capacity, it takes about 40 minutes for the minimum numbers to gain access and egress. However, in order to speed up access, the owners make available a second lift (over and above the dedicated Sky Garden lift required by the Section 106 Agreement) during peak times (albeit the lift also serves occupiers from level 20 as well as visitors from the ground floor). The provision of the second lift, if required, is secured in the Visitor Management Plan. This, together with the other adjustments, is considered an appropriate measure, together with the other access adjustment to address the inevitable constraints of lift access.

#### 3.4 Maximum days of closure

3.4.1 The section 106 limit is 14 days. It is proposed to spread the equivalent hours across 26 days (closure periods to be a minimum of 2 hours). Although this

allows more closures this arrangement is considered acceptable as it ensures at least some availability during days when part closures take place.

### **3.5 Schools and other groups**

3.5.1 Schools and other groups may be separately booked and the owner commits to providing access to no less than 12 community groups outside the S106 Core Hours per year.

### **3.6 Public Comments**

3.6.1 Andrew Waugh QC wrote to the City requesting that his views be reported to your Committee. His letter is at Appendix

3.6.2 A resident also wrote to the City requesting that special arrangements be made for City residents such that they were not required to book and that the hours were too restrictive for City residents that worked. The email is also attached at Appendix 2

3.6.3 Martin Sargeant, Head of Operations at the Diocese of London comments on the restrictive nature of the access arrangements. He particularly flags up the onerous requirements of the booking system and that the arrangements for diners and non-diners are different making it inequitable.

3.6.4 Another email about booking difficulties was received and responded to (when previously unavailable booking slots became available due to a cancelled maintenance day). Members will also be aware of public interest and comment on the Sky Garden in both mainstream and social media, and of high demand for free of charge visits.

3.6.5 Since the above issues were raised access arrangements have been extended to include walk-ups, and there has also been positive feedback. Since it opened in 2015 the Sky Garden has been visited by over 500,000 visitors with free access separate from those attending the restaurant, bars and events. The introduction of the walk-ups has proved popular with approximately 600 such visitors a week. A number of community groups have in addition visited the site. The majority of visitors to the site are favourable in their response to it and there are many positive references to the sky garden and to the views to be enjoyed from it. Of the 1995 reviews on Trip Adviser (which would include diners and non- diners), 1816 (91%) described their experience as excellent or very good with the remaining 179 describing their experience as average, poor or terrible with those mainly complaining of the access arrangements the catering and the garden. The Sky Garden is ranked as the 39th of 1294 'things to do in London'.

## **4 Layout**

4.1 The layout of the Sky Garden has been the subject of ongoing discussion, both as to whether changes are within planning control, and as to measures that the owner has proposed arising from its review of Sky Garden operation. The owner

is implementing measures aimed at enhancing the visitor experience particularly at levels 36 and 37. It is not recommended that approval of the Visitor Management Plan be deferred due to outstanding layout issues. These can be dealt with separately, without delaying approval of the detailed operational arrangements in the Visitor Management Plan. This is important so that the requirements of the owner in operating the facility are firmly established as set out in an approved and regularised document.

## **5 Conclusion**

5.1 Officers are of the view that the owner's experience during the "bedding in period" and the negotiations between the owner and the City, has enabled a satisfactory Visitor Management Plan to evolve which is subject of a review procedure as set out in Section 8 of the Visitor Management Plan. It is considered that the Visitor Management Plan will provide a sound basis for the future operation of the Sky Garden in a manner which is consistent with the planning covenants and which will ensure free public access.

5.2 It is recommended that the detailed arrangements required by the planning covenants should now be regularised as set out in the Visitor Management Plan at Appendix 1, providing certainty and transparency as to how the facility must be operated.

## **6 Implications.**

### **6.1 Financial Implications**

None.

### **6.2 Legal Implications**

These are contained in the body of the report.

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### **Background papers**

Inspector's Report 9 July 2007

Section 107 Agreement dated 13 April 2007

Section 106 Agreement dated 6 October 2009

Section 106 Agreement dated 1 July 2011

### **Appendices**

Appendix 1 – Visitor Management Plan (including consolidate S.106 covenants at Annex 1)

Appendix 2 – Public correspondence