

<b>Committee:</b>	<b>Date:</b>	<b>Item no.</b>
Planning and Transportation	20 March 2012	
<p><b>Subject:</b></p> <p>Land Bounded By Fenchurch Street, Fen Court, Fenchurch Avenue &amp; Billiter Street (120 Fenchurch Street) London EC3</p> <p>Demolition of existing structures on the site and redevelopment to provide a mixed use building of 15 storeys, plus mezzanine, lower ground, two basements and a publicly accessible roof garden, to provide Class B1 office use and Class A retail uses including a restaurant at 14th floor level, together with associated public space and landscaping, motorcycle, car and bicycle parking, servicing and plant accommodation (62,643sq.m).</p>		
<b>Ward:</b> Langbourn	<b>Public</b>	<b>For Decision</b>
<b>Registered No:</b> 11/00854/FULEIA	<b>Registered on:</b> 23 November 2011	
<b>Conservation Area:</b> No	<b>Listed Building:</b> No	
<p><b><u>Summary</u></b></p> <p>The site contains six buildings of varying ages and plot sizes which vary between 5 and 8 storeys in height. These are all in office use and there are retail uses at ground and basement floors. The existing office floorspace is 22,680sq.m and retail space is 2,720sq.m. There is a neighbouring listed building, 20-21 Billiter Street to the northeast of the site.</p> <p>Planning permission is sought for a 15 storey building comprising an 11 storey base block clad with ceramic/vitreous enamelled columns and clear glazing, supporting 4 floors of folded glazing, with a landscaped roof garden. The proposed uses and floorspace are offices of 38,150sq.m and retail space of 4,857sq.m with 19,636sq.m of plant and ancillary areas. The landscaped roof would be a public garden with dedicated lift access. An Environmental Statement accompanies the scheme.</p> <p>Billiter Square and Hogarth Court form a public highway which crosses the site. These public highways would be replaced with a new wider route fronted by retail units.</p> <p>In 2008 your Committee agreed to grant planning permission for a similar development on this site subject to a Section 106 agreement being entered into. That agreement was not completed and the planning permission was not issued.</p> <p>The proposal is in substantial compliance with the development plan policies</p>		

that relate to it and in particular it supports the strategic objective of promoting the City as the leading international financial and business centre. The proposed development would provide a significant increase in flexible office and retail space on this site, which would support the financial and business services of the City.

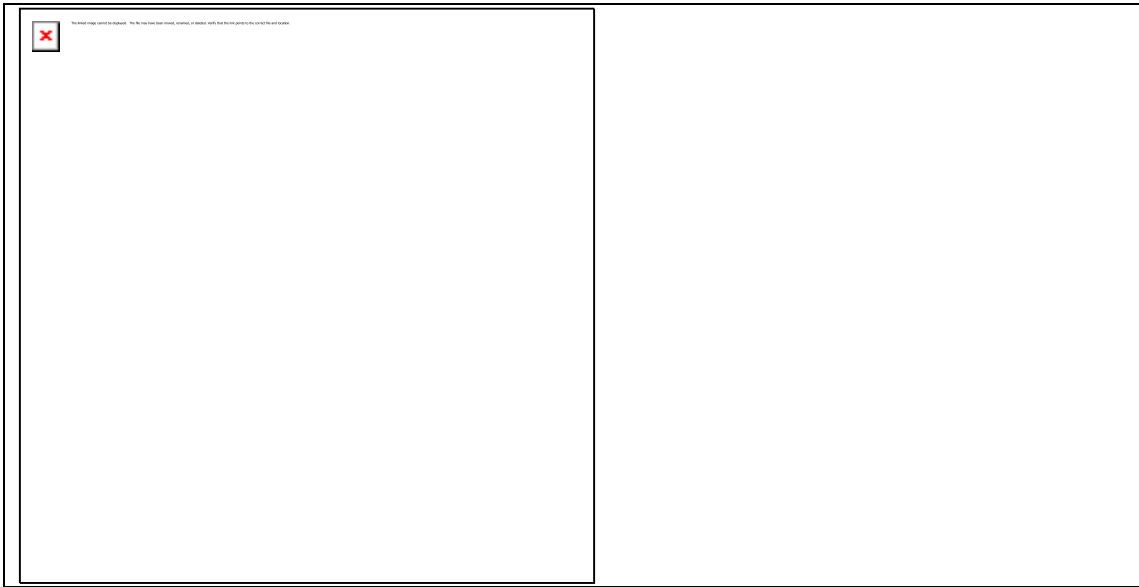
The scale of the building would be in character with the area, would not be detrimental to the setting of the nearby listed building or views from the Tower of London. Its design is innovative and would contribute to the richness of architecture in the City.

The public garden on the roof would make a positive contribution and the pedestrian route and improvements to the public footways would enhance pedestrian facilities.

### **Recommendation**

- (a) Planning permission be granted for the above proposal in accordance with the details set out in the attached scheduled, subject to Planning Obligations and other agreements being entered into as set out in the body of this report, the decision notice not to be issued until such obligations have been executed;
- (b) 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;
- (c) That you agree in principle that the areas of public highway described in the report may be stopped-up to enable the development to proceed and that other land be dedicated as public highway in replacement for the land to be stopped-up and, upon receipt of the formal application, officers be instructed to proceed with arrangements for advertising and making of a stopping-up Order and dedication of land as public highway under the delegation arrangements approved by the Court of Common Council.

# SITE LOCATION APPLICATION PLAN



## **Environmental Impact Assessment**

1. This application is accompanied by an Environmental Statement (ES). The ES is a means of drawing together, in a systematic way, 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 member of the public about environmental issues.
3. The Environmental Statement must include at least:-
  - A description of the development comprising information on the site, design and size of the development;
  - A description of the measures envisaged in order to avoid, reduce and, if possible, remedy significant adverse effects;
  - The data required to identify and assess the main effects which the development is likely to have on the environment;
  - An outline of the main alternatives studied by the applicant or appellant and an indication of the main reasons for his choice, taking into account the environmental effects;
  - A non-technical summary of the information provided; and
  - Any other information necessary to consider the environmental effects of the proposal.

## **Site**

4. The site contains six buildings varying between 5 and 8 storeys in height. They all contain office uses and there is a bank, 3 shops, a public house and a wine bar on the site. The existing floorspace is 22,680sq.m of offices and 2,720sq.m of retail space.
5. 117 Fenchurch Street is an attractive Portland stone building that was constructed in the 1920s, with a mansard roof added in the 1970s. The other buildings on the site were built or repaired in the 1950s following war damage or subsequently refaced or redeveloped.
6. The area is predominately in commercial office use, with retail uses on some street frontages. There are a variety of building heights and styles in the area, ranging from a 4 storey listed building at 20-21 Billiter Street (grade II) to the 29 storey Willis tower at 51 Lime Street. The taller buildings in the street include a 1950s 2 storey podium & 14 floor tower at 125 Fenchurch Street, 56-59 Fenchurch Street, (6 floors on the street frontage with setbacks to 16 floors overall), 60 Fenchurch Street (12 storeys) and Plantation Place (6 storeys on the street frontage with setbacks rising to 16 storeys overall).

7. Fenchurch Street is a busy local distributor road, Fenchurch Avenue and Billiter Street are relatively quiet streets mainly providing local access and servicing to buildings fronting them, whilst Fen Court is a pedestrian only thoroughfare. The west side of Fen Court opens out onto a small garden that is a former churchyard. This area has been re-landscaped and includes a memorial to slavery called "Gilt of Cain".
8. Billiter Square is a cul-de-sac that is largely used for servicing. Hogarth Court is a narrow pedestrian alley that links Billiter Square with Fenchurch Street. Both are public highways.

### **Previous Proposal**

9. On 16 September 2008 your Committee resolved to grant planning permission for the demolition of all the buildings on the site and construction of a new building (application 08/00164/FULEIA). That decision was subject to Planning Obligations and other agreements being entered into as set out the report. The agreement was negotiated but was never finally completed, it is understood because the downturn in the economy impacted upon the viability of the scheme.
10. The agreed scheme proposed a 15 storey building (with a double basement) rising to 84.03m AOD, with a lift over-run rising to 88.89m AOD. The building would have had a two storey base, a 9 storey middle section, an upper section of 4 fully glazed floors, set back but leaning outwards, and a public roof garden. A new public way was included to replace the existing public highways across the site, the central part of which was open to the sky via an atrium.
11. The proposed uses and floorspace were offices and ancillary space of 53,300sq.m and retail space of 4,990sq.m, giving a total floorspace of 58,290sq.m. The retail uses were on basement, ground and mezzanine levels, with a catering kiosk located within the roof garden.

### **Proposal**

12. The scheme has been revised to improve viability, reflect changing market requirements and more onerous building regulation and sustainability requirements since the 2008 application.
13. The changes from the 2008 application are:

#### **Internal Re-Configuration**

Omission of the atrium to increase the office floorspace;

Increased ceiling heights and deeper, more efficient floor plans;

#### **Ground Floor**

Reconfigured ground floor plan to suit internal changes to upper floors and core;

Maximise retail frontage to Fenchurch Street;

Relocation of the office entrance to Fenchurch Avenue;

### Passageway

Introduction of a projection soffit screen in a grand “Hall” at the centre of the new pedestrian passage to display images of the roof garden to draw the public up to the garden via two public lifts;

Provision of views from the central Hall through the office reception to Fen Court;

### Plant Strategy

Revised plant strategy due to more onerous Building Regulations and BREEAM requirements;

Relocation of plant from level 10 to roof level 14;

Tenant plant area on level 14 integrated into garden design;

### External Envelope

The changes to the external envelope are largely imperceptible and the height is within the maximum height of the 2008 scheme;

### Roof Garden

A restaurant is proposed at 14<sup>th</sup> floor;

A garden design is submitted which includes the provision of a continuous perimeter walkway and horizontal and vertical gardens;

An architectural canopy is included to screen the plant and unify the open space.

14. The proposed new building comprises a 15 storey building (ground and 14 upper floors plus a mezzanine and two basements). Its height would be 87.88m AOD to the roof garden canopy enclosing the plant and lift overruns.
15. The proposed floorspace would be offices of 38,150sq.m, ancillary space of 19,636sq.m and retail space of 4,857sq.m, giving a total floorspace of 62,643sq.m. The retail uses would occupy space on lower ground, ground and mezzanine levels, with a restaurant and a retail kiosk on the 14<sup>th</sup> floor on the floor below the roof garden.
16. Underground car, motorcycle and bicycle parking would be accessed via a lift in an on-site service yard, which is accessed from the Billiter Street frontage.
17. It is proposed to close and build on Hogarth Court and Billiter Square. A replacement public way would be provided through the site. This would be a covered two/three storey high arcade with a central “Hall” from where there would be public lifts to the roof garden.

### **Consultations**

18. The views of other City of London departments have been taken into account in the preparation of this scheme and some detailed matters remain to be dealt with under conditions and the Section 106 agreement.
19. English Heritage does not wish to comment and says that the application should be determined in accordance with national and local policy guidance and on the basis of the City’s specialist conservation advice.

20. The Design Council CABI considers this to be a high quality, inspiring design and welcomes the proposal as a successful addition to the City. They consider the scheme makes efficient use of the irregular site, that it sits comfortably in the context, and commends the idea of the passage and roof top garden.
21. Historic Royal Palaces are of the view that the proposed development would not be detrimental to the setting of the Tower of London World Heritage Site.
22. Southwark Council has confirmed it has no objection.
23. Natural England has no comments.
24. The Greater London Authority has advised that the proposal is not referable to the Mayor.
25. Transport for London has commented on the need for a Crossrail contribution.
26. The Retail Traders' Association has no objection.
27. Thames Water has no objections but asks for a condition to prevent foundations having an adverse impact on water resources and sewers. A condition and informative is included.
28. The Environment Agency has not commented on this occasion but previously requested the imposition of two conditions. As the scheme is similar these conditions have been included again.
29. Copies of the full comments are attached.

### **Policies**

30. The development plan consists of the London Plan (adopted July 2011), the saved policies of the Unitary Development Plan and the Core Strategy adopted in September 2011. The London Plan, UDP and Core Strategy policies that are most relevant to the consideration of this case are set out in Appendix A to this report.
31. There is relevant City of London and GLA supplementary planning guidance in respect of Planning Obligations, Sustainable Design and Construction, London Views Management Framework and the City Open Spaces Strategy 2008.
32. The most relevant Government Guidance includes:
  - The Draft National Planning Policy Framework (NPPF)
  - The Ministerial Statement dated 23<sup>rd</sup> March 2011 introducing a strong presumption in favour of sustainable development in the NPPF, expecting local planning authorities to plan positively for new development and to deal promptly and favorably with applications that comply with up-to-date plans and national planning policies.
  - PPS 1: Delivering Sustainable Development
  - PPS 4: Planning for Sustainable Economic Growth
  - PPS 5: Planning for the Historic Environment
  - PPS 9: Biodiversity and Geological Conservation
  - PPG 13: Transport

**Considerations**

33. 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 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).
34. Although the proposal is similar to the scheme agreed in 2008 there have been new policy documents issued which need to be taken into account in determining the revised proposal.
35. In considering the current application account has to be taken of the environmental information including the Environmental Statement, the statutory and policy framework, the documentation accompanying the application, and the views of both statutory and non-statutory consultees.
36. The main issues for consideration are:
- the extent to which the proposals comply with the relevant policies of the London Plan, Core Strategy and the saved policies of the Unitary Development Plan;
  - whether the proposed design and height of the building would be appropriate in the context of the built environment and location;
  - the impact on the nearby buildings and spaces, including sunlight and amenity;
  - the appropriateness of the proposed uses;
  - the setting of the nearby listed building;
  - the change to the public highway across the site;

**Economic Development Issues**

37. London's status as a world city is founded to a substantial degree on its concentration of international service activities and, most noticeably, by the clustering of financial and business services in the City of London.
38. The importance that is attached to the maintenance and enhancement of the City's role as one of the world's leading financial and business centres is reflected in the policies of the London Plan and Core Strategy, particularly policies 2.10 and CS1.
39. The building would provide high quality office accommodation to meet the demands of the City's major commercial occupiers. There would be an increase of 155% (35,104sq.m) in gross office space over that which currently exists on the site, including plant and ancillary space. The office occupancy would be anticipated to be 2,291 office employees, an increase of 1,227 on the existing 864.



## Retail Uses

40. The existing retail uses on the site are a bank, a public house, a wine bar and 3 shops, one of which is a temporary use, having been an office until 2003. The combined existing retail space is 2,720sq.m including basement space. The proposal is to provide 4,150sq.m of retail space on lower ground, ground and mezzanine floors and a restaurant (640sq.m) and retail kiosk at 14<sup>th</sup> floor level.
41. The Core Strategy seeks to strengthen the status of the City's five Principal Shopping Centres and to improve pedestrian links between them by focusing new retail development on the PSCs and encouraging movement between them by enhancing the retail environment in the links. In accordance with policy CS20, the applicants carried out a sequential test that looked firstly at the available locations in the PSCs and secondly at sites immediately adjoining the PSCs and the links between them identified in the Core Strategy.
42. The site is not in a PSC but is on an identified PSC link and close to the Leadenhall Market PSC. The assessment found that there were no more sequentially preferable sites and that additional retailing was appropriate to the location on a major commuter route to and from Fenchurch Street station close to the existing shopping centre.
43. The Fenchurch Street frontage would be entirely retail and there would be some retail activity on each of the other street frontages and the new pedestrian way. The type of retail use at the lower levels is not defined and a condition is included in order to ensure that there is a balance of retail activity appropriate to the area and to a Local Shopping Centre in accordance with UDP policy SHOP 7.

## Re-location of the principal office entrance

44. It is proposed to move the office entrance from the Fenchurch Street frontage to Fenchurch Avenue. This change is acceptable in design and public realm terms. It would relate satisfactorily with the enhanced activity along Fenchurch Avenue resulting from the open space and routes through the 51 Lime Street development. A retail unit would occupy the space on the Fenchurch Street frontage where the office entrance was previously approved. This would enhance the retail frontage on Fenchurch Street.

## London Views Management Framework & Tower of London World Heritage Site

45. The London View Management Framework (LVMF) came into effect in July 2007 and this proposal, like the 2008 scheme, would have a negligible impact on strategically important views and the setting of the Tower of London.
46. The proposal is not considered to harm the setting of the Tower of London World Heritage Site.

## Bulk and Local Views

47. The proposed building is very similar in scale and design to the 2008 scheme. The top of the building would be marginally lower (1.01m) than approved and there are detailed changes to the elevations resulting from the re-disposition of areas.

48. As in 2008 the scheme results in a significant increase in height and bulk compared to the existing buildings on the site and would have an impact on the character of this part of Fenchurch Street and the adjoining streets. As reported in 2008, the substantial scale of the proposal combined with its long street frontage would impact on the present character and urban grain of Fenchurch Street. However, many buildings in this part of Fenchurch Street are of significant scale and the bulk and height of the proposal would not appear excessive or incongruous in views.
49. The site is not within the area forming the Eastern Cluster of tall buildings but its height and scale would be an appropriate transition between the more modest scale of buildings to the south of Fenchurch Street and the Eastern Cluster. The contribution that the building would make to the gradual transition in scale is apparent in longer views, for example from the north bastion of Tower Bridge.

### Design

50. The external appearance of the proposed building has not changed since 2008. It has three separate but visually related elements that create a unified composition; a base, a middle section forming the main body of the building and a top formed by four floors of folded glass. All elements complement each other and achieve a coherent hierarchy.
51. The street frontages to the north and south are long but the building has been designed to ensure that they do not appear monotonous. Shallow zigzag angled facades provide rhythm, modelling and visual interest which will break up the long facades, especially when viewed obliquely along the streets.
52. The building has a robust base with masonry columns finished in polished pre-cast concrete. This will provide a strong visual support to the main body of the building. The double height provides a generous scale which is necessary to visually support a building of this height and which reflects the character of Fenchurch Street.
53. The main body of the building has an expressed grid of triangular shaped columns and infill horizontal spandrels which give modelling and intricacy. The columns would have a glazed appearance, using an off-white ceramic/vitreous enamelled finish.
54. Above the 9<sup>th</sup> floor the facades would be recessed from those below and would lean outwards with a series of angled, glazed planes producing a somewhat crystalline appearance with a visual lightness.
55. The multi angled facade of the upper floors would not only break up the bulk of the top four storeys but also have a dynamic quality, especially in oblique views along Fenchurch Street. The angled glazed planes would have a visual relationship with the angled planes of the main elevations below, resulting in a building with a strong sense of overall coherence and integrity.
56. The consented scheme incorporated plant on the 11<sup>th</sup> floor which required louvers in the facade at that level. In the revised scheme the plant would be on the top storey (14<sup>th</sup> floor) and ventilation would be incorporated into horizontal slits in the glazed facade. Metal louvers would be concealed behind the glazed facade. A large amount of louvres at ground and mezzanine levels

on the side elevations are required to provide ventilation to plant at those levels and below. The design of this would be reserved by condition.

#### Roof garden and access

57. The public roof garden would be a significant new facility, allowing 360° views of London. The roof garden has the potential to become a popular feature, especially in the context of other schemes where roof gardens are included (e.g. 20 Fenchurch Street).
58. The 2008 scheme included a roof garden although the design was in concept only. The current proposal includes a detailed design and a restaurant has been added on the floor below with links to the garden. There would also be a retail kiosk and toilets serving the garden users. It has been significantly amended and large areas of the roof are now occupied by plant enclosures. The landscaping consultant has exploited the location of plant enclosures to provide a “Gallery Walk” which encourages users to promenade around the perimeter of the roof. This walkway width ranges from 7m to 3m at its narrowest.
59. In addition, a large central south facing roof terrace is provided. The landscaping scheme is of a high quality with green walls around the plant enclosures and provides a balance between soft and hard landscaping, water features, seating and an architectural pergola feature which will conceal the plant from view and provide areas of shade in what could be an exposed roof.
60. Access to the garden and restaurant would be via a pair of dedicated lifts.
61. The capacity of the roof and restaurant would be restricted to 334 people as a consequence of the escape and fire strategy. The applicants propose to split this number such that 167 people could use the roof garden and 167 the restaurant. In order to enable the maximum public access to the garden it would be necessary to prevent tenants of the building having access to the garden (other than as individual members of the public) during public hours. It would also be necessary to avoid the restaurant using the open space and thereby reducing the scope for use by the general public.
62. Access would be at no cost to the public but there would be security control provided by the building owners. Public access would be secured by terms in the Section 106 agreement.
63. Conditions and a legal agreement will be needed to safeguard the management and quality of the roof as public realm.

#### Pedestrian Routes

64. Billiter Square and Hogarth Court form an historic route that appears to have existed since the late 17<sup>th</sup> or early 18<sup>th</sup> century. Billiter Square is a cul-de-sac that is largely used for servicing. Hogarth Court is a narrow pedestrian alley that links Billiter Square with Fenchurch Street.
65. The loss of historic alleyways and the protection of routes and spaces that enhance the character and historic interest of the City is a consideration under policy CS12 of the Core Strategy. The existing route is useful for pedestrians but has little amenity value, although it may safeguard archaeological material as there are no modern basements beneath these ways.

66. The 2008 scheme introduced a wide north-south retail passage that would have been partly covered, receiving daylight from a central atrium through the building. This passageway would have improved permeability provided a route for people travelling between Fenchurch Street station and the Eastern Cluster of tall buildings where there will be a significant increase in the working population. This route complemented and linked with the open space at the Willis Building at 51 Lime Street.
67. The new passage had a number of attractive features to draw pedestrians in and make it a significant benefit to the public realm:
  - its alignment to provide views through the building from Fenchurch Street to Fenchurch Avenue,
  - the openings to each thoroughfare splayed upwards to a double height passageway;
  - active retail frontages lining the passageway;
  - a central atrium open to the sky giving the impression of an external courtyard as opposed to an internal office atrium;
  - dedicated lifts to the public roof garden in the atrium.
68. The deletion of the atrium from the proposal is of concern in so far as it would have provided natural daylight to the replacement public way and thus assisted in attracting people through the north / south route, ensuring that the new development did not privatise the existing public highway.
69. To overcome the loss of natural daylight to the highway and to encourage public use an innovative scheme is proposed. A generous scaled central “Hall” (8.7m high and 15.5m x 14m in area) is proposed with a video screen incorporated in the ceiling showing live and pre-recorded images from the roof garden, similar to a camera obscurer. Vertical screens on north and south facing walls of the central “Hall” would be provided so as to be visible from Fenchurch Street and Fenchurch Avenue. The ceiling and wall screens would make an imposing statement and assist in encouraging the public to explore and use the through route and to visit the roof garden.
70. The scale of the route is generous with 10m high entrances (equivalent to a three storey building) dropping down to some 7m at the threshold of the central Hall. It would be 12.4m and 14m wide on the street frontages, reducing to 6m wide at the threshold of the central Hall. Retail display windows would front each corner of the public way and introduce more activity and vibrancy.
71. Dedicated lifts to the roof garden would be located within the central Hall and additional animation is proposed by creating views between the central Hall and Fen Court through the lift core and office reception.
72. Subject to conditions and legal agreement to regulate and secure the future management and maintenance of this area, the central Hall and the connecting routes have the potential to become vibrant and dynamic spaces contributing to the public realm of this part of the City. In this respect the public realm benefits of the video screens are considered to outweigh the loss of the existing natural daylight and atrium of the previous scheme.

73. The change to the public way across the site will require stopping-up of part of Hogarth Court and all of Billiter Square. A plan will be on display at your meeting showing the area of the existing public highway across the site. The new pedestrian route will replace this ancient public highway. In order to be an adequate replacement it needs to be permanent and available for public use at all times.
74. In the previous scheme the applicants expressed a preference to close the existing public highway and to provide, maintain and police the new route themselves. However, the long term public interest was considered to be better served by the route being public highway. The current scheme proposes that the whole of the replacement route would be public highway.
75. The pavements around the site would be slightly wider as the building would be set back which would assist pedestrian movement. The applicants propose to dedicate the additional footway as public highway.
76. The proposed areas to be stopped up and the land to be adopted as public highway are acceptable. There would be a significant net gain of public highway resulting from the proposed development, which would be a benefit. For the land to be adopted it would need to meet the City's highway design and construction standards and include acceptable lighting. The highway lighting will need to be appropriate to the special nature of this space and for the video screens to operate successfully.
77. The landscaping, planting and the memorial to slavery in Fen Court would not be affected by the new building.
78. There is a mature Lime tree in Fen Court which has foliage that extends to within a short distance of the existing building. The Open Spaces Department is responsible for the tree and has advised that this is a good specimen that needs to be kept. The proposed building would be set back slightly from the existing building line and there should not be any impact on the tree but in similar cases elsewhere pruning has been sought to enable scaffolding to be erected. The Open Spaces Department has advised that the tree could be cut back 1.5 metres from the existing building facade but no more and that in these circumstances the tree would grow back and its appearance would be satisfactory.

#### The Setting of Listed Buildings

79. The setting of 20-21 Billiter Street, a Grade II red brick and Portland stone commercial building of 1865, opposite the north-east corner of the site, would be affected by the proposal. The proposed building will appear as a large neighbour to this listed building but this relationship is similar to the existing relationship between the Willis Building at 51 Lime Street and this listed building. It is common in the City to see modest scaled listed buildings alongside large new buildings. The proposal is not considered to harm the setting of this listed building.

#### Transport, Parking and Servicing

80. The site is well located for public transport links and is served by 5 over-ground and 5 Underground stations and a number of bus routes.

81. The Transport Assessment estimates a maximum office occupancy of 2,291 office employees on the site (an increase of 1,227 from 864) and 151 retail employees. The Environment Statement demonstrates that movement of people would be distributed over modes of transport and times of travel, such that the net increase in demand for public transport due to the proposed development would be of negligible significance.
82. The increase in pedestrian movement due to the proposed development is mitigated by footway improvements that include the new wider route through the site and increased footway widths. The Fenchurch Street footway would vary between 2.5m and 5.2m wide, the average width being increased from a current width of 2.5m to 4.0m.
83. The service/delivery area is on Billiter Street, which is a quiet street, largely serving neighbouring buildings. All servicing would take place from this location and vehicles are intended to enter and leave in a forward gear. A vehicle lift in the service yard provides access to basement parking.
84. The proposed car parking provision (14 spaces) is below the maximum 25 permitted by UDP policy TRANS 18. 2 spaces are shown suitable for disabled users. Provision is included for 83 motorcycles and 250 bicycles. Changing and shower facilities are included adjacent to the parking areas. These proposals exceed the London Plan and UDP minimum standards.
85. A Servicing Management Plan and a Travel Plan are to be provided under the conditions and a Section 106 agreement.

#### Sustainability & Energy

86. The London Plan (2011) climate change policies require developments to make the fullest contribution to mitigating climate change by minimising carbon dioxide emissions, adopting sustainable design and construction measures, prioritising decentralised energy supply, and incorporating low and zero carbon energy technologies. All developments are further required to make the fullest contribution to London's adaption to climate change by managing flood risk and by reducing the urban heat island effect through sustainable design and urban greening.
87. A Sustainability Statement and an Energy Strategy have been submitted with the revised application. The energy efficiency of the scheme is based on a range of passive design measures to reduce the carbon emissions of the proposed development including:
  - Incorporation of high performance double skin facades, solar control glazing and solar shading;
  - Use of heat recovery from the mechanical ventilation system;
  - Installation of energy efficient lighting and lighting control;
  - A cooling, heating and power (CHP) system alongside high efficiency boilers and free cooling air cooled chillers;
  - A ground source heating and cooling system for the retail units, which is the only renewable technology considered to be feasible alongside the proposed CHP system;

Use of sustainable and recycled materials;

Incorporation of a Building Energy Management System.

88. Other proposed features that would improve the sustainability of the development are the provision of the landscaped roof which would contribute to water attenuation and improve the ecological value of the site and the incorporation of water saving fittings and a rainwater harvesting system.
89. The planning stage BREEAM ratings are stated as “excellent”. Further credits may be achieved through material specifications and responsible sourcing that would strengthen the “excellent” rating in the post-construction BREEAM assessments.
90. The submitted energy strategy indicates a high standard of sustainable design. The energy calculations relate to the emissions of the office use only and the proposed energy efficiency measures would improve the Part L2A 2010 (Building Regulations) requirements for the regulated carbon emissions by 22.39%. The installation of a CHP system would result in further carbon emissions savings of 7.11% and the installation of ground source heating and cooling would achieve another 5.09% amounting to an overall 31.58% of regulated carbon emissions savings over the Part L2A 2010 requirements. These figures show that the development has the potential to surpass the London Plan carbon reduction target of 25%.

#### Wind

91. The applicants carried out wind tunnel tests and the Environmental Statement indicates that even in a worse case scenario, the majority of locations around the site would have wind conditions suitable for leisure walking and that many areas would be better and suitable for sitting or standing/entrance uses. As the massing and design of the proposal has not changed materially the proposed conditions are the same as in 2008.

#### Daylight and Sunlight

92. Loss of daylight and outlook is a material planning consideration. The BRE Guidelines include consideration of the impact upon commercial premises but there are no UDP policies in relation to daylight and sunlight to commercial premises.
93. As the massing and design of the proposal has not changed materially the proposed conditions are the same as in 2008.
94. There are no residential premises where daylight or sunlight would be affected by this proposal. The applicant has not submitted a daylight study in relation to commercial premises in the area and no objections have been received in relation to daylight and sunlight.
95. The BRE guidance on sunlight to a garden or amenity area suggests for it to be adequately sunlit throughout the year no more than 40%, and preferably no more than 25%, should be in permanent shade on 21<sup>st</sup> March.
96. The Environmental Statement considers the impact of overshadowing on the open space of Fen Court and the open space at the Willis Building, 51 Lime Street. Currently 17.9% of Fen Court would be in permanent shade on 21<sup>st</sup>

March and this would change to 19.4% with the proposed building. This meets the standard in the BRE guidelines.

97. The open space at 51 Lime Street does not meet the standard in the BRE guidelines at present as 43% would currently be in permanent shade on 21<sup>st</sup> March and this would increase to 66% after construction of the proposed building. Part of the reason for this failure is that much of the open space is on the north side of the two new buildings at 51 Lime Street. This space is more of a hard landscaped plaza and pedestrian route than green amenity space where it may be argued that there is less need for direct sunlight.

### **Archaeology**

98. The site is in an area of archaeological potential where remains from all periods from Iron Age to post medieval may be expected to survive. An archaeological assessment has been submitted with the application which includes results of geotechnical test pits. A Roman road is projected to run across the site and there is potential for survival of this feature and building remains. There is potential for medieval and post medieval building remains, including those of the Ironmonger's Hall. The Ironmongers' Company built three Halls on this site between the 15<sup>th</sup> century and 1917, and there is evidence for a real tennis court next to the Hall in 1471, which continued in use into the post medieval period. The church of St Gabriel, Fenchurch Street, was on the site from the 12<sup>th</sup> century to the Great Fire. The assessment concludes that survival is limited and there could be limited survival along the north side of the site.
99. Archaeological evaluation is necessary to provide additional information on the nature and character of archaeological survival on the site, including areas of existing single basement and below Billiter Street and Hogarth Square where there are no modern basements. The proposed development has a double basement which would all archaeological remains on the site.
100. Conditions are attached to cover archaeological evaluation, a programme of archaeological work and foundation design.
101. There is a plaque on the Fen Court frontage relating to the neighbouring memorial to slavery. A condition is included to ensure it is carefully removed, stored and reinstated on the new building.

### **Section 106 Agreement**

102. Under Section 106 of the Town & Country Planning Act 1990 an agreement can be made between parties, usually the developer and the local authority, or a unilateral undertaking can be submitted by a prospective developer:
- restricting the development or use of land in any specified way;
  - requiring specified operations or activities to be carried out in, on or under or over the land;
  - requiring the land to be used in any specified way; or
  - requiring a sum or sums to be paid to the authority on a specified date or dates or periodically.
103. There have been recent modifications to planning obligation arrangements by virtue of the Community Infrastructure Levy Regulations 2010 ("the CIL Regulations"). The Regulations introduce statutory restrictions on the use of



planning obligations to clarify their proper purpose, and make provision for planning obligations to work alongside any Community Infrastructure Levy (“CIL”) arrangements which local planning authorities may elect to adopt.

104. The main modification currently in force is that the tests as to the lawfulness of planning obligations contained in Circular 5/05 have largely been placed into law. Regulation 122 states that it is unlawful for a planning obligation to constitute a reason to grant planning permission when determining a planning application if the obligation does not meet all the following tests:  
necessary to make the development acceptable in planning terms;  
directly related to the development; and  
fairly and reasonably related in scale and kind to the development.
105. Government Guidance on the correct use of Section 106 is set out in Circular 5/05, which reinforces the premise that planning obligations are intended to make acceptable development that would otherwise be unacceptable in planning terms. The Circular states that, ‘The use of planning obligations must be governed by the fundamental principle that planning permission may not be bought or sold. It is therefore not legitimate for unacceptable development to be permitted because of benefits or inducements offered by a developer which are not necessary to make the development acceptable in planning terms’.
106. On 8th June 2004 the Supplementary Planning Guidance on Planning Obligations was adopted. This states that the indicative size threshold for seeking planning obligations is 10,000 square metres gross total floorspace provided that there is also a floorspace increase of 2,000 square metres.
107. In this case the proposed increase in gross floorspace would be 37,243 square metres. On the basis of the figure indicated in the Supplementary Planning Guidance, the planning obligation figure would be £2,607,010. It is the City’s practice that all financial contributions should be index-linked with reference to the appropriate index from the date of the Committee resolution.
108. An additional contribution of £2,397,446 in relation to Crossrail is also expected. The London Mayor’s proposals for Crossrail planning obligation developer contributions have now been adopted as policy in the London Plan and the Supplementary Planning Guidance in relation to the use of Planning Obligations in the funding of Crossrail was published in July 2010. Therefore compliance with the requirement for a Crossrail contribution is now a material consideration. The SPG sets out that the contribution is due where there is an uplift of 500sqm of floorspace. There are three different contribution charging areas and the City falls within the Central London Contribution Area. The contributions applicable in the City have been set at £137 per sq.m for office accommodation, £88 per sq.m for retail and £60 per sq.m for hotels. The calculated contribution is on the basis of uplift in office accommodation of 15,470sqm and retail space accommodation of 2,137sqm. On receipt the contribution will be paid straight to the Mayor. Should the payment be made by 31<sup>st</sup> March 2013 a reduction of 20% will be applied.

109. The applicant has agreed a breakdown which accords with the Supplementary Planning Guidance as follows:

<b>Category</b>	<b>Contribution £</b>	<b>Percentage share %</b>
<b>Total Contribution to the City</b>	<b>2,607,010</b>	
Allowance for Monitoring of Agreement by City (1%)	26,070	
<b>Balance Available for Allocation</b>	<b>2,580,940</b>	
<b><u>Proposed Allocations:</u></b>		
Local Community and Environment	1,290,470	50
Affordable Housing	744,282	30
Transportation	387,141	15
Local Training and Skills	129,047	5
<b>Total</b>		<b>100</b>
<b>Total Contribution to Crossrail (payable to the Mayor for London)</b>	<b>2,307,446</b>	

110. I have set out below the details that I am recommending concerning the planning obligations. All of the proposals are considered to be 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 above tests contained in the CIL Regulations and in government policy. I would also request that I be given delegated authority to continue to negotiate and agree the terms of the proposed obligations as necessary.

#### Local Community and Environmental Improvements

111. It is inevitable that a development of the scale and intensity of the proposals will have a range of impacts in the vicinity of the site both in terms of the demolition and construction phase, and in terms of the operational phase, as referred to in this report. The contribution for Local Community Facilities and the Environment will be used to help mitigate the impact of the development by providing facilities and opportunities which may include but are not limited to education, health & welfare, church works and for the benefit of other voluntary organisations, arts & culture, leisure and recreation, childcare provision, street scene and air quality improvements. The City has identified a number of matters required to mitigate the impact of the development and which meet the planning tests and these are set out below.
112. Such proposals include enhancements to the street environment in the surrounding network of streets and roads have been surveyed as part of the Fenchurch Street Area Strategy which highlighted a number of

deficiencies. Opportunities exist for public realm enhancement works along a number of the routes to and from the proposed development. Of particular priority is Fenchurch Street, which would benefit from footway widening, tree planting, seating and removal of redundant and unnecessary street furniture. and it is therefore proposed that some of the contribution be put towards the Fenchurch Street Area Strategy.

113. It is proposed that part of the contribution be put towards the Aldgate Area Strategy. As a result of the Aldgate High Street gyratory alterations environmental improvements would be necessary.
114. Under the last application it was agreed that a contribution be made towards the re-landscaping of church gardens including St Katharine Cree on Leadenhall Street, St Olave and St Catherine Coleman. St Katherine Cree is considered to be a priority as it is a large, well used although unattractive space which would benefit from significant enhancement.
115. A proposal has also been made for £45,000 to improve air quality and associated measures contained within the City of London Air Quality Strategy 2011-2015. The contribution would support air quality management measures at Sir John Cass School and would be used to implement the roll out of the City of London "CityAir" project to occupiers of the building.
116. However, other matters requiring mitigation for the benefit of the local community are still yet to be fully scoped and it is proposed that the Local Community Facilities and Environment contribution will be used to help mitigate such impacts also.
117. The applicant will be required to pay some of this contribution for feasibility and design studies upon demolition and the balance would be payable on or before the implementation of the planning permission.

#### Rooftop Garden

118. The proposal includes the introduction of a publicly accessible rooftop garden. The applicants will be required to prepare and submit for approval a Management Plan to the satisfaction of the City prior to implementation. The Management Plan will cover matters such as public access, opening hours, maintenance, security measures and any other matters considered to be appropriate by the applicants and City of London.

#### Affordable Housing

119. The Affordable Housing contribution will be used for the purpose of off-site provision of affordable housing in suitable locations in or near to the City of London in accordance with the London Plan. The applicant will be required to pay this contribution on or before the implementation of the planning permission.

#### Transport Improvements

120. The proposal would generate additional demands on the movement in the form of new walk, cycle, public transport, taxi and servicing trips. Although these movements may have a destination at the development they will have an origin outside the City. The impact of these movements will be felt throughout the City not only in the immediate vicinity of the site.

121. It is proposed that the transport improvement contribution fund projects in the City's Traffic Management Programme set out in the City's adopted Local Implementation Plan 2011. The Aldgate Area Enhancement Strategy forms part of the Traffic Management Programme portfolio. It is proposed that the contribution fund the progression of projects within the Traffic Management Programme with priority given to the Aldgate Enhancement Strategy.
122. The Aldgate gyratory acts as a key eastern gateway to the City. It is anticipated that a significant proportion of vehicular traffic and pedestrian traffic generated by the development would travel through this area. Some of improvement measures may be funded outside of the S106 contribution by way of a Section 278 agreement. In the event that the contribution is not used for the Aldgate proposals the funds should be used on other functional transport improvement projects from the Traffic Management Programme.
123. An existing public way though the site is to be relocated. This will require a stopping up order and the provision of a new public right of way through the site. This new route is to be dedicated as public highway. The applicant will be required to pay for the provision of this replacement pedestrian footway though the site.
124. The applicant will be required to pay some of this contribution for feasibility and design studies upon demolition and the balance would be payable on or before the implementation of the planning permission.

#### Local Training, Skills and Job Brokerage

125. The Local Training, Skills and Job Brokerage contribution will be pooled and applied to the provision of training and skills initiatives, including job brokerage, in the City or City fringes. The Developer will be required to pay this contribution on or before the implementation of planning permission. The applicant will also be required to submit for approval details of the Local Employment and Training Strategy.
126. Under the previous application the City Churches suggested that part of this contribution be allocated towards a catering training project All Hallows by the Tower. This project was aimed at young people who were formally homeless and was supported by a number of City institutions and run in partnership with the St Mungo's charity. It is understand that this project is no longer operating. Should the Churches propose funding for a similar project it would be considered by the Economic Development Office (who controls of the spending on Training and Skills Provision as agreed by the Policy & Resources Committee in April 2005) for an allocation when the contribution has been received using the same criteria and standard processes applied to all projects funded through S106 contributions.

#### Highway Reparation and other Obligations

127. The cost of any reparation works required as a result of the development will be the responsibility of the Developer.
128. If required, prior to implementation and based on the City's standard draft, the developer will be obligated to enter into an agreement under Section 278 of the Highways Act 1980 to meet the cost of highway works that are necessary to meet the burden placed on the highway network by the development.

## Travel Plan

129. The developer would be required to submit both interim and full Travel Plans prior to occupation and six months after occupation respectively. The obligations in relation to this shall apply for the life of the building.

## Employment Charter for Construction

130. The Developer has agreed to commit to the City Corporation's Employment Charter for Construction and submit a training and skills job brokerage strategy in relation to the construction process. This will maximise job opportunities in the City for residents of the City fringes and offer employment and training opportunities to local people wishing to begin a career in construction.
131. The Economic Development Office is able to introduce the Developer or its Contractor and Sub-Contractors to local training providers and brokerage agencies to discuss their site-specific skills needs and to identify suitable local people to fill opportunities on site. The Developer is encouraged to liaise with the Economic Development Office at the earliest stage in the development process in order that the strategy can be submitted prior to commencement.

## Local Procurement

132. The Local Procurement provision will be applied. The developer will be required to submit for approval a Local Procurement Strategy prior to carrying out any preparatory operations. The Local Procurement Strategy shall include details of:
  - initiatives to identify local procurement opportunities relating to the construction of the Development, such initiatives to include identifying opportunities for small and medium sized enterprises in the City of London and the fringe London Boroughs of Camden, Hackney, Islington, Lambeth, Southwark, Tower Hamlets and the City of Westminster ("Local SMEs") to tender for goods and services and using Local SMEs for the provision of goods and services whether or not those goods and services are tendered for;
  - initiatives that ensure that a target of 10% averaged across the entire construction procurement spend on all goods and services by the Owner and all contractors and sub-contractors is spent with Local SMEs;
  - initiatives to overcome barriers to Local SMEs in accessing the supply chain in respect of the construction phase of the Development;
  - the timings and arrangements for the implementation of such initiatives at various identified stages pre-demolition, demolition and construction up to Occupation;
  - suitable mechanisms for the monitoring of the effectiveness of such initiatives such mechanisms to include timings for the submission of periodic monitoring reports and a final monitoring report which assess the performance of the Owner and all contractors and sub-contractors to achieve the 10% Local SME procurement spend target identified in the Local Procurement Charter and benchmark that performance against the approved Local Procurement Strategy and the estimated or actual total (as the case may be) construction procurement spend on all goods and services.
133. The Economic Development Officer is able to provide information and guidance to the Developer and all contractors and sub-contractors. The

Developer is encouraged to liaise with the Economic Development Officer at the earliest stage in the development process in order that the strategy can be submitted prior to implementation.”

#### Utility Connections

134. The development will require connection to a range of utility infrastructure. Early engagement by the applicant about utilities infrastructure provision will allow for proper co-ordination and planning of all works required to install the utility infrastructure, particularly under public highway, so as to minimise disruption to highway users. A S.106 covenant will therefore require the submission of draft and final programmes for ordering and completing service connections from utility providers in order that the City's comments can be taken into account, and will require that all connections are carried out in accordance with the programme.

#### Monitoring and Administrative Costs of City Obligations

135. A 10 year repayment period would be required for contributions, except any allocation towards the Aldgate Square project which has a 20 year timeframe for payback due to the size and complexity of delivery this project. Any unallocated sums would be returned to the developer within 10 or 20 years respectively after practical completion of the development.
136. The applicant will pay the City of London's legal costs incurred in the negotiation and execution of the legal agreement and the City Planning Officer's administration costs in respect of the same. 1% of the total contribution (secured under the City's SPG) will be allocated to the monitoring of the agreement.
137. A separate additional administration and monitoring fee will be applied in relation to the Crossrail Contribution.

#### Community Infrastructure Levy

138. The Government has introduced a Community Infrastructure Levy (CIL) to be paid by developers to help fund infrastructure required to support the development of its area. Subject to the legal process, the Mayor of London intends to start charging on 1st April 2012. Any development that receives planning permission after that date will be affected including planning applications submitted before 1st April 2012 but not approved by that date, cases where a local planning authority makes a resolution to grant planning permission before 1 April 2012 but does not issue the planning permission until after that date (for example, where the decision is subject to a section 106 agreement being entered into) and applications where a planning appeal is decided after 1st April 2012.
139. The CIL charge will be calculated according to the amount of additional floorspace a new development would create. The amount to be paid would be calculated when planning permission is granted and is paid when development starts

#### **Conclusion**

140. The proposal involves revisions to a similar development which was agreed by Committee in 2008.

141. The proposed development would provide a significant increase in flexible commercial office accommodation and retail space on this site, which will assist in meeting the needs of the financial and business services of the City.
142. The scale of the building will be in character with the area, would not be detrimental to the setting of the nearby listed building or views from the Tower of London. Its design is innovative and it will contribute to the richness of architecture in the City.
143. The public garden on the roof will be of benefit and the replacement public way will make a positive contribution to the public realm and improvements to the public footways will enhance pedestrian facilities.
144. The scheme's reliance on public transport meets the transport policies in the Development Plan.
145. The Environmental Statement has been considered and no adverse impacts are identified that need additional mitigation.
146. The scheme provides through Section 106 obligations improvements for funding Crossrail, the public realm, public transport, housing and other local facilities.

### **Background Papers**

#### Internal

Report and Minutes dated 16/09/08 - Planning & Transportation Committee

Memo 13/12/11 – Dept. of Markets and Consumer Protection

Email 19/01/12, 30/01/12, 09/02/12 – Dept. of Markets and Consumer Protection

#### External

Letter 25/01/12 - GLA

Email 31/12/11 – Transport for London

Letter 21/12/11 – Historic Royal Palaces

Letter 21/12/11 – Natural England

Letter 09/02/12 – Design Council CABE

Letter 19/12/11 – Retail Traders Association

Letter 24/02/12 – Southwark Council

Letter 24/02/12 – English Heritage

Email 22/12/11 – Thames Water

Emails 02/20/12, 08/02/12, 21/02/12, 23/02/12 – DP9

Letters 31/01/12, 29/02/12 x 2 – DP9

Environmental Statement dated November 2011 comprising:

Volume I, Volume II- Townscape, Conservation and Visual Impact Assessment,  
Volume III - Appendices and Non-Technical Summary - Saxon Land BV

Transport Assessment Addendum dated November 2011 – JMP

Design and Access Statement dated November 2011 – Eric Parry  
Energy Statement dated November 2011 – Waterman Building Services  
Sustainability Statement dated November 2011 – Saxon Land BV  
Public realm baseline and design advice dated November 2011 – Space Syntax  
Landscape Statement dated November 2011 – Latz and Partner  
Retail Sequential Test – DP9  
Proposed Stopping-up and Highway Adoption plans STH2723-SU-01/C and  
STH2723-SU-02.  
Swept path analysis drawings STH2723-TA-009/A and 010/A.  
Drawings of existing buildings 50 001; 51 100, 101, 102; 52 100.101, 102, 103.



## Appendix A

### **London Plan Policies**

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

**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 2.11** Ensure that developments proposals to increase office floorspace within CAZ include a mix of uses including housing, unless such a mix would demonstrably conflict with other policies in the plan.

**Policy 4.3** Within the Central Activities Zone increases in office floorspace should provide for a mix of uses including housing, unless such a mix would demonstrably conflict with other policies in this plan.

**Policy 4.8** Support a successful, competitive and diverse retail sector which promotes sustainable access to the goods and services that Londoners need and the broader objectives of the spatial structure of this Plan, especially town centres.

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

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

Policy 6.5 Contributions will be sought from developments likely to add to, or create, congestion on London's rail network that Crossrail is intended to mitigate.

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 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 7.12 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 7.21 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.

## **Unitary Development Plan and Core Strategy Policies**

### ***ARC1 Archaeology - evaluation and impact***

To require planning applications which involve excavation or groundworks on sites of archaeological potential to be accompanied by an archaeological assessment and evaluation of the site including the impact of the proposed development.

### ***ARC2 To preserve archaeological remains***

To require development proposals to preserve in situ, protect and safeguard important ancient monuments and important archaeological remains and their settings, and where appropriate, to require the permanent public display and/or interpretation of the monument or remains.

### ***ARC3 Recording of archaeological remains***

To ensure the proper investigation, recording of sites, and publication of the results, by an approved organisation as an integral part of a development programme where a development incorporates archaeological remains or where it is considered that preservation in situ is not appropriate.

### ***SHOP2 Seek replacement of retail uses***

To seek the replacement of retail uses in development schemes and to ensure that such replacements are primarily at the pedestrian level.

### ***SHOP3 Seek increased retail facilities***

To seek, where appropriate, the provision of new or increased retail facilities, particularly where:

- i. existing retail shop facilities are being replaced on redevelopment in accordance with policy SHOP 2;
- ii. the site is in or close to a shopping centre;
- iii. the site is close to a public transport interchange;
- iv. there is a riverside frontage.

### ***SHOP7 Balance Local Shopping Centre uses***

To permit proposals for financial and professional service (A2), catering (A3) and local service uses where the location and balance of uses does not adversely affect the retail function of the Local Shopping Centre.

### ***UTIL6 Provision for waste collection***

To require adequate provision within all developments for the storage, presentation for collection, and removal of waste, unless exceptional circumstances make it impractical; to encourage provision to allow for the separate storage of recyclable waste where appropriate.

### ***TRANS15 Seek off-street servicing***

To seek, where appropriate, the provision of off-street servicing facilities in such a way as:

- i. to ensure that the location and design of vehicular access and servicing arrangements minimise the adverse effects on the adjoining highway and pay due regard to the environment and the convenience and safety of pedestrians;
- ii. to ensure that vehicular servicing and servicing access is avoided on or onto Tier 1-3 roads, except where a practical alternative cannot be provided; and
- iii. to enable vehicles to enter and leave premises in a forward direction.

### ***TRANS18 Resist non-residential parking***

To resist the provision of private non-residential parking in excess of the current planning standards.

### ***TRANS21 Seek parking for disabled people***

To seek the provision and improvement of parking arrangements for disabled people.

### ***TRANS22 Require cycle parking***

To provide cycle parking facilities by:

- i. requiring the provision of private parking space for cycles in development schemes;
- ii. maintaining an adequate overall number of spaces for cycles in public off-street car parks; and
- iii. providing an adequate supply of cycle parking facilities on-street.

### ***TRANS23 Require parking for motorcycles***

To provide parking facilities for motorcycles by:

- i. requiring the provision of private parking spaces for motorcycles in development schemes;

- ii. maintaining an adequate overall number of spaces for motorcycles in public off-street car parks and;
- iii. seeking to maintain on-street motorcycle parking at current levels, pending the approval of the Local Implementation Plan.

***ENV28 Design of building services***

To ensure that building services are satisfactorily integrated into the architectural design of the building (with particular reference to its roof profile) and to resist installations which would adversely affect the character, appearance or amenities of the buildings or area concerned.

***ENV35 To protect daylight and sunlight***

To resist development which would reduce noticeably the daylight and sunlight available to nearby dwellings and open spaces to levels which would be contrary to the Building Research Establishment's guidelines.

***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.

***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.

***CS4 Seek planning contributions***

To manage the impact of development, seeking appropriate contributions having regard to the impact of the contributions on the viability of development.

***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.

***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.

***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.

***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.

***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.

***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.

***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.

## SCHEDULE

APPLICATION: **11/00854/FULEIA**

**Land Bounded By Fenchurch Street, Fen Court, Fenchurch Avenue & Billiter Street (120 Fenchurch Street) London EC3**

**Demolition of existing structures on the site and redevelopment to provide a mixed use building of 15 storeys, plus mezzanine, lower ground, two basements and a publicly accessible roof garden, to provide Class B1 office use and Class A retail uses including a restaurant at 14th floor level, together with associated public space and landscaping, motorcycle, car and bicycle parking, servicing and plant accommodation (62,643sq.m).**

## CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of five 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 Before any works including demolition are begun a site survey 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 highway levels. The development shall be carried out in accordance with the approved site survey unless otherwise agreed in writing by the local planning authority.  
REASON: To ensure compliance with building lines and to ensure a satisfactory treatment at ground level in accordance with the following policies of the Unitary Development Plan 2002: ENV8, CS10, CS16.
- 3 Details of the borehole cooling system shall be submitted to and approved by the Local Planning Authority (in consultation with the Environment Agency) prior to the commencement of the development and the development shall be carried out in accordance with the approved details.  
REASON: To protect the quality of controlled waters.
- 4 Demolition works shall not begin until a Deconstruction Logistics Plan to manage all freight vehicle movements to and from the site identifying efficiency and sustainability measures to be undertaken during site deconstruction of the existing buildings has been submitted to and approved in writing by the Local Planning Authority. The development 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 deconstruction works do not have an adverse impact on the transport network in accordance with London Plan Policy 6.14.

- 5 Works shall not begin until a scheme for protecting nearby residents and commercial occupiers from noise, dust and other environmental effects, based on the Department of Environmental Services' Code of Deconstruction and Construction Practice, has been submitted to and approved in writing by the Local Planning Authority. A staged scheme of protective works may be submitted in respect of individual stages of the development 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: To protect the amenities of nearby residents and commercial occupiers in accordance with the following policy of the Core Strategy: CS15.

- 6 All commemorative plaques on the existing building shall be carefully removed prior to demolition commencing, stored for the duration of building works, reinstated and retained for the life of the building on the new building in accordance with detailed specifications including fixing details which shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the works affected thereby.

REASON: In the interest of visual amenity and to maintain the historic and cultural interest of the site.

- 7 Prior to and during any building, engineering or other operations hereby permitted, archaeological evaluation shall be carried out in order to compile archaeological records in accordance with a timetable and scheme of such archaeological work submitted to and approved in writing by the Local Planning Authority before any commencement of archaeological work.

REASON: To ensure that an opportunity is provided for the archaeology of the site to be considered and recorded in accordance with the following policy of the Unitary Development Plan: ARC1.

- 8 No works except demolition to basement slab level shall take place until the developer has secured the implementation of a programme of archaeological work to be carried out in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. This shall include all on site work, including details of any temporary works which may have an impact on the archaeology of the site and all off site work such as the analysis, publication and archiving of the results. All works shall be carried out and completed as approved, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In order to allow an opportunity for investigations to be made in an area where remains of archaeological interest are understood to exist in accordance with the following policies of the Unitary Development Plan: ARC2, ARC3

- 9 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 policies of the Unitary Development Plan: ARC2, ARC3.

- 10 Construction works shall not begin until a Construction Logistics Plan to manage all freight vehicle movements to and from the site identifying efficiency and sustainability measures to be undertaken during site construction of the development has been submitted to and approved in writing by the Local Planning Authority. 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 the transport network in accordance with London Plan Policy 6.14.
- 11 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 policies of the Core Strategy: CS15.
- 12 No impact piling shall take place until a piling method statement (detailing the 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 or sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with the Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

REASON: The proposed works will be in close proximity to underground water and sewerage utility infrastructure. Piling has the potential to impact on local underground water and sewerage utility infrastructure. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the details of the piling method statement.
- 13 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, details of which must be submitted to and approved in writing by the Local Planning Authority before, unless otherwise agreed in writing by the Local Planning Authority, any construction works are begun.

REASON: To ensure that the premises are protected from road vehicle borne damage within the site in accordance with the following policy of the Core Strategy: CS3.

- 14 Before any construction works hereby permitted are begun details of rainwater harvesting and grey water recycling systems shall be submitted to and approved in writing by the local planning authority.

REASON: To improve sustainability and reduce flood risk by reducing potable water demands and water run-off rates in accordance with the following policies of the Core Strategy CS15 and CS18.

- 15 Unless otherwise approved in writing by the Local Planning Authority none of the existing trees on the public highways adjoining the site shall be removed or pruned.

REASON: In the interests of visual amenity in accordance with the following policies of the Unitary Development Plan and Core Strategy: CS10, ENV8, ENV9.

- 16 Before any works thereby affected are begun the following details 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 new facades including typical details of the fenestration and entrances;
- (c) details of a typical bay of the development;
- (d) typical details of stonework;
- (e) detailed elevations, plans, cross-sections and reflected ceiling plan at scale 1:20 of the facades and soffits to the north/south pedestrian route and central Hall with details of the display to be provided on the video screens;
- (f) details of landscaping for the roof garden to include all soft and hard landscaping, planting (including species) and of all associated structures including the perimeter screens around the roof garden;
- (g) details of signage to the roof garden and the dedicated lifts;
- (h) details of lighting to the north/south pedestrian route and central Hall and the lighting scheme for the roof garden;
- (i) details of soffits, hand rails and balustrades;
- (j) details of the integration of cleaning equipment, cradles and the garaging thereof;
- (k) details of ventilation and air-conditioning for the retail uses;
- (l) details of louvres and plant enclosures;
- (m) details of the lift over-run, fire escapes, flues or other structures at roof levels;
- (n) details of the floor vents at ground level on Billiter Street.

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 Unitary Development Plan and Core Strategy: CS10, CS12, CS16, CS19, ENV28, ENV36.

- 17 Provision shall be made for disabled people to obtain access to the roof garden, offices and 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 Core Strategy: CS10.
- 18 The threshold of all vehicular access points shall be at the same level as the rear of the adjoining footway.  
REASON: To maintain a level passage for pedestrians in accordance with the following policies of the Unitary Development Plan and Core Strategy: TRANS 15, ENV 8, CS10, CS16.
- 19 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 policies of the Unitary Development Plan: TRANS15, UTIL6.
- 20 Facilities (other than by street level turntable) must be provided and maintained for the life of the development so that vehicles may enter and leave the building by driving in a forward direction.  
REASON: To ensure satisfactory servicing facilities and in the interests of public safety in accordance with the following policy of the Unitary Development Plan: TRANS15.
- 21 Details of the areas that would be planted, the type of planting and the contribution 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 Core Strategy: CS10, CS15, CS18, CS19.
- 22 Details of the construction, planting irrigation and maintenance regime for the proposed green walls and roof gardens 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 Core Strategy: CS10, CS15, CS18, CS19.

- 23 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 Unitary Development Plan and Core Strategy: ENV 8, ENV 9, CS10, CS15, CS19.
- 24 Prior to the occupation of any part of the building, the land between the existing building lines and the face of the proposed new building shall be brought up to street level, paved and drained in accordance with details to be submitted to and approved in writing by the Local Planning Authority and shall not be fenced or otherwise enclosed or obstructed.  
REASON: To ensure compliance with building lines and to ensure a satisfactory treatment at ground level in accordance with the following policies of the Unitary Development Plan and Core Strategy: ENV 8, CS10, CS16.
- 25 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 policy of the Core Strategy: CS15.
- 26 Prior to occupation of the retail areas in the building details must be submitted to and approved in writing by the local planning authority showing the types of retail use for each of the areas marked "Retail" on the drawings hereby approved.  
REASON: To ensure that there is a balance between shop (Use Class A1) and other types of retail use in accordance with the following policies of the Unitary Development Plan: SHOP4 and SHOP7.
- 27 No plant or telecommunications equipment shall be installed on the exterior of the building except as may be approved by the Local Planning Authority in writing.  
REASON: To ensure a satisfactory external appearance in accordance with the following policies of the Unitary Development Plan and Core Strategy: UTIL3, ENV28, CS2, CS10.
- 28 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 Core Strategy: CS15.

- 29 Before any works thereby affected are begun, a scheme shall be submitted to and approved in writing by the Local Planning Authority specifying the kitchen extract arrangements, materials and construction methods to be used to avoid noise penetration to the upper floors from the Class A use. The details approved must be implemented before the Class A use commences and so maintained thereafter.

REASON: In order to protect residential/commercial amenities in the building in accordance with the following policy of the Core Strategy: CS15.

- 30 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 including materials and construction method. The details approved must be implemented before the Class A use takes place and shall be so maintained thereafter for the life of the building.

REASON: In order to protect residential/commercial amenities in the area in accordance with the following policies of the Core Strategy: CS15, CS21.

- 31 Car parking provision within the development shall not exceed 1 space per 1500sq.m of floorspace (max 25 spaces). The car parking provided on the site must remain ancillary to the use of the building and must at all times throughout the life of the building be used solely by the occupiers thereof and their visitors.

REASON: To ensure compliance with the car parking standards and that the car parking provided remains ancillary to the use of the building in accordance with the following policy of the Unitary Development Plan: TRANS18.

- 32 A minimum of 1 in 10 of the car parking spaces on the site shall be wide enough to enable them to be used by people with disabilities and the spaces shall be marked out accordingly and provided and 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 policies of the Unitary Development Plan and Core Strategy: TRANS21, CS16.

- 33 A minimum of one motor cycle parking space per 750sq.m of floorspace (51 spaces) shall be provided and maintained on the site throughout the life of the building. The motor cycle parking provided on the site must remain ancillary to the use of the 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 motor cycle parking and that the motor cycle parking remains ancillary to the use of the building and to assist in reducing demand for public motor cycle parking in accordance with the following policies of the Unitary Development Plan: TRANS18, TRANS23.

- 34 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 250 pedal cycles. The cycle parking provided on the site must remain ancillary to the use of the 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 policy TRANS22 of the Unitary Development Plan and policy 6.9 of the London Plan.
- 35 Changing facilities and showers shall be provided adjacent to the bicycle parking areas and maintained throughout the life of the building for the use of occupiers of the building in accordance with the approved plans.  
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 Unitary Development Plan: TRANS22.
- 36 The approved loading and unloading areas shall be available at all times for use throughout the life of the building for the occupiers thereof and visitors thereto.  
REASON: To ensure that satisfactory servicing facilities are maintained in accordance with the following policy of the Unitary Development Plan: TRANS15.
- 37 No doors or gates shall open over the public highway.  
REASON: In the interests of public safety.
- 38 Details of a Servicing Management Plan demonstrating the arrangements for control of the arrival and departure of vehicles servicing the premises shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby permitted. The building facilities shall thereafter be operated in accordance with the approved Servicing Management Plan (or any amended Servicing Management Plan that may be approved from time to time by the Local Planning Authority) for the life of the building.  
REASON: To ensure that the development does not have an adverse impact on the free flow of traffic in surrounding streets in accordance with the following policies of the Unitary Development Plan and Core Strategy: TRANS15, CS16.
- 39 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 policies of the Unitary Development Plan and Core Strategy: UTIL 6, CS10, CS17.
- 40 Unless otherwise agreed in writing by the Local Planning Authority no servicing of the premises shall be carried out between the hours of 23:00 on

one day and 07:00 on the following day from Monday to Saturday and between 23:00 on Saturday and 07:00 on the following Monday and on Bank Holidays. Servicing includes the loading and unloading of goods from vehicles and putting rubbish outside 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 Core Strategy: CS15, CS21.

- 41 Unless otherwise agreed in writing by the Director of Markets and Consumer Protection 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 nearest window or facade of the nearest 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. A report demonstrating compliance with this condition must be submitted to and approved in writing by the Local Planning Authority before the plant hereby approved comes into operation.  
REASON: To protect the amenities of neighbouring residential/commercial occupiers in accordance with the following policies of the Core Strategy: CS15, CS21.
- 42 Unless otherwise approved by the Local Planning Authority the doors and windows to any bar or restaurant on the Fenchurch Street and Billiter Street frontages shall be kept closed. The doors may be used only 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 Core Strategy: CS15, CS21.
- 43 The restaurant on the 14th floor shall be used for no purpose other than as Restaurant and Cafe falling within Use Class A3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or within any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.  
REASON: To ensure that public catering facilities are provided as proposed in accordance with the following policies of the Unitary Development Plan and Core Strategy: SHOP3, CS20.
- 44 The kiosk on the 14th floor shall be used for no purpose other than retail falling within Use Class A1, A3 or A5 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or within any provision equivalent to those Classes in any statutory instrument revoking and re-enacting that Order with or without modification.  
REASON: To ensure that public facilities are provided as proposed in accordance with the following policies of the Unitary Development Plan and Core Strategy: SHOP3, CS20.
- 45 No live or recorded music shall be played that it can be heard outside the premises or within any other premises in the building.



REASON: To safeguard the amenity of the adjoining premises and the area in general in accordance with the following policies of the Core Strategy: CS15, CS21.

- 46 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 'Excellent' 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 Core Strategy CS15.

- 47 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: Eric Parry Architects drawings numbered EPA/FST 50 000/P0, 101/P0; 51 119/P0, 120/P0, 121/P2, 122/P2, 123/P0, 124/P0, 125/P0, 126/P0, 127/P0, 128/P0, 129/P0, 130/P0, 131/P0, 132/P0, 133/P1, 134/P0, 135/P0, 136/P0, 137/P0, 138/P0, 139/P0; 52 050/P0, 120/P0, 121/P0, 122/P0, 123/P0; 53 120/P0, 121/P0, 123/P0; 55 123/P1; 64 100/P0, 200/P0, 201/P0, 202/P0.

Latz and Partners drawings numbered 101, 102, 201.

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 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 work must not be commenced until the consent of the Highway Authority has been obtained.
- 2 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.
- 3 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.
- 4 The Directorate of the Built Environment should be consulted on:
  - (a) The need for a projection licence for works involving the construction of any retaining wall, foundation, footing, balcony, cornice, canopy, string course, plinth, window cill, 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 licenses 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. In such cases please also contact the Corporate Property Officer, City Surveyor's Department.

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.

(b) Permanent Highway Stopping-Up Orders, dedication of land for highway purposes, declaration, diversion and stopping up of City and Riverside Walkways.

5 The Department of the Built Environment (Highways and Streetworks Team) 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.

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

(d) Carriageway crossovers.

(f) The provision of highway drainage facilities and maintenance arrangements thereof.

(g) Details of the proposed drainage for the building to ensure that there will be no water illegally draining over the highway.

(h) The requirements for the public lighting of all existing and proposed public highway areas. This is important as the pedestrian route will be public highway and therefore must adhere to the City of London design standards.

(i) The demolition and construction methodology including associated traffic management requirements. The contacts are Carl Vaughan or Bob Broughton on (020 7332 1104 or carl.vaughan@cityoflondon.gov.uk) or (020 7332 3578 or bob.broughton@cityoflondon.gov.uk) and Richard Lambert (020 7332 3026 or Richard.lambert@cityoflondon.gov.uk).

6 The Director of Markets and Consumer Protection (Environmental Health Team) advises that:

(a) The Environmental Health Team should be consulted on 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 2007; 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.

#### Air Quality

##### Compliance with the Clean Air Act 1993

(b) 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.

##### Boilers and CHP plant

(c) 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 2011.

(d) 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 2011.

(e) 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.

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

#### Standby Generators

(g) 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.

(h) 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.

#### Cooling Towers

(i) Wet cooling towers are recommended rather than dry systems due to the energy efficiency of wet systems.

#### Food Hygiene and Safety

(j) Further information should be provided regarding the internal layout of the proposed food/catering units showing proposals for staff/customer toilet facilities, ventilation arrangements and layout of kitchen areas.

(k) If cooking is to be proposed within the food/catering units a satisfactory system of ventilation will be required. This must satisfy the following conditions:

Adequate access to ventilation fans, equipment and ductwork should be provided to permit routine cleaning and maintenance;

The flue should terminate at roof level in a location which will not give rise to nuisance to other occupiers of the building or adjacent buildings. It cannot be assumed that ductwork will be permitted on the exterior of the building;

Additional methods of odour control may also be required. These must be submitted to the Markets and Consumer Protection Department for comment prior to installation;

Ventilation systems for extracting and dispersing any emissions and cooking smells to the external air must be discharged at roof level and designed, installed, operated and maintained in accordance with manufacturer's specification in order to prevent such smells and emissions adversely affecting neighbours.

- 7 The Director of Markets and Consumer Protection states that any building proposal that will include catering facilities will be required to be constructed with adequate grease traps to the satisfaction of the Sewerage Undertaker, Thames Water Utilities Ltd, or their contractors.
- 8 The developer is advised to contact the Director of Open Spaces prior to works commencing regarding the protection of nearby trees during works (Contact Martin Rodman, Client Services Manager on 020 7247 8548).

9 During the construction phase of the development, the City of London Corporation encourages all owners/developers to commit to the principles outlined in the City of London Corporation's Local Procurement Charter, i.e.

- to identify opportunities for local small to medium sized businesses to bid/tender for the provision of goods and services;
- aim to achieve the procurement of goods and services, relating to the development, from small to medium sized businesses based in the City and the surrounding boroughs, towards a target of 10% of the total procurement spend;
- or where the procurement of goods and services is contracted out
- ensure the above two principles are met by inserting local procurement clauses in the tender documentation issued to contractors or subcontractors (further information can be found in our 'Guidance note for developers').

For additional details please refer to the City of London's Local Procurement Charter and Local Procurement Guidance Note for City Developers. These documents can be found at

[http://www.cityoflondon.gov.uk/Corporation/LGNL\\_Services/Environment\\_and\\_planning/Planning](http://www.cityoflondon.gov.uk/Corporation/LGNL_Services/Environment_and_planning/Planning)

Further guidance can be obtained by contacting the City Procurement Project which provides free advice to City based businesses and City developers. They can signpost you to local supplier databases, give one to one advice and provide written guidance via the City of London Corporation's Local Purchasing Toolkit and other resources.

To access free support in procuring locally please call 020 7332 1532 or email [city.procurement@cityoflondon.gov.uk](mailto:city.procurement@cityoflondon.gov.uk)

10 This inclusion of the roof garden would provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. This would enhance the biodiversity of the site and provide interest and variety for users of the open space.

11 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

Better advice can be given once the drainage strategy for the development has been issued and early contact with Thames Water Developer Services Department on telephone number 0845 8502777 is recommended. The strategy should indicate the proposed discharge rates compared to those

existing, together with the proposed alterations to the connection points to the public system and should be submitted as soon as possible.

- 12 The Environment Agency advice on the 2008 planning permission for a similar development was:

Where geothermal systems are proposed a risk assessment should be carried out so as to determine the potential impact of the installation. Where applicable, we will control the operation of such systems through setting appropriate permit conditions, by requesting suitable planning conditions, and by promoting best practice during installation and operation. Where permit applications are necessary, we will require the submission of sufficient information to assess the potential impact of the installation and to set appropriate conditions. Where it is suspected that a geothermal system is having a detrimental effect on the environment we are likely to take action.

Open loop systems abstract groundwater from an aquifer and pass it through a heat exchanger or heat pump after which it is returned back to the aquifer. An abstraction licence will be required for the abstraction of groundwater and a discharge consent will be required for the re-injection of groundwater in to the aquifer. For further information on discharge consents please contact our National Customer Contact Centre.

Under the terms of the Water Resources Act 1991 as amended by the Water Act 2003, an abstraction licence will normally be required from the Environment Agency for the abstraction (removal) of water (even temporarily) from any inland waters (rivers, streams, ditches, lakes, etc) or underground strata (e.g. from a well, borehole or catch pit). The granting of a licence will be dependent on the availability of water resources locally and on the acceptability of any resulting impact on the environment and existing protected rights.

Large underground structures constructed below the water table may act as an obstruction to groundwater flows. Consequently, a building-up of groundwater levels may occur on the up-gradient side of such structures. Any drainage systems proposed for such structures should also be capable of allowing groundwater flows to bypass the structure without any unacceptable change in groundwater levels, or flow in groundwater-fed streams, ditches or springs.

- 13 Reason for Grant of Planning Permission

The decision to grant this planning permission has been taken having regard to the policies in the London Plan, Unitary Development Plan and Core Strategies set out below, relevant government guidance and supplementary planning guidance, representations received and all other relevant material considerations. There were no objections raised by third parties to this application.

The proposal is in substantial compliance with the development plan policies that relate to it and in particular it supports the strategic objective of promoting the City as the leading international financial and business centre. The proposed development would provide a significant increase in flexible

commercial office accommodation and retail space on this site, which will assist in meeting the needs of the financial and business services of the City.

The scale of the building will be in character with the area, would not be detrimental to the setting of the nearby listed building or views from the Tower of London. Its design is innovative and it will contribute to the richness of architecture in the City.

The public garden on the roof and the shopping arcade will make a positive contribution to the public realm and the pedestrian route and improvements to the public footways will enhance pedestrian facilities.

**Relevant London Plan Policies:**

Policy 2.10 To enhance and promote the roles of the CAZ and London's financial and business services.

Policies 2.11 and 4.3 Ensure increases in office floorspace within CAZ include a mix of uses.

Policy 4.8 Support a diverse retail sector.

Policy 5.2 To minimising carbon dioxide emissions.

Policy 5.3 To demonstrate that sustainable design standards are integral to the proposal.

Policy 5.6 Evaluate the feasibility of CHP and opportunities to extend the system.

Policy 5.7 To provide a reduction in carbon dioxide emissions through on-site renewable energy.

Policy 5.9 Reduce the urban heat island effect.

Policy 5.10 Promote and support urban greening.

Policy 5.11 Inclusion of green roofs and wall planting.

Policy 5.12 Compliance with flood risk assessment.

Policy 5.13 Utilise sustainable urban drainage systems.

Policy 6.5 Crossrail contributions will be sought to mitigate congestion on the rail network.

Policy 6.9 To provide cycle facilities.

Policy 7.2 Development to achieve highest standard of inclusive design

Policy 7.3 Creation of a safe, accessible environment.

Policy 7.4 Development should have regard to the character of the area.

Policy 7.5 Achieve safe, relevant, high quality public spaces.

Policy 7.6 To obtain inclusive, flexible, spaces and buildings of high architectural quality.

Policy 7.7 To avoid tall and large buildings having a harmful impact on their surroundings.

Policy 7.8 To protect heritage assets.

Policy 7.10 To conserve and enhance the authenticity, integrity and significance and Outstanding Universal Value of World Heritage Sites.

Policy 7.12 Protect strategic views, landmarks and views of World Heritage Sites in the London View Management Framework.

Policy 7.21 Trees should be protected, maintained, and enhanced

## Unitary Development Plan and Core Strategy Policies

- ARC1 Archaeology - evaluation and impact
- ARC2 To preserve archaeological remains
- ARC3 Recording of archaeological remains
- SHOP2 Seek replacement of retail uses
- SHOP3 Seek increased retail facilities
- SHOP7 Balance Local Shopping Centre uses
- UTIL6 Provision for waste collection
- TRANS15 Seek off-street servicing
- TRANS18 Resist non-residential parking
- TRANS21 Seek parking for disabled people
- TRANS22 Require cycle parking
- TRANS23 Require parking for motorcycles
- ENV28 Design of building services
- ENV35 To protect daylight and sunlight
- CS1 Provide additional offices
- CS3 Ensure security from crime/terrorism
- CS4 Seek planning contributions
- CS10 Promote high quality environment
- CS12 Conserve or enhance heritage assets
- CS13 Protect/enhance significant views
- CS15 Creation of sustainable development
- CS16 Improving transport and travel
- CS19 Improve open space and biodiversity
- CS20 Improve retail facilities