



## Special meeting of the Planning and Transportation Committee

**Date:** WEDNESDAY, 30 JULY 2014

**Time:** 11.00 am

**Venue:** OLD LIBRARY, GUILDHALL

**Members:**

Deputy Michael Welbank (Chairman)	Gregory Jones QC
Oliver Lodge (Deputy Chairman)	Deputy Henry Jones
Randall Anderson	Deputy Keith Knowles
Deputy Ken Ayers	Alderman Professor Michael Mainelli
Alex Bain-Stewart	Paul Martinelli
David Bradshaw	Brian Mooney
Deputy John Chapman	Deputy Alastair Moss
Dennis Cotgrove	Sylvia Moys
Revd Dr Martin Dudley	Graham Packham
Peter Dunphy	Deputy Henry Pollard
Emma Ephem	Alderman Neil Redcliffe
Alderman Peter Estlin	Alderman Matthew Richardson
Sophie Fernandes	Tom Sleigh
Marianne Fredericks	Graeme Smith
Deputy Bill Fraser	Angela Starling
George Gillon	Patrick Streeter
Brian Harris	Deputy James Thomson
Christopher Hayward	

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**John Barradell**  
Town Clerk and Chief Executive

# AGENDA

## Part 1 - Public Agenda

1. **APOLOGIES**
2. **MEMBERS' DECLARATIONS UNDER THE CODE OF CONDUCT IN RESPECT OF ITEMS ON THE AGENDA**
3. **REPORTS RELATIVE TO PLANNING APPLICATIONS**
  - a) 51 - 54 Fenchurch Street, London, EC3M 3LA  
**For Decision**  
(Pages 1 - 48)
  - b) Unit 3 200 Aldersgate Street, London, EC1A 4HD  
**For Decision**  
(Pages 49 - 88)
4. **BARBICAN LISTED BUILDING MANAGEMENT GUIDELINES – VOLUME IV – LANDSCAPE SUPPLEMENTARY PLANNING DOCUMENT**  
Report of the Chief Planning Officer and Development Director.  
  
Hard copies of the guidelines are available upon request.  
**For Decision**  
(Pages 89 - 92)
5. **CITY OF LONDON RESPONSES TO CONSULTATIONS ON THE PROPOSED GARDEN BRIDGE BETWEEN TEMPLE STATION AND THE QUEEN'S WALK**  
Report of the Chief Planning Officer and Development Director.  
**For Decision**  
(Pages 93 - 102)
6. **REPORTS OF THE DIRECTOR OF THE BUILT ENVIRONMENT**
  - a) Paternoster Square City Walkway Public Access  
**For Decision**  
(Pages 103 - 112)
  - b) Sugar Quay, Lower Thames Street, London EC3R 6EA  
**For Decision**  
(Pages 113 - 134)
  - c) Adoption of draft Office Use Supplementary Planning Document as Interim Planning Guidance  
**For Decision**  
(Pages 135 - 160)

d) On-Street Parking Pay & Display

**For Decision**  
(Pages 161 - 172)

e) Review of Guidelines for Special Events

**For Decision**  
(Pages 173 - 196)

7. **REVENUE OUTTURN 2013-14**

Joint report of the Chamberlain, Director of the Built Environment, Director of Culture, Heritage and Libraries and City Surveyor.

**For Information**  
(Pages 197 - 206)

8. **STREET TRADING POLICY**

Report of the Director of Markets and Consumer Protection.

**For Information**  
(Pages 207 - 248)

9. **TABLES & CHAIRS POLICY**

Report of the Director of Markets and Consumer Protection.

**For Decision**  
(Pages 249 - 278)

10. **EXCLUSION OF THE PUBLIC**

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

**Part 2 - Non-public Agenda**

11. **DEBT ARREARS - DEPARTMENT OF THE BUILT ENVIRONMENT - PERIOD ENDING 31/03/2014**

Report of the Director of the Built Environment.

**For Information**  
(Pages 279 - 284)

12. **TOWER BRIDGE GLASS PANELS**

Report of the Director of the Built Environment.

**For Information**  
(Pages 285 - 290)

**Any drawings and details of materials submitted for approval will be available for inspection by Members in the Livery Hall from Approximately 9:30 a.m.**

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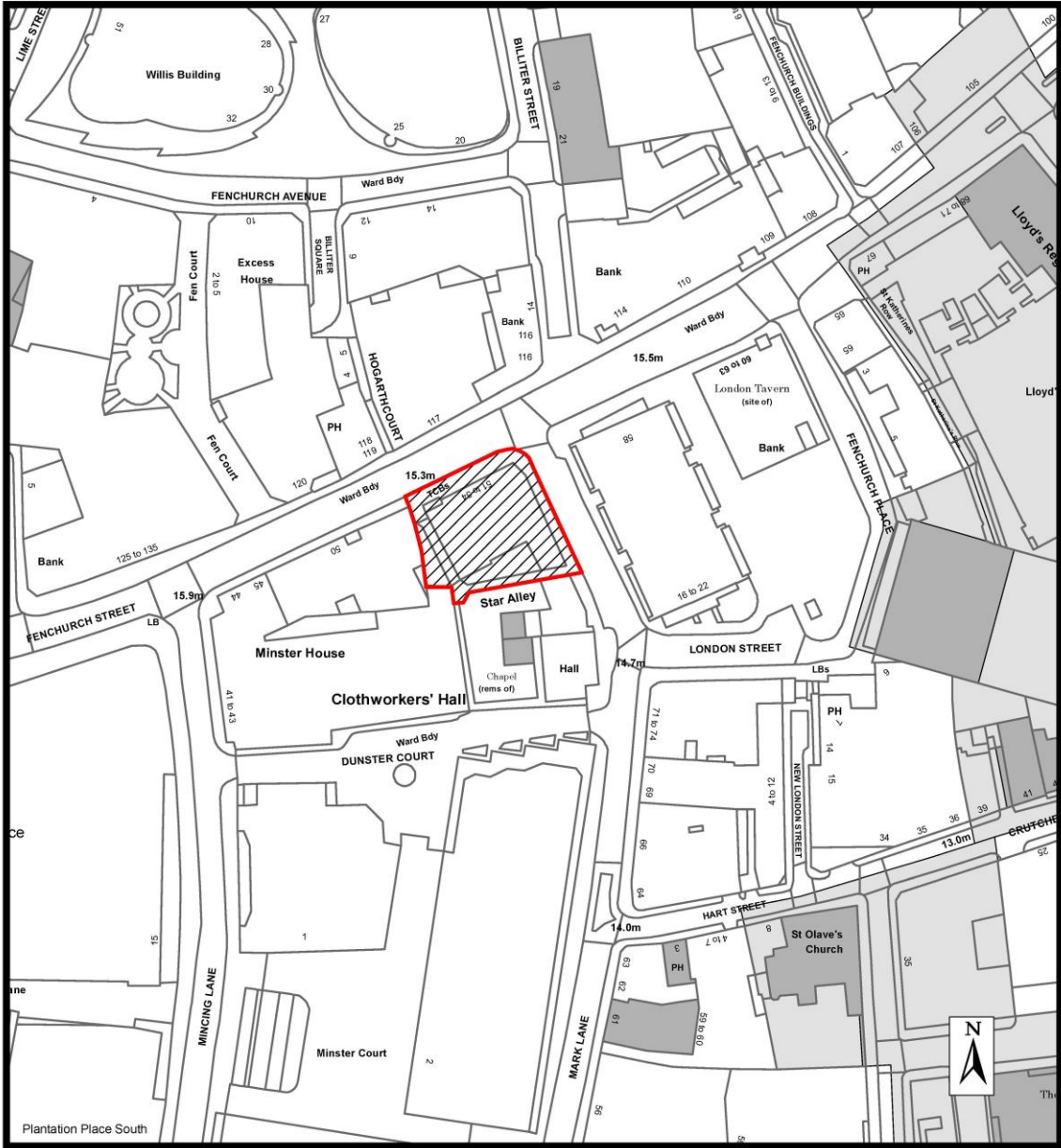
<b>Committee:</b>	<b>Date:</b>
Planning and Transportation	17 July 2014
<b>Subject:</b>	
51 - 54 Fenchurch Street London EC3M 3LA	
Demolition of existing building and re-development of the site for a new ten storey office (Class B1(a)) building with use of part of the ground floor for provision of 2 units (one unit Class A1/A3 retail and the other unit for Class A1/A3 retail or Class B1(a) offices), roof top and basement M&E plant, provision of waste storage, basement cycle parking, realignment and reprovision of Star Alley and associated highway works and other works incidental to the proposals (6,334sq.m).	
<b>Ward:</b> Tower	<b>Public For Decision</b>
<b>Registered No:</b> 14/00363/FULMAJ	<b>Registered on:</b> 17 April 2014
<b>Conservation Area:</b> No	<b>Listed Building:</b> NO
<b><u>Summary</u></b>	
<p>It is proposed to demolish the existing 1950s building and construct a 10 storey building. The new development would contain offices of 6,200sq.m and retail floorspace of 134sq.m. The scheme includes moving Star Alley, which crosses the site.</p> <p>The design and articulation of the proposed building is unusual. The building would have a stepped, angled profile with a glass exterior that would make it uncertain which areas are window and which are solid during daylight hours. The design would make a significant contribution to the urban landscape.</p> <p>The proposal is in substantial compliance with the development plan policies that relate to it and no objections have been raised.</p> <p>The proposals are considered not to have a detrimental impact on the listed buildings near the site.</p> <p>It is concluded that the proposal is acceptable subject to conditions and to a Section 106 agreement being entered into to cover the matters set out in the report.</p>	
<b>Recommendation</b>	
<p>(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;</p> <p>(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</p>	

necessary agreements under Section 278 of the Highway Act 1980;

(c) That you agree in principle that the public highway forming part of Star Alley described in the report may be stopped-up to enable the development to proceed and, upon receipt of the formal application, officers be instructed to proceed with arrangements for advertising and making of a stopping-up Order for those areas, under the delegation arrangements approved by the Court of Common Council;

(d) That you agree to accept the area of land proposed to be dedicated as replacement public highway as described in the report.

# Site Location Plan



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ADDRESS:  
51-54 Fenchurch Street

CASE No.  
14/00363/FULMAJ

-  SITE LOCATION
-  LISTED BUILDINGS
-  CONSERVATION AREA BOUNDARY



DEPARTMENT OF THE BUILT ENVIRONMENT



**51-54 Fenchurch Street – north and east elevation**



**51-54 Fenchurch Street – south elevation**



## **Site**

1. 51-54 Fenchurch Street is an eight storey Portland stone building that was constructed in the 1950s. It has frontages to Fenchurch Street and Mark Lane, and the rear is bounded by Star Alley, part of which passes under the building from Fenchurch Street. The building sets back from Fenchurch Street above a 2-storey base.
2. The building is in office use and there is a small cafe on Star Alley. The existing floorspace has 4,067sq.m (GIA) of offices and 72sq.m (GIA) of retail space.
3. Immediately to the south of the site, on the opposite side of Star Alley is the site of the former church of All Hallows Staining, which was demolished in 1870. This is a raised paved garden containing the small church tower (listed Grade 1), Lamb's Chapel Crypt (listed Grade 2) and the hall of St Olave's Hart Street church.
4. The Clothworkers' Hall adjoins the south-western corner of the site.
5. There are a variety of building heights and styles in the area, including 56-59 Fenchurch Street (6 floors on the street frontage with setbacks to 16 floors overall), 60 Fenchurch Street (12 storeys), Plantation Place (6 storeys on the street frontage with setbacks rising to 16 storeys overall). A building is being constructed at 64-74 Mark Lane which will rise to 16 storeys on London Street.
6. Planning permissions exist for a building opposite the site at 116-120 Fenchurch Street. This permits a 15 storey building with an 11 storey base clad with ceramic/vitreous enamelled columns and clear glazing, and 4 floors of folded glazing, with a landscaped roof garden. A significantly improved public highway fronted by retail units is included through the site at ground level.
7. Planning permission was granted in 2014 for a major office and retail development on the street block bounded by Fenchurch Street, Leadenhall Street, Billiter Street and Fenchurch Buildings. The building on the southern part of the site adjacent to Fenchurch Street would be ground plus 16 storeys high.
8. Fenchurch Street is a busy local distributor road. Mark Lane is a relatively quiet street providing local access and servicing to buildings but is heavily used by pedestrian using Fenchurch Street station at peak times. Star Alley is a narrow pedestrian alley that links Fenchurch Street with Mark Lane and is public highway.

## **Proposal**

9. A 10 storey (ground plus nine upper floors) building is proposed with screened plant above and one full and one part basement. The ground floor and top floor would be set back from the Fenchurch Street frontage.
10. Star Alley would be moved from its current location towards the western edge of the site to the centre.

11. The building would be used for office and retail purposes. The office entrance is proposed to be on Fenchurch Street. One retail unit (A1/A3 use) is proposed on the corner of Mark Lane and Star Alley (73sq.m (GIA)). A second unit for A1/A3 or B1 office use is proposed on the corner of Fenchurch Street and Mark Lane (61sq.m (GIA)). The proposed office floorspace is 6,200sq.m (GIA).

### **Consultations**

12. The views of other City of London departments have been taken into account in the preparation of this redevelopment scheme and some detailed matters remain to be dealt with under conditions and the Section 106 agreement.
13. English Heritage has considered the effect of the proposal on the setting of listed buildings and does not wish to comment. They say 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.
14. Thames Water has no objection and requests a condition and informatives. These are included on the schedule.
15. Transport for London has advised that, subject to the submission of Delivery and Servicing, Travel and Construction Logistics Plans, the proposal would not result in unacceptable highway and traffic impacts on the Transport for London road network. The requested plans will be obtained under the Section 106 agreement.
16. Wilson Stephen Associates have written on behalf of the PCC of St Olave Hart Street and All Hallows Staining with St Catherine Coleman. They believe the development should be considered in relation to the neighbouring listed buildings and church hall and the opportunity that this redevelopment would give to improve their setting. They ask for conditions to protect the neighbouring property from disturbance during redevelopment to enable them to continue to operate.

The normal conditions are included that cover protection from excess noise and other disturbance during redevelopment.

### **Policies**

17. The development plan consists of the London Plan, the saved policies of the Unitary Development Plan and the Core Strategy. 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.
18. The Local Plan was published in December 2013 and is expected to be adopted in late 2014 or early 2015. Although the Local Plan does not carry the full weight of an adopted plan, it is considered that the plan should carry significant weight as it is at the final stage of pre-submission consultation, prior to formal consideration at public examination. In accordance with the NPPF and Local Plan Regulations, the draft Plan has been considered by the Court of Common Council as sound planning policy for submission to the Secretary of State.

19. There is relevant City of London and GLA supplementary planning guidance in respect of Planning Obligations and Sustainable Design and Construction.
20. Government Guidance is contained in the National Planning Policy Framework (NPPF). Chapter 12 of the NPPF sets out key policy considerations for applications relating to designated and non-designated heritage assets. Other relevant guidance is provided by English Heritage including the documents Conservation Principles, and The Setting of Heritage Assets. Building in Context (EH/CABE) and the PPS5 Practice Guide in respect of the setting of heritage assets.

### **Considerations**

21. The Corporation, in determining the planning application has the following main statutory duties to perform 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).
  - In considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. (S66 (1) Planning (Listed Buildings and Conservation Areas) Act 1990).

### **Economic Development Issues**

22. 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.
23. 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 4.2 and CS1.
24. The building would provide high quality flexible office accommodation to meet the demands of the City's major commercial occupiers. The proposed building would provide high quality office accommodation and a 52% increase (2,133sq.m (GIA)) in office space over that which currently exists on the site.
25. This development would support London's business function in accordance with the development plan policies.
26. The site is not within a principal shopping centre but Fenchurch Street is identified as a Retail Link in the Core Strategy and Local Plan.

27. Policy CS20 encourages various retail uses in the Retail Links to meet the 2026 target for increased retail space. Policy Shop 2 of the Unitary Development Plan 2002 seeks the replacement of retail uses in development schemes. Policy Shop 3 seeks, where appropriate, the provision of new retail facilities where existing retail facilities are being replaced on redevelopment.
28. One retail unit (A1-A3) is proposed on the Mark Lane/Star Alley frontages, in effect replacing the exiting cafe. This retail unit would add vitality to the Star Alley and Mark Lane frontages and enhance the relationship of the building with the neighbouring open space, listed buildings and hall.
29. An additional retail unit is proposed on the Fenchurch Street/Mark Lane frontages but the applicants wish to retain the option of using this for office purposes in case there is no demand for retail use. The frontage to Fenchurch Street is currently in office use. A retail unit on this frontage would strengthen the retail function of the area and enhance the retail link in accordance with Core Strategy policy CS20. However, in view of the improved location and frontage of the other unit and that offices exist at present on the Fenchurch Street frontage no objection is seen to retaining the flexibility sought by the applicants.
30. If both units are used for retail there would be an overall increase in retail floorspace of 62sq.m.

#### Bulk & Massing

31. The site is relatively small and, unlike other recent developments in Fenchurch Street, has insufficient depth to enable a street scale to be built on the frontage with a significantly higher element set back from the street. In addition, the site lies on the outer curve of Fenchurch Street where a tall building on the frontage would be noticeably out of scale.
32. The architects have responded by producing a unique design that fits into the frontage height of recent buildings on the southern side of the street. The building would have 9 storeys on the frontage and set back to 10 storeys. These heights would sit comfortably with the general 6 to 8 storey frontages and the set back 15/16 storey buildings.
33. The building concept is of horizontally twisted, 2 storey high, solid blocks, all of glass, with recesses at the base and the top, and that pick up on strong horizontal and parapet lines elsewhere in the street.
34. The overall concept is of a single sculptural form with an innovative building envelope consisting of four, two storey high layers or blocks that are twisted, creating triangular steps. The ground and 10<sup>th</sup> floors would be recessed on the north and south elevations. The ground floor set-backs would create a widened pavement to Fenchurch Street and an area of public realm on Star Alley that engages with the churchyard and tower of All Hallows Staining.
35. The four layers would have a solid appearance without obvious window openings. To achieve this effect, the facades would be fully glazed with

no framing and the glass would contain the imprint of Roach bed Portland stone. The stone imprint would display varying degrees of abstraction, magnified to scales of 2:1 to 7:1 so that it can be recognised from a distance, and transparency (clear, translucent and solid). The Portland stone pattern is proposed as reference to the use of this stone in so many of the City's principal buildings.

36. The location of the clear "window" panels would need to be at an appropriate location within the office floors and therefore have a degree of regularity, but randomly located translucent and solid glass panels would be used to create the homogenous block design.
37. Details of the facades, including a facade mock-up, will be obtained by a condition to ensure that the design intent is followed through to implementation with a high architectural quality.
38. While the overhangs and ledges of the north elevation would visually be strongest at the corner with Mark Lane, the articulation would not be used on the facade to Mark Lane in order to maintain a differentiation between the principal and subsidiary facades.
39. The facades to the top floor would be simple curtain wall glazing with vertical joints and have fritting in front of the structural elements that abut the glass. A similar glazed system is proposed for the ground floor. The lighter treatments to the ground and top floors would create a hierarchy that differentiates them from the main part of the building.

#### Views

40. The building would be prominent in certain views along Fenchurch Street but the street has a diversity of scale and appearance, and this diversity will become more pronounced when other approved buildings are constructed. The reference to Portland stone in the proposed glazing pattern would correspond with stone clad buildings in the street. It is considered that street can accommodate a building of the size proposed and that design would contribute positively to the townscape and not be harmful.
41. In views from the south on Mark Lane and London Street the new building would appear less articulated than on Fenchurch Street, and it would be of greater scale than the Clothworkers' Hall and the tower of All Hallows Staining and the church hall. However there are larger buildings on neighbouring sites at Minster Court and 64-74 Mark Lane and the scale would be broken down by vertical and horizontal modelling that would respond to the smaller scale of the hall and the church tower.

#### Setting of listed buildings

42. The rear of the building has been designed as a facade rather than a rear elevation and that facade is similar in the design of the Fenchurch Street frontage. The detailed facade design, with its magnified stone patterns, would create visual interest and contrast with the stonework of the historic church tower, parts of which date from the 12th to 16th centuries.

43. The ground floor set back would provide a small publically accessible open space which would complement the open space and use of the churchyard and tower of All Hallows Staining. This could create the potential for improvements to the former churchyard which would also improve the setting of the listed tower and vaults. The proposals do not include such improvements as the churchyard is outside the site.
44. Overall, it is considered that the scale and design would provide an acceptable neighbour to the church tower. Any harm to the setting of the tower of All Hallows Staining and Lamb's Chapel Crypt is considered to be less than substantial and is outweighed by the public benefits created by achieving increased offices and retail uses in a significant new building.

#### Sustainability and Energy

45. The building would provide flexible office accommodation and has been designed to include a high performance facade, improvements to air-tightness above the Building Regulations requirements and energy efficient building services. The proposed energy efficiency measures would achieve a 23.9% improvement in carbon dioxide emissions on a building regulations' compliant building.
46. The energy strategy includes the incorporation of VRF heat pumps that provide heating and cooling, and the installation of photovoltaic panels (80sq.m.) on the south facing plant screen and horizontally over the plant enclosure on the roof which together could make a further 30.3% of carbon dioxide emissions savings.
47. The total reduction in carbon dioxide emissions savings would be 47.4% which would exceed the current London Plan target of 40%.
48. The building would have the potential to score a BREEAM 2011 New Construction rating of "excellent".
49. Climate change adaptation and sustainable design measures of the development include the incorporation of a green roof to attenuate water run-off, improve insulation and biodiversity, water saving measures and a water attenuation tank to combat local flooding.

#### Star Alley

50. Star Alley is an "L" shaped public highway. The north-south arm of the alley is proposed to be stopped up and replaced further east, near the centre of the site. This would create more useable floorspace at ground level on each side of the alley.
51. The location of Star Alley has changed several times in the last 4 centuries and was last re-aligned in the 1950s. The new route through the site has been kept narrow and would link to Fenchurch Street and the east-west arm of Star Alley, both of which would be widened by recessing the ground floor.
52. While the advantages of the alleyway as a shortcut between Mark Lane and Fenchurch Street would be lessened, the new position would enable the alleyway to have animated frontages on both sides, provide

an improved visual relationship between Fenchurch Street and the Tower of All Hallows Staining and correspond with the proposed public way at 120 Fenchurch Street.

53. A highway stopping-up order would be required to close the existing north-south arm of Star Alley and the applicant proposes to dedicate the realigned new route as public highway. The east-west arm would remain public highway.
54. The development includes a small open space between Star Alley and the new retail unit on its corner with Mark lane. This is to be publically accessible and access is to be secured through the Section 106 agreement.

#### Servicing

55. The site area is relatively small and the opportunities for on-site servicing are constrained by the space required for Star Alley, the office reception, a sub-station and the retail accommodation. The only frontage where servicing could take place is Mark Lane. Detailed discussions were held over the possibility of including a vehicle bay on Mark Lane. The conclusion was that there is inadequate space on site for service vehicles, particularly if that would require reversing into or off the street as Mark lane is particularly busy during peak periods.
56. It has been concluded that serving should take place from the Mark Lane highway adjacent to the site. A delivery room and bin store is proposed on this street frontage to reduce delivery and collection times.
57. The highway where service vehicles, including refuse lorries, would stand is currently occupied by parking bays. There are no parking bays on the opposite side of the road. In order for this on-street servicing to work it would be necessary to move the existing parking bays to the eastern side of the street and adjust the position of traffic bollards so that car doors can open over the footway. The applicants have demonstrated that this can be done and have agreed that they would make all the necessary arrangements.
58. Moving the parking bays would involve the making of a traffic order, which is a separate statutory process involving publicity and potential for objection. Any objections to the proposed traffic order would be reported to your Committee for a decision.
59. If objections were raised and there were sound reasons not to move the parking bays it would not be possible to service the building adequately. For this reason it is proposed to impose a "*Grampian*" condition which would prevent the planning permission being implemented (including demolition) until the necessary traffic order had been made and the parking bays moved.
60. As a privately initiated change to parking arrangements all costs, including staff time and advertising, would need to be covered by the applicant.
61. A delivery and servicing plan is needed to ensure that serving is carried out in a satisfactory way, for instance by limiting vehicle movements

during peak hours when Mark Lane is busy with commuters using Fenchurch Street Station.

#### Parking

62. No car or motorcycle parking is proposed, which accords with policies to reduce motor vehicle use. The constricted site and space taken by retail uses and Star Alley precludes the provision of on-site disabled parking, which is normally sought under the London Plan policies. There is a disabled parking bay in Mark Lane adjacent to the site which would be affected by the changes discussed previously. At this stage it is assumed this bay would be moved to the eastern side of the road.
63. St Olave's church included a request that replacement parking is provided if the existing spaces in Mark Lane are suspended during the development works. They make particular mention of blood donor vehicles which park there when the hall is used as a blood donor centre. These are public spaces, not restricted to church use. As these spaces would to be moved to the eastern side of the road there is more likelihood that they would remain in use during building work but there may be periods when they are unavailable.
64. Racks are proposed for 66 bicycles, together with changing, shower and locker facilities. This exceeds the number required by the Local Plan (56 cycle spaces) but is less than the standard proposed in the draft Further Alterations of London Plan (FALP) (90 cycle spaces). The applicants advise that this is the greatest number that can be accommodated in the current layout. This is considered to be a satisfactory number of spaces, particularly as the new FALP standard remains to be tested at a local inquiry.

#### Daylight and Sunlight

65. The impact on daylight received by residential accommodation at the Clothworkers' Hall and to the St Olave's church hall has been assessed. In each case the impact was found to be negligible.
66. The study of sunlight received at the churchyard and tower of All Hallows Staining and the church hall demonstrates that there would be no change.
67. Possible solar glare to the paved garden has been considered. The consultants conclude that the design of the southern elevation, with its angled and cantilevered elements, would dissipate and lessen the effects of sunlight and that the flat planes of etched glass would reduce reflections.

#### Archaeology

68. The site is in an area of archaeological potential where remains from all periods may be expected to survive, including Roman and medieval buildings and Roman roads. There may be survival of burials associated with the medieval All Hallows Church (demolished in the 19th century) to the south of the site, although this potential is considered to be low.



69. The existing building has a basement across the entire site and a sub-basement in the north east part of the site. There is high potential for archaeological survival below the existing single basement area and low potential below the sub-basement but the bases of cut features such as wells may survive. Map evidence indicates that a double basement may exist in the western part of the site, but this is inconclusive.
70. The proposed development would have an impact on archaeological remains through the construction of a deeper single basement and a new basement slab in the area of the sub-basement and new foundations.
71. Archaeological evaluation is necessary to provide additional information on the nature, date and character of archaeological survival on the site and to design an appropriate archaeological mitigation strategy.
72. Conditions are recommended to cover archaeological evaluation, a programme of archaeological work and foundation design.

#### **Planning Obligations and Community Infrastructure Levy**

73. Under Section 106 of the Town & Country Planning Act 1990 an agreement or planning obligation 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.
74. Planning obligation arrangements were modified by the Community Infrastructure Levy Regulations 2010 as amended ('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.
75. 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

76. The National Planning Policy Framework (March 2012) stated that planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. The policy repeated the tests set out above and states that where planning obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled. (NPPF paragraphs 203-206).

#### Mayoral Community Infrastructure Levy (CIL)

77. London Plan Policy 8.3 requires the Mayoral CIL to be paid by developers to help fund strategically important infrastructure, initially focussing on Crossrail until 2019. The Mayor has set a charge of £50 per sq.m and this applies to all development over 100sq.m (GIA) except social housing, education related development, health related development and development for charities for charitable purposes.

#### Mayoral Planning Obligations

78. Since April 2010 the Mayor of London has sought contributions towards the cost of funding Crossrail through the negotiation of planning obligations in accordance with London Plan Policy 6.5. Mayoral planning obligations are payable by developers according to an indicative level of charges for specific uses set out in the Mayoral SPG (April 2013): offices (£140 per sq.m), retail (£90) and hotels (£61) provided there is a net gain of 500sq.m in GIA floorspace.
79. Developments liable for both Mayoral CIL and Mayoral planning obligations for Crossrail would not be double charged. The Mayor's approach is to treat the CIL liability as a credit towards the planning obligation contribution. Therefore the Mayoral planning obligation contribution can be reduced by the Mayoral CIL.
80. At the time of preparing this report the Mayoral CIL has been calculated to be £109,750. The full Mayoral planning obligation has been calculated to be £304,200. This would be reduced to £194,450 after deduction of the Mayoral CIL. It should be noted that these figures may be subject to change should there be a variation in the CIL liability at the point of payment and should therefore only be taken as indicative figures at this point.
81. Under the CIL regulations the City Corporation is able to retain 4% of the Mayoral CIL liability as an administration fee, the remainder would be forwarded to the Mayor of London. The entire sum of the Mayoral planning obligation contributions received would be forwarded to the Mayor. The developer will also be liable to pay an additional £3,500 Mayoral planning obligation administration and monitoring charge to the City Corporation. The total contributions due in accordance with the Mayoral CIL and Mayoral planning obligation policies are summarised below:

<b>Liability in accordance with the Mayor of London's policies</b>	<b>Contribution £</b>	<b>Forwarded to the Mayor</b>	<b>Retained by City Corporation</b>
Mayoral Community Infrastructure Levy payable	109,750	105,360	4,390
Mayoral planning obligation net liability*	194,450	194,450	Nil
Mayoral planning obligation administration and monitoring charge	3,500	Nil	3,500
<b>Total liability in accordance with the Mayor of London's policies</b>	<b>307,700</b>	<b>299,810</b>	<b>7,890</b>

\*Net liability is on the basis of the CIL charge remaining as reported and could be subject to variation.

#### City CIL

82. The City introduced its CIL on 1 July 2014 which is chargeable in addition to the Mayoral CIL and Mayoral planning obligations. CIL will be charged at a rate of £75 per sq.m for Offices, £150 for Residential Riverside, £95 for Residential rest of the city and £75 for all other uses. At the time of preparing this report the City CIL has been calculated to be £164,625 It should be noted that these figures may be subject to change should there be a variation in the CIL liability at the point of payment and should therefore only be taken as indicative figures at this point.
83. Under the CIL regulations the City Corporation is able to retain 5% of the CIL income for administration and monitoring purposes. The CIL sums collected will be used to fund the infrastructure required to meet the requirements of the City's Development Plan.

#### City of London's Planning Obligations SPG policy

84. On 1st July 2014 the City's Supplementary Planning Document on Planning Obligations was adopted. City Planning Obligations would be payable by developers in accordance with the Planning Obligations SPD on new commercial developments where there is a net increase of 500sq.m or more of Gross Internal Area. The policy seeks

contributions towards Affordable Housing (£20 per sq.m), Local Training, Skills and Job Brokerage (£3 per sq.m) and Carbon Offsetting (£46 per tonne of carbon offset).

85. In this case the proposed net increase in floorspace would be 2195sq.m. On the basis of the figure indicated in the Supplementary Planning Document, the total planning obligation contribution would be £50,485. It is the City's practice that all financial contributions be index-linked with reference to the appropriate index from the date of adoption of the SPD to the date that payment is due.
86. The developers' obligations in accordance with the City's CIL charging schedule and Supplementary Planning Document are summarised as follows:

<b>Liability in accordance with the City of London's policies</b>	<b>Contribution £</b>	<b>Available for Allocation £</b>	<b>Retained for Administration and monitoring £</b>
City Community Infrastructure Levy	<b>164,625</b>	<b>156,394</b>	<b>8,231</b>
City Planning Obligation Affordable Housing	<b>43,900</b>	<b>43,900</b>	<b>Nil</b>
City Planning Obligation Local, Training, Skills and Job Brokerage	<b>6,585</b>	<b>6,585</b>	<b>Nil</b>
City Planning Obligation Administration and Monitoring Charge	<b>2,005</b>	<b>Nil</b>	<b>2,005</b>
<b>Total liability in accordance with the City of London's policies</b>	<b>217,115</b>	<b>206,879</b>	<b>10,2036</b>

87. 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.

#### Affordable Housing

88. 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.

#### Local Training, Skills and Job Brokerage

89. The Local Training, Skills and Job Brokerage contribution will be 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.

#### Highway Reparation and other Highways obligations

90. The cost of any reparation works required as a result of the development will be the responsibility of the Developer.
91. 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.

#### Utility Connections

92. 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 s106 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. Details of the utility connection requirements of the Development including all proposed service connections, communal entry chambers, the proposed service provider and the anticipated volume of units required for the Development will also be required.

#### Delivery and Servicing Management Plan

93. The developer would be required to submit for approval a Delivery and Servicing Management Plan prior to occupation. In the event of any breach of the Management Plan, the developer will be required to resubmit a revised document, and should the developer default on this requirement, the City will be given the ability to provide a replacement plan. The operation of the Delivery and Servicing Management Plan will be subject to an annual review.

#### Travel Plan

94. 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

#### Local Training, Skills and Job Brokerage Strategy (Construction)

95. The applicant will be required to submit for approval details of the Local Training, Skills and Job Brokerage Strategy (Construction) in line with the aims of the City Corporation's Employment Charter for

Construction. This Charter aims to 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. The Strategy will be submitted in two stages: one to be submitted prior to the First Preparatory Operation Date in respect of the Preparatory Operations; the second stage to be submitted prior to Implementation in respect of the Main Contract Works Package.

96. The Economic Development Office is able to advise the Developer or its Contractor and Sub-Contractors of 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

97. The developer has agreed to submit for approval a Local Procurement Strategy prior to commencement of demolition. The Local Procurement Strategy shall include details of: initiatives to identify local procurement opportunities relating to the construction of the development; initiatives to reach a 10% target for local procurement, from small to medium sized enterprises in the City and City fringes; the timings and arrangements for the implementation of such initiatives; and suitable mechanisms for the monitoring of the effectiveness of such initiatives e.g. a local procurement tracker can be used to capture this information.
98. The developer will be required at the 6 month stage, or half way through the project (whichever is earliest), to report to the City of London Corporation's Economic Development Office on their performance against the 10% local procurement target.
99. The Economic Development Officer is able to provide information and guidance to the Developer its Contractor 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

#### Carbon Offsetting

100. The London Plan sets a target for major developments to achieve an overall carbon dioxide emission reduction of 40% from 2013-2016, through the use of on-site renewable energy generation. A detailed assessment will be required by condition. If the assessment demonstrated that the target is not met on site the applicant will be required to meet the shortfall through a cash in lieu contribution. The contribution will be secured through the section 106 agreement, at an initial cost of £60 per tonne of carbon to be offset, calculated over a 30 year period. The financial contribution for carbon off-setting will be required on commencement or implementation of development.

## Public Realm Access

101. The proposal includes publically accessible space between Star Alley and the new retail unit on its corner with Mark lane. Public right of access at all times will be secured through the Section 106 agreement subject to a detailed regime for public access to be only prevented or temporarily restricted or limited for cleaning, maintenance and security and to prevent highway rights being acquired.

## Monitoring and Administrative Costs

102. A 10 year repayment period would be required where by any unallocated planning obligation contribution sums would be returned to the developer 10 years after practical completion of the development.
103. 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.
104. A further 1% of the total contribution (secured under the City's SPG) and £250 per non-financial obligations will be allocated to the monitoring of the agreement.
105. Separate additional administration and monitoring fees will be applied in relation to the Crossrail Contribution.

## **Conclusion**

106. The proposed building would provide an increase in good quality office and retail space, in accordance with development plan policies.
107. The design and articulation of the proposed building is unusual. The building would have a stepped, angled profile with a glass exterior that would make it uncertain which areas are window and which are solid. The design would make a significant contribution to the urban landscape.
108. The proposals are considered not to have a detrimental impact on the listed buildings near the site.
109. The proposed servicing arrangements, whilst not ideal, could be made to work successfully provided that the existing car parking bays are moved to the eastern side of Mark Lane before any work is started.
110. It is concluded that the proposal is acceptable subject to conditions and to a Section 106 agreement being entered into to cover the matters set out in the report

## **Background Papers**

### Internal

Letter 14/05/14      Access Adviser to Gerald Eve  
Memo 12 May 14     Department of Markets and Consumer Protection

### External

Letter 01/05/12      English Heritage  
Email 01/05/14      Thames Water  
Email 22/-5/14      TfL  
Letter 23/05/14      DRMM to Access Adviser  
Email 28/05/14      Gerald Eve  
Letter 27/05/14      Wilson Stephen Associates  
Letter 11/04/14      Gerald Eve  
Planning Statement April 2014    Gerald Eve  
Historic Environment Assessment March 2014 MoLA  
Energy Strategy 27/03/14    Hurley Palmer Flatt  
Sustainability Statement 27/03/14 Hurley Palmer Flatt  
Environmental Noise Survey Report 21/03/14    Hann Tucker  
Transport Statement      ARUP  
Daylight & Sunlight Report April 2014    GVA  
Townscape and Visual Impact Assessment March 2014      Miller Hare  
Design and Access Statement April 2014      DRMM  
East Facade Design Note May 2014      DRMM  
Existing Buildings Drawings      DRMM



## **Appendix A**

### London Plan Policies

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

Policy 2.10 and 4.3 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 4.1 Promote and enable the continued development of a strong, sustainable and increasingly diverse economy;

Support the distinctive and crucial contribution to London's economic success made by central London and its specialist clusters of economic activity;

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

Policy 4.2 Support the management and mixed use development and redevelopment of office provision to improve London's competitiveness and to address the wider objectives of this Plan, including enhancing its varied attractions for businesses of different types and sizes.

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 5.11 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 6.3 Development proposals should ensure that impacts on transport capacity and the transport network are fully assessed.

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

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

provide parking for disabled people in line with Table 6.2

meet the minimum cycle parking standards set out in Table 6.3

provide for the needs of businesses for delivery and servicing.

Policy 7.2 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 7.8 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.

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

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

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

### ***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.

### ***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.

### ***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.

### ***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.

### ***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.

### ***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.

### ***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.

### ***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.

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

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

## SCHEDULE

APPLICATION: **14/00363/FULMAJ**

**51 - 54 Fenchurch Street London EC3M 3LA**

**Demolition of existing building and re-development of the site for a new ten storey office (Class B1(a)) building with use of part of the ground floor for provision of 2 units (one unit Class A1/A3 retail and the other unit for Class A1/A3 retail or Class B1(a) offices), roof top and basement M&E plant, provision of waste storage, basement cycle parking, realignment and reprovision of Star Alley and associated highway works and other works incidental to the proposals (6,334sq.m).**

## CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON: To ensure compliance with the terms of Section 91 of the Town and Country Planning Act 1990.
- 2 The development authorised by this permission shall not begin until a Traffic Management Order has been made to enable the car parking bays on the western side of Mark Lane adjacent to the site to be moved to the eastern side as described in the email dated 7 July 2014 from Jeremy Randall of Gerald Eve.  
REASON: To enable servicing for the building to take place on the western side of Mark Lane adjacent to the development, to ensure public safety and 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.
- 3 A scheme for protecting nearby residents and commercial occupiers from noise, dust and other environmental effects shall be submitted to and approved in writing by the Local Planning Authority prior to any demolition taking place on the site. The scheme shall be based on the Department of Markets and Consumer Protection's Code of Practice for Deconstruction and Construction Sites and arrangements for liaison set out therein. A staged scheme of protective works may be submitted in respect of individual stages of the demolition process but no works in any individual stage shall be commenced until the related scheme of protective works has been submitted to and approved in writing by the Local Planning Authority. The demolition shall not be carried out other than in accordance with the approved scheme

REASON: In the interests of public safety and to ensure a minimal effect on the amenities of neighbouring premises and the transport network in accordance with the following policy of the Core Strategy: CS15.

- 4 A scheme for protecting nearby residents and commercial occupiers from noise, dust and other environmental effects shall be submitted to and approved in writing by the Local Planning Authority prior to any construction work taking place on the site. The scheme shall be based on the Department of Markets and Consumer Protection's Code of Practice for Deconstruction and Construction Sites and arrangements for liaison set out therein. A staged scheme of protective works may be submitted in respect of individual stages of the construction process but no works in any individual stage shall be commenced until the related scheme of protective works has been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved scheme.  
REASON: In the interests of public safety and to ensure a minimal effect on the amenities of neighbouring premises and the transport network in accordance with the following policy of the Core Strategy: CS15.
- 5 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 (in consultation with Transport for London). 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 (in consultation with Transport for London).  
REASON: To ensure that deconstruction works do not have an adverse impact on the transport network in accordance with London Plan Policy 6.14.
- 6 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 (in consultation with Transport for London). 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 (in consultation with Transport for London).  
REASON: To ensure that construction works do not have an adverse impact on the transport network in accordance with London Plan Policy 6.14.



- 7 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.
- 8 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.
- 9 No construction work shall take place before details of the levels and gradients in Star Alley have been submitted to and approved in writing by the Local Planning Authority.  
REASON: To ensure the highway is suitable for public use and for use by people with disabilities in accordance with the following policy of the Core Strategy: CS10.
- 10 Unless otherwise approved in writing by the Local Planning Authority, archaeological evaluation shall be carried out in accordance with the Written Scheme of Investigation for Evaluation dated 15 April 2014, hereby approved, in order to compile archaeological records.  
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 2002: ARC 1.
- 11 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

- 12 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.
- 13 No impact piling shall take place until a piling method statement detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works, has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.  
REASON: The proposed works will be in close proximity to underground sewerage utility infrastructure and piling has the potential to impact on local underground 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.
- 14 Within five working days of any site contamination being found when carrying out the development hereby approved the contamination must be reported in writing to the Local Planning Authority and an investigation and risk assessment must be undertaken in accordance with the requirements of DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Where remediation is necessary a detailed remediation scheme to bring the site to a condition suitable for the intended use must be submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority the remediation scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing of the Local Planning Authority.  
REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land, controlled waters, property and ecological systems are minimised and to ensure that the development can be carried out without unacceptable risks to workers, neighbours and other off site receptors in accordance with the following policy the Core Strategy: CS15.

- 15 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 appearance of proposed new facades including details of the glazing system;
  - (c) details of ground floor elevations;
  - (d) details of soffits, hand rails and balustrades;
  - (e) details of junctions with adjoining premises;
  - (f) details of the integration of window cleaning equipment and the garaging thereof, plant, flues, fire escapes and other excrescences at roof level;
  - (g) details of plant and ductwork to serve the retail use(s);
  - (h) details of ventilation and air-conditioning for the retail use(s);
  - (i) details of external surfaces within the site boundary including hard and soft landscaping.
- 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, ENV28, ENV29.
- 16 Unless otherwise approved in writing by the Local Planning Authority, a full sized mock-up of a section of the facade (including glass junctions, corners and the detail of all glass, patterns and variations to finishes) shall be approved in writing by the Local Planning Authority before any piling or construction work begins. (Scale 1:1 to be viewed on site or other appropriate location.)
- 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 Core Strategy: CS10, CS12.
- 17 Before any works thereby affected are begun details of the installation of photovoltaic panels on the roof as indicated on the drawings hereby approved, including size, position, arrangement and performance, shall be submitted to and approved by the local planning authority and shall be maintained as approved for the life of the development.
- REASON: To ensure compliance with the following policy of the Core Strategy: CS15; CS10
- 18 Details of the position and size of the green roof(s), the type of planting and the contribution of the green roof(s) to biodiversity and rainwater attenuation shall be submitted to and approved in writing by the local planning authority before any works thereby affected are begun. The development shall be carried out in accordance with those approved

details and maintained as approved for the life of the development unless otherwise approved by the local planning authority.

REASON: To assist the environmental sustainability of the development and provide a habitat that will encourage biodiversity in accordance with the following policies of the Core Strategy: CS10, CS15, CS18.

- 19 Provision shall be made for disabled people to obtain access to the offices and to each retail unit via their respective principal entrances without the need to negotiate steps and shall be maintained for the life of the building.  
REASON: To ensure that disabled people are able to use the building in accordance with the following policy of the Core Strategy: CS10.
- 20 (a) The level of noise emitted from any new plant shall be lower than the existing background level by at least 10 dBA. Noise levels shall be determined at one metre from the 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. Following installation but before the new plant comes into operation measurements of noise from the new plant must be taken and a report demonstrating that the plant as installed meets the design requirements shall be submitted to and approved in writing by the Local Planning Authority.  
(b) All constituent parts of the new plant shall be maintained and replaced in whole or in part as often is required to ensure compliance with the noise levels approved by the Local Planning Authority.  
REASON: To protect the amenities of neighbouring residential/commercial occupiers in accordance with the following policies of the Core Strategy: CS15, CS21.
- 21 Before any works thereby affected are begun, a scheme shall be submitted to and approved in writing by the Local Planning Authority which specifies the fume extract arrangements, materials and construction methods to be used to avoid noise and/or odour penetration to the upper floors from the Class A use. The details approved must be implemented before the Class A use takes place.  
REASON: In order to protect commercial amenities in the building in accordance with the following policies of the Core Strategy: CS15.
- 22 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.

- 23 Before any works thereby affected are begun, a scheme in the form of an acoustic report compiled by a qualified specialist shall be submitted to and approved in writing by the Local Planning Authority specifying the materials and constructional methods to be used demonstrating that there is adequate sound proofing to both airborne and structure borne noise transmission between the Class A use and the surrounding offices in the building. The development pursuant to this permission shall be carried out in accordance with the approved scheme and so maintained thereafter.  
REASON: To protect the amenities of commercial occupiers in the building in accordance with the following policy of the Core Strategy: CS15.
- 24 No cooking shall take place within any Class A1 or A3 unit hereby approved until fume extract arrangements and ventilation have been installed to serve that unit in accordance with a scheme approved by the Local Planning Authority. Any works that would materially affect the external appearance of the building will require a separate planning permission.  
REASON: In order to protect the amenity of the area in accordance with the following policies of the Core Strategy: CS10, CS15.
- 25 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.
- 26 A post construction energy statement demonstrating that the London Plan target of at least 40% reduction in carbon emissions has been achieved in the office development shall be submitted as soon as practicable after practical completion of the office building.  
REASON: To demonstrate that carbon emissions have been minimised in accordance with the following policy of the London Plan: 5.2
- 27 Unless otherwise approved in writing by the Local Planning Authority the exhaust flue serving the generator in the basement shall terminate at roof level in a location and to a design to be submitted to and approved in writing by the Local Planning Authority.  
REASON: To protect the amenities of the area in accordance with the following policy of the Core Strategy CS15.
- 28 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.

- 29 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.
- 30 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 66 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 the policy 6.9 of the London Plan and policies of the Local Plan.
- 31 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.
- 32 The public highway known as Star Alley shall remain fully open and unobstructed until such time as the necessary Stopping-up Order has come into effect.  
REASON: To ensure compliance with the terms of Section 247 and 257 of the Town and Country Planning Act 1990.
- 33 The A3 premises hereby permitted shall not be open to customers between the hours of 23:00 on one day and 7:00 on the following day.  
REASON: To safeguard the amenity of the adjoining premises and the area generally in accordance with the following policies of the Core Strategy: CS15, CS21.
- 34 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.

- 35 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: drawings numbered 349-SITE-100/P02, SITE-120/P02, LB1-215/P04, LB2-216/P02, L00-200/P03, L01-201/P02, L02-202/P02, L03-203/P02, L04-204/P02, L05-205/P02, L06-206/P02, L07-207/P02, L08-208/P02, L09-209/P02, L10-210/P03, LRF-211/P00, SEC-300/P03, ELE-400/P02, ELE-401/P04, ELE-402/P02, ELE-403/P03; Written Scheme of Investigation for an Archaeological Evaluation dated 15th April 2014; Addendum to the Written Scheme of Investigation for an Archaeological Evaluation dated 3rd July 2014; Email dated 2 July 2014.
- REASON: To ensure that the development of this site is in compliance with details and particulars which have been approved by the Local Planning Authority.

## INFORMATIVES

- 1 In dealing with this application the City has implemented the requirements of the National Planning Policy Framework to work with the applicant in a positive and proactive manner based on seeking solutions to problems arising in dealing with planning applications in the following ways:  
detailed advice in the form of statutory policies in the Core Strategy/ Unitary Development Plan, Supplementary Planning documents, and other written guidance has been made available;  
a full pre application advice service has been offered;  
where appropriate the City has been available to provide guidance on how outstanding planning concerns may be addressed.
- 2 The Mayoral Community Infrastructure Levy is set at a rate of £50 per sq.m on "chargeable development" and applies to all development over 100sq.m (GIA) or which creates a new dwelling.

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

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

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

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

- 3 The 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 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.
- 5 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.
- 6 Improvement or other works to the public highway shown on the submitted drawings require separate approval from the local highway authority and the planning permission hereby granted does not authorise these works.
- 7 This permission is granted having regard to planning considerations only and is without prejudice to the position of the City of London Corporation as ground landlords; and the work must not be instituted until the consent of the City of London Corporation as freeholders has been obtained by the Head Lessee.
- 8 The Crime Prevention Design Advisor for the City of London Police should be consulted with regard to guidance on all aspects of security, means of crime prevention in new development and on current crime trends.
- 9 The Directorate of the Built Environment should be consulted on:
  - (a) Any intention to carry out works that would have an impact on a listed building.



(b) 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.

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

- 10 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.

(e) Means of escape and constructional details under the Building Regulations and London Building Acts (District Surveyor).

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

Air Quality

(a)  
Compliance with the Clean Air Act 1993

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

(b)

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.

(c)

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.

(d)

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.

(e)

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

(f)

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.

(g)

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

(h)

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

#### Food Hygiene and Safety

(i)

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.

(j)

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.

- 12 The grant of approval under the Town and Country Planning Acts does not overcome the need to also obtain any licences and consents which may be required by other legislation. The following list is not exhaustive:

(a) Fire precautions and certification:

London Fire Brigade, Fire Prevention Branch  
5-6 City Forum  
City Road  
London EC1N 2NY

(b) Works affecting water supplies, land drainage and flood defences:

Environment Agency,  
North London Planning Liaison Team  
9th floor, Eastbury House  
30-34 Albert Embankment  
London, SE1 7TL

13 Thames Water advice:

There are public sewers crossing or close to the development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the options available at this site.

With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Thames Water recommends the installation of a properly maintained fat trap on all catering establishments and, in line with best practice for the disposal of Fats, Oils and Grease, the collection of waste oil by a contractor, particularly to recycle for the production of bio diesel. Failure to implement these recommendations may result in this and other properties suffering blocked drains, sewage flooding and pollution to local watercourses.

There is a Thames Water main crossing the development site which may/will need to be diverted at the Developer's cost, or necessitate amendments to the proposed development design so that the aforementioned main can be retained. Unrestricted access must be available at all times for maintenance and repair. Please contact

Thames Water Developer Services, Contact Centre on Telephone No:  
0845 850 2777 for further information.

**WILSON  
STEPHEN**  
ASSOCIATES

D Stothard Esq  
Assistant Director (Development Management East)  
City of London  
P O Box 270  
Guildhall  
London EC2P 2EJ

**ACKNOWLEDGED**

By email to [David.Stothard@cityoflondon.gov.uk](mailto:David.Stothard@cityoflondon.gov.uk)

**29 MAY 2014**

WSA Reference: Q14.122  
27<sup>th</sup> May 2014

Dear Mr Stothard,

City of London planning application reference 14/00363/FULMAJ  
51-54 Fenchurch Street, London EC3M 3LA

We write on behalf of the PCC of St Olave Hart Street and All Hallows Staining with St Catherine Coleman in respect of the above application. We wish to make the following observations in response to the public consultation.

1. Any planning permission should incorporate appropriate conditions to protect neighbouring properties in respect of: hours of work, on site noise, vibration and dust, and other neighbourly considerations, for instance procurement of alternative parking for users of St Olave's church hall if construction leads to suspension of parking nearby (this may affect the National Blood Service who use the hall).
2. We believe it to be strongly desirable that development of this site should not be considered in isolation from the nearby Grade I listed tower of All Hallows Staining, the adjacent crypt and the church hall. At present the poor setting of these buildings detracts from the historic interest of the tower and crypt and diminishes the value of the church hall as a community asset. The redevelopment of 51-54 Fenchurch Street would provide a significant opportunity to address the inadequacies of the present setting of these buildings, and we believe that the deliberations of the planning authority should reflect this.

**PROJECT MANAGERS & CHARTERED SURVEYORS**

2 - 3 Hind Court, London, EC4A 3DL

e: [info@ws-a.co.uk](mailto:info@ws-a.co.uk) w: [www.ws-a.co.uk](http://www.ws-a.co.uk) f: 020 7583 9197 t: 020 7583 7799

Robert Wilson Associates Limited trading as Wilson Stephen Associates

Registration England and Wales No. 5628242. Registered Office: 55 Loudoun Road, St John's Wood, London NW8 0DL  
Director: A R Wilson MSc DipBldgCons DipProjMan FRICS FRSA - Director and Company Secretary: R M Wilson BSc

3. We note that a report in respect of Rights of Daylight and Sunlight forms part of the planning application and we confirm that this will be reviewed by the PCC's Rights of Daylight and Sunlight advisors, and that the position is reserved pending such deliberations.

Thank you and we trust that these observations are of assistance.

Yours sincerely,

A dark, irregularly shaped redacted area, likely covering a signature or name.

Matthew Williams

For and on behalf of Wilson Stephen Associates

**From:** PLN - Comments  
**Subject:** FW: 14/00363/FULMAJ; 51-54 Fenchurch Street, London EC3M 3LA

**From:** Pak-Lim Wong [mailto:PakLim.Wong@tfl.gov.uk]  
**Sent:** 22 May 2014 12:18  
**To:** Stothard, David; PLN - Comments  
**Subject:** Re: 14/00363/FULMAJ; 51-54 Fenchurch Street, London EC3M 3LA

Dear David

22 MAY 2014

ACKNOWLEDGED

**Re: 14/00363/FULMAJ; 51-54 Fenchurch Street, London EC3M 3LA**

Demolition of existing building and re-development of the site for a new ten storey office (Class B1(a)) building with alternative use of part of the ground floor for provision of 2 units (one unit Class A1/A3 retail and the other unit for Class A1/A3 retail or Class B1(a) offices), roof top and basement M&E plant, provision of waste storage, basement cycle parking, realignment and reprovision of Star Alley and associated highway works and other works incidental to the proposals (6,334 sq.m).

Thank you for consulting Tfl the above mentioned proposal, Tfl offers the following observations:

1. The application is situated in the City of London with an excellent public transport accessibility of 6a, Tfl therefore welcomes that new on site parking has been proposed.
2. A total of 56 cycle parking spaces have been proposed; based on the City of London standards of 1 spacer per 125sqm. Tfl recommends that further provision be made with reference to the emerging cycle parking standards in the draft Further Alterations of London Plan (FALP); which requires 1 space per 90sqm for long stay and 1 space per 500sqm for visitors. Nevertheless, Tfl welcomes that shower and changing facilities has been included in the proposal.
3. The existing disabled parking space on Mark <sup>Lane</sup> Place should be retained. Further disabled space should also be designated to improve accessibility.
4. As the proposed building is approximately twice as large as the existing building; Tfl therefore recommends that on-site servicing facility be provided to minimise impact to the highway network. Nevertheless, Tfl expects that the COL would secure the submission and implementation of Delivery & Servicing Plan (DSP) for the site by s106/ condition prior to the occupation of the site.
5. Tfl does not consider the use of Tfl office sites to estimate trip generation is appropriate as they have a unique trip pattern. However, upon further assessment by Tfl; no further works is required.
6. COL is encouraged to secure contribution toward pedestrian, cycle improvement and way-finding in the locality.
7. A finalised travel plan should be submitted, approved by COL and implemented. The travel plan should be secured by s106 planning obligation.
8. A construction management plan (CMP) and construction logistics plan (CLP) should also be submitted for council's approval prior to construction commences on site. The CLP should aim to rationise construction vehicle movements to minimise construction vehicle impact as there are number of construction sites already in the vicinity. The CLP shall also include protection measures to minimise risk of conflicts between vulnerable road users and construction vehicles. The current Tfl guidance for CLP can be found on : [http://www.tfl.gov.uk/microsites/freight/documents/construction\\_logistics\\_plan\\_guidance\\_for\\_developers.pdf](http://www.tfl.gov.uk/microsites/freight/documents/construction_logistics_plan_guidance_for_developers.pdf)



9. COL should secure all associated highway works by s106/278 Agreements.

**Subject to the above, the proposal as it stands would not result in an unacceptable highway and traffic impact to the TLRN/ SRN in the vicinity.**

Please do not hesitate to contact me if I can be of any further assistance.

Kind regards

**PakLim Wong**  
Planning Officer  
Borough Planning, Transport for London  
9th Floor, Windsor House, 50 Victoria Street, London SW1H 0TL  
Tel: (020) 3054 1779 | Auto: 81779 |  
Email: [paklim.wong@tfl.gov.uk](mailto:paklim.wong@tfl.gov.uk)

For more information regarding the TfL Borough Planning team, including TfL's *Transport assessment best practice guidance* and pre-application advice please visit

<http://www.tfl.gov.uk/info-for/urban-planning-and-construction/planning-applications?intcmp=3484>

\*\*\*\*\*

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\*\*\*\*\*

Ball, Matthew

14/00363

**From:** Pln - CC - Development Dc  
**Subject:** FW: Email regarding: 3rd Party Planning Application - 14/00363/FULMAJ  
COL03232767

-----Original Message-----

**From:** BCTAdmin@thameswater.co.uk [mailto:BCTAdmin@thameswater.co.uk]  
**Sent:** 01 May 2014 15:13  
**To:** PlanningQueue  
**Subject:** 3rd Party Planning Application - 14/00363/FULMAJ

Corporation of London  
Our DTS Ref: 40647  
Department of Planning & Transportation  
Your Ref: 14/00363/FULMAJ  
PO Box 270  
Guildhall  
London  
E2P 2EJ

1 May 2014

02 MAY 2014

ACKNOWLEDGED

Dear Sir/Madam

Re: 51-54, FENCHURCH STREET, LONDON, EC3M 3JY

**Waste Comments**

No impact piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement. Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground 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.

There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the options available at this site.

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final



manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Thames Water recommends the installation of a properly maintained fat trap on all catering establishments. We further recommend, in line with best practice for the disposal of Fats, Oils and Grease, the collection of waste oil by a contractor, particularly to recycle for the production of bio diesel. Failure to implement these recommendations may result in this and other properties suffering blocked drains, sewage flooding and pollution to local watercourses.

#### Water Comments

Thames Water recommend the following informative be attached to any planning permission: There is a Thames Water main crossing the development site which may/will need to be diverted at the Developer's cost, or necessitate amendments to the proposed development design so that the aforementioned main can be retained. Unrestricted access must be available at all times for maintenance and repair. Please contact Thames Water Developer Services, Contact Centre on Telephone No: 0845 850 2777 for further information.

On the basis of information provided, Thames Water would advise that with regard to water infrastructure capacity, we would not have any objection to the above planning application.

Yours faithfully  
Development Planning Department

Development Planning,  
Thames Water,  
Maple Lodge STW,  
Denham Way,  
Rickmansworth,  
WD3 9SQ  
Tel: 020 3577 9998  
Email: [devcon.team@thameswater.co.uk](mailto:devcon.team@thameswater.co.uk)

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14/00363

ENGLISH HERITAGE

LONDON OFFICE

Mr David Stothard  
Corporation of London  
Department of Planning & Transportation  
PO Box 270  
Guildhall  
LONDON  
EC2P 2EJ

Direct Dial: 020 7973 3775  
Direct Fax: 020 7973 3792

Our ref: W: P00403933

1 May 2014

Dear Mr Stothard

01 MAY 2014

**Notifications under Circular 01/2001, Circular 08/2009 & T&CP (Development Management Procedure) Order 2010  
51 - 54 FENCHURCH STREET, LONDON, EC3M 3LA  
Application No 14/00363/FULMAJ**

Thank you for your letter of 28 April 2014 notifying English Heritage of the application for planning permission relating to the above site. Our specialist staff have considered the information received and we do not wish to offer any comments on this occasion.

**Recommendation**

**This application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.**

It is not necessary for us to be consulted again on this application. However, if you would like further advice, please contact us to explain your request. We can then let you know if we are able to help further and agree a timetable with you.

In returning the application to you without comment, English Heritage stresses that it is not expressing any views on the merits of the proposals which are the subject of the application.

Please note that this response relates to historic building and historic area matters only. If there are any archaeological implications to the proposals it is recommended that you contact the Greater London Archaeological Advisory Service for further advice (Tel: 020 7973 3712).

Yours sincerely

[Redacted signature]

**Tom Nancollas  
Business Officer**

DISABLED

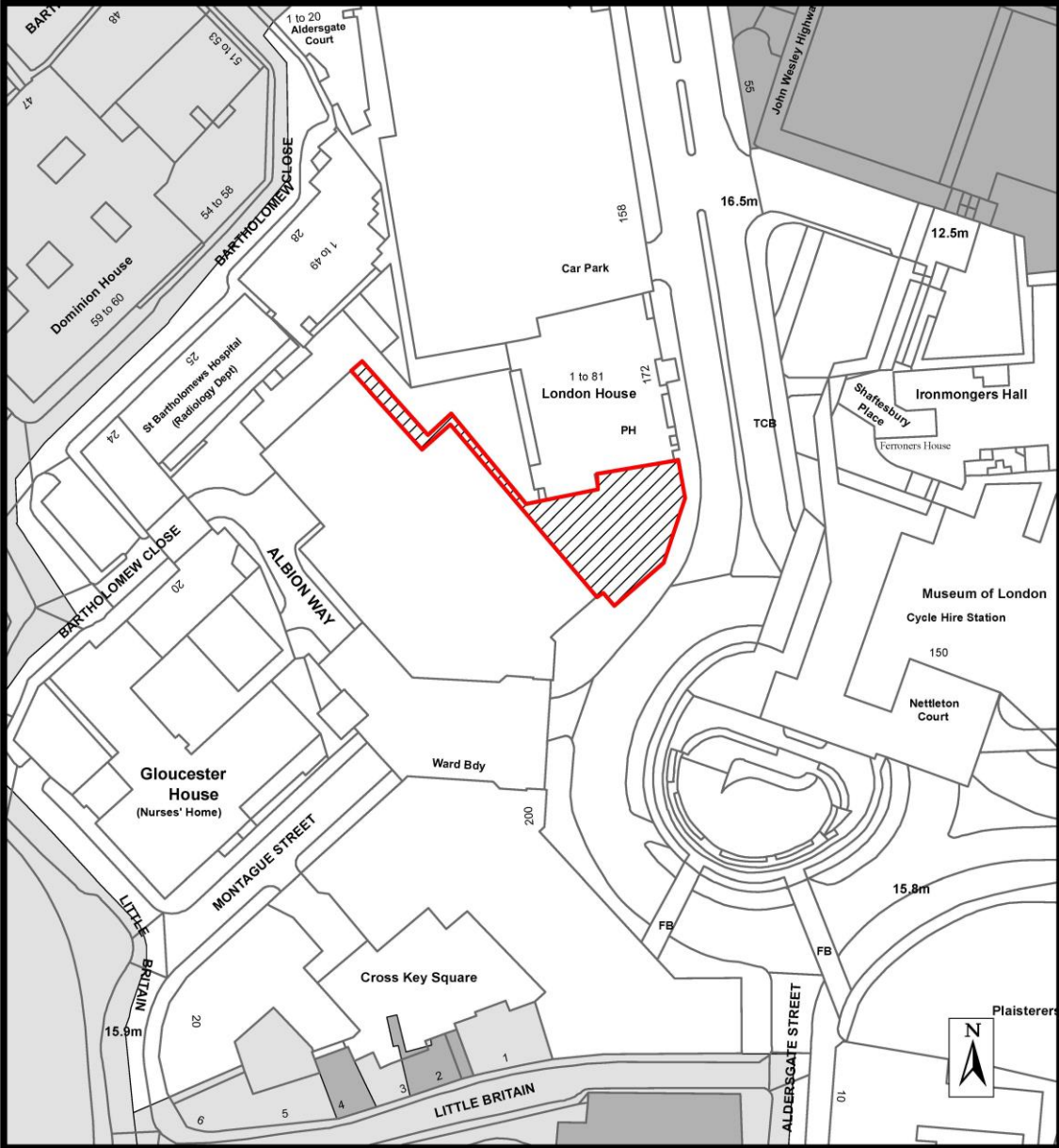
HOUSE SQUARE 138-142 HOLBORN LONDON EC1N 2ST

Telephone 020 7973 3000 Facsimile 020 7973 3001  
www.english-heritage.org.uk

English Heritage is subject to the Freedom of Information Act, 2000 (FOIA) and Environmental Information Regulations 2004 (EIR). All information held by the organisation will be accessible in response to an information request, unless one of the exemptions in the FOIA or EIR applies.

<b>Committee:</b>	<b>Date:</b>
Planning and Transportation	17 July 2014
<b>Subject:</b>	
<p>Unit 3 200 Aldersgate Street London EC1A 4HD</p> <p>Installation of extract louvres on Aldersgate Street elevation and rear elevation to external courtyard area; installation of condenser units within rear courtyard area associated with the use of unit 3 for restaurant (A3) use, and associated relocation of cycle rack.</p>	
<b>Ward:</b> Aldersgate	<b>Public For Decision</b>
<b>Registered No:</b> 14/00291/FULL	<b>Registered on:</b> 29 May 2014
<b>Conservation Area:</b> NO	<b>Listed Building:</b> No
<b><u>Summary</u></b>	
<p>The application relates to Unit 3 within 200 Aldersgate Street. Planning permission is sought for the installation of extract louvres to the building elevations and installation of condenser units within the rear courtyard area, in order to facilitate the first use of Unit 3 as a restaurant in accordance with permission granted in 2006.</p> <p>Two extract louvres would be installed within the Aldersgate facade and two intake louvres would be installed to the rear courtyard elevation. The finish and proportions of the louvres match the existing cladding on the building and as such they are considered acceptable in design terms. The louvres would be connected to an internal ventilation and comfort heating and cooling system and would incorporate odour control measures.</p> <p>A bank of freestanding, screened and noise attenuated condenser units would be installed within the rear courtyard area. The plant enclosure would not be visible from surrounding streets and would not detract from the appearance of the building.</p> <p>21 objections have been received primarily from London House residents, raising concerns in respect of noise, odour and visual impact. The installation has been designed having regard to the proximity of neighbouring residential property. In order to alleviate concerns and ensure a satisfactory standard of development that would be visually acceptable and would not unreasonably compromise residential amenity, conditions would be imposed in respect of noise and fume emissions and plant maintenance.</p>	
<b>Recommendation</b>	
<p>I recommend that: Planning permission be granted for the development referred to above in accordance with the details set out on the attached schedule.</p>	

# Site Location Plan



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ADDRESS:  
Unit 3, 200 Aldersgate

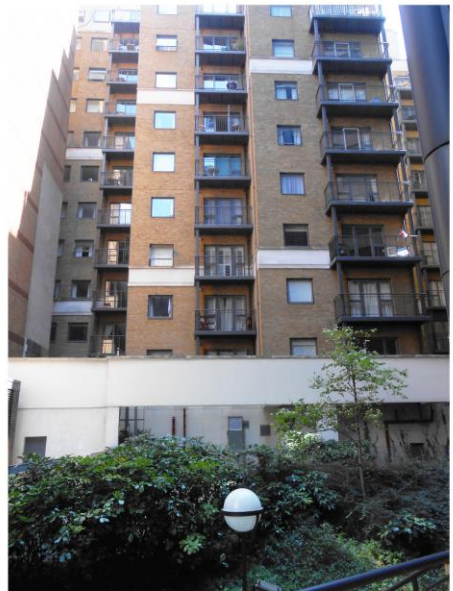
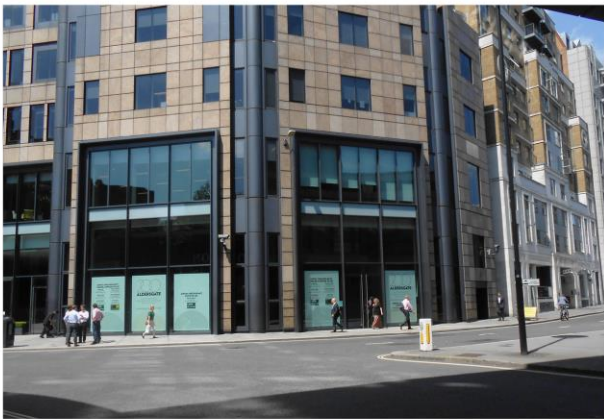
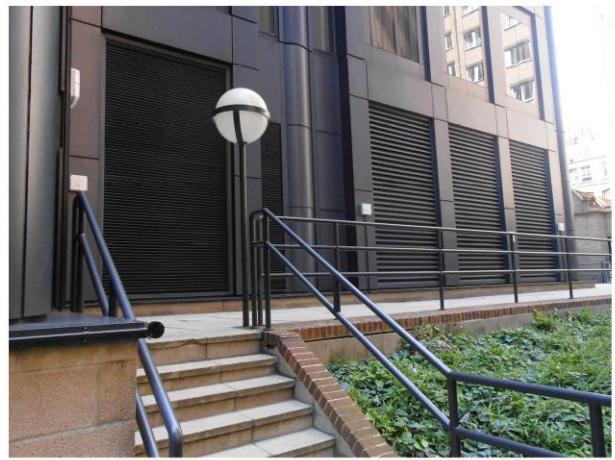
CASE No.  
14/00291/FULL

-  SITE LOCATION
-  LISTED BUILDINGS
-  CONSERVATION AREA BOUNDARY



DEPARTMENT OF THE BUILT ENVIRONMENT





Case No. 14/00291/FULL  
Unit 3, 200 Aldersgate Street

## **Site**

1. The application relates to a vacant ground floor unit with frontage to 200 Aldersgate Street. The unit benefits from a flexible A1/A3 planning use.
2. The upper floors of the building are in B1 office use. The ground floor to the West is occupied by D1 (Leisure) and B1 (a) (office) Uses.
3. The unit has a single door which opens onto a partially enclosed private courtyard area with pedestrian only access and an area of formal landscaping. The courtyard is an irregular shape and provides an emergency access route.
4. London House, a residential block of 81 dwellings, with ground floor A4 (bar) use, lies to the North East with a balconied rear elevation overlooking the courtyard area and the return wing of 200 Aldersgate which lies to the West.
5. Aldersgate Street NCP car park, abuts London House and wraps around the rear of the courtyard. Office premises rise above the lower car park levels.
6. Nos. 1-49 Bartholomew Close, a detached residential block lies directly to the North.
7. The building is not listed and the site is not within a conservation area.

## **Proposal**

8. Planning permission is sought for the installation of a bank of condensers to the rear of the building and the insertion of grilles into the front and rear elevations in order to facilitate a 'ventilation and comfort heating and cooling system'.
9. The condensers would be sited adjacent to the East elevation of the rear wing within the enclosed service area and would face the rear of London House. The plant would be contained within 3 linked noise attenuators that would result in a linked unit 10m long x 3m high x 1.5m deep, formed from steel cladding panels, factory colour finished dark grey to match the building fenestration metalwork.
10. On the Aldersgate elevation, powder coated steel extract louvres would be located at high level within the ground floor in lieu of fenestration panels. At the rear of the building powder coated steel fresh air intake louvres would be inserted in the elevation between existing air intake louvres and the rear exit doorhead, in lieu of fenestration panels. The louvres would connect via internal ductwork to air handling plant which would incorporate an extract fan, electrostatic precipitators, ultra-violet odour control equipment and carbon filtration. Attenuation would be provided within the ductwork system.
11. A bicycle rack system shown on the existing drawings, would be relocated directly to the North of the condensers. There would be no loss of cycle space provision and access would not be compromised.



## **Consultations**

12. The application has been advertised on site and in the press. In addition the residents of numbers 1-81 London House and numbers 1-49 Bartholomew Close, have been notified of the proposal. 21 letters of objection have been received, primarily from occupants within London House. The objectors are concerned that the proposals are unsightly and would result in excessive noise and fume emissions, detrimental to the amenity of residents.

## **Policies**

13. The development plan consists of the London Plan 2011, the saved policies of the Unitary Development Plan (UDP) 2002 and the Core Strategy 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.
14. The Local Plan was published in December 2013 and is expected to be adopted in late 2014 or early 2015. The Local Plan has been subject to public consultation on changes to the Core Strategy. Comments received have been considered and amendments to policy have been approved by the Court of Common Council.
15. Although the Local Plan does not carry the full weight of an adopted plan, it is considered that the plan should carry significant weight as it has completed the final stage of pre-submission consultation and has been submitted for final examination. In accordance with the NPPF and Local Plan Regulations, the Plan has been considered by the Court of Common Council as sound planning policy for submission to the Secretary of State.
16. There is relevant City of London and GLA supplementary planning guidance in respect of Sustainable Design and Construction.
17. Government Guidance is contained in the National Planning Policy Framework (NPPF) 2012.

## **Considerations**

18. 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).
19. The principal issues in considering this application are:

The extent to which the proposals comply with Government policy advice (NPPF) and the relevant policies of the London Plan, Core Strategy and the saved policies of the Unitary Development Plan.

The impact of the proposal on the appearance of the building, nearby spaces and on the amenity of adjoining residents and occupiers.

#### Installation of Plant and Ventilation Equipment

20. The NPPF notes that “Local planning authorities should approach decision-taking in a positive way...and look for solutions rather than problems, decision-takers at every level should seek to approve applications for sustainable development where possible”.
21. Paragraph 10.86 of the UDP acknowledges that building services or “plant” are installations necessary for the functioning of a building. Policy ENV28 seeks to ensure that building services are satisfactorily integrated into the architectural design of the building and to resist installations which would adversely affect the character, appearance or amenities of the buildings or area concerned.

#### Design

22. In accordance with policy ENV28 of the UDP the external plant has been located the greatest distance away from residential curtilages which would provide a minimum separation of some 20m. Lease constraints in this instance do not allow the installation of plant at roof level associated with ground level uses. It is proposed that the acoustic enclosure is installed around the plant equipment in order to alleviate concerns about both the visual impact and noise levels of the condenser units.
23. The acoustic enclosure would be of the smallest size possible to enable it to conceal the units and function effectively. The condenser enclosure and terminal louvres would match the colour of the existing building cladding at 200 Aldersgate Street and would be complementary to its appearance.

#### Impact on amenity of adjacent residential occupiers

24. The residents of London House have expressed concerns that the cumulative impact of the proposed plant in conjunction with existing plant serving other nearby commercial property would raise the overall noise levels above background by an unacceptable amount and that this would be exacerbated by deflection from surrounding buildings and the need for residents to maintain open window ‘through-draft’ during the summer months in order to provide satisfactory fresh air circulation. Additional concerns relate to late evening operation and the likelihood of cooking odours. The suitability of the premises for an A3 use, unless plant can be installed at roof level, has been raised.
25. The premises benefit from an A3 Use and in accordance with Policy ENV28 the proposal is required for the functioning of that use. The applicant maintains that an alternative siting for the condensers and extraction terminals is not possible and that the proposal represents the most appropriate solution taking technical issues into consideration.

The Department of Markets and Consumer Protection consider that the recommendations set out in the acoustic survey are reasonable and that noise concerns can be satisfactorily addressed through the imposition of planning conditions.

26. The proposed plant enclosure would ensure that the noise levels accord with the 10 dBA standard adopted by the City Corporation, which would enable the plant equipment to operate during licensed hours, without having an adverse impact on the amenity of adjacent residents. Additional survey work would need to be submitted following the installation of the enclosure in order to demonstrate compliance.
27. Cooking odours would be expelled to the front of the building some distance from openable domestic windows, where there would be efficient dispersal. Odour controls would be incorporated into the extraction system. The Department of Markets and Consumer Protection has not raised objection to the scheme design subject to the imposition of a condition requiring periodic maintenance in accordance with manufacturer's recommendations.
28. It would be conditioned that the installation be measured for compliance prior to operation and thereafter that it be maintained to operate in accordance with the adopted 10 dBA (below background) standard.

### **Conclusion**

29. The proposed condenser plant enclosure would mitigate the visual impact of the equipment and would provide noise attenuation in order to alleviate the concerns of residents.
30. The proposed ventilation louvres are acceptable in design terms as their finish and proportions match the existing cladding on the building. Air extraction and intake noise would be within acceptable parameters and the installation of odour treatment measures would prevent the dispersal of cooking and other smells.

## **Background Papers**

Internal

28.05.2014 Memo Lee Sandford, Department of Markets and Consumer Protection;

04.07.2014 Email Department of the Built Environment;

Planning Ref: 2006/00201/FULL – Decision Letter dated 18 July 2006

External

Planning Statement – DP9 Planning Consultants

Drg No. 09-01 Existing External Elevations

Unit 3 200 Aldersgate 'Planning Noise Assessment Report' - Sandy Brown Consultants dated 12 March 2014;

Environ Acoustic Enclosures - Technical Details;

200 Aldersgate 'Proposed Ventilation and Comfort Heating and Cooling Systems' – WSP dated November 2013;

Representations:

05.06.2014 Email Daniel James

07.06.2014 Email Dr Folashade Okutubo

10.06.2012 Email Andrew Gallichan

20.06.2014 Email Deborah Tompkinson

20.06.2014 Email Mr and Mrs David and Jeanette Webster

21.06.2014 Email Dr and Mrs Leslie Joffe

22.06.2014 Email Eloise Logan

23.06.2014 Email Louise Chrispin

23.06.2014 Email Ross Everett

23.06.2014 Email Alpesh and Mina Lad

23.06.2014 Email Jonathan Perks

23.06.2014 Email Caroline Pearce

24.06.2014 Email Richard Williams

24.06.2014 Email David and Elizabeth Wootton

24.06.2014 Email William Russell

24.06.2014 Email Jonathan Morton

25.06.2014 Email Jono Dennis

25.06.2014 Email John Mitchell

25.06.2014 Email Allan Kerr

26.06.2014 Email Colm Whelan

26.06.2014 Email Karen Young

## **Appendix A**

### London Plan Policies

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

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

### ***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.

### ***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.

### ***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.

### ***ENV6 Design of alterations to buildings***

To ensure that all alterations or extensions to an existing building take account of its scale, proportions, architectural character, materials and setting.

### ***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.

## SCHEDULE

APPLICATION: **14/00291/FULL**

**Unit 3 200 Aldersgate Street London**

**Installation of extract louvres on Aldersgate Street elevation and rear elevation to external courtyard area; installation of condenser units within rear courtyard area associated with the use of unit 3 for restaurant (A3) use, and associated relocation of cycle rack.**

## CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON: To ensure compliance with the terms of Section 91 of the Town and Country Planning Act 1990.
- 2 All new work and work in making good shall match the existing adjacent work with regard to the methods used and to materials, colour, texture and profile, unless shown otherwise on the drawings or other documentation hereby approved or required by any condition(s) attached to this permission.  
REASON: To ensure a satisfactory external appearance in accordance with the following policies of the Unitary Development Plan and Core Strategy: ENV6, CS10.
- 3 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 and adjacent buildings in accordance with a scheme to be submitted to and approved by the Local Planning Authority;  
REASON: In order to protect the amenities of occupiers in the building and adjoining buildings in accordance with the following policy of the Core Strategy: CS15.
- 4 The level of noise emitted from any new plant shall be lower than the existing background level by at least 10 dBA. Noise levels shall be determined at one metre from the window of the nearest noise sensitive premises. The measurements and assessments shall be made in accordance with B.S. 4142. The background noise level shall be expressed as the lowest LA90 (10 minutes) during which plant is or may be in operation.  
REASON: To protect the amenities of neighbouring residential/commercial occupiers in accordance with the following policies of the Core Strategy: CS15, CS21.



- 5 Following installation but before the new plant comes into operation measurements of noise from the new plant and assessment of odour emissions must be taken and a report demonstrating that the plant as installed meets the approved design requirements shall be submitted to and approved in writing by the Local Planning Authority. Any deficiency in design performance shall be rectified prior to full commissioning of the plant. All constituent parts of the new plant shall be maintained and replaced in whole or in part as often is required to ensure compliance with the noise levels and odour control measures approved by the Local Planning Authority and in accordance with the manufacturer's recommendation.  
REASON: To protect the amenities of neighbouring residential/commercial occupiers in accordance with the following policies of the Core Strategy: CS15, CS21.
- 6 All surface mounted condenser pipework shall be mounted within enclosed trunking which shall match the materials, colour and texture of the adjacent cladding panels. The trunking shall be completed prior to first use of the plant hereby approved.  
REASON: To ensure a satisfactory external appearance in accordance with the following policies of the Unitary Development Plan and Core Strategy: ENV6, CS10.
- 7 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: Drawing number 102621\_PL\_018; 09-02 Rev 'E'; 'Plant Noise Assessment Report' - Sandy Brown Consultants dated 12 March 2014; Environ Acoustic Enclosures - Technical Details; 'Proposed Ventilation and Comfort Heating and Cooling Systems' - WSP Report dated November 2013.  
REASON: To ensure that the development of this site is in compliance with details and particulars which have been approved by the Local Planning Authority.

## INFORMATIVES

- 1 In dealing with this application the City has implemented the requirements of the National Planning Policy Framework to work with the applicant in a positive and proactive manner based on seeking solutions to problems arising in dealing with planning applications in the following ways:

detailed advice in the form of statutory policies in the Core Strategy/ Unitary Development Plan, Supplementary Planning documents, and other written guidance has been made available;

a full pre application advice service has been offered;

where appropriate the City has been available to provide guidance on how outstanding planning concerns may be addressed.

- 2 Adequate access to ventilation fans, equipment, ductwork and condenser units should be provided to permit routine cleaning and maintenance.

## Hassall, Pam

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**From:** PLN - Comments  
**Sent:** 05 June 2014 10:36  
**To:** PLN - Comments  
**Subject:** Comments for Planning Application 14/00291/FULL

Planning Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 10:35 AM on 05 Jun 2014 from Mr Daniel James.

### Application Summary

**Address:** Unit 3 200 Aldersgate Street London EC1A 4HD

**Proposal:** Installation of extract louvres on Aldersgate Street elevation and rear elevation to external courtyard area; installation of condenser units within rear courtyard area associated with the use of unit 3 for restaurant (A3) use, and associated relocation of cycle rack.

**Case Officer:** Jeff Sadler

[Click for further information](#)

### Customer Details

**Name:** Mr Daniel James

**Email:** [REDACTED]

**Address:** Flat 56, London House 172, Aldersgate Street London

### Comments Details

**Commenter Type:** Neighbour

**Stance:** Customer objects to the Planning Application

**Reasons for comment:** - Noise  
- Residential Amenity

**Comments:** We object to the proposal to erect yet another box of cooling plant in the small and already cluttered patch of "garden" behind our flat. We object on the grounds that the plant will be (a) unsightly, (b) noisy, (c) a source of heat, (e) a further source of shadow over the already poorly-lit vegetation. We do appreciate that efforts are being made to baffle the noise emitted by the cooling units, but we are concerned that even with the use of a sound-reducing enclosure the plant will be intrusively noisy, especially at night when the air conditioning of surrounding buildings is at its quietest. The flats at the rear of London House rely, for ventilation, on windows opening onto the area behind

the building where the new plant is to be sited. We have no air conditioning, and in the summer the windows are our only source of cooling. We rely on fresh air drawn into the gap from Bartholemew Close, directly over the site of the proposed new plant. It concerns us that any measure is being considered that might increase the level of ambient noise behind the building, and especially that such a measure would increase the temperature of the air and so reduce the cooling effect of our open windows. Air conditioning plant is properly situated at roof level, where the sound can be deflected upwards, and the hot air will naturally rise away from the building and its neighbours. Any other location is sub-optimal. When 200 Aldersgate Street was occupied by a legal firm the air conditioning provision was adequate for their use. It is only now that parts of the building are being considered for non-office use that shortcomings are being found in the existing provisions. We are told that because of the design of the building it is not possible to site new cooler units at roof level. It is our feeling that if that is the case then the building is not suitable for any use that requires additional cooling.

**Hassall, Pam**

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**From:** Sade Okutubo [REDACTED]  
**Sent:** 07 June 2014 12:39  
**To:** PLN - Comments  
**Subject:** Unit 3, 200 Aldersgate street -installation of extract louvres and condenser units

Dear Mr Jeff Sadler

The planning application as above for unit 3, 200 aldersgate street has come to my attention.

I understand this application is for extraction and condenser units to be placed to the front and rear elevations of 200 Aldersgate street, adjoining our building at 172 Aldersgate street.

I strongly object to this application for the following reasons:

As a resident, on the rear of London House, 172 Aldersgate street, we are surrounded by The Cameron McKenna building, NCP car park and 200 Aldersgate.

We suffer considerably from the constant noise emanating from the extractor vents in the kitchens at Cameron McKenna building, the basement plant from the same building, the smoke extractor fan from the NCP car park, and other plants from 200 Aldersgate.

All of these plants generate a constant noise nuisance, 24 hours a day, a din which intensifies at variable times.

Currently, a constant noise and vibration nuisance commences daily at 4am from the CM basement plant, I am awakened by the noise at 4am daily, weekends and bank holidays included!

This particular nuisance continues through and at times becomes intermittent, turning off and on every few minutes. The same noise sometimes occurs all through a 24hour period.

In addition, the CM kitchen extractor fan starts up at 615 am every morning adding to the noisy racket, this runs all day and typically switching off between 8 and 9pm.

Frequently, the NCP car park smoke extractor generates a very loud noise accompanied by a fire alarm sounding. A large amount of air is shifted out of the basement at this time, This apparently is caused by the trigger of a fire alarm in the car park. It does not follow any pattern, occurs randomly and can go on for hours, at any time of day or night, before security staff get round to deactivating the alarm.

This is all compounded by the echo chamber effect caused by the juxtaposition of three tall buildings forming a triangle in which any generated noise bounces around and intensifies.

All of this leads to a very noisy environment indeed. A relentless humming noise generating a feeling akin to "chinese water torture".

A relentless noisy environment leading to early morning waking, insomnia, in addition to a feeling of constant stress and an environment in which it is near impossible to concentrate, means peace and quiet are just not available. It is just never quiet!

The City of London believes its residents are entitled to peace and quiet between 2300 and 0700 hours. Clearly, this is not occurring at my address.



I am utterly horrified at the thought of yet more noise being added into this already extremely noisy area, further raising the decibels of the din occurring on the back of the building. Especially as this will continue into the late evening, affecting a time when one very much desires some relaxation after a busy highly stressful day dealing with life and death in a busy inner city hospital.

Clearly the location for the proposed condenser unit will generate more noise affecting the peace and enjoyment of the residents on the back of 172 Aldersgate street.

Whilst I appreciate the City needs business, and welcome such ventures, can the health and well being of affected residents be taken as paramount consideration when such ventures maybe egregious in nature?

Can such noisy units be placed elsewhere perhaps, high up on buildings away from residents bedroom windows?

Thank you for your consideration.

Sincerely

Dr Folashade Okutubo,  
Owner and occupier  
Flat 17 london house,  
172 Aldersgate street,  
London EC1A 4HU.

Hassall, Pam

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**From:** PLN - Comments  
**Sent:** 10 June 2014 19:15  
**To:** PLN - Comments  
**Subject:** Comments for Planning Application 14/00291/FULL

Planning Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 7:15 PM on 10 Jun 2014 from Mr Andrew Gallichan.

### Application Summary

**Address:** Unit 3 200 Aldersgate Street London EC1A 4HD

**Proposal:** Installation of extract louvres on Aldersgate Street elevation and rear elevation to external courtyard area; installation of condenser units within rear courtyard area associated with the use of unit 3 for restaurant (A3) use, and associated relocation of cycle rack.

**Case Officer:** Jeff Sadler

[Click for further information](#)

### Customer Details

**Name:** Mr Andrew Gallichan

**Email:** ~~andygal@chattmail.com~~

**Address:** 57 London House 172 Aldersgate Street London

### Comments Details

**Commenter Type:** Neighbour

**Stance:** Customer objects to the Planning Application

**Reasons for comment:** - Noise  
- Residential Amenity

**Comments:** Dear Mr Sadler, As a resident of London House I am extremely disturbed by the planning application for external extract louvres on Aldersgate street and external condenser units within the rear courtyard area of 200 Aldersgate street. The fact that both units have to be external clearly point out that 200 Aldersgate street was never designed to house a restaurant and bar. The building is an office building next to a residential building. The noise, smells and heat generation from all of this external plant will have severe effects on the quality of life on all of the London House residents. The residents already suffer considerable noise pollution from three sets of plant from both sides and the space between the

buildings is valuable ventilation for us in which we really can't have any more heat or noise generation. The need for this restaurant is questionable. The area is already served by the many restaurants of One New Change and the Smithfield area. All of those restaurants are in the appropriate place not in an office building next to a residential building. Should this plan be approved the planners will have responsibility for forcing many residents of the city of London into a poorer quality of life than acceptable. I urge you to turn down this application. Yours faithfully  
Andrew Gallichan



Hassall, Pam

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From: Deborah Tompkinson [REDACTED]  
Sent: 22 June 2014 11:29  
To: PLN - Comments  
Subject: FW: Unit 3 200 Aldersgate Street London EC1A 4HD

[REDACTED]

-----Original Message-----

From: Deborah Tompkinson [mailto:deborah@...](mailto:mailto:deborah@...)  
Sent: 20 June 2014 16:29  
To: [PLLNComments@cityoflondon.gov.uk](mailto:PLLNComments@cityoflondon.gov.uk)  
Subject: Unit 3 200 Aldersgate Street London EC1A 4HD

Dear sirs

I wish to record my objection to the application for yet more airconditioning machinery at the back of this building.

Noise

We have not seen any survey or report from this applicant to set out the existing level of noise pollution and what the impact of this unit will be if installed. This is the second such application recently. One cannot simply keep adding noise-making objects on the assumption that one more will not make any difference. The level of background noise is now noticeable at all times from around 6.00 am to 11.00 pm. The additional noise will be greatest in the evenings when residents are most likely to be disturbed.

Council policy entitles residents to expect peace and quiet in the evening hours. This flies in the face of that policy.

Further, we question the need for such air conditioning. The building was designed for offices which had catering facilities and was used for that purpose for years, using the existing air con on the top of the building which was adequate to the task. There is no reason why the existing facilities should not be sufficient for the proposed restaurant. Were it the case more is needed, it should also be required to vent to the roof where the noise goes upwards with minimum disruption. .

Any addition, should, in our submission, be viewed in the light of what it adds to the existing levels and not just what it is in itself. One penny whistle makes a noise. 2 penny whistles make twice as much noise but may be more than twice as intrusive. It ought to be worth pointing out that, when built, this was, at the rear, a tranquil area. Past failures to protect tranquility are not a reason to make a bad situation worse.

Odour

Restaurant vents are notoriously smelly.

Deborah Tompkinson

Flat 56 London House  
EC1A 4HU



## Hassall, Pam

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**From:** PLN - Comments  
**Sent:** 20 June 2014 20:42  
**To:** PLN - Comments  
**Subject:** Comments for Planning Application 14/00291/FULL

Planning Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 8:41 PM on 20 Jun 2014 from Mr & Mrs David & Jeannette Webster.

### Application Summary

**Address:** Unit 3 200 Aldersgate Street London EC1A 4HD

**Proposal:** Installation of extract louvres on Aldersgate Street elevation and rear elevation to external courtyard area; installation of condenser units within rear courtyard area associated with the use of unit 3 for restaurant (A3) use, and associated relocation of cycle rack.

**Case Officer:** Jeff Sadler

[Click for further information](#)

### Customer Details

**Name:** Mr & Mrs David & Jeannette Webster

**Email:** [davidwebster200@btconnect.com](mailto:davidwebster200@btconnect.com)

**Address:** Apartment 40, London House 172 Aldersgate Street LONDON

### Comments Details

**Commenter Type:** Neighbour

**Stance:** Customer objects to the Planning Application

**Reasons for comment:** - Noise  
- Residential Amenity

**Comments:** Our apartment is at the rear of London House, this building of 81 residential apartments being next door to the applicants premises. The installation of condenser units at the rear of the building working until 2330 every night, will increase the noise levels there an hour and a half longer than the noise of other aircon units already there, which go quiet at 2200. This will result in an additional noise disturbance and a loss of residential amenity to us. It is very late into the night and is outside the time frame of the City's policy that residents have a reasonable expectation of quiet from 2300 to 0700. The installation of extract louvres at the front and rear of the building will result in

additional cooking smells from the kitchens being vented into the area. We would point out that over recent years there has been an increase in the number of louvres and air conditioning plant units in operation close to our building London House, and this has inevitably led to what is already an unacceptable noise level in our opinion. We urge you to reject the application which we consider is inappropriate in this location.

## Hassall, Pam

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**From:** PLN - Comments  
**Sent:** 21 June 2014 15:01  
**To:** PLN - Comments  
**Subject:** Comments for Planning Application 14/00291/FULL

Planning Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 3:00 PM on 21 Jun 2014 from Dr and Mrs Leslie Joffe.

### Application Summary

**Address:** Unit 3 200 Aldersgate Street London EC1A 4HD

**Proposal:** Installation of extract louvres on Aldersgate Street elevation and rear elevation to external courtyard area; installation of condenser units within rear courtyard area associated with the use of unit 3 for restaurant (A3) use, and associated relocation of cycle rack.

**Case Officer:** Jeff Sadler

[Click for further information](#)

### Customer Details

**Name:** Dr and Mrs Leslie Joffe

**Email:** [REDACTED]

**Address:** Flat 48, London House 172 Aldersgate Street London

### Comments Details

**Commenter Type:** Neighbour

**Stance:** Customer objects to the Planning Application

**Reasons for comment:** - Noise  
- Residential Amenity

**Comments:** While appreciating the amendments made to the above Licence application by the Licencing Committee on 17/6, which will restrict the Licence for the Meat Company's restuarant use, there is still the issue of noise from condensers positioned to the rear of the restuarant unit. There are already a number of condenser units in operation and the noise from these makes the use of rear balconies less than enjoyable.

Hassall, Pam

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**From:** [REDACTED]  
**Sent:** 22 June 2014 20:03  
**To:** PLN - Comments  
**Cc:** [REDACTED]  
**Subject:** Proposal by The Meat Company for Unit 3, 200 Aldersgate Street -- OBJECTION

With reference 14/00291/FULL

I must object to the current proposal by The Meat Company for Unit 3, 200 Aldersgate Street. This is on the grounds of Noise Disturbance and Loss of Residential Amenity.

As the owner-occupier of a flat on the fourth floor at the back of London House I am disconcerted and, increasingly, alarmed, at the volume of noisy and unsightly plant, of all sorts, being retro-fitted and added both in the rear area and nearby. This far exceeds the plant capacity originally planned that was shown to us on the drawings when we bought our flats. The noise we have to put up with at present is already at an unacceptable level.

The depressingly high malfunction rate among the existing plant means that any of it can, and does, go off unexpectedly at full volume at any time of the day or night, sometimes for long periods until it is sorted out. This certainly does not build confidence for the adding of any more noisy units.

Consequently I am now appalled to see that the proposal to which I am objecting covers: installation of noise-carrying extract louvres on the rear elevation to the external courtyard area, together with the further addition of a new condenser unit working until 2330 each night. This is well past the time of 2200 at which the other the air conditioning units that vent into that area generally, barring malfunctions, fall silent.

In addition, the installation of extract louvres on Aldersgate Street elevation from The Meat Company's kitchen would cause both noise and cooking smells outside our front entrance. It was a huge relief to myself and my neighbours when The English Pig closed and we are all too aware of how unpleasant that can be.

best regards,

Eloise Logan, Flat 32 London House, 172 Aldersgate Street, London EC1A 4HU.

[REDACTED]  
[REDACTED]  
[REDACTED]

**ACKNOWLEDGED**



**Hassall, Pam**

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**From:** Louise Chrispin [REDACTED]  
**Sent:** 23 June 2014 14:07  
**To:** PLN - Comments  
**Subject:** 14/00291/FULL

Dear Sirs,

I am writing to register my concern regarding a recent planning application by The Meat Co. at 200 Aldersgate.

My flat is at the rear of London House, which is situated next door and backs onto the rear courtyard into which the applicant is requesting additional air-conditioning plant.

I am very concerned that our flats will be subjected to increased Noise Disturbance and Loss of Residential Amenity, especially as this equipment will be running significantly later than the hours at which existing machinery operates.

It is noticeable that, over recent years, there has been a huge, cumulative increase in the number of louvres and air conditioning plant units in operation close to London House. (The area of the rear courtyard in question is effectively an echo chamber for all of this machinery.)

This has inevitably led to an already unacceptable noise level, which I feel should not be further compounded.

Therefore, I would be grateful if you could re-examine the consent to reduce the hours of operation of all this equipment to mitigate against the disturbance and to try to restore the right of residents to enjoy some peaceful night time use of their homes.

Yours sincerely,

J Chrispin

Flat 66,  
London House,  
172 Aldersgate Street  
London EC1A 4HU

## Hassall, Pam

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**From:** PLN - Comments  
**Sent:** 23 June 2014 11:23  
**To:** PLN - Comments  
**Subject:** Comments for Planning Application 14/00291/FULL

Planning Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 11:23 AM on 23 Jun 2014 from Mr Ross Everett.

### Application Summary

**Address:** Unit 3 200 Aldersgate Street London EC1A 4HD

**Proposal:** Installation of extract louvres on Aldersgate Street elevation and rear elevation to external courtyard area; installation of condenser units within rear courtyard area associated with the use of unit 3 for restaurant (A3) use, and associated relocation of cycle rack.

**Case Officer:** Jeff Sadler

[Click for further information](#)

### Customer Details

**Name:** Mr Ross Everett

**Email:** ross.everett@icmail.com

**Address:** 73 London House Aldersgate Street London

### Comments Details

**Commenter Type:** Neighbour

**Stance:** Customer objects to the Planning Application

**Reasons for comment:** - Noise  
- Residential Amenity

**Comments:** Noise Disturbance and Loss of Residential Amenity; over recent years been a cumulative increase in the number of louvres and air conditioning plant units have been put in operation close to London House, that has led to an already unacceptable noise level.

## **Wells, Janet (Built Environment)**

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**From:** [REDACTED]  
**Sent:** 23 June 2014 22:43  
**To:** PLN - Comments  
**Cc:** Mina Lad  
**Subject:** 14/00291/FULL - for the attention of Jeff Sadler

Dear Sir/Madam

I am writing in response to the recent planning application with respect to installation of extract louvres and installation of condenser units within the rear courtyard area.

We are residents of London House in a flat located at the rear of the building. We are already subject to substantial extractor fan noise from the refurbishment of 200 Aldersgate street which was not there when we decided to purchase the property in 1999. The level of noise due to extra units being installed in both 200 Aldersgate and 160 Aldersgate has increased considerably as will be evident from the planning applications.

We are writing to strongly object to the installation of the condenser units as there shall be substantial noise generated from the units which shall inhibit our ability to live in the apartment peacefully.

We appreciate that the needs of the residents and commercial enterprises need to be carefully balanced and therefore can you kindly explore an alternative location for the condenser units which may not necessarily be the most cost effective for the commercial enterprise but will satisfy the requirements of the residents of London House

We wish to strongly object to the installation of the condenser units as proposed.

Can you kindly acknowledge receipt of this email

Kind Regards

Alpesh and Mina Lad  
Owner and Occupier  
78 London House  
172 Aldersgate Street  
London  
EC1A 4HU



**Hassall, Pam**

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**From:** Jonathan Perks [REDACTED]  
**Sent:** 23 June 2014 09:54  
**To:** PLN - Comments  
**Subject:** Objection to extraction louvres at the front of the building- reference 14/00291/FULL

Dear Sir/Madam

I have learned that

The Meat Company has made a separate planning application for "*Installation of extract louvres on Aldersgate Street elevation, and rear elevation to external courtyard area; installation of condenser units within rear courtyard area.....*"

Since I live in a flat at the front of the building, and leave the windows open for fresh air, my concerns will be additional noise and cooking smells from the kitchens which will be vented to Aldersgate Street and up into my home causing it to stink of cooking smells.

I am already concerned that drinks will be served until 11 PM which means that the venue will not be quieter until getting to midnight which I don't consider fair and part of the promised the city made to residents.

Please can we block this application?

Warm regards,

Jonathan Perks MBE MBA  
CEO's Trusted Leadership Adviser, Mentor & Coach  
Honorary Visiting Professor of Leadership, Cass Business School  
Author of "Inspiring leadership"  
Master Certified Coach ICF

[REDACTED]  
Client feedback: [REDACTED]

**ACKNOWLEDGED**



## Wells, Janet (Built Environment)

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**From:** PLN - Comments  
**Sent:** 23 June 2014 22:11  
**To:** PLN - Comments  
**Subject:** Comments for Planning Application 14/00291/FULL

Planning Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 10:11 PM on 23 Jun 2014 from Mrs Caroline Pearce.

### Application Summary

**Address:** Unit 3 200 Aldersgate Street London EC1A 4HD  
**Proposal:** Installation of extract louvres on Aldersgate Street elevation and rear elevation to external courtyard area; installation of condenser units within rear courtyard area associated with the use of unit 3 for restaurant (A3) use, and associated relocation of cycle rack.

**Case Officer:** Jeff Sadler

[Click for further information](#)

### Customer Details

**Name:** Mrs Caroline Pearce  
**Email:** [REDACTED]  
**Address:** Flat 39 London House 172 Aldersgate London

### Comments Details

**Commenter Type:** Neighbour

**Stance:** Customer objects to the Planning Application

**Reasons for comment:** - Noise  
- Residential Amenity

**Comments:** There has over the years been an increase in the number of louvres and air conditioning plant units close to London House that has led to an already higher than acceptable noise level. Residential accommodation is encouraged in the City (not least to ensure that the City is not a ghost town in the small hours and at weekends), and City residents are entitled to expect a level of quietness and amenity at night in the same way as residents elsewhere. Noise after a reasonable "retiring" hour, night after night, permanently, is intolerable and City residents should not have to bear it any more than residents elsewhere. Presumably that is one of the things that planning laws are designed to ensure. It is therefore bad enough that yet more noise will echo round the courtyard during the day but until 2330 each night is well past the time of 2200 at which the other air conditional units venting into the courtyard are generally quiet and the time at which flats in London House can enjoy some peace and quiet. 2330 is well after any normally acceptable "retiring" hour. I wish to record my strong objection on noise and loss of amenity grounds to

this unreasonable application.

## Wells, Janet (Built Environment)

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**From:** PLN - Comments  
**Sent:** 24 June 2014 06:12  
**To:** PLN - Comments  
**Subject:** Comments for Planning Application 14/00291/FULL

Planning Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 6:11 AM on 24 Jun 2014 from Mr Richard Williams.

### Application Summary

**Address:** Unit 3 200 Aldersgate Street London EC1A 4HD  
Installation of extract louvres on Aldersgate Street elevation and rear elevation to external courtyard area;  
**Proposal:** installation of condenser units within rear courtyard area associated with the use of unit 3 for restaurant (A3) use, and associated relocation of cycle rack.

**Case Officer:** Jeff Sadler

[Click for further information](#)

### Customer Details

**Name:** Mr Richard Williams  
**Email:** [REDACTED]  
**Address:** 33 London House London

### Comments Details

**Commenter Type:** Neighbour  
**Stance:** Customer objects to the Planning Application  
**Reasons for comment:** - Noise  
- Residential Amenity  
**Comments:** Given at the recent meeting the licence was granted for the premises until 11pm at night, I am very worried to the noise level created by the extract louvres going on late into the night. This will be much later than the 2200 hours tie when the other air conditioning units close down in the courtyard. I am also worried about the unpleasant food smells likely to emanate from kitchen.

## **Wells, Janet (Built Environment)**

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**From:** PLN - Comments  
**Subject:** FW: 180 Aldersgate Street /The Meat company Application. Sir David and Lady Wootton

From: Elizabeth Wootton  
Sent: 24 June 2014 14:40  
To: PLN - Comments  
Cc: Wootton, Alderman Sir David Hugh  
Subject: 180 Aldersgate Street /The Meat company Application. Sir David and Lady Wootton

With reference to the installation of extract louvres on the Aldersgate elevation, and rear elevation to external courtyard area; installation of condenser units within courtyard area.

My husband and I would like to strongly object to the above proposal. We live in No 81 London House and our flat has windows to the front, side and rear of the building and the basis of our objection is 1) Noise Disturbance and 2) Loss of Residential Amenity.

Over recent years there has been a cumulative increase in the number of louvres and air conditioning plant units close to London House with already an unacceptable noise level so ones directly next door will be intolerable. Added to that, the cooking smells from the kitchens being vented to Aldersgate street is a terrible intrusion on our residential amenity.

Thank you

David and Liz Wootton

**Wells, Janet (Built Environment)**

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**From:** PLN - Comments  
**Subject:** FW: Objection ref 14/00291/FLL

Sent: 24 June 2014 17:08  
To: PLN - Comments  
Subject: Objection ref 14/00291/FLL

This is to object to the planning application for the above re Noise Disturbance and Cooking smells coming from the extractors ...

The city is mean to be quiet from 11pm so letting the premise clear out by 11.30 makes no sense at all .

William Russell  
Flat 79,  
London House

  
William Russell  


## Wells, Janet (Built Environment)

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**From:** PLN - Comments  
**Sent:** 24 June 2014 17:10  
**To:** PLN - Comments  
**Subject:** Comments for Planning Application 14/00291/FULL

Planning Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 5:10 PM on 24 Jun 2014 from Mr Jonathan Morton.

### Application Summary

**Address:** Unit 3 200 Aldersgate Street London EC1A 4HD  
Installation of extract louvres on Aldersgate Street elevation and rear elevation to external courtyard area;  
**Proposal:** installation of condenser units within rear courtyard area associated with the use of unit 3 for restaurant (A3) use, and associated relocation of cycle rack.

**Case Officer:** Jeff Sadler

[Click for further information](#)

### Customer Details

**Name:** Mr Jonathan Morton  
**Email:**  
**Address:** 24 London House 172 Aldersgate Street London

### Comments Details

**Commenter Type:** Member of the Public  
**Stance:** Customer objects to the Planning Application  
**Reasons for comment:**  
- Noise  
- Residential Amenity  
**Comments:** I object to this planning application. I live at the rear of London House, and my living room and bedroom windows are just a few yards from the louvres and the condenser units proposed to be installed "within the rear courtyard area". London House does not have air conditioning and therefore ventilation is achieved by opening the windows. At present, the rear courtyard generally goes quiet at 10pm but if this application were to be approved, the City would be permitting the introduction of a new source of noise extending to at 11.30pm, leading to a substantial loss of amenity for its residents.

**Wells, Janet (Built Environment)**

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**From:** jdennis [REDACTED]  
**Sent:** 25 June 2014 18:41  
**To:** PLN - Comments; Sambells, Rachel  
**Subject:** reference 14/00291/FULL - Unit 3 - 200 Aldersgate Street EC1

Dear Sirs,

I am writing to you as owner of Flat 15 London House which is a two-bed flat at the back of London House, 172 Aldersgate Street EC1A 7HU.

London House is a residential building comprising 81 apartments, half of which are at the back of the building overlooking an enclosed triangle of space, bordered by the neighbouring 200 Aldersgate on one side and 160 Aldersgate on the other (the NCP car park is below but vents upwards into this same space). Both these buildings are massive flat brick walls and therefore act to circulate and contain any noise produced within. This has been and remains a constant source of annoyance for residents as any noise produced reverberates around and even small noises can easily be heard by all apartments on the back.

We have suffered massive disruption from the NCP car park, from Cameron McKenna and also from 200 Aldersgate from their plant located at the back of our building. Generally when all is functioning correctly the hum of activity dies down at about 22:00 and only when malfunctioning are we occasionally woken by horrendous extraction fans sounding like jet engines – we think to evacuate smoke from the car parks or from stairwells in Cameron McKenna.

I am aware that other residents have devoted a lot of time trying to get this commercial plant properly maintained and behaving properly. This is already a constant battle and simply not fair on us residents.

The above planning application is proposing to introduce yet more plant and certainly not of inconsiderable size, to an already saturated area and this is totally unacceptable to us residents who have already had to endure a pick-up of noise from the redevelopment and increased plant put behind and on top of 200 Aldersgate. I must also point out that the proposed restaurant is planning to not close until I believe 23:30 so any new plant would obviously be running well beyond the current quieter time we currently 'enjoy' of 22:00 and it has taken a huge effort to get the neighbouring buildings to comply with this 22:00 time. We do not now want that time extended to 23:30 and probably beyond, disturbing our sleep and quiet enjoyment we should rightly be able to expect.

I am urging you to please reject this plan as it is not acceptable to add more noise in this confined space.

Thank you for your kind attention.

Jono Dennis  
15 London House





## Wells, Janet (Built Environment)

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**From:** PLN - Comments  
**Sent:** 25 June 2014 19:36  
**To:** PLN - Comments  
**Subject:** Comments for Planning Application 14/00291/FULL

Planning Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 7:35 PM on 25 Jun 2014 from Mr John Mitchell.

### Application Summary

**Address:** Unit 3 200 Aldersgate Street London EC1A 4HD  
Installation of extract louvres on Aldersgate Street elevation and rear elevation to external courtyard area;  
**Proposal:** installation of condenser units within rear courtyard area associated with the use of unit 3 for restaurant (A3) use, and associated relocation of cycle rack.

**Case Officer:** Jeff Sadler

[Click for further information](#)

### Customer Details

**Name:** Mr John Mitchell  
**Email:**  
**Address:** The Old Vicarage Langley Upper Green Essex

### Comments Details

**Commenter Type:** Neighbour  
**Stance:** Customer objects to the Planning Application  
**Reasons for comment:** - Noise  
**Comments:** I own apartment 11 London House on the Aldersgate Street elevation of the block. For a residential building the environment is already very degraded by traffic noise and vehicle emissions and it is unacceptable that there should be yet more noise pollution in this location.

## Wells, Janet (Built Environment)

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**From:** PLN - Comments  
**Sent:** 25 June 2014 23:57  
**To:** PLN - Comments  
**Subject:** Comments for Planning Application 14/00291/FULL

Planning Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 11:56 PM on 25 Jun 2014 from Mr Allan Kerr.

### Application Summary

**Address:** Unit 3 200 Aldersgate Street London EC1A 4HD  
**Proposal:** Installation of extract louvres on Aldersgate Street elevation and rear elevation to external courtyard area; installation of condenser units within rear courtyard area associated with the use of unit 3 for restaurant (A3) use, and associated relocation of cycle rack.

**Case Officer:** Jeff Sadler

[Click for further information](#)

### Customer Details

**Name:** Mr Allan Kerr  
**Email:**  
**Address:** 10 Spencer Hill London

### Comments Details

**Commenter Type:** Neighbour  
**Stance:** Customer objects to the Planning Application  
**Reasons for comment:**  
- Noise  
- Residential Amenity  
**Comments:** The proposed installation of additional louvered vents and new condenser units working until at least 2330hours each night in connection with proposed application for a restaurant to be placed in 200 Aldersgate Street, in close proximity to London House, a residential unit containing over 80 apartments, will result in unacceptable levels of noise, odour and loss of residential amenity for the residents of London House. Over the past few years there has been a cumulative increase in the number of louvres and air conditioning plant units in operation close to London House, which has led to unacceptable ambient noise levels, as evidenced by the report submitted in connection with this application. Additional condenser units and louvered vents would represent a further escalation of the problem. The Planning Authority may wish in the circumstances to (re)consider whether the change of use from offices to restaurant (A3) user is appropriate in view of the above.

**Wells, Janet (Built Environment)**

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**From:** Colm Whelan [REDACTED]  
**Sent:** 25 June 2014 16:55  
**To:** PLN - Comments  
**Subject:** Reference 14/00291/FULL

**Reference 14/00291/FULL**

Dear Sir / Madam,

As the owner of Flat 6, London House, Aldersgate Street, I wish to express my concern regarding the proposed ***“Installation of extract louvres on Aldersgate Street elevation, and rear elevation to external courtyard area; installation of condenser units within rear courtyard area.....”*** relating to the Application for a Premises Licence to the Meat Company Aldersgate Street.

As my flat is located at the front of the block facing onto Aldersgate Street, I wish to express my concerns regarding the additional noise and cooking smells from the kitchens which will be vented to Aldersgate Street which will affect my residential amenity.

Yours sincerely,

Colm Whelan  
6 London House  
172 Aldersgate Street EC1 A4HU.

**tw**

Colm Whelan  
Tomorrows World Limited  
5A Centrepoint Business Park  
Oak Road  
Dublin 12  
Ireland

Tel : 00353 1 4507107  
Mobile : 00353 86 2562274  
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Email : [cwhelan@twl.ie](mailto:cwhelan@twl.ie)  
Web : [www.twl.ie](http://www.twl.ie)



**ACKNOWLEDGED**

**Wells, Janet (Built Environment)**

14/00291/Full

**From:** PLN - Comments  
**Subject:** FW: Aldersgate Street elevation: London House

**From:** Karen Young [  
**Sent:** 26 June 2014 18:53  
**To:** PLN - Comments  
**Subject:** Aldersgate Street elevation: London House

**Noise Disturbance and Loss of Residential Amenity**

I would like to object to The Meat Company's planning application for "*Installation of extract louvres on Aldersgate Street elevation, and rear elevation to external courtyard area; installation of condenser units within rear courtyard area.....*"

I own one of the apartments in London House.

I am concerned about the noise and cooking smells from the kitchens which will be vented to Aldersgate Street. In addition the new condenser unit working until 2330 each night, well past the time of 2200 at which the other the air conditioning units venting into that courtyard usually go quiet.

There has over recent years been a cumulative increase in the number of louvres and air conditioning plant units in operation close to London House, that has inevitably led to an already unacceptable noise level.

Kind Regards

Karen Young

<b>Committee(s):</b>	<b>Date(s):</b>
Barbican Residents Consultation Committee - For Information	2 <sup>nd</sup> June 2014
Barbican Residential Committee - For Information	16 <sup>th</sup> June 2014
Planning & Transportation Committee - For Decision	30 <sup>th</sup> July
<b>Subject:</b> Barbican Listed Building Management Guidelines – Volume IV – Landscape Supplementary Planning Document, and Parts 2 and 3.	<b>Public</b>
<b>Report of:</b> The Chief Planning Officer	<b>For Decision</b>
<p><b>Summary</b></p> <p>In May 2005, the Barbican Estate Listed Building Management Guidelines Volumes I and II were adopted. Following a planned review, Volumes I and II were revised and adopted as a Supplementary Planning Document on 9<sup>th</sup> October 2012.</p> <p>Volume IV – Landscape of the Barbican Estate Listed Building Management Guidelines has been prepared. A working party has been convened to represent all stakeholders (internal and external) on the Estate and five meetings have been held to provide a forum for comment on the Landscape of the Barbican Estate. The draft text has been finalised and is appended to this report in Appendix A. The document provides a framework within which changes to significant elements of the estate should be managed, and will inform the discussions concerning the the Barbican Area Strategy and the Cultural Hub. The next stage is to publish the draft text for formal public consultation in August/September. Following consultation, the text will be reviewed in response to comments received. Any proposed amendments to the document in response to consultation will be reported to Planning and Transportation Committee for approval, and adoption of Part One as an SPD.</p> <p>Members are asked to:</p> <ul style="list-style-type: none"> <li>• Approve the draft text of the Barbican Listed Building Management Guidelines Draft SPD, Volume IV, and Parts 2 (good practice guidance) and 3 (green infrastructure), appended as Annex A to this report and agree that the document be published for formal public consultation in August/September 2014.</li> </ul>	

## Main Report

### **Background**

1. In May 2005, the Barbican Estate Listed Building Management Guidelines Volumes I & II Supplementary Planning Guidance were adopted by Planning and Transportation Committee.
2. A five year review of the document was carried out in 2010 with the reconvention of the original Working Party. In accordance with the review procedure set out in Volume I, Section 12. Avanti Architects, the consultants for the Barbican Listed Building Management Guidelines, were retained to assist the process. The revised document was adopted as an SPD in 2012 following public consultation. This is a material consideration in the consideration of applications for planning permission and listed building consent on the residential part of the Barbican Estate.
3. Volume II identified two further Volumes to complete the suite of documents. Volume III (Arts Centre, Schools and other buildings), and Volume IV (Landscaping).
4. Volume IV – Landscaping has now been prepared for public consultation. A working party was formed made up of a wide variety of stakeholders on the Barbican Estate, five meetings of the working party have been held since January 2014. Avanti Architects were retained as consultants to draft the text.
5. Volume IV – Landscaping of the Barbican Estate Listed Building Management Guidelines comprises three parts.
6. Part One – Management Guidelines SPD. This relates to the landscape and open space elements of the Estate, their architectural significance, and provides Management Guidelines relating to specific elements of the landscape. The document provides a framework within which changes to significant elements should be managed.
7. The document identifies the strength of the original design intent in particular the separation of pedestrian and traffic into street level and highwalks. It recognises also where this has not always been so successful, in particular the difficulty of wayfinding, signage and the general inhibition of pedestrian flow from the surrounding City and across the Estate. The review of the Barbican Area Strategy and the development of the Cultural Hub will raise many of these issues for discussion. The draft SPD will form part of the public consultation on the Barbican Area Strategy during July 2014. It is intended

that the SPD will inform future proposals and alterations to the estate. The guidance adopts the same 'Traffic Light' system as Volume II.

8. Part Two – Good Practice – sets out good practice for a wide range of works. The document will be added to, as good practice is agreed between the Department of the Built Environment and stakeholders.
9. Part Three – Green Infrastructure, including soft landscaping and a potential for a Landscape Management Plan for the Barbican Estate. This deals with elements of the landscape which are not a part of the statutory designated heritage asset, but which contribute to the significance of the landscaping.

### **Current Position**

10. Part one of the document is proposed as a Supplementary Planning Document (SPD) to the City of London Development Plan. SPDs must be prepared in accordance with procedures set out in relevant regulations and public consultation must be carried out in accordance with the City's Statement of Community Involvement, adopted in 2012. For the purpose of seeking representations a consultation statement and the draft SPD must be made available in accordance with the regulations. The consultation statement is attached in Appendix B.
11. The Barbican Listed Building Management Guidelines Volume IV - Landscape Draft SPD, Part Two, Good Practice Guide, and Part Three, Green Infrastructure should be available for formal public consultation in August/September 2014.
12. At the end of the formal consultation period I will report on responses received and on any proposed amendments to the SPD, to your Committee, requesting approval and formal adoption by the Planning and Transportation Committee.

### **Options**

13. There are no financial or risk implications arising from the proposed consultation process.

### **Corporate & Strategic Implications**

14. The draft SPD supports Policy CS12 of the City's Core Strategy and emerging Local Plan, which seeks to safeguard 'the City's listed buildings and their settings, while allowing appropriate adaptation and new uses.'
15. The Community Strategy: The City Together Strategy contains five key themes. The theme relevant to the Barbican Estate is to 'protect, promote and enhance our environment', including the built environment of the City and its public realm.
16. The Barbican Listed Building Management Guidelines Draft SPD, Volume IV supports the Strategic aims of the Departmental Business Plan, relating to the sustainable design of the streets and spaces and the protection and enhancement of the City's built environment. These aims are met by promoting the protection and enhancement of the Barbican Estate.
17. An Equality Impact Assessment has been carried out and the assessment of relevance (or risk) in terms of equalities is low.
18. A Sustainability Appraisal Screening will be carried out concurrently with the public consultation.

### **Implications**

19. There are no financial implications or key risks associated with the proposal.

### **Conclusion**

20. Members are recommended to approve the appended draft text for formal public consultation.

### **Appendices**

Appendix A – The Barbican Listed Building Management Guidelines;  
Volume IV – Landscape SPD, Part 2 and Part 3 Draft Text,  
Further appendices to the draft document will be printed and  
provided in the member's reading room.

Appendix B – Statement of Consultation

Appendix C – E.Q.I.A

### **Petra Sprowson**

Planning Officer, Department of the Built Environment

T: 0207 332 1147

E: [petra.sprowson@cityoflondon.gov.uk](mailto:petra.sprowson@cityoflondon.gov.uk)



<b>Committee(s):</b>	<b>Date(s):</b>
Planning & Transportation	30 July 2014
<b>Subject:</b> City of London responses to consultations on the proposed Garden Bridge between Temple Station and The Queen's Walk.	<b>Public</b>
<b>Report of:</b> Chief Planning Officer and Development Director	<b>For Decision</b>
<p><b>Summary</b></p> <p>Members are asked to:</p> <p>Agree the draft response to consultations received in respect of the proposed Garden Bridge included in Appendices A and B.</p> <p>Recommendations</p> <p>Members are recommended to:</p> <p>Agree that the detailed comments set out below should be forwarded to the London Borough of Westminster and the London Borough of Lambeth</p>	

## Main Report

### Background

1. The City of London Corporation has been formally consulted by Westminster City Council and the London Borough of Lambeth on planning applications to erect a Garden Bridge across the Thames between Temple Station Buildings and The Queen's Walk on Southbank.

### Current Position

2. Westminster City Council and the London Borough of Lambeth have formally consulted the City Corporation on planning applications by the Garden Bridge Trust to erect a new pedestrian bridge across the Thames.
3. The proposed 'Garden Bridge' designed by Thomas Heatherwick would link Temple Station Buildings in Westminster and land adjacent to The Queen's Walk in Lambeth. It would take the form of a suspended park with dense landscaping including trees.
4. The bridge, whilst visible from a number of City locations, would be situated outside the City boundary but it has the potential to impact on protected views of St Paul's Cathedral, the City, St Paul's Heights views, and protected views from the Monument.

5. The bridge would create new views of the City and St Paul's Cathedral which have not yet been assessed.

### **City Response**

6. It is proposed to issue the attached letters to Westminster City Council (Appendix A) and the London Borough of Lambeth (Appendix B) in response to the consultations received from each planning authority.
7. The proposed response, which is identical to each consultation, identifies a number of which may be impacted by the Garden Bridge.

### **Conclusion**

8. It is proposed to issue the attached letters to Westminster City Council and the London Borough of Lambeth in response to consultations received in respect of the proposed Garden Bridge. The response identifies the protected views of St Paul's Cathedral, views of the City, St Paul's Heights views, and protected views from the Monument which are likely to be affected by the bridge. New views of the City and St Paul's Cathedral would be created. It is requested further assessment of these views is undertaken, and that a maintenance regime is put in place to ensure that trees are managed to minimise the impact on protected views. In relation to the impact of the proposed bridge on the setting of designated and undesignated heritage assets within the City it is concluded that the proposed bridge does not detrimentally impact on their significance.

### **Appendices**

- Appendix A – letter responding to Westminster City Council planning application, reference 14/05095/FULL
- Appendix B – letter responding to Lambeth City Council planning application, reference 14/02792/FUL

**Department of the Built Environment**  
Philip Everett, BSc, CEng, MICE  
Director of the Built Environment

Mr David Smith  
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**Your ref** 14/02792/FUL  
**Our ref** LA0035

**Case Officer**  
Rob Chipperfield

**Date** 17 July 2014

Dear Mr Smith,

**Town and Country Planning Act 1990**

**Land to the Front of the London Television Centre, Queen's Walk and Potential Construction Access Routes From Upper Ground SE1**

**Erection of a pedestrian bridge with incorporated garden, extending for a length of 366m over the River Thames from land adjacent to The Queens Walk on South Bank (in the London Borough of Lambeth) to land above and in the vicinity of Temple London Underground Station on the north bank, the structure of the bridge having a maximum height of 14.3m above Mean High Water and a maximum width of 30m; the development also comprising the erection of 2 new piers in the River Thames; erection of a single-storey landing building (incorporating maintenance, management and welfare facilities and up to 410m<sup>2</sup> A1 and/or D1 floorspace with additional ancillary service and plant) on land adjacent to The Queens Walk, opposite the ITV building; associated public realm works; works to trees (including the removal of trees); associated construction work (including laying out of a construction access from Upper Ground) and works sites; and works within the River Thames (including temporary and permanent scour protection, relocation of moorings and erection of temporary structures). The application is an Environmental Impact Assessment (EIA) development and is accompanied by an Environmental Statement (ES), which may be viewed with the planning application documents.**

I write with regard to your letter dated 9 June 2014 concerning the above application. Please find comments from the City of London Corporation below.

The proposed Garden Bridge would provide a new suspended open space and a pedestrian link across the River Thames which is currently open and free of built structures between Waterloo Bridge and Blackfriars Bridge. It would also create new vantage points affording views of the river, riverside and the central London skyline. However, it would also significantly alter or obstruct many existing views of the City skyline from bridges and the riverside. These views are protected by a range of local and regional policies. Many

of these policies are of long standing and have successfully maintained and improved the views over many years.

### **St. Paul's Heights**

St Paul's Heights building height limitations seek to protect views of St. Paul's Cathedral from the Thames bridges and the south bank. The policy for the protection of the views is contained in the City's Core Strategy, and has operated since 1937, achieving long-term maintenance and enhancement of the views. The application has not included an assessment of the proposals' impact on St Paul's Heights.

The proposed bridge lies in the foreground of important views protected by St Paul's Heights. The views affected fall into two areas: the entire length of Waterloo Bridge and the entire length of the south bank between Waterloo Bridge and the proposed bridge.

There are also views of the Cathedral from Hungerford Bridge which are on the same alignment as those from Waterloo Bridge.

The structure of the Garden Bridge has a maximum height of 18.2m AOD (Bridge Deck), 19.6m AOD (Northern Lift) and 17.4 m AOD (Southern Lift) with handrails adding 1.1m and planting up to 15m when mature. These bridge structures would not directly obstruct the views from Waterloo Bridge but would be prominent in the foreground. In addition the height of the trees and planting, once fully matured, is likely to intrude on protected views of the Cathedral.

Views of the Cathedral from the riverside walk along the south bank would be severely affected by the Garden Bridge, as the view points are at a lower elevation. Views would be significantly reduced or completely obstructed by the structure of the Garden Bridge and the trees upon it.

The Garden Bridge would create new views of the Cathedral from most of its length. From the northern part of the Garden Bridge, views of the Cathedral would be on a similar alignment to the protected view from Waterloo Bridge; because the Garden Bridge is closer to the Cathedral, it is likely that the lower parts of the Cathedral (e.g. of the entablature and west pediment) would not be visible. Unilever House, which significantly infringes the view, would also present a greater obstruction. From the southern part of the Garden Bridge, views would be on a similar alignment to those protected views from the south bank that the bridge would probably obstruct. Further information on this point is required to undertake a detailed assessment.

### **Monument Views**

Views from Wren's Monument to the fire of London are protected by City of London planning policies and detailed in the City of London Protected Views SPD (2012). The site is within Monument View Four: west to Waterloo Bridge and Victoria Embankment. The Protected Views SPD highlights the key features in this view as the River Thames and Waterloo Bridge. The river between Blackfriars Bridge and Waterloo Bridge, as it curves away to the south beside the Victoria Embankment, is the main feature of the view. The view of this upstream stretch of river is considered particularly important because it is the most distant view of the Thames and contributes therefore to the continuity of the whole panorama from the Monument.

The proposed Garden Bridge would be prominent in this view and would result in the view of the river being significantly altered. A further assessment should be made of Monument View Four to show the impact.

### **London View Management Framework**

The London View Management Framework forms the Mayor of London's Supplementary Planning Guidance on the strategic views designated in the London Plan. Designated views 15, 16 and 17 are affected by the Garden Bridge proposals.

15B.1 Waterloo Bridge: downstream: close to the Westminster bank (crossing bank)

This view is not assessed in the Environmental Statement or Design & Access Statement. The impact of the proposed Garden Bridge on this view and how the view evolves as the viewer walks along Waterloo Bridge (the dynamic / kinetic view identified in the LVMF) should be assessed.

15B.2 Waterloo Bridge: downstream – at the centre of the bridge (approximate centreline of bridge)

This view is an iconic view of the City, where many historic landmarks and modern buildings can be seen set against a foreground of the curving open River Thames. The proposed development appears to make little impact on the view of St. Paul's Cathedral, but views of the City skyline as a whole, including important historic features such as City churches, and the Eastern Cluster of tall buildings would be partially obscured by trees when they have matured. The Garden Bridge would dramatically alter the foreground setting of this view by removing the existing sense of openness between the viewer and the City. These changes would be mitigated in part by the creation of new views from the Garden Bridge itself but such views would be different and would not be available at night.

16A.1 The South Bank: outside Royal National Theatre

The proposed development would significantly impact on the view of St. Paul's Cathedral from this location. The Cathedral is at the very edge of the view, on the right. The southern Garden Bridge structure would obscure the drum and peristyle of the Cathedral, with tree planting at the southern section gradually intruding into views of the Cathedral before totally obscuring it by projected year 25. Views of the Cathedral will be lost as the viewer moves east along the South Bank.

17B.1 Golden Jubilee / Hungerford Footbridges: downstream – crossing the Westminster bank and 17B.2 Golden Jubilee / Hungerford Footbridges: downstream – close to the Westminster bank

See comments relating to 15B.2, above.

The maximum height of the proposed Garden Bridge is stated as 18.2m AOD (bridge deck). However, the maximum height of the trees once they are fully mature is not clear and therefore it is difficult to judge their impact on protected views. It is likely that trees could further intrude into views of the Cathedral, important landmarks and the City skyline as a whole. Unless a regime of long-term maintenance is agreed in respect of the height of the trees these protected views will be obscured.

### **Planning Statement, Design & Access Statement and Environmental Statement**

The Planning Statement and Environmental Statement highlight key views in addition to the LVMF Protected Vista Linear Views and River Prospects. . We believe key Viewpoint 17 would be negatively impacted as the Cathedral is likely to be almost completely obscured by the proposed bridge, with fully matured trees obscuring it in the view altogether (along with the remainder of the City). There is a similar impact to that of River Prospect 16A.1 from the South Bank referred to above.

### **New views from the Garden Bridge**

The Garden Bridge would create new views of the Cathedral and the City from most of its length at times when it is open. Existing night time views that are adversely affected or lost due to the Garden Bridge would not be mitigated by new views from the Garden Bridge as it is not intended to be open to the public at night. The new views would be closer than the existing protected views from Waterloo Bridge with slightly different geometry leading to parts of the existing view no longer being visible and Unilever House becoming a more prominent foreground obstruction.

It is likely that the emerging cluster at Broadgate / Principal Place in Hackney / Bishopsgate Goods Yard would become much more prominent in the view from the Garden Bridge and could have a detrimental impact on the view of St. Paul's Cathedral from this location.

Photomontages should be provided by the applicant in order to properly consider the above issues.

### **Impact on City Heritage Assets**

In relation to the impact of the proposed bridge on the setting of designated and undesignated heritage assets within the City it is concluded that the proposed bridge does not detrimentally impact on their significance.

**Conclusion**

The Garden Bridge would have a major impact on views of St Paul's Cathedral and the City from the south bank and Waterloo Bridge, and is expected to significantly alter Monument View Four. From a large section of the riverside walk between Waterloo Bridge and the proposed Garden Bridge views would be severely obstructed, and St. Paul's Cathedral would cease to be a significant landmark in much of this part of the south bank. The view from the southern section of Waterloo Bridge would be impacted upon due to the St. Paul's Heights infringements detailed above. In respect of the strategic views designated in the London Plan and detailed in the LVMF, Waterloo Bridge view (15B.2) is one of the iconic views of the City that would be dramatically altered by the proposed Garden Bridge although the view of the Cathedral itself would remain with appropriate garden maintenance. We request that a maintenance plan is put in place to ensure that tree growth and planting does not obscure the views of St. Paul's Cathedral protected under St. Paul's Heights, Monument Views or LVMF Mayoral strategic views.

The provision of a new public pedestrian crossing across the river which potentially enhances the attractiveness and accessibility of central London could be seen as a public benefit to be weighed against the loss of significant views of St. Paul's Cathedral and the City skyline.

Yours sincerely

**Mrs W. A. B. Hampson**  
**Chief Planning Officer and Development Director**

## Department of the Built Environment

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**Your ref** 14/05095/FULL

**Our ref** WT0055

**Case Officer**

Rob Chipperfield

**Date** 17 July 2014

Dear Mr Mason,

### **Town and Country Planning Act 1990**

#### **Temple Station Buildings Victoria Embankment London WC2R 2PN**

**Erection of a pedestrian bridge with incorporated garden, extending for a length of 366m over the River Thames from land adjacent to The Queen's Walk on the South Bank to land above and in the vicinity of Temple London Underground Station on the north bank (in the City of Westminster) the structure of the bridge having a maximum height of 14.3m above Mean High Water and a maximum width of 30m; the development also comprising the erection of two new piers in the River Thames; works to the highway in Temple Place, erection of stairs and ramp connecting Temple Place and the roof of Temple London Underground Station; works to trees (including the removal of trees); relocation of the Cabmen's shelter from Temple Place to Surrey Street; demolition and reconstruction works to Temple Station building including the replacement of its roof; associated construction works (including highway works at the Strand) and work sites; and works within the River Thames (including temporary and permanent scour protection, works to moorings and erection of temporary structures).**

**Erection of a pedestrian bridge with incorporated garden, extending for a length of 366m over the River Thames from land adjacent to The Queens Walk on South Bank (in the London Borough of Lambeth) to land above and in the vicinity of Temple London Underground Station on the north bank, the structure of the bridge having a maximum height of 14.3m above Mean High Water and a maximum width of 30m; the development also comprising the erection of 2 new piers in the River Thames; erection of a single-storey landing building (incorporating maintenance, management and welfare facilities and up to 410m<sup>2</sup> A1 and/or D1 floorspace with additional ancillary service and plant) on land adjacent to The Queens Walk, opposite the ITV building; associated public realm works; works to trees (including the removal of trees); associated construction work (including laying out of a construction access from Upper Ground) and works sites; and works within the River Thames (including temporary and permanent scour protection, relocation of moorings and erection of temporary structures). The application is an Environmental Impact Assessment (EIA) development and is accompanied by an Environmental Statement (ES), which may be viewed with the planning application documents.**

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### **Conclusion**

The Garden Bridge would have a major impact on views of St Paul's Cathedral and the City from the south bank and Waterloo Bridge, and is expected to significantly alter Monument View Four. From a large section of the riverside walk between Waterloo Bridge and the proposed Garden Bridge views would be severely obstructed, and St. Paul's Cathedral would cease to be a significant landmark in much of this part of the south bank. The view from the southern section of Waterloo Bridge would be impacted upon due to the St. Paul's Heights infringements detailed above. In respect of the strategic views designated in the London Plan and detailed in the LVMF, Waterloo Bridge view (15B.2) is one of the iconic views of the City that would be dramatically altered by the proposed Garden Bridge although the view of the Cathedral itself would remain with appropriate garden maintenance. We request that a maintenance plan is put in place to ensure that tree growth and planting does not obscure the views of St. Paul's Cathedral protected under St. Paul's Heights, Monument Views or LVMF Mayoral strategic views.

The provision of a new public pedestrian crossing across the river which potentially enhances the attractiveness and accessibility of central London could be seen as a public benefit to be weighed against the loss of significant views of St. Paul's Cathedral and the City skyline.

Yours sincerely

**Mrs W. A. B. Hampson**  
**Chief Planning Officer and Development Director**

<b>Committee:</b>	<b>Date:</b>
Planning and Transportation	30 July 2014
<b>Subject:</b> Paternoster Square city walkway/public access	<b>Public</b>
<b>Report of:</b> Director of the Built Environment	<b>For Decision</b>

### Summary

This report discusses options for public access through the Paternoster Square development, including Paternoster Square and the surrounding lanes and alleys.

### Recommendations

Members are asked:—

- (1) To resolve to declare to be a city walkway all that way or place including Paternoster Square, Paternoster Lane, Paternoster Row, Canon Alley, Queen's Head Passage, Rose Street and White Hart Street shown hatched black on city walkway declaration plan CWDP - 01 - 08 at Appendix 2 to this report in accordance with the resolution annexed at Appendix 1 to this report subject to the limitations contained in the agreement described in recommendation (3) below.
- (2) To authorise the Town Clerk to insert an appropriate date for the coming into force of this resolution.
- (3) To authorise the Comptroller and City Solicitor to enter into an agreement with the owner of the land to be declared to be a city walkway to provide for the city walkway to be subject to limitations enabling the public right of way and of access to be temporarily suspended to the extent and for the minimum period that is required for any or all of the *following* purposes:—
  - (a) In the interests of public safety or security, where the need is first confirmed by a chief officer of the City of London Corporation or by an officer of the City of London Police holding at least the rank of superintendent; other than in cases of imminent threat, where such confirmation must be obtained within six hours of the suspension coming into force (or the suspension must cease).
  - (b) To permit works of maintenance, repair or renewal of the city walkway subject to prior approval from the City of London Corporation, which must be requested not less than 28 days prior to the proposed date of suspension; save in the case of emergency or de minimis works requiring less than 4 hours' suspension of access, which works must be notified to the City within 48 hours of such suspension coming into force.
  - (c) Force majeure.

## Main Report

### Background

1. A network of public highways existed to the north of Saint Paul's Cathedral from the Saxon resettlement of the City until the early 1960s, when the area was comprehensively redeveloped. In replacement for these ancient streets and footpaths, which were built upon, the Paternoster Row development that was completed in 1967 had a network of ground-level and high-level city walkways declared through it.
2. The Paternoster Row development was demolished in the early 2000s and a replacement redevelopment incorporating a pedestrian square and ground-level pedestrian passages was completed in 2003. This estate is known as Paternoster Square. It consists of Paternoster Square, Paternoster Lane, Paternoster Row, Canon Alley, Queen's Head Passage, Rose Street and White Hart Street and the adjoining buildings, viz Christchurch Court, Juxon House, Paternoster House, Paternoster Lodge, 1 Paternoster Square (Transcript House), 10 Paternoster Square, Saint Martin's Court and Warwick Court.
3. Conditions 9 and 10 of the planning permission for the Paternoster Square development require that replacement city walkways be constructed within the redevelopment.
4. On 22 July 2008 your Committee resolved that the square and lanes and alleys through the area, as shown on the plan **appended** to this report, be declared to be a city walkway.
5. Your Committee delegated to the Town Clerk authority to insert an appropriate date for the resolution to come into force but the replacement city walkway has not yet been declared. This is firstly because it took some years for it to be established that the square and passages had in all respects been constructed to a standard suitable for a city walkway. There was concern as to whether the square and passages would offer suitable safe passage for fully laden fire engines to access all parts of the estate particularly in the event of an intense high-temperature fire occurring in the redevelopment's extensive underground servicing areas. Secondly, the Paternoster Square development was a particularly sensitive site during the Occupy London protest, which took place from October 2011 to June 2012. The Occupy London encampment was on Saint Paul's Churchyard, but the original site for the encampment that had been planned by the protests' organisers was Paternoster Square.

### Current Position

6. The company that owns and manages the Paternoster Square estate is Paternoster Square Management Ltd (PSML). A majority share in PSML was recently purchased by Oxford Properties Group, a major City landowner. After discussions with the Paternoster Square tenants (including the London Stock Exchange) Oxford Properties Group has concluded that a city walkway declaration may cause difficulties for how PSML manages the estate. Oxford

Properties Group has therefore approached the City with proposals for modifying public access arrangements and reserving a wider management rôle for PSML. Oxford Properties Group's requests are as *follows*.

- (i) The ability for PSML to restrict access to the estate in the case of a demonstration or terrorist threat.
  - (ii) The ability for PSML to restrict activities that [may] cause a nuisance to occupiers and other users [of the estate] such as street fundraising, filming and distribution of flyers and other solicitations.
  - (iii) The ability for PSML to enforce breaches of City byelaws [or other offences], such as ball games, busking, begging and rough sleeping, as they happen rather than relying on the police to respond.
  - (iv) The ability for PSML to withhold consent for events that, acting reasonably, it does not view as appropriate at Paternoster Square.
  - (v) The ability for PSML to deviate from the City's standard pedestrian wayfinding system, including a retail tenant directory.
7. These requests have been discussed between the Comptroller and City Solicitor and PSML's solicitors and both parties are agreed that most of these requests could not be provided for with a city walkway declaration. The City could, however, in practice accede to request (iv) on a case-by-case basis (although it could not prejudge individual applications for events, exhibitions, entertainments, street trading etc. on the city walkway); and could accede to request (v) if it chose to, although this would represent a departure from standard City practice and would likely set a precedent.

## Options

8. The initial two options are therefore declaring a city walkway as previously resolved by your Committee; or to accept that, in order to facilitate key City stakeholders' aspirations, the square and lanes and alleys should continue to be privately managed. The city walkway declaration would ensure public access through the area as of right whereas a privately managed estate would better meet the aspirations of the owners of and the leaseholders of the premises in Paternoster Square.
9. A third, "middle course", option could be for a city walkway to be declared but for it to be subject to limitations and conditions in accordance with section 6(1A) of the City of London (Various Powers) Act 1967, as inserted by section 33 of the City of London (Various Powers) Act 1987. This provides that a resolution declaring a city walkway may specify such limitations and conditions as may be required to give effect to any such reservations, limitations or conditions specified in an agreement with the owner or occupier of the land, in pursuance of which the city walkway is laid out.
10. The *following* limitations have recently been agreed for the proposed replacement city walkway at London Wall Place (i.e., the redevelopment of

Saint Alphage House including Saint Alphage Highwalk and part of Bassishaw Highwalk):—

*The public right of access may be temporarily suspended to the extent that and for the minimum period that is required for the following purposes:*

- (a) to permit works of maintenance, repair or renewal of the New City Walkways subject to prior approval from the City of London Corporation which must be requested not less than 28 days prior to the proposed date of restriction or closure, save in case of genuine emergency or of de-minimis works requiring less than 4 hours suspension of access but which must be notified to the City of London Corporation within 48 hours of such suspension; or*
- (b) in the interests of public safety or security where the need is first confirmed [by] the City of London Corporation or by a City of London Police Officer holding at least the rank of Superintendent other than in cases of imminent threat where such confirmation must be obtained within 6 hours of the closure, or the suspension of the right of way must cease; or*
- (c) Force Majeure.*

This agreement could form a model for a similar agreement and for similar limitations to the city walkway declaration at Paternoster Square. Were this course of action to be agreed it would be intended to complete the agreement and bring the resolution into force as soon as possible. In the event of a delay in completing the agreement with PSML the matter would be brought back before your committee to determine whether to make the resolution to declare the city walkway without the limitations proposed.

11. In terms of the wider management rôle that Oxford Properties Group seeks for PSML, this limited city walkway declaration would facilitate request (i) (cf. paragraph 6 above). As noted at paragraph 7 above, the City can, in practice, facilitate requests (iv) and (v) if it chose to, with both a limited and a standard (unlimited) city walkway declaration. This leaves requests (ii) and (iii) that could only be provided for by either retaining the existing private estate or by a city walkway declaration that was more limited than that agreed for the replacement city walkway at London Wall Place (as outlined at paragraph 10 above).
12. A city walkway declaration that is more limited than that agreed for the proposed replacement city walkway at London Wall Place is not considered appropriate as it would remove virtually all of the essential characteristics of a city walkway, leaving it as a city walkway in name only. This lack of transparency about the actual nature of public access to Paternoster Square in these circumstances is not considered to be desirable or in the public interest and such a more limited city walkway declaration is therefore not recommended.
13. **The main practicable options are therefore retaining the existing private estate as sought by the landowner and tenants of the estate; declaring a**

**city walkway as previously resolved by your Committee; or declaring a city walkway that is subject to limitations such as those recently agreed at London Wall Place.**

14. A further alternative has, however, been proposed by Oxford Properties Group, namely to declare certain spatially limited routes through Paternoster Square to be a city walkway and to retain the rest of the square in its current private status. This arrangement had been recommended to your Committee in 2006, but it is now considered by your officers that having the area held under two different regimes, with different parts having different legal statuses, would be confusing for all parties, and particularly for the public, as it would not in any way reflect the situation on the ground, with a purposeful unity to the design of the whole of the square and the surrounding lanes and alleys. Oxford Properties Group remain, however, of the opinion that this would be a desirable option to pursue.
15. On 30 June 2008 PSML entered into a maintenance agreement for the city walkway with the City. The agreement provides for PSML to be responsible for, in respect of the city walkway, maintenance, repairs, paving, re-paving, re-grouting, cleansing, lighting, drainage, provision of street furniture and the monitoring of compliance with any relevant byelaws and conditions of tables and chairs licences (“the city walkway services”). The agreement would come into effect with either a limited or a standard (unlimited) city walkway declaration. It contains a clause allowing either PSML or the City to terminate the agreement upon giving three months’ notice, in which case maintenance responsibility would revert to the City. It also provides step-in rights for the City in the event of failure by PSML to carry out any of the city walkway services to the minimum standard required by the City from time to time.

### **Proposal**

16. The recommended option is declaring a city walkway that is subject to limitations such as those recently agreed at London Wall Place (cf. paragraph 10 *above*). The alternative options for your Committee to consider are summarised in paragraphs 13–14 *above*.

### **Corporate and Strategic Implications**

17. Improving the City’s pedestrian environment is a medium-term priority in the Community Strategy theme of “the Heart of a World Class City which protects, promotes and enhances our environment”. Ensuring public access through key locations is a critical part of improving the City’s pedestrian environment for all.

### **Implications**

18. Declaration of a city walkway would have a small financial cost as the declaration must be publicly advertised, including through publication in a local newspaper (the City uses the *London Evening Standard*). This cost would be less than £1 000 and can be met from the Director of the Built Environment’s local risk. There is no requirement for public consultation and no opportunity

for objections to be made; the public advertisement is to give notice of the declaration having been made by your Committee.

## **Conclusion**

19. It is now appropriate to determine the future of public access through the Paternoster Square development by deciding between retaining the existing private estate; declaring a city walkway as previously resolved; or declaring a city walkway that is subject to limitations such as those recently agreed at London Wall Place. The first option is sought by the key City stakeholders who are the owners of and the leaseholders of the premises in Paternoster Square; the final option is recommended to your Committee by your officers as an appropriate balance between the landowner's and the public's interests, as established by the precedent of the replacement city walkway at London Wall Place.

## **Appendix 1:**

resolution to declare the city walkway

## **Appendix 2:**

City Walkway Declaration Plan (CWDP - 01 - 08)

## **Background Papers:**

- report of the City Planning Officer of 25 April 2006:  
"A strategy for the enhancement and use of public space in and around the square"
- report of the City Planning Officer of 3 June 2008:  
"Discontinuation of city walkways at Paternoster Square"
- report of the City Planning Officer of 22 July 2008:  
"Declaration of City Walkway—Paternoster Square"



## Appendix 1:

### **RESOLUTION OF THE PLANNING AND TRANSPORTATION COMMITTEE**

(under powers delegated to it by the Court of Common Council on 19 July 2001)

**DATED [date to be inserted by the Town Clerk]**

**WHEREAS** the Mayor and Commonalty and Citizens of the City of London acting by the Planning and Transportation Committee pursuant to the delegation to that Committee specified above (hereinafter called “the City”) are authorised by section 6 of the City of London (Various Powers) Act 1967 (hereinafter called “the Act”) **BY RESOLUTION TO DECLARE** any way or place in the City of London appearing to the City:—

- (i) to be laid out or otherwise suitable for a city walkway within the meaning of section 5 of the Act;
- (ii) to which access is available directly from a street or another way or place which is a city walkway; and
- (iii) which is laid out or rendered suitable for a city walkway in accordance with one of the provisions specified in subsection (1) of the said section 6

**TO BE A CITY WALKWAY** as from such date as may be specified in such resolution

**AND WHEREAS** it appears to the City that:—

- (i) the way or place specified in the Schedule hereto is laid out or otherwise suitable for a city walkway within the meaning of section 5 of the Act; and
- (ii) access to such way or place is available directly from a street or another way or place which is a city walkway

**AND WHEREAS** the City has entered into an agreement pursuant to subsection (1A) of the said section 6 containing limitations to which this resolution gives effect

**NOW THEREFORE** the City in pursuance of subsection 1 of the said section 6 by resolution **HEREBY DECLARES** the way or place described in the Schedule on and after [date to be inserted by the Town Clerk] to be a city walkway

**SUBJECT TO THE FOLLOWING LIMITATIONS** enabling the public right of way and of access to be temporarily suspended to the extent and for the minimum period that is required for any or all of the following purposes:—

- (a) In the interests of public safety or security, where the need is first confirmed by a chief officer of the City of London Corporation or by an officer of the City of London Police holding at least the rank of superintendent; other than in cases of imminent threat, where such confirmation must be obtained within six hours of the suspension coming into force (or the suspension must cease).

- (b) To permit works of maintenance, repair or renewal of the city walkway subject to prior approval from the City of London Corporation, which must be requested not less than 28 days prior to the proposed date of suspension; save in the case of emergency or de minimis works requiring less than 4 hours' suspension of access, which works must be notified to the City within 48 hours of such suspension coming into force.
- (c) Force majeure.

THE COMMON SEAL OF THE MAYOR AND  
COMMONALITY AND CITIZENS OF THE CITY  
OF LONDON was hereunto affixed in the  
presence of:—

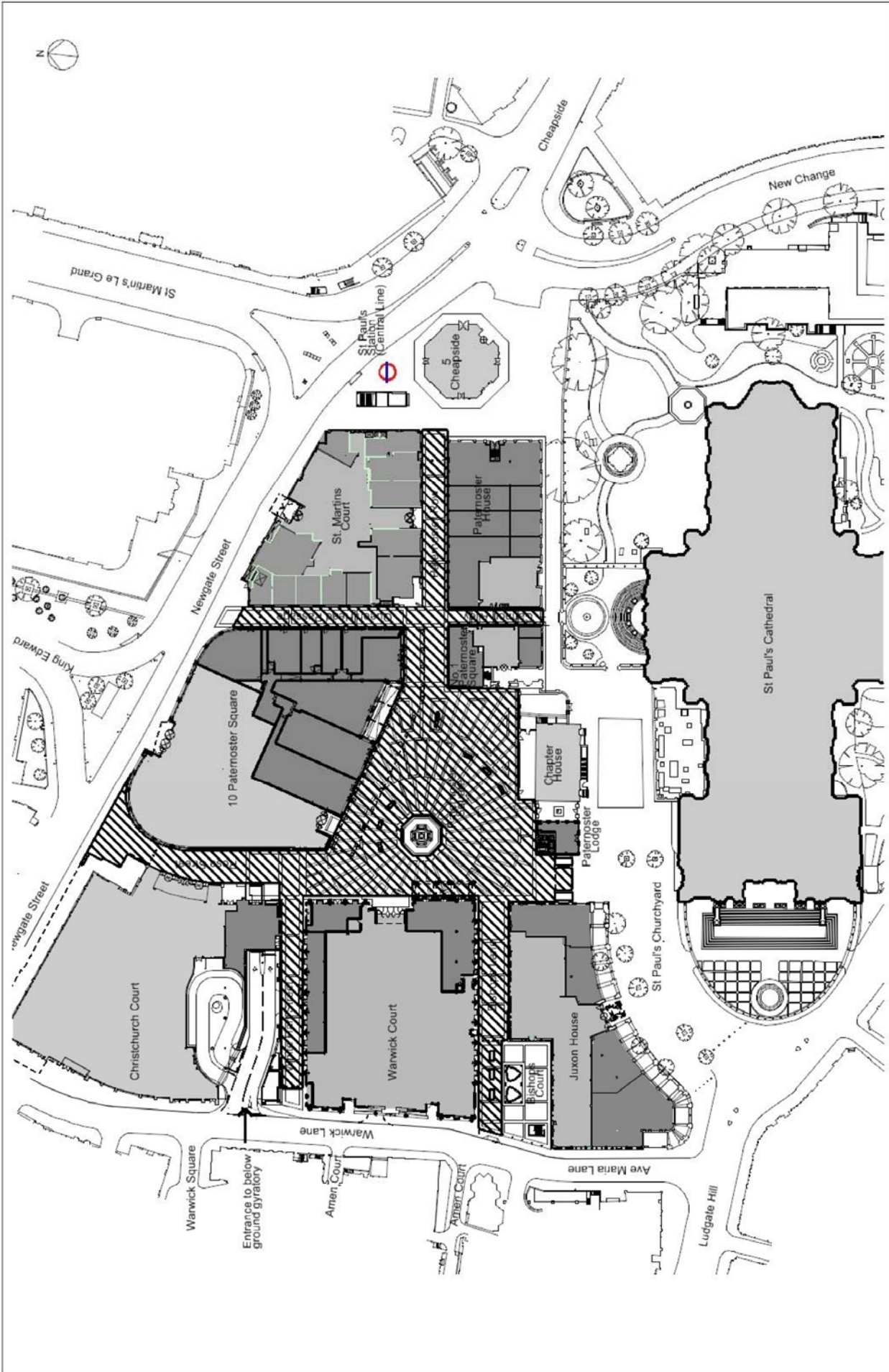
Authorised Officer  
Guildhall  
London  
EC2P 2EJ

Dated [date to be inserted by the Town Clerk]

#### THE SCHEDULE

**ALL THAT** way or place more particularly shown hatched black on city walkway declaration plan CWDP - 01 - 08 as “City walkway to be declared” being all that way or place including Paternoster Square, Paternoster Lane, Paternoster Row, Canon Alley, Queen’s Head Passage, Rose Street and White Hart Street.

# City Walkway Declaration Plan



 City walkway to be declared

Address: Paternoster Square

Drawing No.: CWDP - 01 - 08

Date: 11/06/2008



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<b>Committee(s):</b>	<b>Date:</b>
<b>Planning and Transportation</b>	<b>30 July 2014</b>
<b>Subject:</b> Sugar Quay, Lower Thames Street, London EC3R 6EA  Affordable housing contribution from proposed residential redevelopment.	<b>Public</b>
<b>Report of:</b> Director of the Built Environment	<b>For Decision</b>
<b>Summary</b>	
<p>A Section 106 Agreement with planning permission for residential development at Sugar Quay requires the developer to make an affordable housing payment of £15,006,816 in lieu of affordable housing on-site or to submit an updated viability assessment demonstrating why they are unable to make this payment.</p> <p>The developer has submitted an updated viability assessment which concludes that the scheme cannot afford to make any additional affordable housing payment over and above a 50% payment they previously agreed.</p> <p>Consultants appointed by the City have reviewed the revised viability assessment and are of the view the scheme can afford a full payment in lieu of affordable housing on-site.</p> <p>In view of the City's consultants' advice it is considered that the full amount should be sought and, in accordance with the Section 106 agreement, if the developer does not agree, an independent expert should be asked to consider and advise on whether the scheme can afford the full policy compliant payment in lieu of affordable housing on-site.</p> <p>Advice from the independent expert would be brought back to your Committee for consideration. The final determination of the affordable housing payment would be a matter for your Committee taking account of the updated viability assessment, the City's consultants review findings and the advice of the independent expert.</p>	
<b>Recommendation</b>	
Members are asked to:	
(a) Agree that the value of the second instalment of the affordable housing payment should £7,503,408; and	
(b) If the developer does not agree to this amount that the matter may be referred to an independent expert for advice on the value of the second instalment.	

## **Main Report**

### **Background**

1. On 22<sup>nd</sup> March 2013 your Committee resolved to grant planning permission for redevelopment of Sugar Quay with a new building containing 165 residential units with associated residential facilities and 658sq.m of retail / cafe and restaurant (A1-A4) use at ground floor (Application number 12/01104/FULMAJ).
2. The planning permission was issued on 16<sup>th</sup> September 2013 following receipt of no objection from the Mayor and completion of the Section 106 Agreement.
3. Under the policies of the Core Strategy the development would result in an off-site affordable housing contribution of £15,006,816. The applicants considered that the development would not support a payment of that amount, whereas the consultants appointed by the City to appraise the financial viability of the scheme considered the scheme could pay the full amount. You agreed that officers continue to negotiate with a view to obtaining either the full policy compliant payment or an initial cash-in-lieu payment of at least 50% of the policy compliant payment and to an upwards only review of the viability prior to implementation of the scheme.
4. In making the decision your Committee instructed that any S.106 affordable housing contribution resulting in a final total contribution (following a viability review) of less than the £15,006,816 policy compliant sum be referred back to the Committee for approval.
5. The applicant and City did not agree on the amount to be paid and consequently the Section 106 Agreement included the requirement for an initial payment of £7,503,408 and an upward only review for the second payment. The Section 106 Agreement requires:
  - a. The developer to submit an updated viability assessment and for this to be reviewed by the City's consultants if the proposed second payment remained less than £7,503,408;
  - b. Your Committee to decide what you are minded to accept as the second payment, having regard to the updated viability assessment and City's consultant's review.
6. The Section 106 Agreement includes provision for you to agree that the matter to be referred to an independent expert if the developer does not agree with your decision. The expert's conclusions are not binding on either party and the expert's views would be reported to your Committee for a decision.

### **Current Position**

7. The developer has submitted an updated viability assessment. They have reviewed the development economics of the redevelopment, having updated a number of key inputs and relevant information. They advise that there have been increases in the site value, residential values and build costs which have been factored into their revised appraisal.

8. Their conclusion is that the residual profit for the scheme is below the developer's target rate of return and as such the scheme cannot afford to make any additional affordable housing payment.
9. The City's consultants' have been reappointed and they remain of the view the scheme can afford the entirety of the second instalment as defined in the S106 agreement. They have assessed the updated financial information for the scheme and have varied a number of inputs in light of their research, knowledge and experience in appraising the viability of London Residential schemes. They do not agree with all of the inputs used by the developers and consequently get different viability results. Of particular note is the City's consultant's view that there is significant potential for the flats fronting the river to sell at prices in excess of the pricing put forward by the developer and that the commercial rent and yield is considerably lower than they would anticipate.
10. In view of the difference in the findings I am of the view that your Committee should not accept the applicant's conclusion that the scheme cannot afford to make any additional affordable housing payment and that you should ask for the full £7,503,408, providing a full policy compliant contribution of £15,006,816
11. If you determine that the full £7,503,408 should be paid and the developer does not agree with your decision I recommend you agree the matter be referred to an independent expert. The choice of expert is to be agreed between the developer and City Corporation, or in the event of failure to agree, by the president of the RICS.
12. The expert's recommendations will be reported to your Committee for you to decide on the amount of the second payment. The recommendations are not binding on your Committee.

### **Corporate & Strategic Implications**

13. The affordable housing funds would be used by the City to provide affordable housing units and would meet the targets set out in the Core Strategy and the London Plan.
14. The costs of an independent review would be borne by the developer.

### **Conclusion**

15. The consultants appointed by the City advise that the development is capable of paying a second instalment of £7,503,408, providing a full policy compliant contribution of £15,006,816. As such there is no reason to recommend that your Committee accepts a lesser amount.
16. A copy of the City's consultants' review has been provided to the developer who is considering the findings. It is believed that the developer will not agree with the findings of the review.
17. If your Committee agrees that the full amount should be paid and the developer does not agree, it may be referred to an independent expert, as provided for in the Section 106 Agreement.

## Appendices

- Appendix 1 - Confidential updated Financial Viability Assessment by DS2, dated 20<sup>th</sup> February 2014. (See Non – Public Agenda)
- Appendix 2 – Confidential report reviewing the Financial Viability Assessment by DS2. (See Non – Public Agenda)

## Background Papers

### Public

Report to P&TC and Minutes      22 March 2013

**Non-Public** [Exempt information by virtue of paragraph 3 of Part I of Schedule 12A of the Local Government Act 1972]

Letter dated 20<sup>th</sup> February 2014      DS2

Financial Viability Assessment dated November 2012      DS2

Assessment for Financial Viability dated June 2014      Gerald Eve

### Annie Hampson

Chief Planning Officer & Development Director

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<b>Committee:</b>	<b>Date:</b>
<b>Planning and Transportation</b>	<b>17 July 2014</b>
<b>Subject:</b> <b>Sugar Quay, Lower Thames Street, London EC3R 6EA</b> <b>Affordable housing contribution from proposed residential redevelopment - Appendices</b>	<b>Non Public</b>
<b>Report of:</b> <b>Director of the Built Environment</b>	<b>For Decision</b>

## **Appendices to the report on the Public Agenda**

### **Appendix 1**

Development Viability Review - DS2, 20th February 2014

### **Appendix 2**

Executive Summary, Conclusions and Recommendations from a Review of the Applicant's Revised Viability Assessment - Gerald Eve, June 2014

### **NB**

**The appendices to the confidential DS2 Development Viability Review and the full Gerald Eve Review of the Applicant's Revised Viability Assessment will be available in the Members' Reading Room.**

PL/ds1007  
20 February 2014

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**PRIVATE & CONFIDENTIAL**

Dear David

**SUGAR QUAY, LOWER THAMES STREET, EC3 – DEVELOPMENT VIABILITY REVIEW**

This letter and accompanying information represents an updated Financial Viability Assessment (FVA) reflecting the development economics of the redevelopment of Sugar Quay (“the Site”) on Lower Thames Street in the City of London (“the Corporation”). The updated FVA is provided in accordance with the signed S106 agreement for the site.

The planning application was submitted by DP9 on behalf of SQ Guernsey Ltd (“the applicant”) in November 2012. A copy of our 2012 FVA as submitted to the Corporation in support of the planning application is attached at Appendix One.

This information is provided under cover of the Confidentiality Statement issued with the November 2012 FVA as the enclosed information falls within the definition of environmental information for the purposes of Regulation 2(1) of the Environmental Information Regulations 2004.

In undertaking this review we have used Argus Developer software as with the 2012 FVA and adopted a present day approach. A hard copy of the models can be provided upon request to your advisors.

**Background**

As part of the planning consent reference 12/01104/FULMAJ, there is a requirement for the applicant to make a payment of £7,503,406 (subject to indexation) to the Corporation’s affordable housing fund. The affordable housing payment shall be made on or before the implementation of the planning consent as noted at section 1.1 of Schedule Three of the S106.

The Section 106 agreement has a further requirement for a review of the viability if the applicant does not agree to a “second installment” of £7,503,406 and if this is the case, the applicant must submit a “revised viability statement” at least four months prior implementation. The requirements for the revised viability statement are set out in Schedule Three of the S106 agreement.

Schedule 3 of the signed S106 states at paragraph 1.2 that *‘the developer shall not implement the Planning Permission until the value of the second installment is agreed or determined (as appropriate) in accordance with paragraphs 1.3 to 1.5 of this Schedule 3’*.

Paragraph 1.3 stipulates that *'at least four months prior to implementation the developer shall (a) confirm in writing to the City of London that the second installment (affordable housing payment) shall be £7,503,406 (indexed) or, (b) submit to the Corporation the revised FVA that identifies the developer's proposed Second Installment'*. A copy of Schedule Three of the S106 and the accompanying Definitions are attached to this letter as Appendix Two.

We have updated the FVA by way of this letter as opposed to a new report and we anticipate that, supported by up to date relevant information, this will be acceptable to the Corporation and their viability advisors.

A copy of the Corporation's advisors main report and addendum report that reviewed the DS2 2012 FVA is attached as Appendix Three. The reports are dated February and March 2013 respectively.

In undertaking this assessment we have updated a number of the key development inputs and the updated information can be summarised as follows:

- Review of the Site Value for the purposes of viability which was previously included as an Alternative Use Value (AUV) reflecting the residual site value for an unimplemented office consent;
- Review of the residential values for each dwelling as consented with support from Savills Residential;
- Review of the costs for the consented residential scheme with advice from Gleeds cost consultants;
- We have also reviewed all the other development inputs and updated and commented where appropriate.

This letter sets out the revised inputs with our conclusions, in accordance with the requirements of Schedule Three of the S106 agreement, adopted planning policy and best practice guidance. The S106 states in the Definitions section under the heading "Revised Viability Assessment" (part c) that *'the assessment shall be carried out in accordance with the RICS Professional Guidance Financial Viability in Planning (GN 94/2012) (or any update or replacement of such guidance as approved by the Corporation) using a methodology consistent with such guidance and approved by the Corporation'*. We have also had regard to adopted and emerging planning policy and other best practice guidance.

Please note that no formal agreement was ever reached between the applicant and the Corporation in terms of the development appraisal for the now consented scheme. As such, in making a number of comparisons between the November 2012 and February 2014 FVAs, we have used the development appraisal as submitted in November 2012 as the base case. We hope that this is helpful for the Corporation's advisors.

In December 2012 the Corporation's viability assessors kindly noted that DS2 had inadvertently missed the marketing and sales costs from the appraisal contained within the FVA. This point was noted and addressed in a DS2 response dated 21 December 2012. This DS2 note and updated correct appraisal is attached as Appendix Four.

### **Site Value**

In 2012 DS2 estimated a site value for viability purposes of £48,365,000. This site value was based upon a residual calculation of extant office consent for the site reference 10/00459/FULMAJ. We understand from DP9 that the extant consent remains live and as such relevant. In forming our opinion of Site Value we have also reviewed other transactional evidence in order to understand whether there is any further upside from this AUV and our analysis is contained below.

In terms of the justification of the office value, the office market in the City of London has improved markedly since the end of 2012 and expectations are high going into 2014. Take-up in 2013 was extremely strong, and the City enjoyed the most positive year in this regard since 2000. Demand is strong and availability of new space is now at its lowest point since 2008.

The table below illustrates the rents, yields and incentives as included in the November 2012 FVA and the updated appraisal.

<b>Table One: Updated Alternative Use Value for Sugar Quay</b>		
	<b>November 2012</b>	<b>February 2014</b>
Office Rents	Three tranches at £50, £52.50 & £55 per sq ft (pre-let, PC and six months post PC)	Three tranches at £52.50, £55 & £57.50 per sq ft (pre-let, PC and six months post PC). Reflects an average £2.50 per sq ft improvement in achievable rents
Office Yields	5.5%, 5.25% & 5.25% for the three tranches respectively	5.25%, 5% & 5% for the three tranches respectively. Reflects a 25 basis point compression in the yield
Office Incentives	24 months' rent free on each tranche (minimum 10 year term)	24 months' rent free on each tranche (minimum 10 year term)
<b>Site Value</b>	<b>£48,365,000</b>	<b>£57,034,000</b>

The build costs have been increased by 8.7% in line with the advice from Gleeds on the consented residential scheme. As you will note from Table One the new AUV is £57,034,000. In DS2's opinion there is some justification that a 20% profit on cost could be reduced to circa 15% with the benefit of a pre-let which would improve the site value to £62,700,000. We have however left the target return unchanged at 20% on cost.

We have removed the development management fee from the AUV appraisal as included in 2012 as per the Council's assessor's comments in their February 2013 report, albeit this is a real cost and one that might not be carried in a 20 percent gross profit on cost. All other inputs into the AUV appraisal remain unchanged other than those noted above. Table Two illustrates the sensitivities attached to a £2.50 per sq ft increase in the rental values and a 25 basis point alteration to the yield with a 20% profit on cost return.

<b>Table Two: Sugar Quay AUV Rent &amp; Yield Sensitivity Analysis, February 2014</b>			
<b>Rent: Rate pf<sup>2</sup></b>			
<b>Yield (%)</b>	<b>0.00 pf<sup>2</sup></b>	<b>+2.50 pf<sup>2</sup></b>	<b>+5.00 pf<sup>2</sup></b>
-0.50%	£72,906,000	£79,560,252	£86,214,502
	20.00%	20.00%	20.00%
-0.25%	£64,556,618	£70,831,576	£77,106,481
	20.00%	20.00%	20.00%
0.00%	£57,034,563	£62,967,663	£68,900,827
	20.00%	20.00%	20.00%

The green cell illustrates the current position. The table illustrates the impact on site value given changes to the rent and yield inputs in a positive economic environment for City offices as noted by a range of leading agents in their 2014 forecasts.

In terms of evidence of deals within the last 6 months to support the improvement in the office value, the Walbrook Building (23 to 29 Walbrook) was quoting a rent of £57.50 per sq ft and achieved a letting at £60 per sq ft to 'XChanging' for 50,095 sq ft third floor accommodation in November 2013. The building is located close to Cannon Street. Knight Frank and Jones Lang are marketing further space in the building for £52.50 per sq ft. Gallagher Heath also took 35,000 sq ft on the first floor of the same building in October 2013 at £57.50 per sq ft. Vanguard plc took close to 50,000 sq ft in August at £57 per sq ft.

In terms of availability in EC3, number 6 Bevis Marks is a new ground plus 14 storey office building totaling approximately 170,000 sq ft (NIA). Deloitte Real Estate and Jones Lang LaSalle are currently quoting rents of £60 per sq ft. The building is close to 30 St Mary's Axe (Swiss Re) to the north of the subject site.

Cushman and Wakefield are marketing 40 Gracechurch Street at £55 per sq ft. The building comprises circa 130,000 sq ft of Grade 'A' accommodation in a building close to Monument station to the north west of the subject site. No. 24 Monument Street is being marketed at £57.50 per sq ft by Knight Frank. The new building comprises 11 floors of office accommodation and the building is on the north side of Lower Thames Street close to the subject site.

Leading agents have reported a very positive outlook for the City in 2014. Jones Lang LaSalle for example state that the strength of occupier demand has put upward pressure on prime rents which increased to £60 per sq ft at the end of 2013. Typical incentives, assuming a 10 year lease, are at 12 months' rent free for each five years term certain. Strong rental growth is anticipated in 2014 with prime rents forecast to reach £65 per sq ft before the end of the year. Incentives may be squeezed and move in by 3-6 months. A copy of Jones Lang La Salles' outlook for the City office market in 2014 is attached as Appendix Five.

It is therefore our opinion that the alternative use value has improved in the time period from November 2012 to February 2014. A Site Value of £60,000,000 appears reasonable on a residual basis for the office consent.

We have also reviewed the residential land market in order to understand whether there is any upside to the AUV. It is difficult to find truly comparable sites in the City of London and DS2 have therefore attempted to identify riverside sites (or close to) in higher value areas in central London where planning permission has been achieved within the last two years and there are in excess of 150 residential dwellings (there are a number of exceptions in terms of the number of residential dwellings).

#### *Residential / Mixed Use Development Sites*

St Barts Square – this appears to be the only residential site of a significant size in the City of London that has transacted in recent memory where we have access to site acquisition costs. Planning consent was achieved in 2013 for 215 residential dwellings in a part new build and part refurbished development. The site area is 1.29 hectares and the proposed density is significantly lower than Sugar Quay. The consent provides for a significant amount of new retail and office space. The site was transacted for £55 million in 2011. Given the proposed density and mix of uses, we attach limited weight to the evidence. The scheme has a total GEA of 719,283 sq ft reflecting a land price of £76 per sq ft (based on the consented GEA).

St Dunstan's House (Fetter Lane) – this site is to the immediate north of Fleet Street and consent was achieved in March 2012 for 76 dwellings. The site was purchased by Taylor Wimpey for £34,500,000 in March 2013 according to the Land Registry title document. The site is 0.24 hectares and proposes 71,462 sq ft (GIA) of development. This equates to a land value of £482 per sq ft on the consented GIA. We understand from Molior that recent sales trips to the Far East were undertaken with asking prices averaging £1,650 per sq ft. We are unaware as to the pricing levels achieved.

The scheme has a total GEA of 75,223 sq ft reflecting a land price of £459 per sq ft. We would note that the site is being developed by a house builder who in our experience will benefit from efficiencies of scale and in-house capabilities in terms of construction which will be reflected in the land price. This should be taken into consideration in the assessment of land value.

Fulham Riverside – acquired for £32,900,000 in 2010 by Sainsbury's Supermarkets albeit a JV was formed in 2012 between Barratt London and London & Quadrant. The site has planning for 463 homes as well as a new supermarket and a variety of other retail uses. Recent marketing launch (December 2013) illustrates asking prices at circa £1,100 per sq ft. The scheme has a total GEA of 1,155,418 sq ft. We have been unable to make an accurate assessment of the real site value on a £ per sq ft basis for the consented development, but it would appear lower than that proposed at Sugar Quay.

Riverlight (Tideway Wharf) – this site was acquired for £50,925,000 in 2011 by St James, part of the Berkeley Group. The site was granted consent in December 2011 for 806 homes and a range of commercial uses. The first marketing phases have been around the £1,050 per sq ft mark. We have been unable to ascertain an accurate site value on the consented scheme however on a crude calculation based on the number of proposed dwellings, the site value on a range of measures appears to be below that proposed at Sugar Quay.

Embassy Gardens, SW8 – the site was purchased by Pridebank Limited with NAMA listed as the principal lender for £87,623,000 in October 2013. The site has consent for close to 1,900 new homes and a range of commercial development. We understand from the developers Ballymore that current marketing phases are averaging over £1,000 per sq ft. The scheme has a total GEA of 249,604 sq ft reflecting a land price for the consented development of £351 per sq ft. Given the scale of development proposed and the mix of uses, we do not believe this is a robust comparable.

Riverwalk House, SW1 - was acquired in July 2012 for £70,000,000. The site is adjacent to Vauxhall Bridge in Westminster and the consent includes off-site affordable housing elsewhere on Vauxhall Bridge Road. The site was granted consent this year for 113 residential dwellings. Pricing is unavailable however we understand from Moliar that asking prices in recent overseas marketing campaigns have been in excess of £2,000 per sq ft. The site is not dissimilar in terms of riverside location and scale albeit the site does not have the same sales risk profile as Sugar Quay being in Westminster. The scheme has a total GEA of 265,020 sq ft reflecting a transaction price of £264 per sq ft. This is a reasonably helpful comparable.

The Corniche (Hampton House) – this site was acquired by St James for £50,000,000 in 2012. The site is in Lambeth on the Albert Embankment. The site has planning for 253 residential dwellings and some retail and office space with some of the residential going up to 27 floors. Residential values will average in the region of £1,000 per sq ft.

Abel & Cleland House – this former office building was acquired for £67,000,000 in 2010 by the Berkeley Group. The site is located just off the river behind Millbank Tower and has consent for 275 residential dwellings. Current pricing is in the region of £1,600 per sq ft but with large apartment's capital values range from £1.8m to £8m. The scheme has a total GEA of 453,692 sq ft reflecting a land price of £148 per sq ft. This is a helpful comparable given the scale of development and price point albeit it's just off the riverside.

190 The Strand – this site is off the waterfront but not dissimilar in terms of scale. The site consisting of six office buildings formerly known as Abbey Life House was acquired by a subsidiary of the Berkeley Group in 2012 for £84,000,000. The site has planning for 206 residential units and a relatively small amount of retail and restaurant uses. The sales information available is limited however there are apartments currently available with very high capital values currently ranging from £3m to £14m. According to London Residential Research, asking prices are averaging circa £2,400 per sq ft. We are unclear on achieved pricing. The scheme has a total GEA of 519,794 sq ft reflecting a transaction price of £162 per sq ft.



South Bank Tower (Kings Reach) – the site was acquired in 2010 for £50m. The site has planning for 191 residential apartments in a 42 storey tower and a range of commercial uses on the lower floors. According to Moliոր current pricing is averaging £1,700 per sq ft albeit this includes a range of apartments from the 11th to 27th floors. The scheme has a total GEA of 731,794 sq ft reflecting a transaction price of £68 per sq ft.

One Blackfriars – the site was acquired the former Sainsbury’s head office building for £232,000,000 by St George in 2013. Planning comprises 274 residential dwellings in a 50 storey tower with a 120,000 sq ft hotel and other commercial uses. The GEA in the planning application is 806,500 sq ft which equates to £207 per sq ft land value on the GEA or with a 5% reduction for GEA to GIA a land value of circa £300 per sq ft. There is a limited amount of information available publically however we understand that there is a wide range of £ per sq ft values, however average rates on the lower floors are just above £1,000 per sq ft with values touching £3,000 per sq ft on the upper floors. We understand that the sales rate for a central London scheme is relatively slow albeit this is anecdotal evidence. The scheme has a total GEA of 806,500 sq ft reflecting a land price of £288 per sq ft.

One Tower Bridge – Berkeley paid a relatively small sum for this site in 2007 and as such no comparison can be made with the subject site. The scheme has a total GEA of 543,539 sq ft reflecting a transaction price of £110 per sq ft.

Based on the evidence available, we are of the conclusion that the AUV remains the most robust Site Value for the purposes of viability on Sugar Quay given the variation in location, density, property mix and so on of the comparable sites.

The Site Value therefore proposed is £60 million at today’s date. The Site Value in 2012 was £48,365,000. The RICS GN is clear at 3.4.9 that *‘It has become very common for practitioners to look at alternative use value (AUV) as a land value benchmark. This will come with its own set of planning obligations and requirements. Reviewing alternative uses is very much part of the process of assessing the market value of land and it is not unusual to consider a range of scenarios for certain properties. Where an alternative use can be readily identified as generating a higher value, the value for this alternative use would be the market value’*. As such we are of the opinion that we are compliant with both adopted planning policy and the RICS GN in this regard.

### **Residential Values**

Savills have updated their residential report dated November 2012. This is attached as Appendix Six of this letter.

In November 2012 Savills valued the residential accommodation at an average rate of £1,511 per sq ft. This includes a range of capital values of between £395,000 and £9.53 million. It is important to reiterate that the average £ per sq ft rates do not tell the whole story. The rate is included as an average for in excess of 165,000 sq ft (NIA) of development. There are some very large unit sizes and as such adequate regard should be had to an assessment of the capital values and the comparable evidence available.

As noted at the time there were 35 apartments valued at above £2 million at Sugar Quay. The Savills analysis demonstrated that the City residential market is extremely thin at this end as demonstrated by a distinct lack of sales evidence and relatively poor sales performance on apartments with capital values above £1.5 million, a point that remains and is included in Savills’ updated analysis. The City residential market is very different for example to the Westminster market where considerable sales volumes are achieved at high capital values. This isn’t the case in the City of London.

Savills have revalued the proposed accommodation at Sugar Quay with regard to the comparable evidence available and their knowledge of the City of London residential market. The updated Savills average £ per sq ft values are included in the table below with reference to the November 2012 values.

<b>Table Three: Average £ per sq ft Rates for Sugar Quay, February 2014</b>					
<b>Unit Type</b>	<b>November 2012</b>	<b>February 2014</b>	<b>% Change</b>	<b>Avg Apartment Size (sq ft)</b>	<b>Avg Capital Value (Feb 2014)</b>
<b>Studio</b>	£1,128	£1,543	36.8%	398	£614,000
<b>One Bed</b>	£1,077	£1,333	23.8%	611	£814,000
<b>Two Bed</b>	£1,399	£1,541	10.2%	1,079	£1,662,000
<b>Three Bed</b>	£1,792	£1,942	8.4%	2,002	£3,887,000
<b>Penthouses</b>	£2,166	£2,126	-1.8%	2,285	£4,857,000
<b>Duplex P/H</b>	£2,160	£2,249	4.1%	3,240	£7,150,000
<b>Averages</b>	<b>£1,518*</b>	<b>£1,683</b>	<b>10.9%</b>	<b>n/a</b>	<b>£1,625,000</b>

*\*the final figure of £1,518 per sq ft is as advised by Savills in February 2013 following meetings with the City of London's viability advisors following the submission of the application at the end of 2012. The application submission included an average rate of £1,511 per sq ft some £7 per sq ft lower.*

The Savills values have increased by 10.9% and are now included at an average of £1,683 per sq ft or £1,700 per sq ft once car parking is included. There remains a significant nervousness around the ability of the City Residential market to absorb what are a large number of dwellings at a high price point. The average capital value for the 165 residential units is £1,625,000. The units at the upper end of the price range have not increased and this is based on Savills review of the market and their continuing nervousness regarding sales at this price point in the City residential market.

The Savills updated market analysis clearly shows that sales at this level in the City market are uncommon. Page Four of the Savills analysis illustrates 440 residential sales in the City in the 12 months from the end of 2012 with the vast majority, 89%, below £1 million, 39 sales (9%) in the £1m to £2m price bracket and 8 sales (2%) in the £2m to £5m bracket. There were no sales above £5m.

The Sugar Quay pricing is included on page 5 of Savills report. Of the 165 residential apartments at Sugar Quay, 45 are in the £1m to £2m price bracket, 32 apartments in the £2m to £5m price bracket and 6 dwellings in the £5m plus price bracket. Simply there are more apartments in the £1m to £2m, £2m to £5m and £5m price bands than were recorded in the City residential market in the 12 months following the submission of the last FVA.

It should also be noted that whilst there are a number of large penthouse apartments with fantastic views of the South Bank and Tower Bridge there are a greater number of smaller apartments with no or limited river views fronting the office buildings and car parks with a north facing aspect. There are very few schemes on the river with scale in London with an average £ per sq ft value in excess of £1,500 per sq ft. Riverwalk House adjacent to Vauxhall Bridge currently under construction seems to be the exception albeit this site is located in Westminster and the only prices we have are asking prices.



## Build Costs

Gleeds have updated the November 2012 elemental breakdown. Their addendum dated 11 February 2014 is attached as Appendix Seven of this submission. The revised costs include inflation at 8.7%. Gleeds have included the calculation for their uplift in construction costs on page 2 of their addendum. A breakdown of the increased costs as included in the updated DS2 present day development appraisal are as follows:

<b>Table Four: Analysis of Sugar Quay Build Costs, February 2014</b>		
	<b>Nov 12</b>	<b>Feb 14</b>
demolition	£2,000,000	£2,173,200
car park / basement	£4,054,400	£4,405,511
resi shell & core	£32,968,089	£35,823,126
resi fit out	£34,270,350	£37,238,162
restaurant café	£1,022,240	£1,110,766
gym	£2,918,833	£3,171,604
statutory connections	£958,500	£1,041,506
external works	£2,027,875	£2,203,489
renewables	£1,229,247	£1,335,700
<b>total</b>	<b>£81,449,534</b>	<b>£ 88,503,064</b>
prelims @17%	£13,846,421	£15,045,521
sub total	£95,295,955	£103,548,584
OH&P @4%	£3,811,838	£4,141,943
<b>sub total</b>	<b>£99,107,793</b>	<b>£107,690,528</b>
design reserve @3%	excluded	£3,230,716
Contingency @5%	£4,955,390	£5,384,526
<b>TOTAL COST</b>	<b>£107,036,416</b>	<b>£116,305,770</b>
<b>TOTAL COST (rounded)</b>	<b>£107,000,000</b>	<b>£116,300,000</b>

This derives a total construction budget of £116,300,000. This is an increase from £107,000,000 in November 2012. Gleeds will provide a duty of care letter if this is required and they are of the opinion that this is a fair and reasonable reflection of the costs at the date of the assessment.

You will note that the original cost plan contained a 5% contingency and a 3% design reserve. In November 2012 DS2 included only the contingency in the appraisal however we are advised by Gleeds that both figures should be included as legitimate development costs. We have made this amendment to the new appraisal and can provide further justification if required.

The cost inflationary measure is higher than that forecast in Section 11 of the November 2012. Gleeds have been asked about this and state that the market has moved considerably over the last 6 months with a combination of returning confidence, more opportunities, availability of funding and a lack of labour. Prices have risen as order books are being filled. It is becoming harder to find Contractors that will tender certain projects and the sub-contractor market is even worse.

There is a vast difference between the outlook for 2014 and beyond as recorded in 3Q12, than now. Gleeds Inflation report in 3Q12 against our report 4Q13 states inflation as follows:

<i>3Q12 Report (Gleeds)</i>	
3Q12 – 3Q13	0.5%
3Q13 – 3Q14	2.0%
3Q14 – 3Q15	3.0%
3Q15 – 3Q16	5.0%

3Q13 Report (Gleeds)

4Q13 – 4Q14	4.50%
4Q14 – 4Q15	5.0%
4Q15 – 4Q16	5.0%
4Q16 – 4Q17	5.0%

BCIS Actual Inflation for the first half of 2013 is 5%, when Gleeds were predicting only 0.5%, which illustrates how things have changed over the period of forecast to actual.

**Other Development Inputs**

The table below illustrates a list of the development inputs as included in the 2012 FVA and the updated appraisal. In making this comparison we have reviewed the development appraisal as submitted with the 2012 FVA.

<b>Table Five: Analysis of Sugar Quay Proposed Scheme Development Inputs, February 2014 (excluding build costs and residential values)</b>			
<b>Input</b>	<b>November 2012</b>	<b>February 2014</b>	<b>Comment</b>
Purchaser's Costs on Commercial Property	5.88%	5.80%	Amended
Stamp duty, agents & legal fees on land purchase	4% / 1% / 0.5%	4% / 1% / 0.5%	Unchanged
Mayoral CIL	£501,900	£1,229,800	As advised by DP9
S106 payment	£5,000,000 (AH payment) & zero other planning obligations	£7,503,406 (AH payment)	As consented and subject to indexation. No further obligations (or 278 works) are included
Professional fees	12%	12%	Unchanged
Commercial marketing	£2 psf	£2 psf	Unchanged
Letting agent / legal fee	15% / 5%	15% / 5%	Unchanged
Residential marketing	2%	2%	Unchanged
Residential agent / legal fee	1.5% / 0.5%	1.5% / 0.5%	Unchanged
Development management fee	2%	Zero	Removed
Finance	7%	7%	Unchanged

## Development & Sales Timings

We have updated the timings as follows:

- Project start date – January 2014
- Pre-construction – 9 months
- Build contract – 36 months
- Post completion – 12 months

In terms of sales, we have assumed deposits will be drawn down equal to 10% of the achieved pricing. There is no guarantee however that this will be the case.

For the studio apartments and one and two bed accommodation we have assumed that circa 10% will be sold in October 2014 as a requirement of any funding agreement. The figure could potentially be higher. A further 60% of the sales are made during construction with a nine month post completion sales period for these units.

In relation to the larger 3 beds, penthouses and duplex penthouses we have assumed that these will not be sold during the pre-construction period. The income for these dwellings is included in the nine month post completion sales period.

We are of the opinion that based on the information provided by Savills there is a significant risk that the sales period will be extended given the high average capital values. If this is the case, financing costs and marketing costs will increase thus reducing the viability of the project.

## Updated Appraisal Results

The revised development appraisal with a fixed land value of £60,000,000 derives a residual profit on cost of 11.52%. The ungeared Internal Rate of Return (IRR) is 11.69% and the profit on value is 10.47%. The revised AUV and consented scheme appraisals are contained at Appendix 8 and 9 respectively.

In November 2012 DS2 adopted an IRR in the FVA. Whilst the Corporation's advisors were in agreement that an IRR could be used as a target return, we were unable to agree on the rate at which it should be set. As such in assessing the measure of viability we have targeted a more traditional profit on cost approach.

We are of the opinion that a 20% profit on cost is a reasonable rate of return and indeed could be higher depending on funder's requirements. The current rate of return in the revised appraisal is below the target rate of return and as such the scheme in accordance with adopted planning policy is unviable and cannot support any additional planning obligations for affordable housing.

<b>Table Six: Residential Sale Value and Construction Cost Sensitivity Analysis</b>						
		Construction per sq ft				
		-10.00%	-5.00%	0.00%	5.00%	10.00%
Sales £ per sq ft	-10%	£39,281,641	£35,573,678	£31,865,712	£28,157,690	£24,449,750
	-5%	£47,130,987	£43,423,033	£39,715,073	£36,007,109	£32,299,142
	0	£54,980,389	£51,272,374	£47,564,425	£43,856,468	£40,148,505
	5%	£62,829,756	£59,121,788	£55,413,760	£51,705,815	£47,997,861
	10%	£70,679,119	£66,971,154	£63,263,187	£59,555,219	£55,847,203

Looking at the appraisal another way, with a fixed rate of return of 20% profit on cost, the residual land value is £47,564,000. Table 6 illustrates the impact on the residual land value given incremental changes in the residential sales values and the construction build costs.

Table 7 illustrates the development inputs for the capital sums for the 2012 FVA and the updated 2014 version.

<b>Table Seven: Analysis of 2012 and 2014 FVAs for Sugar Quay</b>			
<b>Input</b>	<b>November 2012</b>	<b>February 2014</b>	<b>Comment</b>
Residential revenue	£241,979,095	£269,593,604	Increased revenue through valuation from Savills
Commercial revenue	£2,719,653	£4,059,719	Uplift as a result of comments from Corporations viability consultant
Other revenue	£3,406,000	£3,406,000	-
Benchmark Land Value	£48,365,000	£60,000,000	Uplift in AUV
Core construction costs	£75,233,912	£81,749,806	As a result of the revised Gleeds costs
Contingency	£4,955,390	£8,615,242	As a result of the updated Gleeds costs and also the inclusion of the design reserve
Demolition	£2,000,000	£2,173,200	As a result of Gleeds cost inflation
CIL / S106 costs	£5,501,900	£8,733,208	Includes updated CIL an S106 payments and affordable housing payment
Other construction	£21,873,881	£23,768,158	As a result of Gleeds cost inflation
Professional Fees	£12,487,582	£13,956,769	As a result of Gleeds Cost inflation
Marketing, Letting & Disposal Fees	£8,558,719	£10,911,542	Increased revenues
Development Management Fee	£2,081,264	Nil	Removed
Finance	£27,218,056	£30,598,116	Increased build costs, increased peak borrowing requirement and higher Site Value (higher AUV as a fixed cost)

## Summary

To summarise, the Site Value has increased to £60 million. Residential values and build costs have both increased and these increases have been factored into our revised appraisal. The residual profit for the proposed scheme is below the target rate of return and as such the scheme cannot afford to make any additional affordable housing payment in accordance with the signed S106 agreement.

We anticipate that this letter and accompanying information will now be passed to your viability consultants for review and we look forward to hearing from them.

Please let me know if anything is unclear.

Yours sincerely

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## EXECUTIVE SUMMARY

1. Gerald Eve is instructed by the City of London Corporation under the terms of the S106 dated 16<sup>th</sup> September 2013 relating to development of Sugar Quay, Lower Thames Street EC3. The terms of the S106 Agreement have also been taken in to account in terms of our “date of assessment” and compliance with the RICS GN (94/2012).
2. DS2’s residual methodology approach for the Scheme appraisal is generally consistent with the RICS GN 94/2012 and generally accepted practice except where identified in this report.
3. The Site is in a world class location.
4. A present day appraisal is an appropriate approach, subject to sensitivity analysis, albeit this does not necessarily reflect the potential uplift which could result from a growth in sales values of completed units for this particular scheme.
5. It is also reasonable to include growth into an appraisal for the Scheme given its world class location, the project timescale, and prime central London market for residential. Recent evidence suggests that the city residential market has “out priced” prime London.
6. The specification both of the external appearance and internal fit out is aimed at the prime central London market for high end luxury accommodation.
7. A number of allowance and contingencies have been allowed for which we would normally expect to have been refined at this stage in the schemes evolution i.e. 4 months prior to implementation.
8. DS2 and Savills have identified that there is a general value tone change from units without a river view to those with an oblique view, and those with a full view.
9. DS2 has not fully addressed the likely and significant upside in respect of values, notwithstanding Savills’ letters. Given the unique characteristics of the Site, the market for the units, should fall within a prime central London context.
10. A number of units in the Scheme are considered to be under-priced.

11. There are varying degrees of upside for each Unit within the Scheme, depending on its aspect, and its position.
12. Sensitivity analysis demonstrably shows the propensity for the upside notwithstanding an increase in costs more reflective of this world class riverside location.
13. On the basis of the information provided by the Applicant, adjustments set out above, and sensitivity analysis, we are of the view the Scheme can afford a full payment in lieu of affordable housing on-site.

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## 9 Conclusions and recommendations

9.1 Gerald Eve, have undertaken a detailed Review of DS2's RVA, in line with CoL's obligations under the S106 and have reached the following preliminary conclusions:

- a. The Site is a world class location.
- b. DS2's RVA and appendices are generally consistent with the RICS GN 94/2012 and accepted practice in undertaking assessments of this nature. We do however have reservation concerning the appraisals given the implied date of assessment (see paragraph 1.3) and the RICS GN (paragraph 3.5).
- c. We have assessed the updated financial information for the Scheme, and we have varied a number of inputs in light of our research, knowledge and experience in appraising the viability of central London residential schemes.
- d. Whilst DS2 has not included growth into its appraisal and relied on a present day model, we are of the view that it is also unreasonable to consider using growth and inflation when assessing the Scheme, given the development programme and volatility of the city and prime London market.
- e. DS2's target profit on cost for a present day appraisal is 20%. This is not fully justified in their report.
- f. We consider a 17.5% IRR as an appropriate target, with assumptions on growth and inflation, and having regard to the risks associated with the development of the Scheme.
- g. DS2 and Savills have identified that there is a general value tone change from units without a river view to those with an oblique view, and those with a full view.
- h. With regard to the residential values provided to the flats which are fronting the river, we are of the view that there is significant potential for these properties to sell at prices in excess of the pricing put forward by Savills.
- i. The upside on each unit varies proportionally relative to its location in the



Scheme, it therefore follows that the upside on a unit with a river view has a considerably higher upside than those with no river view.

- j. Given the location, the commercial rent and yield applied to the Scheme is considered to be lower than what we would anticipate. We are also of the view that the capital value for the car parking is at the lower end of a potential range.
- k. On review of the professional and other fees, we are of the view that the majority are consistent with what we would expect for a development of this nature.
- l. We have relied on the Gleeds' cost report, and have applied a tolerance of plus/minus 5% to 10% in our sensitivity analysis. Should it emerge that further scrutiny on costs is required, and say for example changes to the Scheme's cladding occurs. We would have expected given the implied start on site date that value engineering would have removed the 5% design reserve. Other allowances and contingencies should also have been either reduced or removed altogether.
- m. The specification both of the external appearance and internal fit out is aimed at the prime central London market for high end luxury accommodation.
- n. On the basis of the adjustments set out in this report and the information provided by the Applicant, we are of the view the Scheme can afford a full payment in lieu, or, the entirety of the Second Instalment as defined in the S106, as £7.5m, as opposed to the £NIL offer put forward by the applicant.
- o. We appreciate that our recommendation is not binding and under the terms of the S106 the Applicant may wish to dispute our conclusions, and the financial viability of the Scheme be determined by a suitably qualified third party.

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<b>Committee(s):</b>	<b>Date(s):</b>
Planning & Transportation	30 July 2014
<b>Subject:</b> Adoption of draft Office Use Supplementary Planning Document as Interim Planning Guidance	<b>Public</b>
<b>Report of:</b> Director of the Built Environment	<b>For Decision</b>

### Summary

The draft City of London Local Plan has been formally submitted to the Secretary of State for public examination. Draft alterations to Policy CS1 and draft Policy DM1.1 seek to resist the loss of existing office accommodation in the City.

A draft Office Use Supplementary Planning Document has been prepared to provide further guidance on the evidence that developers will need to submit to the City Corporation in support of proposals for the change of use of office accommodation.

The draft SPD has been subject to public consultation alongside the draft Local Plan and amendments are proposed to reflect comments received. As the draft SPD provides supplementary guidance to the draft Local Plan it will not be formally adopted as a SPD until the draft Local Plan has been considered through public examination and adopted. Adoption is currently expected to take place in spring 2015. In the interim period, it is proposed that the draft Office Use SPD be adopted by the City Corporation as Interim Planning Guidance. This will ensure that the guidance contained in the draft SPD can be a material consideration alongside the draft Local Plan in the determination of planning applications.

### Recommendation(s)

Members are recommended to adopt Appendix 1, the revised draft Office Use Supplementary Planning Document, as Interim Planning Guidance, from today's date, pending adoption of the Local Plan.

### Main Report

#### Background

1. The draft City of London Local Plan was formally submitted to the Secretary of State on 23<sup>rd</sup> May 2014 for public examination. Draft alterations to Policy CS1: Offices and new draft policy DM1.1: Protection of office accommodation, seek to resist the loss of existing office accommodation in the City. Protection for

offices is necessary to maintain the City's strategically important office cluster and to enable further office development in order to meet floorspace targets in the draft Local Plan. Draft Local Plan policies also respond to the local exemption given to the City of London from national permitted development rights which allow the change of use of offices to housing without the need for planning permission. The supporting text in the draft Local Plan indicates that a Supplementary Planning Document (SPD) will be prepared to provide further guidance on the evidence that developers will need to submit to the City Corporation to support proposals for a change of use from office to other uses.

2. The Planning and Transportation Committee approved a draft Office Use SPD for public consultation at its meeting on 14<sup>th</sup> January 2014. The SPD was subsequently issued for public consultation for 6 weeks between 17<sup>th</sup> January and 28<sup>th</sup> February 2014, alongside the pre-submission consultation on the draft Local Plan.

### **Current Position**

3. Ten representations were received on the draft SPD. Key issues raised in these representations were:
  - a. objection to the principle of protecting office accommodation and need for further SPD guidance,
  - b. the need for greater flexibility in determining applications for change of use from offices to other uses, particularly to address uncertainty over future economic circumstances and growing market demand for new residential and hotel development,
  - c. the need for greater clarity over timeframes for required information, including marketing information,
  - d. the need to review the SPD in light of the public examination into the Local Plan.
4. There were also a number of comments in support of the draft SPD, including from the Mayor of London, who commented that the draft SPD was comprehensive and in line with both existing London Plan policy and emerging policy in the Further Alterations to the London Plan.
5. Details of these comments and how these have been taken into account in preparing revised draft guidance are set out in the Consultation Statement, which is attached at Appendix 2.

### **Proposals**

6. The National Planning Policy Framework (NPPF) indicates that weight may be given to an emerging local plan in the determination of planning applications, according to the stage of preparation of the plan, with greater weight given the further the plan has progressed. The draft Local Plan has been submitted to the Planning Inspectorate for public examination and, although it does not carry the full weight of an adopted plan, it should carry significant weight for the following reasons:

- a. the draft Local Plan has been subject to several stages of consultation and has now been submitted for examination. The draft Plan has been considered by the Court of Common Council and approved as sound planning policy for submission to the Secretary of State.
  - b. The overall strategy of promoting and protecting office floorspace is in accordance with the policies and strategic objectives of the adopted City of London Core Strategy which, in turn, is in conformity with the adopted London Plan and the reasoning behind the Government's exemption for the City of London from national permitted development rights for the change of use of offices to residential.
  - c. The Mayor of London has indicated that the draft Local Plan is in general conformity with the London Plan.
7. The draft Local Plan is therefore a material consideration in the determination of planning applications carrying significant weight.
8. The draft SPD provides further guidance to the development industry on the evidence required to support proposals which involve the loss of existing offices. The intention is that the draft SPD will be formally adopted once the Local Plan itself has been considered through public examination and adopted by the City Corporation. The current expectation is that the Local Plan will not be adopted until spring 2015. To provide greater certainty to the development industry as to how the City Corporation will interpret and apply draft Local Plan policies CS1 and DM1.1, it is proposed that the draft Office Use SPD be adopted as Interim Planning Guidance to assist in the determination of planning applications. In line with the guidance in the NPPF as to the weight to be afforded to the emerging Local Plan, adopting the draft SPD as Interim Planning Guidance at this time will ensure that it carries weight (albeit less than an adopted SPD) in the determination of planning applications, particularly as it has been informed by up to date evidence, has been subject to public consultation in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012, and amendments in the light of consultation responses will have been approved by your Committee. A copy of the revised draft Office Use SPD which is proposed to be adopted as Interim Planning Guidance is attached at Appendix 1. Amendments from the previous draft SPD are shown in bold underline for new text and strikethrough for deleted text.
9. Assuming that the Inspector approves the draft City of London Local Plan without making substantial recommendations for modifications, the intention is that the draft Office Use SPD would be formally adopted by the City Corporation alongside the Local Plan. The proposal to formally adopt the SPD will be brought to a future meeting of your Committee.

### **Corporate & Strategic Implications**

10. The proposed Office Use Interim Planning Guidance will complement and provide further guidance to the City Corporation's draft Local Plan, pending examination and adoption of the Local Plan and formal adoption of the Office Use SPD in spring 2015.

11. The Interim Planning Guidance will contribute towards meeting Divisional Objective PP2 in the Department of the Built Environment's Business Plan 2014-17, and aligns to the Vision, Strategic Aims and Key Policy Priority 1 in the City Corporation's Corporate Plan 2013-17 'Supporting and promoting the international and domestic financial and business sector'.

### **Implications**

12. There are no financial implications arising from this report and the legal implications are dealt with in the body of the report.

### **Conclusion**

13. The draft Local Plan proposes new policy guidance strengthening the protection for existing offices in the City. A draft Office Use SPD has been prepared to provide further guidance on the evidence required to support applications for the change of use of existing offices. The draft SPD has been the subject of public consultation but, since it is based upon policies in the draft Local Plan, will not be formally adopted until the draft Local Plan itself has been adopted in spring 2015. In the interim period, to ensure that the guidance in the draft Office Use SPD is a material consideration in the determination of planning applications, it is proposed that it be adopted as Interim Planning Guidance, pending adoption of the draft Local Plan.
14. Upon adoption, the Interim Planning Guidance and the Consultation Statement will be placed on the City Corporation's website. Notification of adoption will be sent to all those individuals and organisations that commented on the draft Office Use SPD and those who commented on the draft Local Plan. The Interim Planning Guidance will also be included in the evidence base for the City of London Local Plan public examination and a copy sent to the Inspector undertaking the examination.

### **Appendices**

- Appendix 1 – Office Use Interim Planning Guidance
- Appendix 2 – Draft Office Use Supplementary Planning Document Consultation Statement

### **Background Papers:**

Report to Planning & Transportation Committee 14<sup>th</sup> January 2014: Consultation on draft Office Use Supplementary Planning Document

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# City of London

## Draft Office Use Supplementary Planning Document Interim Planning Guidance

17<sup>th</sup> July 2014



## **BACKGROUND NOTE**

The City of London Corporation consulted on a draft of the Office Use Supplementary Planning Document (SPD) between 17 January 2014 and 28 February 2014, alongside pre-submission consultation on the City of London Local Plan.

The draft Office Use SPD provides further guidance in support of draft Local Plan policies CS1: Offices and DM1.1: Protection of office accommodation. It sets out the evidence that developers will need to submit to the City Corporation in support of proposals for the change of use of office accommodation.

As the draft Office Use SPD provides further guidance to the draft Local Plan, it will not be formally adopted by the City Corporation as a SPD until the Local Plan itself has been adopted. The draft Local Plan was submitted to the Secretary of State on 23<sup>rd</sup> May 2014 for public examination. Public hearings into the draft Local Plan are programmed to take place in early October 2014 and it is not expected that the draft Local Plan will be formally adopted until spring 2015.

In accordance with the provisions of the National Planning Policy Framework, the draft Local Plan will carry significant weight and be a material consideration in the determination of planning applications. To provide certainty to the development industry as to how the City Corporation will interpret and apply draft Local Plan policies CS1 and DM1.1, and the evidence required to support proposals involving the loss of existing office accommodation, the City Corporation formally adopted the draft Office Use SPD as Interim Planning Guidance on 17<sup>th</sup> July 2014.

The City Corporation will have regard to the requirements set out in this Interim Planning Guidance in providing pre-application advice to developers and in determining planning applications.

Subject to the recommendations of the Local Plan Inspector, it is envisaged that this Interim Planning Guidance will be adopted by the City Corporation as a Supplementary Planning Document alongside the Local Plan in early 2015.



# City of London Office Use Supplementary Planning Document Interim Planning Guidance

## Objectives

1. The emerging City of London Local Plan protects existing **B1** office accommodation where there are strong economic reasons why the loss of this accommodation would be inappropriate. This approach accords with:
  - guidance in the National Planning Policy Framework (NPPF);
  - the national importance of the City's office market, reflected in the City of London's local exemption from national permitted development rights for the change of use from office to residential;
  - evidence which demonstrates that a range of office types and sizes are needed to maintain a robust office environment and ensure the City remains an attractive location for business investment.
2. The draft Local Plan requires that offices should be protected unless applicants can demonstrate that offices are no longer a suitable and viable use in the longer term. The key priority in the City is to maximise opportunities that promote sustainable economic growth and create jobs, serving both the immediate area and the wider economy of London.
3. This ~~Supplementary Planning Document~~ Interim Planning Guidance provides further guidance on the evidence required by the City of London Corporation (the City Corporation) to support proposals resulting in the loss of existing office accommodation.

## Structure

4. This ~~Supplementary Planning Document~~ Interim Planning Guidance:
  - summarises the planning policy approach to proposals involving the loss of office use
  - summarises the office market and its importance within the City of London; and
  - sets out the evidence required by the City Corporation from developers in support of proposals for the change of use or redevelopment of offices to other uses.

## National Planning Policy

5. The National Planning Policy Framework (NPPF) sets out the government's planning policies for England and how these are expected to be applied. **The NPPF establishes a presumption in favour of sustainable development, which is reflected within the draft City of London Local Plan and underpins the guidance in this Interim Planning Guidance.** The following paragraphs are particularly relevant to City of London office development policies **and the achievement of sustainable economic growth and job creation.**

### **NPPF Paragraph 21:**

"Investment in business should not be over-burdened by the combined requirements of planning policy expectations. Planning policies should recognise and seek to address potential barriers to investment, including a poor environment or any lack of infrastructure, services or housing. In drawing up Local Plans, local planning authorities should:

- set out a clear economic vision and strategy for their area which positively and proactively encourages sustainable economic growth; set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period;
- support existing business sectors, taking account of whether they are expanding or contracting and, where possible, identify and plan for new or emerging sectors likely to locate in their area. Policies should be flexible enough to accommodate needs not anticipated in the plan and to allow a rapid response to changes in economic circumstances;
- plan positively for the location, promotion and expansion of clusters or networks of knowledge driven, creative or high technology industries;
- identify priority areas for economic regeneration, infrastructure provision and environmental enhancement; and
- facilitate flexible working practices such as the integration of residential and commercial uses within the same unit."

### **NPPF Paragraph 51:**

"They (local planning authorities) should normally approve planning applications for change to residential use and any associated development from commercial buildings (currently in the B use classes) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate."

## London-wide Planning Policy

6. The London Plan forms part of the Development Plan for the City of London. Development proposals are considered in the context of the policies in the London Plan and the City Corporation's Core Strategy and

emerging Local Plan. The following policies are particularly relevant to proposals affecting office uses.

### **London Plan Policy 2.10 Central Activities Zone – Strategic Priorities**

“Strategic

A The Mayor will, and boroughs and other relevant strategic partners should:

c sustain and enhance the City of London and, although formally outside the CAZ, the Isle of Dogs as strategically important, globally-orientated financial and business services centres.”

### **London Plan Policy 4.2 Offices**

“Strategic

A The Mayor will and boroughs and other stakeholders should:

a support the management and mixed use development and redevelopment of office provision to improve London’s competitiveness and to address the wider objectives of the London Plan, including enhancing its varied attractions for businesses of different types and sizes including small and medium sized enterprises.

b recognise and address strategic as well as local differences in implementing this policy to:

– meet the distinct needs of the central London office market, including the north of the Isle of Dogs, by sustaining and developing its unique and dynamic clusters of ‘world city’ and other specialist functions and business environments, and

– consolidate and extend the strengths of the diverse office markets....

c encourage renewal and modernisation of the existing office stock in viable locations to improve its quality and flexibility.

d seek increases in the current stock where there is authoritative, strategic and local evidence of sustained demand for office-based activities...”

### **London Plan Policy 4.3 Mixed Use Development and Offices**

“Strategic

A

a Within the Central Activities Zone and the north of the Isle of Dogs Opportunity Area, 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...

B LDFs should

b develop local approaches to mixed use development and office provision taking into account the contribution that ‘land use swaps’, ‘housing credits’ and off-site contributions can make, especially to sustain strategically important clusters of commercial activities such as those in the City of London ...”

7. Paragraph 4.17 of the London Plan indicates: “As a general principle, housing and other uses should be required on-site or nearby to create mixed use neighbourhoods. Exceptions to this should only be permitted where mixed use might compromise broader objectives, such as sustaining important clusters of business activity, for example in much of the City...”

### **City of London Policy – Core Strategy and emerging Local Plan**

8. The City of London Core Strategy 2011 and emerging Local Plan reflect the approach in the London Plan and seek to sustain the City’s strategically important business clusters by encouraging office development and resisting the loss of suitable offices that are viable in the longer term. **The draft Local Plan seeks to meet and exceed London Plan housing targets. Evidence from the London-wide Strategic Housing Land Availability Assessment demonstrates that there is sufficient capacity within the City of London to meet London Plan housing targets up to 2026 alongside the policy approach of protecting existing office accommodation.**
9. Key policies are draft Local Plan policies CS1: Offices, DM1.1: Protection of office accommodation and DM1.5: Mixed uses in commercial areas.

#### **Core Strategic Policy CS1: Offices**

“5) Protecting existing office accommodation where there are strong economic reasons why the loss of offices would be inappropriate, including losses that would prejudice the primary business function of the City, and the variety of accommodation required by the business City.”

#### **Draft Local Plan Policy DM 1.1 Protection of office accommodation**

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

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

10. Paragraph 3.1.8 of the emerging Local Plan further states: “Proposals for change from offices will normally be refused if the building or site is considered to be suitable for long-term viable office use. Applicants seeking an exception will need to show robust evidence relating to the

current and long term unsuitability of the site for office use and that the proposed change would not adversely affect the existing beneficial mix of commercial uses in the area nor prejudice the primary business function of the City. Exceptionally, the loss of individual office developments to other commercial or infrastructure uses may be acceptable, where the proposed alternative use meets the wider objectives of the Local Plan.”

**Draft Local Plan Policy DM 1.5 Mixed uses in commercial areas**

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

11. Paragraph 3.1.19 recognises the importance of complementary commercial activities in supporting the City's office base. Complementary uses include retail, leisure, education and health facilities. Paragraph 3.1.20 recognises that such complementary uses can be particularly beneficial at street level. In considering proposals for complementary uses at street level, the nature of the proposed development, the existing characteristics of the surrounding buildings and area, the impact on tranquil open spaces and the impact on heritage assets will be considered.

**Office Stock and Market Trends in the City**

12. Annual monitoring by the City Corporation shows that, in 2013, the total office floorspace stock was 8,850,000m<sup>2</sup>. There has been a progressive loss of smaller office units in recent decades, with the result that the majority of current office stock is in modern, larger buildings. Large single occupiers are a critical feature of the City property market and it is therefore essential that the City's existing and future building stock is capable of accommodating them and provides a reasonable choice for large single occupiers.
13. There is also a strong demand for smaller units and to meet this around half of the larger modern buildings are subdivided into smaller units to provide prestigious accommodation of various sizes. In addition the City's older office stock generally offers smaller unit sizes and a lower specification of accommodation in a prestigious location at a lower cost.
14. **Research undertaken by the City Corporation<sup>1</sup> and** evidence from property transactions shows that the size and type of new occupiers coming to the Square Mile appears to be changing. Requirements are significantly smaller, with a particular increase in small lettings of 50 – 300 square metres, with strong demand from the Technology, Media & Telecommunications (TMT) sector. The range of sectors moving into the City is also changing, with interest not only from the TMT sector, but also,

for example, from recruitment firms and consulates of foreign governments that have until recently preferred a West End location. Small and Medium Sized (SME) businesses play a significant role in the City's success, providing a range of professional, business and other essential services to the City and wider business community. 98.5% of businesses in the City are SMEs (defined as those with not more than 50 and 250 employees respectively).

15. Not all the occupiers of smaller offices in the City are SMEs. Many are subdivisions of larger businesses such as representative offices of overseas banks, ensuring a presence in the City to attract investment. The fact that so many occupiers are in small units underlines the importance of the City providing a wide range of office building types, specification and cost.
16. Alongside a diversification of business activities in the City, the use of serviced offices is increasing, with around ~~1,600~~ **2,400** businesses using them in the City in ~~2013~~ **2012**, compared to ~~365~~ **700** in 2003. **Over 22,000 people are now employed within serviced offices, with an economic output estimated at £2.1bn.**
17. Office demand can vary significantly through the economic cycle **as can the relative value of office development when compared with other uses, particularly residential.** ~~And~~ It is important to ensure that the office stock is maintained during periods of downturn to enable the City of London to accommodate growth and new jobs during upturns. Appropriate protection of office accommodation by the City Corporation's planning policies provides a means of responding to current and future changing economic circumstances and ensuring that future opportunities for growth can be realised.

### **City of London Exemption from Permitted Development Rights for Change of Use from Office to Residential**

18. In May 2013, the Government introduced new permitted development rights, allowing the change of use of B1(a) offices to C3 residential without the need for planning permission, for a period of 3 years. In recognition that there were parts of the country where such permitted development rights might have an adverse impact on the retention and delivery of office space, the Government allowed local planning authorities to bid for exemption from these new rights. The City of London, along with the adjacent 'Tech City' area and the rest of the Central Activities Zone in London, has been granted a local exemption on the grounds that it is a nationally significant area of economic activity. This exemption supports the policy approach outlined in the emerging City Local Plan of seeking to resist the loss of suitable and viable office accommodation. **Within the City, therefore, planning permission is required for a change of use from**

office to residential and applications will be determined within the context of the development plan, the draft Local Plan and other material considerations.

## **Evidence Required to Support Change of Use or Loss of Offices**

19. Paragraphs 5 to 11 outline the national, London and City Corporation policy approach to the provision of office floorspace and its protection from inappropriate loss. This section outlines the additional information that the City Corporation will require from developers in support of a planning application ~~that~~ where a loss of existing offices or office floorspace is proposed, proposes the loss of existing offices. Where a development would result in a smaller quantum, but a higher quality, of office floorspace, this will need to be justified through a planning statement, and the need for detailed viability and marketing evidence will be considered by the City Corporation on a case by case basis.
20. In accordance with Policies DM1.1 and 1.5, where an applicant proposes a change of use of part or all of a building to a use which provides activities which are complementary to the City's business function, the City Corporation may not require the provision of the additional supporting information set out below. Paragraph 3.1.19 of the Local Plan defines such complementary uses as including retailing, leisure, education and health facilities.
21. Submission of the viability and marketing information required by this Interim Planning Guidance will not on its own be sufficient to justify a proposed loss of offices. Where an applicant provides the ~~necessary~~ required viability and marketing information and the City Corporation concludes that a valid technical case has been made in support of the loss of office accommodation on that site, the proposed development will be considered in the context of the other policies in the development plan and the draft Local Plan, the City Corporation will consider alternative land uses. Consideration of these alternatives will be made in line with the policies in the London Plan, the City of London Core Strategy and emerging Local Plan.
22. The Local Plan identifies 10 residential areas which provide an appropriate environment for housing development. New residential development will be guided to locations within or near these areas. Where a loss of an office within or near one of these residential areas has been justified within the terms of the draft Local Plan and this Interim Planning Guidance and accepted by the City Corporation, the City Corporation will consider the potential for change of use to a residential use.

23. Applicants should discuss their proposals and required evidence with City Corporation officers prior to the submission of a planning application. Evidence should be submitted with the planning application to enable the City Corporation to assess the suitability of the evidence **and determine the application** within ~~the~~ statutory time ~~periods for the determination of planning applications limits~~.
24. To meet the requirements of Core Strategic Policy CS1 and draft Policy DM 1.1, applicants proposing the loss of office accommodation will need to provide robust evidence to demonstrate that **the building has depreciated such that** office use is not viable or suitable in the long-term. **Evidence will need to address the physical state of the building and its functional and locational obsolescence and should include a forward looking viability assessment in support of this evidence.**
25. Evidence provided in support of planning applications should take into account the potential for the building to meet a variety of office needs including, **where appropriate**, the potential for sub-division to provide smaller office suites, the potential to provide accommodation suitable for start-ups or move-on accommodation and, ~~where appropriate~~, the potential for comprehensive redevelopment to re-provide office floorspace. The potential for redevelopment should be a matter for discussion with City Corporation officers **at an early stage** prior to formal submission of a planning application.
26. **The City contains a large number of heritage assets, including over 600 listed buildings, 26 conservation areas and 48 scheduled ancient monuments. These heritage assets can impose additional constraints on development, particularly in terms of additional costs and limitations on the potential to deliver modern office requirements, whilst at the same time conserving or enhancing the significance of the heritage asset. The City Corporation will take these additional constraints into consideration when assessing proposals for the loss of office accommodation within such assets.**
27. Applicants proposing a change of use are advised to contact the City Corporation's City Property Advisory Team (CPAT) prior to submission of the planning application. CPAT can provide advice on options for continued office use and help to match current vacant space with prospective tenants looking for suitable accommodation in the City.
28. ~~For the purposes of this SPD and the emerging Local Plan:~~  
~~a. long term means a period of 10 years or more from the date of the planning application;~~  
~~b. offices and office use are defined as falling within Use Class B1a of the Use Classes Order.~~



## Marketing Evidence

~~28. Applicants will be required to provide evidence that the building and/or site has been actively marketed for continued office use over a reasonable period of time. No minimum period is specified for this marketing activity, but applicants will be expected to demonstrate that marketing has been undertaken over a reasonable period, having regard to the level of response received and the nature of that response. Marketing activity must include:~~

- ~~• evidence that the site/property has been registered with at least 2 suitably qualified commercial property agents;~~
- ~~• evidence that the site/property has been marketed at a reasonable price having regard to the use, condition, quality and location;~~
- ~~• information on advertising undertaken, providing evidence of the use of advertising boards, websites, dissemination of property/site details, newspaper/professional press adverts;~~
- ~~• information on the length of time the property/site has been marketed;~~
- ~~• the number and details of enquiries received, the number of viewings, the proposed uses and comments from prospective purchasers or tenants (including as to the suitability of continued office use).~~

## Viability and Market Evidence

~~29. Viability evidence submitted with an application should include a report including general and specific market information related to the existing use of the building and the proposed alternative use. Applicants will be required to provide evidence that the property/site is not a viable office location in the longer term. Evidence will be required to demonstrate should include:~~

- ~~• Site specific information about the building;~~
- ~~• The total costs of maintaining the building both now and in the future;~~
- ~~• The costs and practicalities of refurbishing or redeveloping the building for office use;~~
- ~~• Information on rents and capital values;~~
- ~~• Information on current and recent levels of occupation;~~
- ~~• Target rates of return (internal rate of return or other appropriate measure);~~
- ~~• Evidence of the marketing of the building for continued office use having regard to the use, condition, quality and location of the building. Information should be provided setting out:~~
  - ~~○ the length of time the property/site has been marketed;~~
  - ~~○ the number and details of enquiries received, such as the number of viewings, the proposed uses and comments from prospective purchasers or tenants (including as to the suitability of continued office use).~~

- A valuation of the building in its existing use, ignoring the hope value of an alternative use;
- Sensitivity testing to support the robustness of the report conclusions.
- ~~that the existing building cannot be viably let for continued office use, providing supporting information setting out the level of rents required for the building to be viable and evidence of suitable alternative buildings within the vicinity.~~
- ~~that partial or full refurbishment of the building cannot be undertaken viably, providing supporting information on refurbishment costs, rental levels necessary to meet these costs and evidence of suitable alternative buildings within the vicinity; and~~
- ~~where appropriate, that redevelopment to provide modern office accommodation is not viable, again providing supporting information on redevelopment costs, rental levels necessary to meet these costs and evidence of suitable alternative buildings within the vicinity.~~

~~The presence of existing occupiers will be taken as an indication that the building is suitable for office use unless evidence is presented to the contrary.~~

30. Where an applicant submits viability and market evidence, the City Corporation will normally appoint an independent and suitably qualified individual or company to review the evidence and provide independent advice to the City Corporation. The City Corporation will expect the applicant to meet the cost of this independent assessment. The City Corporation will have regard to the recommendations of this independent assessment when determining the planning application.

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<sup>1</sup> Taking Stock, the relationship between businesses and office premises in the City of London 2013  
Impact of Firm Migration on the City of London 2014

**City of London**

**Office Use Supplementary Planning  
Document**

**Interim Planning Guidance**

**Consultation Statement**

**July 2014**



## **INTRODUCTION**

The draft City of London Local Plan, policies CS1: Offices and DM1.1: Protection of office accommodation set out a policy presumption against the loss of office accommodation. The supporting text to these policies indicates that a Supplementary Planning Document (SPD) will be prepared to provide further guidance on the evidence required to support proposals for the change of use of offices to other uses.

A draft Office Use SPD has been prepared to provide the further information required to support the draft Local Plan. The intention is that the draft SPD will be adopted as Interim Planning Guidance pending adoption of the Local Plan and will become a material consideration in the determination of planning applications. Subject to the recommendations of the Local Plan Inspector it will not be formally adopted as an SPD until the Local Plan is adopted in spring 2015.

## **CONSULTATION REQUIREMENTS**

Consultation on the draft Office Use SPD has been undertaken in accordance with the requirements of The Town and Country Planning (Local Planning) (England) Regulations 2012 and the City Corporation's Statement of Community Involvement 2012. Consultation documentation was sent to:

- adjoining local planning authorities,
- the Mayor of London,
- specific consultation bodies identified in the 2012 Local Planning Regulations,
- bodies which whom the City Corporation has a duty to co-operate as prescribed in the 2012 Local Planning Regulations, and
- other groups, bodies, businesses and residents on the City Corporation's Local Plan database.

## **CONSULTATION ON DRAFT OFFICE USE SUPPLEMENTARY PLANNING DOCUMENT**

Consultation on the draft Office Use Supplementary Planning Document began on Friday 17<sup>th</sup> January 2014 and closed on Friday 28<sup>th</sup> February 2014.

Consultation was undertaken alongside pre-submission consultation on the draft City of London Local Plan, which ran from 8<sup>th</sup> December 2013 until 28<sup>th</sup> February 2014. Consultation measures included:

**a) Consultation Notification Emails and Letters**

Over 1,500 emails and letters were sent to specific consultation bodies, bodies with whom the City Corporation has a duty to co-operate and Local Plan consultees.

Ten representations were received on the draft SPD. Summaries of these representations and the City Corporation's response are attached at Annex 1 and the issues raised have been addressed in the Interim Planning Guidance.

**b) Website**

The draft Office Use SPD was published on the City of London's website.

**c) City Libraries**

Printed copies of the draft Office Use SPD were made available at the Department of the Built Environment Enquiries Desk at the Guildhall and the City's five libraries, during their normal opening hours:

- Guildhall Library, Aldermanbury
- City Business Library, Aldermanbury
- Artizan Street Library & Community Centre, Artizan Street
- Shoe Lane Library, Little Hill House, Little New Street
- Barbican Library, Silk Street

**d) Internal City Corporation Consultation**

Information about the consultation was made available to City Corporation Members and staff.

**e) Consultation meetings**

Information about the draft Office Use SPD was provided to the Built Environment Users Panel meeting on 15 January 2014.

## Annex 1:

## Summary of Consultation Comments and City Corporation Response

Name	Organisation	Comment	City Corporation Response
Piotr Behnke	Natural England	The SPD will not pose any likely or significant threat to features of the natural environment, so does not make any specific comment.	Noted
Sarah Whiting	Highways Agency	No comment at this time.	Noted
Lucy Bird	Berkeley Homes	<p>1) SPD is generally well considered. However, it needs to recognise the benefits of mixed use development where wholly office is not viable, particularly in the City Fringe or non-core employment area. SPD should allow for mixed use development containing an element of office or other appropriate job generating uses, subject to viability and other evidence. Guidance should be included within the SPD.</p> <p>2) Para 22 should be more prescriptive and state: "...should take into account the potential for the building to meet a variety of office needs <u>identified</u>"</p> <p>3) Para 24(a): definition of long term should be reduced to 5 years.</p> <p>4) Para 24(b): definition of office as B1a only could undermine the potential for B1 or B2 use suitable for Tech City and other employment generating uses in the City Fringe and CAZ.</p> <p>5) Para 25: SPD should provide more detail on what is meant by 'reasonable' in relation to the amount of time marketing is required.</p>	<p>1) SPD sets out evidence required to support policy CS1 and draft policy DM1.1. The potential for mixed use development is addressed in draft policy DM1.5 and elsewhere in the plan. No amendment required.</p> <p>2) Text is already considered to be prescriptive, no change required.</p> <p>3) Time period will be deleted and replaced with a requirement to assess the deterioration and obsolescence of the building.</p> <p>4) Agreed. Draft policy DM1.1 refers to the wider B1 definition and this should be reflected in the SPD.</p> <p>5) Disagree. Marketing period should be flexible reflecting the state of deterioration and obsolescence of a building.</p>
Stewart Murray	Mayor of London	SPD is comprehensive and in line with existing London Plan policies 2.10Ac, 4.2 and 4.3, as well as the emerging Further Alterations to the London Plan.	Noted
Jane Barnett	Savills UK on behalf of London Diocesan Fund	<p>1) SPD should also refer to NPPF paragraphs 14, 17 and 173 and specifically the presumption in favour of sustainable development.</p> <p>2) SPD should also refer to London Plan Policy 3.3, specifically the need to exceed London Plan housing targets and encourage mixed use development and para 4.13 encouraging the conversion of surplus offices to other uses.</p> <p>3) SPD refers to the draft Local Plan, which has not been tested through examination. SPD needs to be revised once the Local Plan has been adopted.</p> <p>4) Para 12: SPD fails to recognise that there are significant sub-market</p>	<p>1) Proposals will need to accord with all relevant policies in the NPPF, London Plan and City of London Local Plan. The draft Local Plan already outlines the NPPF presumption in favour of sustainable development, but agree that reference to this presumption should be included within paragraph 5.</p> <p>2) City's development plan identifies sufficient capacity to meet and exceed the London Plan housing requirements, so no need to add</p>

Name	Organisation	Comment	City Corporation Response
		<p>variations in the City and a blanket city-wide approach is not appropriate. Strong demand for small offices does not exist across the City, e.g. EC3 the demand for offices under 5000 sq ft and for smaller, lower spec offices is increasingly shifting to the City Fringe and beyond. There is potential for 270,000 sq ft of smaller office floorspace in EC3, which combined with falling demand is likely to be able to meet future demand for small accommodation in this area. Failure to take account of locally specific circumstances is contrary to para 17 of the NPPF.</p> <p>5) Para 13: Research by Cluttons shows office take up by the TMT sector over the past 2 years has been focussed on the City Fringe rather than the Core EC3 area. SPD conclusions are unjustified and cannot support office protection policies.</p> <p>6) para 16: Protection against loss of offices does not provide flexibility to adapt to rapid change as required by NPPF para 14. This will sterilise new, alternative and viable uses of land coming forward.</p> <p>7) Exemption from pd rights does not support policy for the prevention of loss of offices, but requires proposals to be considered through the planning system, including consideration of the NPPF and other viable uses, including residential.</p> <p>8) Paras 18-26: the evidence required to support loss of offices is overly restrictive and unsound in terms of the NPPF and evidence of need.</p> <p>9) Para 24: definition of long term as 10 years is unsound. NPPF indicates that plans must respond to market signals and positively seek opportunities to meet development needs unless the adverse impacts would significantly and demonstrably outweigh the benefits.</p> <p>10) Marketing evidence requirements are unsound and do not accord with the presumption in favour of sustainable development. There are adequate controls within local policy to allow consideration of proposals without a need for marketing restrictions.</p> <p>11) There are adequate controls in national and local policy to assess the suitability of existing and proposed uses without a specific requirement for viability evidence. The presence of existing occupiers does not indicate that an office is either suitable or viable for office use. The requirement for viability evidence should be deleted.</p>	<p>reference to policy 3.3 or the requirement for mixed use.</p> <p>3) SPD will be adopted alongside the Local Plan. Any changes to the Local Plan will be reflected in the SPD.</p> <p>4) SPD applies city-wide. Evidence requirements provide the flexibility to consider variations in demand, need and viability of offices in different parts of the City when determining applications.</p> <p>5) Evidence requirements allow flexibility to reflect the specific demand, need and viability requirements of different office users.</p> <p>6) As above, evidence requirements allow flexibility to consider each proposal on its merits.</p> <p>7) Exemption is evidence that the City has a nationally significant office cluster and there is a need to retain planning control. The draft Local Plan sets out approach to maintain this cluster, whilst evidence allows for each scheme to be considered on its merits.</p> <p>8) Disagree, evidence requirements are proportionate and necessary to be able to properly assess individual proposals.</p> <p>9) Time period will be deleted and replaced with a requirement to assess the deterioration and obsolescence of the building.</p> <p>10) Disagree. Marketing evidence will demonstrate potential ongoing demand for office floorspace and enable schemes to be considered on their merits.</p> <p>11) Disagree. Viability evidence is necessary to demonstrate whether it is reasonable to require the continuation of office use in the context of much higher market demand and value for residential use. Although presence of occupiers does not indicate viability, it does provide evidence of continued office demand in the vicinity.</p>
	GVA	1) Para 16: to accord with the NPPF, the SPD should ensure there is	1) Disagree, it is appropriate for the draft Local

Name	Organisation	Comment	City Corporation Response
		<p>sufficient flexibility to respond to economic changes rather than adopting a strict policy of protection.</p> <p>2) Para 24: 10 year period is too long a period over which to make judgements about viability or suitability. 5 years would be more appropriate, be closer to the time frame for review of the Local Plan and accord with timeframes adopted for other policy issues e.g. housing and infrastructure.</p> <p>3) There needs to be a more flexible approach to allow for rapid changes in economic circumstances. The test for loss of offices should include a consideration of wider planning outcomes for the City and London, such as employment density, townscape improvements, energy efficiency, site optimisation and provision of housing.</p> <p>4) Welcome the fact that no minimum period is specified for marketing.</p> <p>5) The scope of marketing evidence should be subject to judgement in each case. Para 25 should be amended to: "marketing activity <del>must</del> <u>should normally</u> include ..."</p> <p>6) Para 26: the extent of viability evidence should be determined on a case by case basis, para 26 should be amended to "Evidence will <u>normally</u> be required to demonstrate ..."</p> <p>7) SPD should acknowledge that there should not be a requirement for marketing and viability evidence if the planning benefits of the proposal clearly outweigh the adverse impacts of office loss.</p> <p>8) SPD should recognise that there may be cases where it is not necessary to submit both marketing and viability evidence, e.g. if viability demonstrates that the building cannot be viably let there should be no requirement for marketing.</p> <p>9) Support para 20 statement that change of use to uses complementary to City's business function may not require the submission of additional information.</p> <p>10) SPD should clarify that supporting information is not required where office is part of the mix of uses proposed or where it results in improved quality of office accommodation even if there is a loss in actual floorspace.</p>	<p>Plan to provide guidance on future land use requirements. Evidence requirements in SPD allow flexibility to consider proposals on their merits.</p> <p>2) Time period will be deleted and replaced with a requirement to assess the deterioration and obsolescence of the building.</p> <p>3) Evidence requirements allow for each scheme to be considered on its merits, taking into account wider planning, site and viability requirements.</p> <p>4) Noted</p> <p>5) Marketing requirements will be amended to concentrate on the provision of evidence of the marketability of the building for continued office use, having regard to the use, condition, quality and location of the building.</p> <p>6) Requirement for viability evidence will be amended to relate more closely to site specific circumstances.</p> <p>7) Disagree. Marketing and viability evidence are important considerations in determining the application of policies CS1 and DM1.1 and in determining the merits of individual schemes. Para 20 does recognise that some uses which are complementary to office use may be permitted without the need to submit further marketing and viability evidence.</p> <p>8) Disagree. Requirement sets a baseline which enables consistent assessment of evidence across schemes. It is up to individual applicants to justify departures from the required evidence list.</p> <p>9) Noted</p> <p>10) Partially agree. Where a mixed use scheme involves the loss of suitable office accommodation, this will need to be justified as set out in the SPD. Paragraph 19 clarifies that a reduced quantum of higher quality office accommodation may not require additional</p>



Name	Organisation	Comment	City Corporation Response
			supporting information but will be considered on its merits.
Paul Burley	Montagu Evans on behalf of Aviva	<p>1) SPD is not needed, provisions should be included within the Local Plan.</p> <p>2) Paras 18-23 should be deleted. They do not provide information on the evidence required when submitting an application, and the paras relate to a corporate policy position which runs counter to the duty of LPAs to determine applications in accordance with statutory provisions</p> <p>3) Para 19: The LPA should determine applications having regard to the development plan and grant permission where it accords with the plan, unless material considerations indicate otherwise. The reference to the City considering alternative land uses should be deleted.</p> <p>4) SPD and the Local Plan should define complementary uses. Plan cannot require evidence and then SPD remove that requirement in undefined circumstances.</p> <p>5) Para 21: requirement for discussion of proposals with the City Corporation is consistent with the NPPF and does not need to be re-stated here.</p> <p>6) Para 21 refs to statutory time periods and validation are onerous and misguided. There is no statutory time period for the determination of planning applications and, if a valid permission is submitted, it is for the LPA to manage its determination and ensure it has sufficient resources.</p> <p>7) Para 22: requirement on applicants to consider redevelopment may go beyond the resources or ability to discuss with officers. The resources required to discuss redevelopment prior to submission for a proposed change of use may be disproportionate. This section affords the Corporation a great degree of discretion without there being a policy basis to give the applicants certainty.</p> <p>8) Para 23: requires liaison with CPAT. This is not evidence and providing the evidence in paras 25 and 26 should be sufficient.</p> <p>9) Paras 24-26 should be incorporated into the Local Plan as they provide definitions and evidence that should be considered by an Inspector.</p> <p>10) Para 24: definition of long term is contrary to para 22 of the NPPF. It is impossible to determine over a 10 year period and cannot take account of potential change.</p> <p>11) Para 25: Marketing period should be clearly stated in the Local</p>	<p>1) Disagree. SPD provides additional guidance on the implementation of the draft Local Plan. Level of detail on evidence requirements is inappropriate for the draft Local Plan.</p> <p>2) Disagree. Paras 18-23 provide guidance to applicants on how the City Corporation will consider evidence when making decisions.</p> <p>3) This seems to be a misunderstanding of the intentions of this paragraph. It is intended to indicate that the City Corporation will only consider proposals for change of use from offices once the loss of office use has been justified. The proposed alternative use will then be considered against other relevant policies in the plan.</p> <p>4) Complementary uses are set out in paragraphs 3.1.9 and 3.1.10 of the draft Local Plan, but the SPD will be amended to provide clarity over what is intended.</p> <p>5) Disagree. Para 21 encourages developers to engage in pre-application discussions to enable discussion and refinement of proposals before consideration through the formal planning application process.</p> <p>6) The aim of para 21 is to ensure that all the evidence required to assess an application is submitted with the application to enable the City Corporation to process the application within the time periods set out in regulation.</p> <p>7) No change. The paragraph requires developers to consider alternative office uses as well as current patterns of use, in order to determine whether continued office use is suitable and viable. The potential for redevelopment to provide a new office building should be part of this process, where appropriate. The mechanism of early pre-application discussions provides a framework for</p>

Name	Organisation	Comment	City Corporation Response
		Plan. It is open to the LPAs to apply policies flexibly and a fixed term for marketing is reasonable and provides certainty.	discussion around what form of development might be appropriate. 8) No change. Liaison with CPAT is recommended to identify potential other office users. This is advised and not required. 9) Disagree. Level of detail is inappropriate for the Local Plan. 10) Time period will be deleted and replaced with a requirement to assess the deterioration and obsolescence of the building. 11) Disagree. Marketing period should be flexible reflecting the state of deterioration and obsolescence of a building.
	DTZ on behalf of the Haberdashers' Company	Broadly supportive of the thrust of the SPD. Guidance appears sufficient for the operation of Policy CS1.	Noted
Laura Elias	CBRE	<p>1) City Corporation's objective to safeguard existing high quality office floorspace is supported. However the requirement for the submission of viability evidence is overly restrictive and without sufficient justification. The requirement for evidence over a 10 year period will result in the retention of unsuitable office buildings and will stifle the ability to bring forward other uses. The approach is contrary to NPPF which requires plans to be flexible and responsive.</p> <p>2) It is impossible to predict development requirements over a 10 year period and therefore the requirement is not based on objectively assessed development requirements as required by the NPPF.</p> <p>3) There is no assessment of reasonable alternative policy approaches in the SPD or the Local Plan. A more appropriate strategy would require the retention of suitable office floorspace and allow for the release of unsuitable and dated floorspace, based on an assessment of current demand and quality of floorspace.</p> <p>4) Approach would restrict the change of use of offices and the potential to deliver other land uses sought in the Local Plan. Non-office uses can provide essential support for businesses and complement the City's role.</p> <p>5) Approach does not reflect overarching policy in the NPPF to provide new housing. Change of use of under utilised and out of date office stock is necessary to deliver windfall housing development in</p>	<p>1) Approach requires each proposal to be considered on its merits in light of submitted evidence and does not establish a blanket approach. Time period will be deleted and replaced with a requirement to assess the deterioration and obsolescence of the building.</p> <p>2) See above.</p> <p>3) Aim of policy and SPD is to assess whether existing floorspace is suitable and viable for long term office use. Subject to the assessment, the draft Local Plan allows for change of use to appropriate uses. The draft Local Plan has been subject to SA which considered alternative policy approaches.</p> <p>4) No change. The draft Local Plan and SPD allow for a mix of office and complementary uses, including the loss of some existing office floorspace to such uses, where they provide essential business support and complement the City's role.</p> <p>5) Draft Local Plan demonstrates there is sufficient capacity to meet and exceed the</p>

Name	Organisation	Comment	City Corporation Response
		<p>the City, including meeting the revised targets in the Further Alterations to the London Plan.</p> <p>6) Protection of office floorspace is contrary to the NPPF objective of increasing the delivery of new housing. The requirement for the submission of long term viability evidence to support the loss of office floorspace does not allow flexibility to respond to changing economic circumstances, has not been objectively assessed or address NPPF objectives.</p>	<p>London Plan housing targets. Policy approach would allow for some change of use to residential, subject to the provision of supporting evidence and other policies in the Plan.</p> <p>6) Approach allows for the consideration of schemes on their merits, having regard to building deterioration and obsolescence which provides flexibility for change of use where justified.</p>
	<p>Gerald Eve LLP on behalf of the City Property Association</p>	<p>1) CPA supports the objectives set out in paras 1-3.</p> <p>2) Suggests paragraphs 25 and 26 are replaced as follows: "25 Applicants will be required to provide evidence that the building has depreciated so as to not be a viable office use in the longer term. Depreciation results from the functional, locational and physical obsolescence of the building concerned and evidence to demonstrate this should normally be presented in the form of a forward looking viability assessment. There are a number of considerations to be factored into a viability assessment. These may include the following:</p> <ul style="list-style-type: none"> <li>• General and specific market reports;</li> <li>• Site specific matters to do with the consideration of the building;</li> <li>• The total costs of maintaining a building both now and in the future;</li> <li>• The cost and practicalities of refurbishing or redeveloping the building for the existing use;</li> <li>• Rental and capital market evidence;</li> <li>• Target rates of return (internal rate of return or other return measures as appropriate);</li> <li>• A valuation of the building in its existing use ignoring the hope value of alternative uses. (Valuation in this instance is a proxy for the most probable price that would be obtained in the market for that use without the need to formally market the building);</li> <li>• Sensitivity testing will be required to support the robustness of the conclusions drawn; and</li> <li>• A report encompassing the above as appropriate, given the particular circumstances of each case.</li> </ul> <p>26 This list of not exhaustive and there may be other site specific considerations which need to be taken into account. For example, in addition to the above, the applicant may provide further information concerning marketing periods, and reasonableness of approach to</p>	<p>1) Noted</p> <p>2) Recommended changes partially accepted</p> <p>3) Additional paragraph added highlighting the potential for residential use in or near residential areas.</p> <p>4) Complementary uses are set out in paragraphs 3.1.9 and 3.1.10 of the draft Local Plan, but the SPD will be amended to provide clarity over what is intended.</p> <p>5) Proposed amendment agreed</p> <p>6) Agree that SPD should highlight the potential constraints imposed by heritage assets and non-designated heritage assets and that flexibility may be required.</p> <p>7) Time period will be deleted and replaced with a requirement to assess the deterioration and obsolescence of the building.</p>

Name	Organisation	Comment	City Corporation Response
		<p>pricing the accommodation given the use, condition, quality and location of the building. This may refer to the length of time the property has been on the market and number of enquiries received from prospective purchasers or tenants (including as to the suitability of continued office use)."</p> <p>3) Para 19, SPD should acknowledge the City's residential areas and that they provide an appropriate environment for residential development. SPD should confirm that the City may, in appropriate circumstances, provide a more flexible approach to the assessment of buildings or sites in or near the residential areas.</p> <p>4) Para 20, should provide more information of what comprises complementary activities.</p> <p>5) Para 22, Evidence sought is overly onerous and in most cases not possible to provide. If this is retained, the text should be amended as follows: "... should take into account the potential for the building to meet a variety of office needs, including, <u>where appropriate</u>, the potential for ... move-on accommodation and, <del>where appropriate</del>, ..."</p> <p>6) Para 23. SPD should acknowledge the constraints presented by designated and non-designated heritage assets, particularly in terms of the additional costs. SPD should acknowledge some flexibility may be considered for these buildings.</p> <p>7) Para 24. Definition of long term as 10 years is not helpful and should be deleted. Long term will be different depending upon the building and the point it has reached in its economic life.</p>	

<b>Committee(s):</b>	<b>Date(s):</b>
Planning & Transportation Committee	30 July 2014
<b>Subject:</b> On-Street Parking: Pay & Display	<b>Public</b>
<b>Report of:</b> Director of the Built Environment	<b>For Decision</b>
<b><u>Summary</u></b>	
<p>There are over 100 on-street parking Pay &amp; Display (P&amp;D) machines in the City offering customers the option to pay for parking by cash or credit and debit card. The majority of these machines are now ten years old and approaching the end of their useful life. In addition, they are not chip and pin enabled therefore the facility to pay by credit and debit card at the machine is not supported by the clearing banks. This means that the authorisation of credit and debit card payments at the machine may be withdrawn at any time by the banks.</p> <p>The P&amp;D maintenance contract and Credit Call agreement (for authorisation of card payments) are due to expire in September 2014 and December 2014 respectively. With the success of mobile phone payment technology (PaybyPhone) the reliance on the P&amp;D machines for on-street payments has significantly reduced. Taking all these factors into account, it appears timely to consider alternative solutions for providing payment for parking using on-street P&amp;D machines.</p> <p>Various options have been considered, which are detailed in the attached appendix but in summary include: continue with the existing arrangements; replace all P&amp;D machines with a modern alternative; offer customers the option of paying by PaybyPhone only; remove the facility to pay by credit and debit card at the machine but continue payment by cash; significantly reduce the number of machines. The advantages and disadvantages of each option are detailed in the appendix.</p> <p>PaybyPhone (Verrus UK Ltd) was introduced in November 2011 and provides a convenient way for customers to pay for parking by credit and debit card using their mobile phone. It is an alternative to paying for parking using coin, or credit and debit card payments at the Pay &amp; Display (P&amp;D) machine. The take up of the service is high (currently 68% of all transactions) and ways of increasing it further are also considered in this report. The PaybyPhone contract is due to expire on 27 November 2014 and extending this further by 2 years will allow the impact of the proposed changes to this service to be fully determined. It is not be proposed to extend the Credit Call agreement if it is agreed that the facility to pay by credit and debit card at the P&amp;D machines is removed as this would no longer be required.</p>	

## **Recommendations**

Members are recommended to approve, that:

1. Officers review the usage and location of P&D machines with a view to reducing and optimising the overall number.
2. The credit and debit card payment at the P&D machines be removed encouraging customers to use PaybyPhone, but retaining the option to pay by cash at the machine.
3. The Pay & Display maintenance contract with FAAC (UK) Ltd (trading as ZEAG Parking Ltd) be extended by 2 years from 29 September 2014 ending 28 September 2016.
4. Verrus UK Ltd (trading as PaybyPhone) contract is extended by 2 years from 27 November 2014 ending on 28 November 2016.
5. The Comptroller and City Solicitor be instructed to prepare the appropriate documentation for the contract extensions in respect of ZEAG UK Ltd and PaybyPhone.
6. A programme for replacing machines with a modern alternative is considered with full cost proposals presented to Members later in the year.

## **Main Report**

### **Background**

1. There are currently 109 Hectronic PA2 and 5 Citea Solar Powered Pay and Display (P&D) machines in use within the City. All machines accept payment by cash, credit and debit card (for which there is an authorisation fee payable to our contractor Credit Call). Payment for parking can also be made using PaybyPhone for which there is no cost to the City currently.
2. The P&D machines were installed in 2004 and when installed were state of the art, being solar powered and taking credit card payments using mobile phone connections. However, they are now approaching the end of their life. Those machines that have been replaced recently are Chip & Pin enabled (these are the five Citea machines), however, the majority of machines (103) do not have this facility and rely on old technology (mag-stripe) for card transaction authorisation. Whilst debit and credit payments continue to be accepted at all machines, at some point in the near future this is likely to be withdrawn by the clearing banks. The existing machines cannot be upgraded to allow Chip & Pin facilities.

## **P&D Machine Replacement & Reduction**

3. With the success of PaybyPhone the reliance on the on-street pay and display machines has significantly reduced (see below). However, not everyone has a mobile phone and to ensure services are accessible to all, it is not proposed to limit customers' use of a mobile phone as the only method of paying for parking in the City. Instead it is suggested that the service be offered as an additional customer benefit. Offering the facility to pay using a Pay Point outlet i.e. shops/post offices where payment for parking is accepted, was also considered, but this is not a viable option as there are too few outlets in the City (only four in total).
4. It is also important to maximise efficiency by reducing the number of machines on-site to the optimum number for each location. A number of P&D machines have already been removed to reflect the fall in payment at the machines, for example, at locations where there was more than one machine such as Basinghall Street, Chancery Lane. This was agreed by Members at Committee in June 2013. There were no customer complaints received as a result of this reduction in provision.
5. It is now proposed that a further reduction of around 50% in machine numbers is made following an assessment of usage e.g. where more than one machine is located at a site or other machines are available nearby. In doing so, there will be savings achieved in maintenance and cash collection costs (through negotiation with the respective contractors), as well as savings achieved through the reduction in the card authorisation fees.
6. For those remaining machines, it is proposed that a business case be prepared to consider replacing them with a modern alternative with full cost proposals presented to Members at a future meeting of the Committee later this year.
7. It is further proposed that all remaining machines be adapted to accept cash only payments thereby encouraging customers to use PaybyPhone for credit and debit card payments. This will negate the need to renew the Credit Call agreement for authorisation of credit and debit card payments at the machines achieving a saving of around £55,000 per annum. Currently this agreement is renewed annually in December each year.

## **Machine Maintenance**

8. All machines are maintained by FAAC (UK) Ltd (trading as ZEAG Parking Ltd). There is currently a maintenance contract in place with ZEAG Parking UK Ltd, which is due to expire on 28 September 2014. The value of the contract is £54,000 per annum. Whilst the machines are generally reliable, it should be noted that with the increasing age of the equipment higher maintenance costs are expected with replacement parts becoming increasingly difficult to source.
9. To ensure the existing machines continue to operate effectively, it is proposed to extend the existing maintenance contract with ZEAG Parking UK Ltd by 2

years, during which time it is anticipated that a replacement programme for the P&D machines will be agreed by Members.

### **PaybyPhone (Verrus UK Ltd)**

10. PaybyPhone was introduced in the City on 28 November 2011 and has proved to be a very popular method of payment for parking. Customers pay an additional fee of 20p on top of their paid for parking amount, which covers the cost of providing the service. But despite this additional fee, PaybyPhone now accounts for the highest number of payment transactions. The number of PaybyPhone transactions is approximately 500,000 per annum compared to 200,000 transactions by cash, debit and credit card payments at the machine combined. The high take up of this service is attributed to the convenience of paying by mobile phone, and ability to pay for extended parking without the customer having to return to the P&D machine.
11. Members agreed at their Committee in June 2013 to the introduction of a trial to encourage greater use of PaybyPhone. The trial, which offered new users one hour free parking, was introduced in the City in November 2013 and ended on 31 March 2014. The trial was successful in increasing the number of PaybyPhone transactions from 57% in 2013 to 68% as at March 2014. In contrast, card payments at the machine fell from 27% to 18% and cash payments from 16% to 14% in the same period.
12. The current contract with PaybyPhone expires on 27 November 2014. To allow for the impact of the changes in P&D provision and removal of credit and debit card payments at the machine to be fully assessed, Members are asked to agree to a further extension of 2 years to the current PaybyPhone contract. The contract extension will continue to operate at nil cost and is supported by CLPS and the Comptroller & City Solicitor for the commercial reasons identified in this report.

### **Financial and Risk Implications**

13. The annual parking income from PaybyPhone from the City machines is currently in the region of £2.7m compared with £806,000 from debit/credit card payments at the machine and £550,000 cash.
14. Cash collection from the P&D machines is undertaken by Vinci Park Services at an annual cost of £30,000. The cash collection is undertaken as part of the Combined Civil Parking & Traffic Enforcement including Cash Collection Contract, which is in place for 5 years having recently been tendered. In addition, the City has an agreement with Credit Call for the authorisation of card payments at the machine, which expires in December 2014. The card transaction costs through Credit Call are approximately £55,000 per annum. There are no card authorisation fees charged to the City for PaybyPhone transactions (as these are covered by the 20p convenience charge paid by the customer).



15. A summary of current costs associated with P&D machines, including maintenance are summarised in the table below:-

	<b>Maintenance</b>	<b>Cash Collection</b>	<b>Card Authorisation (at machine)</b>	<b>Card Authorisation (PaybyPhone)</b>
Value per annum	£54,000	£30,000	£55,000	Nil

16. To adapt the machines to accept coin only to encourage credit and debit card payment using PaybyPhone would be £285 per machine. Assuming a reduction in the number of operating machines i.e. removing those which have a low usage or where there are multiple machines at one location, the total cost of making this change would be in the region of £15,000 (based on removing 50 machines). There will also be costs in removing the machines, which is estimated to be in the region of £10,000. It is anticipated that these one-off costs will be covered by the savings achieved in the machine card authorisation fees, which are currently £55,000 per annum. There would also be the opportunity to negotiate with Vinci Park Services and ZEAG Parking UK Ltd on-going savings in cash collection, and maintenance and consumables as there would be fewer P&D machines.

### **Options Appraisal**

17. Various options for providing payment for parking have been considered and these are summarised in the attached appendix together with the benefits and dis-benefits of each option. In summary options include:
1. Do nothing
  2. Replace machines with a modern alternative
  3. Removal all machines and replace with a PaybyPhone option only
  4. Remove the facility for credit and debit card payments at the machine (with all card payments made by PaybyPhone but retain the cash payment option).
  5. Significantly reduce the number of machines e.g. by 50%, taking into account usage and machine location

### **Other Considerations**

18. PaybyPhone was introduced in the Barbican and Hampstead Heath car parks. No changes to the provision of parking such as the number of P&D machines at these locations are proposed as part of this report.

### **Legal Implications**

19. It is proposed to extend the contracts for Verrus UK Ltd (Pay by Phone) and FAAC UK Ltd (ZEAG Parking UK Ltd) beyond their original terms by 2 years, which are due to expire on 27 November 2014 and 28 September 2014 respectively. As indicated in the report, extending these contracts will allow

the impact of the changes to the provision of Pay & Display, replacement of machines and changes to PaybyPhone to be fully assessed prior to a full procurement process being undertaken.

20. Regulation 4 of the City's Procurement Regulations provides that, the City of London Procurement Service (the CLPS) must be consulted on all opportunities for letting and extending contracts. The CLPS has been consulted in the preparation of this report and supports the extensions.
21. The proposed extension for FAAC UK Ltd (ZEAG Parking UK Ltd) will have to be implemented by way of a separate Deed of Variation. There is provision under Standing Orders 49(8) and 50(3) to enable Members to approve this. The proposed extension for Verrus UK Ltd (PaybyPhone) will be by way of an exchange of correspondence as the original contract was signed under hand and not by deed.

### **Corporate & Strategic Implications**

22. The provision of high quality, cost effective and responsive parking service is consistent with the City's Community Strategy vision for both a safer City and good transport for a thriving City.

### **Consultees**

23. The Town Clerk, the Chamberlain, CLPS, the Comptroller & City have been consulted in the preparation of this report and their comments are included.

### **Conclusion**

24. Given the City's changing needs in payment of on-street parking provision, the approach outlined in this report seeks to deliver a more efficient, responsive and effective service
25. It is anticipated that savings to the City will be achieved by significantly reducing the number of machines in operation reducing maintenance and cash collection costs. There will also be savings achieved by encouraging greater use of PaybyPhone and termination of the Credit Call agreement. Extending the contracts with PaybyPhone will provide the opportunity to assess the impact of these changes and extending the maintenance contract with ZEAG UK will ensure machines continue to operate until a replacement programme is agreed.

### **Appendices**

- Options Appraisal

### **Contact:**

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## APPENDIX: OPTIONS APPRAISAL

	Option 1	Option 2	Option 3	Option 4	Option 5
<b>Description</b>	Do Nothing	Replace machines with a modern alternative.	Remove all machines & Replace with PaybyPhone Option only.	Retain current machines pending a review of impact of these changes. Remove the facility for Credit & Debit Card Payments at machine (with all payments to be made by PaybyPhone), but retain cash payment.	Significantly reduce the number of machines e.g. 50% (taking into account usage, location)
<b>Key Benefits</b>	None.	New machines will be reliable and almost maintenance free for a period of 5 years+.  Machines will be Chip & Pin enabled.  Improved management reporting.	Improved management reporting for credit and debit card payments through PaybyPhone reporting.  Card authorisation & cash collection cost savings.	Payment by coin can still be made.  Card authorisation cost savings.	Redundant machines can be used for spare parts.
<b>Key Dis-benefits</b>	Mag-stripe debit & credit payment not supported and can be withdrawn at any time.		14% of payments are still made by cash.  Possible high number of customer	Possibility of customer complaints and possible negative media.  Cash collection costs remain.	Possible customer complaints and negative media.

	<p>Increased repairs and difficulty in sourcing spare parts.</p> <p>Inadequate management reporting.</p>		<p>complaints.</p> <p>Risk to parking income should there be a failure of the PaybyPhone system</p> <p>20p convenience fee could not be applied as customers will in effect be “forced” to use this method of payment.</p>		
<b>Financial Implications</b>	<p>Cost of existing maintenance contract would be £54,000+</p> <p>Credit &amp; debit card authorisation payments - £55,000</p>	<p>Capital investment of approximately £250,000 based on £5K per machine.</p> <p>No maintenance costs within the first couple of years of installation as machines will be under guarantee.</p> <p>However there</p>	<p>Savings in machine maintenance, cash collection and card authorisation approximately £95,000 per annum.</p> <p>Costs associated with PaybyPhone card transactions if 20p is dis-applied. Estimated to be £100,000 pa</p> <p>No capital investment</p>	<p>Savings in maintenance costs could be in the region of £3,000 pa. However a maintenance agreement for the aged equipment will be required.</p> <p>Savings achieved through reduction in card transaction costs – estimated to be in the region of £55,000</p> <p>There are costs associated with removing</p>	<p>Some savings achieved in maintenance, cash collection and card authorisation costs. However a maintenance agreement for the aged equipment will still be required.</p> <p>Costs associated with machine removal – estimated to be £285 per machine.</p>

		will be card authorisation fees (although more favourable rates can be negotiated as machines will be Chip & Pin enabled),	required.	card facilities at the machine of £285 per machine	
<b>Other Implications</b>	Servers are non-compliant	Procurement lead in time is likely to be 12 - 18 months.	Stakeholder engagement and publicity needed.  Increase in PCNs, challenges and Representations.  Increase in tariff is likely to reduce the percentage of cash payments made at the machine.  Equalities Impact Assessment will be required.	An increase in tariff is likely to reduce cash payments.	Extensive stakeholder engagement and publicity required.  Possible increase in the number of PCNs issued, challenges and Representations.  A possible review in parking enforcement policy will be required (allowing more time for customers to locate a P&D machine).

<b>Recommendation</b>	This option is not recommended.	It is recommended that a medium-term strategy is considered to replace machines (but not all) with a modern alternative. This will subject to a separate report later this year.	This option is not recommended.	It is recommended that this be agreed as the short-term strategy pending thereby enabling a review of the impact of removing the credit card payment option before new machines are procured.	It is recommended that the number of machines is reduced to the optimum number taking into account location and usage.
<b>Reasons</b>	On-going costs are high and in respect of maintenance will increase as replacement parts will become more difficult to source as a result of the aged equipment.	There is still a desire for customers to pay for parking by cash.  Minimises the risk to parking income should card authorisation systems fail.	This is likely to generate complaints and negative media.  Possible risk to parking income in the event of card authorisation systems failure through PaybyPhone.  A high number of customers continue to use cash to pay for parking so removing this facility altogether would be disadvantaging those who prefer to	This option is likely to generate fewer complaints as there will be an option to pay by coin on street and credit/debit card via PaybyPhone.  Savings will be achieved on machine maintenance and card transaction costs.	There will be cost and efficiency savings. PaybyPhone now accounts for a high percentage of payment transactions

			pay using this method.		
<b>Other Information</b>		A detailed analysis of machine usage will be required to determine the number of replacement machines.	Offering payment using Pay Point was considered but is not a viable option as there are too few outlets in the City (only four in total).	Time-scale November/December 2014.	A detailed analysis of machine usage will be required to determine the best locations for machine removal.

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<b>Committee(s):</b>	<b>Date(s):</b>	
Streets & Walkways Sub Committee	9 June 2014	
Planning & Transportation Committee (for Decision)	30 July 2014	
Policy & Resources Committee (for Decision)	3 July 2014	
Culture, Heritage & Libraries Committee (for Decision)	14 July 2014	
<b>Subject:</b> Review of Guidelines for Special Events on the Public Highway	<b>Public</b>	
<b>Report of:</b> Director of the Built Environment	<b>For Decision</b>	

### Summary

This report summarises the findings of a review of the current procedure for considering applications to hold major special events in the Square Mile. This review has resulted in seven proposals being made to Members for their agreement. These cover:

- The establishment of an Event Assessment Matrix;
- A revised Event Diary assessment process;
- Three year ‘root and branch’ reviews for regular events;
- An amended Member engagement and Committee reporting process;
- The consideration in the future of a Special Events strategy;
- A revised set of fees and charges;
- Improvements to the liaison between City Corporation departments.

This report also informs and updates Members on three events:

- Children’s Parade for the City of London Festival (27 June)
- The Royal Marines 350 Year Anniversary Parade (25 July)
- Walk a Mile in Her Shoes (proposed for March 2015).

### **Recommendations**

Members are recommended to:

1. Agree the proposals for a revised Special Events consideration process.
2. Agree the revised fees and charging structure.
3. Note the changes to the Children's Parade event, which will be subject to a full post-event review.
4. Agree to support the Royal Marines Parade.
5. Agree to accept the application for the 'Walk a Mile in Her Shoes' event.

## **Main Report**

### **Background**

1. The annual report summarising the major special events for 2014 was brought to Members of the Streets & Walkways Sub Committee and the Policy & Resources Committee for their consideration in January.
2. The current process for receiving and assessing event applications has been in place since 2011, and the above report recommended that officers undertake a review of the current procedures.
3. This report now summarises the outcome of that review, which has involved officers of the Highways Team within the Department of the Building Environment, the Film & Event Liaison team and Policy Officers from the Town Clerks, the Visitor Development team at Culture, Heritage & Libraries, the City Police, and officers from the Environmental Health group within Markets and Consumer Protection.
4. This report also summarises other major event requests and issues since the annual report in January.

### **Current Special Event Approval Structure**

5. The Director of the Built Environment has delegated authority to make traffic orders to allow roads to be closed for special events. As such, formal Member approval for each major event is not required but an annual summary report of planned events is presented for Member information.
6. Typically, more than 60 applications to hold events on the City's streets are received annually, of which around 15 might be considered to be major as they require roads to be closed.

7. These applications are considered in the first instance by officers of the Significant External Events Group (SEEG), which comprises representatives from Highways, Public Relations, Culture, Heritage & Libraries and the City of London Police. The merits of each event are considered against a 'test of reasonableness', which can include some, or all, of the following factors:
  - Public safety
  - Traffic impact & proportionality
  - Environmental / community impact
  - Clash with other activities
  - Capability of event organiser
  - Past / likely complaints
  - Cost to the City Corporation of implementation
  - Advertising / branding
  - Inappropriate content or scope
  - Available notice & resources
8. SEEG also confirms whether any fees should be charged to an event based on whether it is deemed to be commercial, community based or statutory in nature.
9. Should an event pass this test of reasonableness, it is given provisional approval subject to a technical assessment of the event by the Safety Advisory Group (SAG). The purpose of this group is to receive and assess the fine organisational detail of major events from organisers in order to enable the event to proceed safely. This meeting typically covers a wider range of interests, including external parties such as the emergency services and Transport for London.
10. There is a further level of large-scale event management for London, with the London Events Steering Group established by the GLA to consider and coordinate pan-London event proposals. Its aim is to ensure effective collaboration and liaison between agencies on planned major events, and to advise on transport, people movement and crowd management policies.

## **Approval Process Review**

11. Given the City has become an increasingly attractive location to hold events since the 2012 Olympics, it was thought appropriate to reconsider whether anything more than a test of reasonableness needed to be applied to event applications. This review has now been concluded, with the following findings.

## **Relative Strengths of the Current Process**

12. The review concluded that the current procedure has worked well for most applications and circumstances. In particular, its strengths briefly include:
  - Highly experienced, joined up and committed staff within DBE, City Police, Public Relations and Culture, Heritage & Libraries, who understand the needs of City stakeholders and the ‘art of the possible’.
  - Experienced event managers, who have worked with the City over a number of years to deliver safe events with the minimum of impact.
  - Established channels for communication with the public about the impact of upcoming events through the City website, e-mail and Twitter account.
  - A well rounded formal application process with guidelines for applicants, and appropriate officer forums to consider applications, namely SEEG, SAG and the London Events Steering Group.

## **Relative Weaknesses**

13. The review did identify a small number of relative weaknesses in five areas.
14. Comparisons between events
  - There is a lack of clarity around the relative merits of events, with the focus being on branding events in black and white terms, rather than recognising that all events have their relative merits and weaknesses.
  - Direct comparisons between events are over simplified, so that they can revolve around whether an event is primarily charitable or commercial, whereas most events involve elements of both.

- The lack of a policy context to indicate whether events support the wider City agenda amplifies this lack of balance in considering the relative merits of events.

#### 15. The Review Process

- Although operational problems are dealt with before, during and after an event, and some major events (such as the Lord Mayor's Show) do have a full debrief process, others are not subject to a comprehensive root and branch review, with a full pan-organisational debrief.
- Once an event has been granted approval for the first time, event organisers take this to imply a semi-permanent agreement that can be difficult for officers to overturn.
- Without an established path for Members to raise problems with past events, concerns can lie dormant and unresolved, allowing them to surface and become amplified when the annual report reaches Committee.

#### 16. The Annual Report to Members

- The importance of the annual report is over-emphasised, so that it is seen as an 'all or nothing' discussion, rather than part of a regular process of appropriate Member dialogue and engagement.
- The positive benefits of some events can be under-valued as they are not necessarily drawn out in the report, which tends to focus on the volume, concentration and cumulative impact of events.
- Members are unclear as to their purpose in considering the annual report. Are they endorsing approval already made under delegated authority, or are they still effectively able to veto event applications before final permission has been granted?
- Event organisers are typically unaware that the annual report can represent a significant risk to their event, in that comments made at Committee can effectively unravel permission for an event.

#### 17. Fees and Charges

- The current structure for fees and charges looks to band events into three types; statutory, community and commercial. However, in practice, the difference between these bands can be marginal,

leading to the vast majority of events being deemed to be community events, and therefore supported largely free of charge.

18. Co-ordination with Private City Events

- There can be gaps in information between the City's on-street event management teams in DBE and the City Police, and its private hospitality and event teams with the Remembrancer's and Public Relations. This can have consequences if private events are affected by matters on the highway, or vice versa.

**Key Principles of the Revised Event Consideration Process**

19. Seven key proposals have been set out that are intended to form an improvement plan for considering special events.

Proposal 1: Event Assessment Matrix

20. *Question: 'How do you assess the relative merits of a not-for-profit event that raises small amounts for charity vs a commercial event that generates £'000s for charitable causes?'*
21. Recommendation: Events will no-longer be assessed in terms of good vs bad, but rather in the context that an event can create more than one type of positive benefit, whether in terms of policy deliverable, charitable contribution, community support etc, and that all events cause some degree of disruption and have the capacity to cause complaint.
22. It is proposed that an Event Assessment Matrix (see Appendix 1) will be used to highlight the relative benefits and disbenefits of different events. In particular, it will focus on an event's disruption and potential for complaint, versus its level of community or charitable benefit, and whether it fits with the City's corporate strategies. This EAM will be applied to all major event applications, provided they still pass the 'test of reasonableness' outlined earlier.
23. Being able to better visualise the respective pros and cons of an event will help inform the decision making process as to whether an event should be supported, and an event's individual assessment can be reported to Members as part of the consideration process. Appendix 1 indicates how this year's current list of major special events would be assessed on this basis.

## Proposal 2: Event Diary Assessment

24. Question: *It is often suggested that 'The Event Calendar is full, and there's room for no more', but how can space still be found or justified when a sufficiently prominent event such as the Tour de France is proposed?*
25. Recommendation: The idea of a fixed and simple cap on the total number of events is not an effective concept of control. Instead, it is proposed that the assessment process will account for the concentration of events at different times of year, as well as their cumulative impact.
26. Breaking down each event's impact by 'time of year' (see Appendix 2) challenges the perception that the City's diary is full of events, and clearly indicates that there are times when another event can often be accommodated. Equally, there are other times when the event calendar clearly is 'full' and no further events can be supported, or where room must be left for other highway works to take place (eg utilities, major City schemes, Crossrail etc).
27. In terms of the geographical location of events and their particular impact on residents, an assessment of the current events would suggest that organisers tend to favour the City as a destination, and so look to focus on iconic sights such as St Pauls, Guildhall and Bank, or they are looking for distance events that typically pass through the City along Upper / Lower Thames Street and Victoria Embankment (often taking in Tower Bridge).
28. Of the City's four major residential estates, three (Golden Lane, Middlesex Street and Mansell Street) are rarely impacted by events, with the fourth (the Barbican Estate) affected by just two; Lord Mayor's Show and the Great City Race. However, the new process described above would ensure that any additional major event application that might affect any of these areas would be received and considered by Members before approval.
29. In fact, the impact of events is felt most by the residents around Globe View in High Timber Street due to the frequency of events organised by TfL along Upper Thames Street, but again this visibility of process will better enable officers to raise issues with TfL for both current events and future requests.

### Proposal 3: Three Year Root & Branch Reviews

30. *Question: Why do we always have the same events every year, run by the same companies, and why can't we say no to those events that always seem to cause problems?*
31. Recommendation: In order to make it clear to event organisers that an existing event approval does not constitute approval in perpetuity, it is proposed to run a rolling cycle of three year 'in principle' agreements, allowing organisers to plan in the long term for their events, but equally offering the City a natural opportunity to end its support for an event if it is deemed appropriate to do so.
32. An informal feedback loop already takes place as part of the learning process for annual events, but it is proposed that a full root and branch review should take place every three years, at which point a decision is taken as to whether to support that event for a further three years. Correspondingly, this root and branch review could recommend that the City end its association with a particular event, subject to Member approval.
33. This root & branch review would cover:
  - A structured debrief of the event over the previous three years.
  - The safety of the event.
  - The community impact.
  - The effectiveness of the event planning.
  - The effectiveness of the event communications.
  - The number, type and severity of any complaints.
  - The benefits to the City Corporation and City stakeholders (including economic impact).
  - The amounts raised for charitable causes and where this has been distributed / spent?
  - The responsiveness and flexibility of the event organisers.
34. These reviews would be staggered over a three year period to allow for the potential to gradually turn over events. Event organisers would also be on notice regarding where their particular event would sit in the three year cycle. It is accepted that some events are fully fixed in the City's or TfL's respective diaries (eg Lord Mayor's Show, London Marathon), but the discipline of holding a full root and branch review every three years would still be desirable



35. It would still be made clear that a three year rolling cycle would not prejudice the City's right to cancel an event due to poor management or other extenuating circumstances without liability before the three years are up.

Proposal 4: Amended Member Engagement and Committee Reporting

36. *Question: What form of reporting would allow for improved dialogue between officers and Members on special events?*
37. Recommendation: Instead of a singular annual report, a new reporting protocol will be established with shorter but more regular reports covering:
- Any major new proposals considered by SEEG and requiring an EAM assessment (when there is sufficient time to do so);
  - A summary on feedback from 'first year' events;
  - Recommendations for supporting or rejecting those events that have been considered as part of the three year review process.
38. Event organisers will also be informed that their particular event will be the subject of a report, discussion and decision, so that they have the opportunity to attend the public gallery if they so choose.
39. With the inclusion of policy matters (such as the City's Visitor and Cultural Strategies) for the first time in the event assessment process, it was thought appropriate to bring this report to the Culture, Heritage & Libraries Committee. The assessment of how far an event meets the City's policy aims and objectives would typically be made by officers from the Culture, Heritage and Libraries Department, in conjunction with the Public Relations Office and the Town Clerks.
40. However, given that planning for major events is a dynamic process, there needs to be a way in which Members can still have effective oversight when the structured Committee reporting process is not sufficiently responsive to matters on the ground, or able to cover the depth of information that an event may require.
41. For such circumstances, a protocol will be established to engage more regularly with Chairmen and Deputy Chairmen of the respective committees to seek their informal views at an early stage of event planning, or where there is insufficient time to allow for the standard reporting process to be followed.

42. It is not intended to relinquish the delegated authority of the Director of the Built Environment to make traffic orders to facilitate special events, but rather this authority will be enacted in conjunction with the views of Members, either through this dynamic engagement or the more structured reporting process to Committee.
43. This enhanced level of Member involvement would be of particular assistance in dealing with applications that arrive through a political rather than an operational route, for example via the Mayor's Office and the GLA direct to the Town Clerks.

#### Proposal 5: A Special Events Strategy

44. *Question: Should the City have an events strategy that considers a number of wider questions regarding the role of the City in facilitating major special events?*
45. Recommendation: As part of this review, officers identified a number of wider points that should be considered in order to help establish a wider events strategy. These would be subject to a later report to Members, but include:
  - How can events better help deliver the City's Corporate Plan, as well as its Cultural, Visitor and Health & Wellbeing agendas?
  - Should the City promote and market itself as an event host, rather than just receive and consider those events that are proposed by others?
  - Should limits be placed on the number of events that any one particular organiser can promote in the City?
  - How can the new powers to authorise street trading be best utilised in the context of major special events?
  - What approach should be adopted for considering requests to use the City's bridge lighting over the River Thames for events?

#### Proposal 6: Revised fees and charges

46. *Question: Is it still appropriate that event applications per se are free of charge, with full cost recovery only applying to what are a small number of fully commercial events?*
47. Recommendation: The vast majority of events are currently supported free of charge because of their community or charitable status, but this does

not take into account the officer time in considering applications, which can be considerable. Where there is a direct cost to the City, eg advertising traffic orders or suspending parking bays, full cost recovery is possible, but given the non-commercial nature of most events in the City, full cost recovery of the officer time is unlikely. Fees have therefore been set in order to reflect a reasonable charge for the service.

48. It is therefore proposed to introduce a new set of flat rate fees and charges, irrespective of the type of event, which will help:
  - Filter out speculative events
  - Manage demand
  - Contribute to covering administration costs
49. The proposed scale of charges is similar to the existing fee structure used for filming requests by Public Relations and is detailed in Appendix 3. Fees would apply to all event applications (except City Corporation events), but requests to waive fees would be considered only in exceptional circumstances, and an approved 'production credit' would also be required. Any concessions would be reported as a Benefit in Kind as part of the annual report to Members of the Finance Grants Sub Committee, but event organisers would generally be referred to the City's charitable application procedure.

Proposal 7: Improved liaison between the City's public and private-facing departments

50. *Question: How can communications be improved between the respective departments?*
51. Recommendation: The Remembrancer's Department will be invited to join SEEG and to bring details of their events that overlap the public highway due to security or road closure requirements, for discussion and review.
52. The Remembrancer, DBE and the City Police will also review contingency plans for major set piece events to ensure the necessary level of close co-operation is maintained.

## **Update on Previously Agreed Events**

### **Children's Parade (Friday 27 June)**

53. Through January's annual event report, Members agreed for a Children's Parade to be held as part of the City of London Festival, requiring approximately a one hour road closure from Guildhall Yard to Paternoster Square via Cheapside, Newgate Street and Warwick Lane.
54. We have since been told by organisers that they have invited around 1,400 participants to take part, instead of the original 1,000, leading to concerns from officers that the closure duration will extend beyond the original one hour. The organisers have assured the City that the event will not require a longer closure, but in accordance with the above revised procedure, officers will look to undertake a full scale review of the event after this year before deciding whether to recommend it taking place again in 2015. The Festival has been informed of this approach and has been asked to co-operate fully with the review.

### **New Event Notifications / Applications**

55. In the context of providing Members with more frequent information regarding major event notifications and applications, two requests are worthy of note.

### **Royal Marines 350 Year Anniversary Parade (25 July 2014)**

56. The Royal Marines will be celebrating their 350<sup>th</sup> anniversary this year, and have asked to exercise their Privilege to march from the Honourable Artillery Company Grounds in Islington to Guildhall, via the Mansion House, with 'drums beating, colours flying and bayonets fixed'. The Privilege to march through the City dates back to 1664 when the Royal Marines' Royal Warrant granted them the right to recruit from within the City 'volunteer militia' or 'citizen soldiers', which they exercised by marching recruiting parties through the City streets.
57. This march is now routed via Moorgate and Bank junction to Guildhall at around 12 noon, with the Lord Mayor taking the salute in front of Mansion House. A non-public report was agreed by Members of the Hospitality Working Party, the Policy & Resources Committee and the Court of Common Council last year for the City to support this event, including a lunchtime reception at Guildhall at its conclusion.
58. The Remembrancers seek to ensure, where possible, that the number of regiments exercising their freedom to march through the City is limited to

one per annum, and the impact of these events (such as last year's Atlantic Parade) is typically limited, with the march managed under a 'bubble' closure by the City Police.

59. This particular event is expected to be larger, with some road closures and diversions of around 30mins required, in addition to a police 'bubble'. It is also likely to attract some media interest, and will be publicised by the national Royal Marine associations.
60. Based on the proposed criteria outlined above, officers would currently assess the event as follows:

#### Benefit

- Policy Aims & Objectives: +5 (City Heritage)
- Charitable / Community Support: +5 (Overwhelming stakeholder support)

#### Dis-Benefit

- Disruption & Impact: -3 (Medium impact)
  - Likely complaints: -1 (Small number)
61. This net assessment (+10, -4) would place the event in the green zone of the Event Assessment Matrix. Officers therefore recommend that the event is supported.

### **Walk a Mile In Her Shoes (proposed for March 2015)**

62. We have been approached by the event organiser for a new event called 'Walk a Mile In Her Shoes'. This would be a first time event with a view to becoming an annual event, intended to link with International Women's Day (Sunday 8<sup>th</sup> March 2015).
63. The event is for sponsored men to walk in stilettos around a one mile course, and has been inspired by similar events in the USA and Canada. In summary:
  - The proposed date is Thursday 5<sup>th</sup> March 2015, between 7pm and 8pm, involving 1,000+ participants.
  - A number of routes are being considered, each about a mile long, with perhaps multiple routes being used to spread the participants.

It would involve a small number of roads being closed in the evening, with the majority of the event confined to the footway.

- The event will seek to target City workers from major corporations, with a nominated women's charity as the beneficiary.
  - The existing marketing for the event would appear to highlight the opportunities for brand partnerships, public relations and corporate social responsibility.
64. The event plan as it stands would currently pass the City's 'test of reasonableness' in terms of organisation and management, and there is sufficient capacity in the City's event calendar at this time of year not to rule the event out. Based on the new assessment criteria outlined above, this would be sufficient to require the event to be brought to Members for their initial consideration.
65. Based on the proposed criteria outlined above, officers would currently assess the event as follows:

#### Benefit

- Policy Aims & Objectives: +4 (International significance.)
- Charitable / Community Support: +2 (Small charitable contribution)

#### Dis-Benefit

- Disruption & Impact: -1 (Minor road closures, equivalent to the current Bloomberg Square Mile Run)
  - Likely complaints: -1 (Small number)
66. Adding the scores together, this net assessment (+6, -2) would significantly place the event in the green zone, so officers therefore recommend that the current proposal is accepted.
67. For information, using the Event Assessment Matrix can help track how the planning for an event can develop over time, as its benefits change or its impact reduces. In this instance, the original proposal involved a significant number of major weekday evening road closures, with London Wall desired as a location. That would have changed the event impact (Dis-Benefit) as follows:

### Benefit

- Policy Aims & Objectives: +4 (International significance.)
- Charitable / Community Support: +2 (Small charitable contribution)

### Dis-Benefit

- Disruption & Impact: -4 (Evening major road closures, equivalent to the impact of the Great City Race)
  - Likely complaints: -4 (Numerous & political; equivalent to the Great City Race and likely to affect the Barbican))
68. This net assessment (+6, -8) would have placed the event well towards the red zone, and would have led officers to recommend that the event proposal be rejected. Instead, the organisers revised their proposal in order to significantly change this assessment, resulting in a much more reasonable and acceptable proposal.

### **Legal Implications**

69. The City as traffic authority may temporarily restrict the use of roads for sporting events, social events or entertainments held on a road under section 16A Road Traffic Regulation Act 1984. In carrying out its traffic authority functions the City must also have regard to its duty to secure the expeditious, convenient and safe movement of traffic (section 122 Road Traffic Regulation Act 1984), and its duty to secure the efficient use of the road network avoiding congestion and disruption (section 16 Traffic Management Act 2004).
70. The approval of an event does not remove the need for the event organiser to secure all other necessary consents (such as advertising), approvals and road closures, and these are processed separately in accordance with the applicable procedures and statutory requirements. This is made clear in the Guidance issued to applicants.

### **Corporate and Strategic Implications**

71. The proposals align with our Corporate Plan 2013/17 (KPP5) in that they help the City Corporation to better manage events and so deliver the objectives described in its Visitor and Cultural Strategies, specifically those around animating the streetscape, supporting national and London celebrations and enhancing our offer for the enjoyment of all our publics.

72. The proposals also enable the City to better address its Community Strategy Theme of ‘A World Class City’ and ‘A Vibrant and Culturally Rich City’ through its encouragement of filming and its management of special events.

### **Consultees**

73. The Town Clerk, the Chamberlain, the Comptroller and City Solicitor, the City of London Police Commissioner, the Remembrancer, the Director of Culture, Heritage and Libraries, the Director of Public Relations, and the Director of Markets and Consumer Protection have been consulted in the preparation of this report and their comments included.

### **Conclusion**

74. The City seeks to support a series of charitable, cultural and fund-raising organisations by facilitating special events on its road network, and accommodating similar events on Transport for London’s Road Network. This report summarises the results of the recent review of the current event application process, and provides an update on a number of recent issues where the views of Members are sought.

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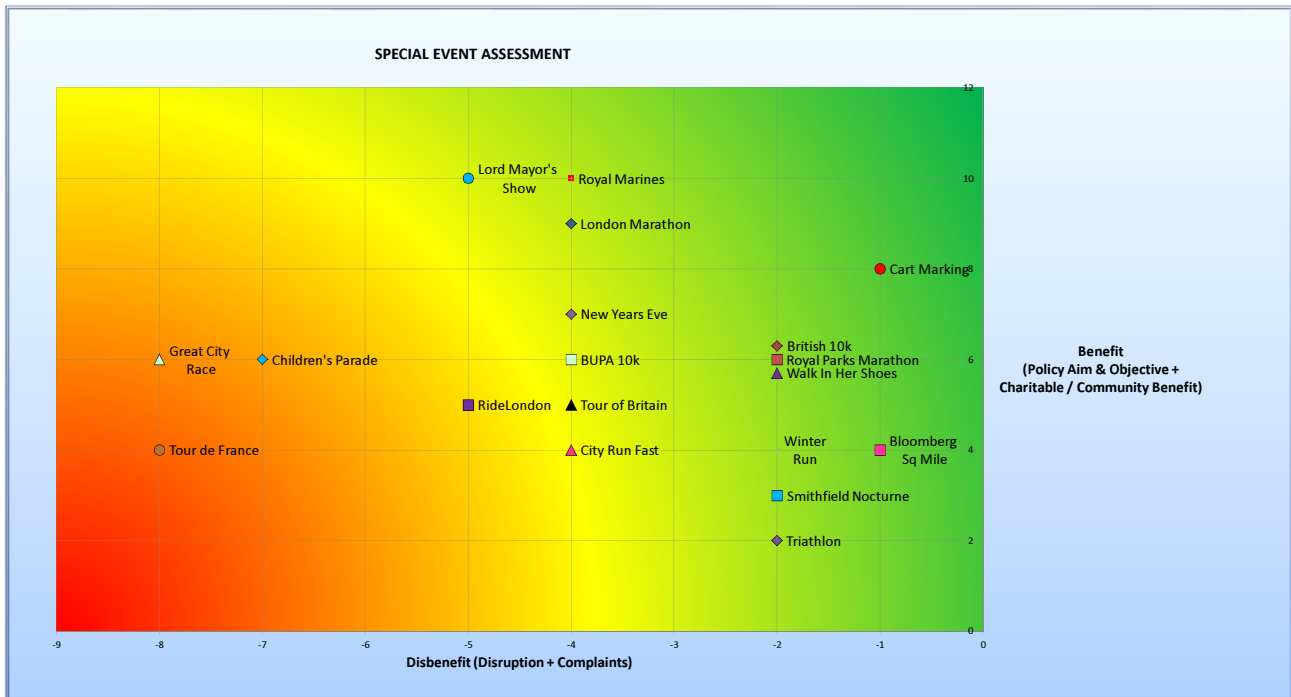
**APPENDIX 1: EVENT ASSESSMENT MATRIX**

Company	Date	Location	Disbenefit			Benefit		
			Disruption & Impact	Past / Likely Complaints	Total	Policy Aims & Objectives	Charitable / Community Benefit	Total
London Marathon	13-Apr-14	Embankment / Thames St	-2	-2	-4	4	5	9
BUPA 10k	25-May-14	Central City	-3	-1	-4	2	4	6
Smithfield Nocturne	07-Jun-14	Smithfield	-2	0	-2	3	0	3
City Run Fast	22-Jun-14	St Pauls / Bank / GH	-3	-1	-4	2	2	4
Children's Parade	27-Jun-14	GH / Cheapside / St Pauls	-5	-2	-7	3	3	6
Tour de France	07-Jul-14	Embankment / Thames St	-5	-3	-8	4	0	4
SC Great City Race	10-Jul-14	Central City	-4	-4	-8	2	4	6
British 10k	13-Jul-14	Embankment / Thames St	-2	0	-2	2	4	6
Cart Marking	16-Jul-14	GH / London Wall	-1	0	-1	5	3	8
Royal Marines	25-Jul-14	Moorgate / Bank / GH	-3	-1	-4	5	5	10
Triathlon	03-Aug-14	Embankment / Thames St	-2	0	-2	2	0	2
RideLondon	9&10-Aug-14	Central City	-3	-2	-5	4	1	5
Tour of Britain	14-Sep-14	Embankment / Thames St	-2	-2	-4	4	1	5
Bloomberg Sq Mile	18-Sep-14	GH	-1	0	-1	2	2	4
Royal Parks Marathon	05-Oct-14	Embankment / Thames St	-2	0	-2	2	4	6
Lord Mayor's Show	08-Nov-14	City	-3	-2	-5	5	5	10
New Years Eve	31-Dec-14	Western City	-3	-1	-4	4	3	7
Winter Run	Jan/Feb 2015	Embankment / Thames St	-2	0	-2	2	2	4
Walk In Her Shoes	05-Mar-15	To be finalised	-1	-1	-2	4	2	6

**Scoring Criteria**

Disbenefit	
Disruption & Impact	Past / Likely Complaints
Daytime major road closures / Major impact (-5)	Serious, numerous & political (-5)
Evening major road closures (-4)	Numerous & political (-4)
Extensive weekend road closures / Medium impact (-3)	Numerous non-political (-3)
Limited weekend road closures (-2)	Some political (-2)
Traffic holds / bubble / minor road closures (-1)	Small number (-1)
No road closures / No impact (0)	None (0)

Benefit	
Policy Aims & Objectives	Charitable / Community Support
City heritage / cultural 'difference' / Corporate Plan (inc visitor & cultural strategies) (5)	Not for Profit / Large charitable contribution / Overwhelming stakeholder support (5)
London / National / International significance (4)	Charitable contribution (4)
CoL Partner / City stakeholder (3)	Significant City community non-charitable benefit (3)
CoL Community Strategy (2)	Small charitable contribution (2)
Member-only support (1)	Small community benefit (1)
No policy objective / No Member support (0)	Fully commercial (0)



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## Appendix 2: Special Event Timeline

Date	Event	Disruption
13/04/14	London Marathon	-4
25/05/14	BUPA 10k	-4
07/06/14	Smithfield Nocturne	-2
22/06/14	City Run Fast	-4
27/06/14	Children's Parade	-7
07/07/14	Tour de France	-8
10/07/14	SC Great City Race	-8
13/07/14	British 10k	-2
16/07/14	Cart Marking	-1
25/07/14	Royal Marines	-4
03/08/14	Triathlon	-2
09/08/14	RideLondon	-5
14/09/14	Tour of Britain	-4
18/09/14	Bloomberg Sq Mile	-1
05/10/14	Royal Parks Marathon	-2
08/11/14	Lord Mayor's Show	-5
31/12/14	New Years Eve	-4

	Embankment / Thames St only (w/e)
	Embankment / Thames St (Mon daytime)
	City (w/e)
	City (Mon-Fri, evening)
	City (Mon-Fri, daytime)

Month	Week	Cumulative Disruption																	
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
Jan	1																		
	2																		
	3																		
Feb	4																		
	5																		
	6																		
	7																		
Mar	8																		
	9																		
	10																		
	11																		
Apr	12																		
	13																		
	14																		
	15				London Marathon														
May	16																		
	17																		
	18																		
	19																		
May / June	20																		
	21				BUPA 10k														
June	22																		
	23				Nocturne														
	24																		
	25				Run Fast														
July	26				Children's Parade														
	27																		
	28				Tour de France						Great City Race								
	29				Cart Marking														
Aug	30				Royal Marines														
	31				Triathlon														
	32				RideLondon														
	33																		
Sept	34																		
	35																		
	36																		
	37				Tour of Britain														
Oct	38				Sq Mile														
	39																		
	40				Royal Parks														
	41																		
Nov	42																		
	43																		
	44																		
	45				Lord Mayor's Show														
Dec	46																		
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D/J	50																		
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	52																		
	1				New Year's Eve														

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### **Appendix 3: Proposed Fees and Charges**

The fees that will apply to special event applications are proposed to be as follows:

- Application fee
  - £300 for a major event (ie typically one that will close a road)
  - £65 for a minor event
- Traffic order - £600
- Parking bay suspension - £15 per space
- Dispensation - £32 per day
- Vehicle removal / enforcement – at cost price plus 15% CoL administration
- Cleansing costs - at cost price plus 15% CoL administration
- Hoarding licence
  - £50 - Major event
  - £25 – Minor event

The list above includes specific event-related road closure & hoarding licence fees, reflecting the difference involved in administration requirements and costs between the needs of special events and building sites. Pre-application advice on event planning would also continue to be provided free of charge.

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FROM: **CULTURE, HERITAGE AND LIBRARIES COMMITTEE**  
**14 July 2014**

TO: **PLANNING & TRANSPORTATION COMMITTEE**  
**17 July 2014**

### **Review of Guidelines for Special Events on the Public Highway**

The Committee considered a report of the Director of the Built Environment, which summarised the findings of a review of the current procedure for considering applications to hold major special events in the Square Mile.

During the discussion and debate on this item, the following items were raised/noted:

- The proposal presented a good basic structure and the matrix in the report was particularly commended.
- Residents could be cut off for several hours during some events but officers advised that street works were cancelled during special events, so as not to compound the problem.
- Whilst commending its innovation, residents had not been advised about the unloading and erection of the blow up top hat in Paternoster Square but officers would be reviewing arrangements with the organisers.
- Consideration should be given to re-siting some of the events to parks.
- Events should be limited to those of relevance to the City and organisers should be asked to justify the continuation of their events.
- The fees were broadly in accordance with those charged by Westminster Council.
- Events bring economic benefits to the City and assist in terms of visitor profile.
- Members could make a valuable contribution to the events group, particularly resident Members. Offices explained that they need to be able to meet before putting proposals to Members but were happy to engage with Ward Members (and Port Health Committee for noise issues) at an early stage. However, it was Proposed by Mr Pulman, Seconded by Ms Newman and agreed unanimously that the Chairman and Deputy Chairman be appointed to the officer events group, with immediate effect.

#### **RESOLVED, that:**

1. The proposal to appoint the Chairman and Deputy Chairman of the Culture, Heritage and Libraries Committee to the Officer Events Group, with immediate effect, be noted.
2. The proposals for a revised Special Events consideration process be agreed.
3. The revised fees and charging structure be agreed.
4. The changes to the Children's Parade event be noted, which will be subject to a full post-event review.
5. The Royal Marines Parade be supported.
6. The application for the 'Walk a Mile in Her Shoes' event be approved.

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# Agenda Item 7

<b>Committee(s):</b>	<b>Date(s):</b>	<b>Item no.</b>
Planning & Transportation	30 <sup>th</sup> July 2014	
<b>Subject:</b> Revenue Outturn 2013/14		Public
<b>Report of :</b> The Chamberlain Director of the Built Environment Director of Culture, Heritage and Libraries The City Surveyor		For Information

## Summary

This report compares the revenue outturn for the services overseen by your Committee in 2013/14 with the final agreed budget for the year. Overall total net expenditure during the year was £15.506m, whereas the total agreed budget was £15.793m, representing an underspending of (£0.287m) as set out below:

<b>Summary Comparison of 2013/14 All Risk Revenue Outturn with Final Agreed Budget</b>			
	<b>Final Approved Budget £000</b>	<b>Revenue Outturn £000</b>	<b>Variations Increase/ (Reduction) £000</b>
<b>Direct Net Expenditure</b>			
Director of the Built Environment	3,585	3,681	96
Director of Culture, Heritage and Libraries	1,574	1,522	(52)
The City Surveyor	913	546	(367)
	-----	-----	-----
<b>Total Direct Net Expenditure</b>	6,072	5,749	(323)
	-----	-----	-----
<b>Capital and Support Services</b>	9,721	9,757	36
	-----	-----	-----
<b>Overall Totals</b>	<b>15,793</b>	<b>15,506</b>	<b>(287)</b>

Chief Officers have submitted requests to carry forward underspendings, and these requests will be considered by the Chamberlain in consultation with the Chairman and Deputy Chairman of the Resource Allocation Sub Committee.

## Recommendation

It is recommended that this revenue outturn report for 2013/14 and the proposed carry forward of underspendings to 2014/15 are noted.

## MAIN REPORT

### Revenue Outturn for 2013/14

- Actual net expenditure for your Committee's services during 2013/14 totalled £15.506m, an underspend of (£0.287m) compared to the final approved budget of £15.793m. A summary comparison with the final agreed budget for the year is tabulated below. In this and subsequent tables, figures in brackets indicate income or in hand balances, increases in income or decreases in expenditure.

**Table 1 - Summary Comparison of 2013/14 Revenue Outturn with Final Agreed Budget**

	Final Approved Budget £000	Revenue Outturn £000	Variations Increase/ (Reduction) £000	Variation Increase/ (Reduction) %
<b>Local Risk</b>				
Director of the Built Environment	9,603	9,319	(284)	(3.0)
Director of Culture, Heritage and Libraries	1,574	1,522	(52)	(3.3)
The City Surveyor	860	534	(326)	(37.9)
<b>Total Local Risk</b>	----- <b>12,037</b> -----	----- <b>11,375</b> -----	----- <b>(662)</b> -----	----- <b>(5.5)</b> -----
<b>Central Risk</b>				
Director of the Built Environment	(6,018)	(5,638)	380	6.3
The City Surveyor	53	12	(41)	(77.4)
<b>Total Central Risk</b>	----- <b>(5,965)</b> -----	----- <b>(5,626)</b> -----	----- <b>339</b> -----	----- <b>5.7</b> -----
<b>Capital and Support Services</b>	<b>9,721</b>	<b>9,757</b>	<b>36</b>	<b>0.4</b>
<b>Overall Totals</b>	<b>15,793</b>	<b>15,506</b>	<b>(287)</b>	<b>(1.8)</b>

- The main local risk variation comprises of:

- Director of Built Environment** - underspend is mainly due to Off-Street Parking Services additional income from car park fees (£170,000) and underspends across various running budgets relating to energy costs, professional fees and contract costs (£56,000); On-Street Parking Service enforcement contract savings (£109,000), reduced repair and maintenance costs for parking meters (£24,000) and salary

saving due to vacancies in the Parking Ticket Office (£26,000). These savings were partly offset by shortfalls in hoardings and scaffolding licence income of £104,000, which was due to an increased income target to reflect the expected high level of development activity, that was not fully achieved.

- **Director of Culture, Heritage and Libraries** - underspend is mainly due to staff vacancies (£31,000), reduced cleaning spend (£11,000) and reduction in spend on equipment (£10,000).
  - **City Surveyor** - underspend is mainly due to the rephasing of the Additional Works Programme as reported to the Corporate Asset Sub Committee.
3. The central risk variation is mainly due to an increase in transfers to the On Street Parking Reserve from On-Street and Off-Street Parking Services of £480,000 due to underspends on local risk budgets (as detailed in paragraph 2), and additional central risk parking meter income, which facilitated the surplus funds to be transferred to the reserve. This was partly offset by increased planning application income (£128,000).
4. Annex A provides a more detailed comparison of the local risk outturn against the final agreed budget, including explanation of significant variations

#### **Local Risk Carry Forward to 2014/15**

5. The Director of the Built Environment had a local risk underspending of (£284,000) on the activities overseen by your Committee, of which £258,000 is eligible to carry forward to 2014/15. The Director also had local risk underspending totalling (£182,000) on activities overseen by other Committees. The Director is proposing that a total of £399,000 is carried forward, of which £232,000 relates directly to activities overseen by your Committee for the following purposes:
- £55,000 is required for staffing resources for the Crossrail project for delivery of improvements around station entrances and work sites.
  - £41,000 funding for slippage in the inspection of the Highways Structures.
  - £25,000 for Parking Enforcement contract variation added value proposals. This will fund significant upgrades to the kit Parking Attendants have available, like body-mounted cameras.
  - £25,000 for updating the City Streets manual as the manual is nearly 10 years old.
  - £20,000 for the Holborn Circus opening event by the Lord Mayor, added to the project at a late stage.
  - £20,000 for public consultation relating to the Riverside Walk Area Strategy.
  - £20,000 for purchase of ESRI virtual City model (a digital mapping tool) and related CityEngine software for the Planning Division.

- £15,000 for a fixed term admin post to undertake scanning and archiving of Land Charges documents and historic Development Plan documents, plus help with Local Plan Inquiry and survey updates.
  - £6,000 for purchase of IDOX Public Access updated software to allow planning application documents to be viewed on tablets/smartphones.
  - £5,000 for a specialist firm to help with the formatting and presentation documentation of the new Corporate Transport Policy rollout.
6. These requests will be considered by the Chamberlain in consultation with the Chairman and Deputy Chairman of the Resource Allocation Sub Committee.
  7. The Director of Culture, Heritage & Libraries had a local risk underspend of (£52,000) on the activities overseen by your Committee. The Director also had a local risk underspend totalling (£1,049,000) on activities overseen by other Committees and is proposing that £422,000 of his underspend be carried forward to 2014/15.
  8. The City Surveyor's local risk underspend of (£326,000) is mainly relating to the Additional Works Programme, which will be rolled over to 2014/15. The Additional Works Programme is a three year rolling programme reported to the Corporate Asset Sub Committee (CASC) quarterly, where the City Surveyor will report on financial performance and also phasing of the projects. Under the governance of the programme, unspent budgets are automatically rolled over for the life of the programme to allow for the completion of projects which span multiple financial years.

#### **Thames Bridges' Repairs, Maintenance and Major Works Fund**

9. The Bridges Repairs, Maintenance and Major Works Fund is operated to provide sufficient resources to meet the maintenance costs of the five bridges over a period of 50 years. The fifty year programme of works undertaken by the City Surveyor and the Director of the Built Environment to be met by the fund, was agreed by your Committee on 26<sup>th</sup> November 2013. The breakdown is shown below in Table 2.
10. The actual expenditure for 2013/14 was £1.544m against a budget of £2.027m, an underspend of (£0.483m).

<b>Table 2: Thames Bridges' Repairs, Maintenance and Major Works Fund</b>				
<b>Analysis of Outturn for 2013/14</b>				
	Final Agreed Budget £'000	Outturn £'000	Variance increase/ (decrease) £'000	Variation Increase/ (Reduction) %
Blackfriars Bridge	140	39	(101)	(72.1)
Southwark Bridge	58	63	5	8.6
London Bridge	475	400	(75)	(15.8)
Millennium Bridge	95	53	(42)	(44.2)
Tower Bridge	1,259	989	(270)	(21.4)
<b>Total</b>	<b>2,027</b>	<b>1,544</b>	<b>(483)</b>	<b>(23.8)</b>

11. The principal reasons for the (£0.483m) underspendings are set out below:

- **Tower Bridge** - the underspend of (£270,000) was mainly due to delays in obtaining the necessary licenses and permissions from TfL for the external decorations project. This work is now scheduled to be carried out in 2014/15.
- **Blackfriars Bridge** - underspend of (£101,000) was as a result of Blackfriars inspection being downgraded from a principal inspection to a general inspection due to the ongoing works on the adjacent Blackfriars Railway Bridge, therefore, the project has slipped to 2014/15.
- **London Bridge** - the underspend of (£75,000) was mainly due to delays in cradle and track works on the bridge due to operational difficulties. These works are due to be completed in 2014/15.
- **Millennium Bridge** - the underspend of (£42,000) was mainly due to work not required for the inclinators (£22,000) and floodlighting works which were not undertaken due to prioritisation of works on other projects (£20,000).

12. The balance on the fund at 31st March 2014 was £127.953m (£119.883m 31<sup>st</sup> March 2013), an increase of £8.07m from a year earlier, as set out in Table 3 below.

<b>Table 3: Thames Bridges' Repairs, Maintenance and Major Works Fund</b>	
<b>Movement in Fund 2013/14</b>	
	£'000
<b>Balance brought forward 1<sup>st</sup> April 2013</b>	<b>(119,883)</b>
<u>Expenditure:</u>	1,544
<u>Income:</u>	
Planned contributions to fund on 1 <sup>st</sup> April	(1,020)
Interest accruing	(318)
Rental income	(909)
<u>Capital Movements</u>	
Gains on disposal	(867)
Gain on the revaluation	(6,500)
<b>Balance carried forward at 31<sup>st</sup> March 2014</b>	<b>(127,953)</b>

13. The gain on revaluation relates to increases on investments held within the Fund (£5.6m) and increases on the revaluation of properties held (£0.9m) most notably Millennium Bridge House. The balance on the fund at the 31st March 2014 of £127.953m will be carried forward to meet the cost of works in 2014/15 and later years.
14. An updated 50 year programme will be presented later on in the year to your committee for approval, as part of the annual estimate cycle.

#### Contact Officers:

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#### Appendices

**Annex A** – Planning & Transportation Committee – Comparison of 2013/14 Revenue Outturn with Final agreed Budget

Planning & Transportation Committee – Comparison of 2013/14 Revenue Outturn with Final Agreed Budget

	<b>Final Agreed Budget £000</b>	<b>Revenue Outturn £000</b>	<b>Variation Increase/ (Decrease)</b>	<b>Variation Increase/ (Reduction) %</b>	<b>Reasons</b>
<b>LOCAL RISK</b>					
<b>Director of the Built Environment</b>					
City Fund					
Town Planning	2,328	2,342	14	0.6	
Planning Obligations	15	16	1	6.6	
Transportation Planning	226	265	39	17.3	
Road Safety	291	274	(17)	(5.8)	
Building Control	118	108	(10)	(8.5)	
Highways	3,569	3,593	24	0.7	
Traffic Management	(962)	(858)	104	10.8	1
Off-Street Parking	(66)	(292)	(226)	(342.4)	2
On-Street Parking	3,561	3,383	(178)	(5.0)	3
Drains & Sewers	284	255	(29)	(10.2)	
<b>Total City Fund</b>	<b>9,364</b>	<b>9,086</b>	<b>(278)</b>	<b>(3.0)</b>	
Bridge House Estates					
Thames Bridges	239	233	(6)	(2.5)	
<b>Total Direct of the Built Environment</b>	<b>9,603</b>	<b>9,319</b>	<b>(284)</b>	<b>(3.0)</b>	
<b>Director of Culture, Heritage &amp; Libraries</b>					
Tower Bridge	1,574	1,522	(52)	(3.3)	4
<b>The City Surveyor</b>					
Thames Bridges	(69)	(69)	0	-	
Town Planning	132	65	(67)	(50.8)	
Highways	444	252	(192)	(43.2)	
Off-Street Parking	353	286	(67)	(19.0)	
<b>Total City Surveyor</b>	<b>860</b>	<b>534</b>	<b>(326)</b>	<b>(37.9)</b>	5
<b>TOTAL LOCAL RISK</b>	<b>12,037</b>	<b>11,375</b>	<b>(662)</b>	<b>(5.5)</b>	

## Reasons for Significant Local Risk Variations

1. **Traffic Management** - overspend is principally due to a shortfall in income from hoardings and scaffolding licences £193,000, as a result of an increased income target to reflect the expected high level of development activity, that was not fully achieved. This was partly offset by reductions in temporary staff costs for inspection works (£67,000) and reduced costs for advertising road closure notices (£33,000).
2. **Off Street Parking** - underspend is mainly due to increases in car park fees (£170,000), reduced energy costs (£20,000), reduced maintenance of barrier equipment contract costs (£17,000) and savings across various expenditure budgets (£19,000).
3. **On Street Parking** - underspend is mainly due to parking enforcement contract savings (£109,000), salary savings in the Parking Ticket Office due to vacancies (£26,000) and reduced repair and maintenance costs for parking meters (£24,000).
4. **Tower Bridge** - underspend is due to staff vacancies held until the planned re-organisation in 2014/15 (£31,000), reduced cleaning spend on event space due to building improvement works being undertaken (£11,000) and scaling back of furniture and equipment purchases in light of the impending move to alternative accommodation (£10,000).
5. **City Surveyor** - underspend is due to slippage and rephasing of works relating to the City Surveyor's Additional Works Programme over its three year cycle. It is anticipated that this will be spent over the life of the programme.



Planning & Transportation Committee – Comparison of 2013/14 Revenue Outturn with Final Agreed Budget

	<b>Final Agreed Budget £000</b>	<b>Revenue Outturn £000</b>	<b>Variation Increase/ (Decrease) £000</b>	<b>Variation Increase/ (Reduction) %</b>	<b>Reasons</b>
<b>CENTRAL RISK</b>					
<b>Director of the Built Environment</b>					
City Fund					
Town Planning	(686)	(814)	<b>(128)</b>	(18.7)	6
Highways	(1,872)	(1,878)	<b>(6)</b>	(0.3)	
Off-Street	(538)	(227)	<b>311</b>		7
Parking				57.8	
On-Street Parking	(3,966)	(3,797)	<b>169</b>	4.3	8
	(7,062)	(6,716)	<b>346</b>	<b>4.9</b>	
Bridge House Estates					
Thames Bridges	1,044	1,078	<b>34</b>	3.2	
<b>Total Director of the Built Environment</b>	<b>(6,018)</b>	<b>(5,638)</b>	<b>380</b>	<b>6.3</b>	
<b>The City Surveyor</b>					
Bridge House Estates					
Thames Bridges	<b>53</b>	<b>12</b>	<b>(41)</b>	<b>(77.4)</b>	9
<b>TOTAL CENTRAL RISK</b>	<b>(5,965)</b>	<b>(5,626)</b>	<b>339</b>	<b>5.7</b>	

Reasons for Significant Central Risk Variations

6. **Town Planning** - favourable variance is due to an increase in planning application fee income which was not anticipated.
7. **Off-Street Parking** - overall net operating cost of the City's Off-Street car parks was in surplus due to local risk underspends as a result of increases in car park income, reduced spend by the City Surveyor on the Additional Work Programme and increases in rental income for new leases for Minorities car park. Therefore, no funding transfer from the On-Street Parking Reserve was required and the surplus funds were transferred back to the On-Street Parking Reserve.
8. **On-Street Parking** - as a result of a surplus position on the overall net operating costs which was mainly attributable to increases in parking meter income, parking enforcement contract savings, reduced repair costs for meter repairs and salary savings in the Parking Ticket Office due to vacancies, which were partly offset by a reduction in Penalty Charge Notice income, the surplus position allowed an increase in the funds transferred to the On-Street Parking Reserve.
9. **Thames Bridges** - underspend relates to reduced spend on consultants fees for bridges inspections.

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# Agenda Item 8

Committee(s):	Date(s):
Port Health and Environmental Services (For decision)	13 May 2014
Planning and Transportation (For Information)	30 July 2014
Culture, Heritage and Libraries (For Information)	27 May 2014
Licensing (For Information)	21 July 2014
Subject: Street Trading Policy	Public
Report of: Director of Markets and Consumer Protection	For Decision
<b><u>Summary</u></b>	
<p>The City of London (Various Powers) Act 2013 has made changes to the long established street trading regime within the City of London. The City Corporation will have the authority to issue temporary street trading licences so that commemorative and seasonal events will be able to include a street trading element.</p> <p>Powers of enforcement against illegal street trading have been strengthened with items used to facilitate illegal sales being subject to seizure. This includes vehicles such as ice cream vans.</p> <p>This report provides an introduction to the attached combined policy and procedure document. This report:</p> <ul style="list-style-type: none"><li>• Explains the legislation affecting street trading in the City of London;</li><li>• Sets out the City Corporation's policy in respect of the regulation of street trading, including its enforcement; and</li><li>• Offers guidance as to the procedure to be followed in seeking a street trading licence</li></ul> <p>The report outlines matters considered by the licensing service in setting the proposed temporary licence fees which follow legally established guidelines. The fees set out in the policy are designed to cover the costs associated with the licensing process. Authorities, including the City Corporation, are not able to include the costs of enforcement against unlicensed street traders within their fees.</p> <p><b>Recommendations</b></p> <p><b>Port Health and Public Protection</b></p> <p>It is recommended that your Committee:</p> <ul style="list-style-type: none"><li>• Agree the proposed policy attached as Appendix 1 to this report.</li><li>• Agree the fees, incorporated as part of the Policy document, and replicated as Appendix 2 to this report.</li></ul>	

## **Planning and Transportation**

Members are invited to note the contents of this report

## **Licensing**

Members are invited to note the contents of this report

## **Main Report**

### **Background**

1. A report was considered by the Port Health and Environmental Services Committee on 11 March 2014 and the Planning and Transportation Committee on 18 March 2014 outlining the main changes introduced by the City of London (Various Powers) Act 2013. The present report concentrates on the City Corporation's policy response to the changes in the law.
2. Prior to the 2013 Act the only street trading permitted in the City of London was in part of Middlesex Street and only on Sunday mornings. Under the new measures, the City Corporation may issue temporary street trading licences for up to 21 days in any area of the City of London other than Middlesex Street. It remains the view of the City Corporation that street trading is generally not suitable within the City of London.
3. Where a temporary market is proposed, the Act provides for one person to apply on behalf of a number of traders. Provision is made by the Act for charging of fees for applications for and grant of temporary licences and for the imposition of licence conditions as to charges and the recovery of expenses.
4. A new seizure power applies to goods being unlawfully sold, and to equipment and vehicles used by unlawful street traders. This will enable, for example, an ice cream van operating in the City to be seized.

### **Current Position**

5. A prohibition on street trading in the City of London, other than in Middlesex Street, has been in force for many years. The 2013 Act liberalises the arrangements so as to permit street trading to take place for temporary periods in defined areas.
6. A combined policy and procedure document has been produced for the purpose of:
  - explaining the legislation affecting street trading in the City;
  - setting out the Corporation's policy in respect of the regulation of street trading, including its enforcement; and
  - offering guidance as to the procedure that should be followed in seeking a street trading licence.

The document can be seen as Appendix 1.

7. Of particular note is paragraph 4.3 of the document which establishes the type of occasion where a temporary licence will be acceptable i.e. as part of a one-off street festival or charity event, seasonal event or a specialist market.
8. Paragraph 4.4 looks at the criteria which will be considered prior to issuing a licence. The criteria are designed to ensure that before a temporary licence is issued environmental and public safety considerations will be taken into account, together with any other relevant City Corporation policies and strategies.
9. Also of note is paragraph 7.16 which ensures any receptacle has been approved by the City Corporation before being placed on the highway.
10. Before preparing the policy the views from a number of City Corporation services were sought including Planning, Highways, Cleansing, the Remembrancer's Office, the Comptroller's Office, and Environmental Health. Their comments were taken into consideration in the preparation of the policy.

## **Fees**

11. The City Corporation may charge such fees for applications for and the grant of temporary licences as it may determine and as may be sufficient in aggregate to cover the reasonable administrative or other costs it incurs in connection with street trading applications.
12. A high court case held on 16 May 2012 (*R (Hemming and Others) v Westminster City Council*) concluded that the amount of the fee is required to be determined every year and further that a local authority was precluded from making a profit from the licensing regime. A full account of the fee income and expenditure would therefore need to be considered to ensure a surplus is not being made.
13. In determining the proposed fee structure for temporary street trading licences the following factors have been taken into account:
  - Officer time spent on processing applications including site inspections and the issue of any licence
  - Officer time spent on the development and maintenance of processes and guidance notes
  - Training of staff as necessary
  - A percentage of the service costs such as accommodation and equipment
  - Officer time spent on inspections to ensure compliance with terms and conditions of any licence
14. Costs associated with the enforcement of unlicensed street trading activity have not been taken into account in setting the proposed fees, which are set out in Appendix 2.

## **Corporate & Strategic Implications**

15. The proposed policy and the introduction of temporary street trading in the City of London meets one of the City Corporation's aims, as stated in the Corporate

Plan 2013-2017, 'To provide modern, efficient and high quality local services and policing within the Square Mile for workers, residents and visitors with a view to delivering sustainable outcomes'.

16. It also meets one of the five key policy priorities KPP2, in that it seeks to 'support and promote the international and domestic financial and business sector.

### **Implications**

17. If fees are set lower than those recommended the result will be a deficit for 2014/15 as costs of administering the licence will not be fully met from income received. Fees set higher than those recommended will result in a surplus i.e. an income which exceeds the cost of providing the service.
18. Any such surplus or deficit for 2014/15 will be calculated after the end of that financial year and carried forward to be taken into consideration when fees are set for 2016/17. Ignoring a surplus or deficit could result in the City Corporation being subject to legal challenge.

### **Appendices**

*Appendix 1 – Street Trading policy and Procedure*

*Appendix II – Proposed fees*

### **Background Papers:**

Port Health & Environmental Services Committee Report 11 March 2014: 'City of London (Various Powers) Act 2013 London Local Authorities and Transport for London (No. 2) Act 2013'

*Transcript of (R (Hemming and Others) v Westminster City Council)*

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City of London Corporation

# POLICY & PROCEDURE

## Street Trading

(In accordance with section 16H of the  
City of London (Various Powers) Act 1987)

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## 1. Introduction

- 1.1. The purpose of this document is to:
  - explain the legislation affecting street trading in the City;
  - set out the Corporation's policy in respect of the regulation of street trading, including its enforcement; and
  - offer guidance as to the procedure that should be followed in seeking a street trading licence.
- 1.2. For many years street trading within the City of London was not permitted except for a Sunday market held in part of Middlesex Street. This general prohibition has now been amended by the City of London (Various Powers) Act 2013 which permits licences to be issued for street trading elsewhere in the City of London for limited periods.
- 1.3. Separate provision is made for ice cream trading outside food premises in the City. Please go to *[web link to be inserted]* for more information about this.
- 1.4. It is intended to review the Corporation's policy on street trading every three years although minor amendments may be made between general reviews.

## 2. Definitions

1965 Act: The City of London (Various Powers) Act 1965

1987 Act: The City of London (Various Powers) Act 1987

2013 Act: The City of London (Various Powers) Act 2013

Middlesex Street licence: A licence granted under section 8 of the 1987 Act.

Licensed street trader: A person, including a temporary licence holder, licensed to engage in street trading by a street trading licence granted under the 1987 Act. This includes both Middlesex Street traders and temporary licence holders.

Receptacle:	Includes a vehicle, trailer or stall and any basket, bag, box, vessel, stand, easel, board, tray or other structure or thing which is used as a container for, or for the display of, any article or thing.
Street trading:	The selling or exposing or offering for sale of any article or thing in a street.
Street trading licence:	A licence to engage in street trading granted under the 1987 Act. This includes both Middlesex Street licences and temporary licences.
Temporary licence:	A licence granted under section 11A of the 1987 Act which is valid for a period of up to 21 days.
Trading area:	An area which is specified in a temporary licence as the area within which street trading is permitted.

### **3. Legislation**

- 3.1. The legislation applying to street trading in the City of London is contained primarily in the City of London (Various Powers) Act 1987 as amended by the 2013 Act.
- 3.2. Licences may be granted under section 8 of the 1987 Act for street trading in the part of Middlesex Street between the junctions with Widegate Street and Sandys Row. Street trading under such a licence can only take place between the hours of 9 a.m. and 2 p.m. on Sundays (other than on Christmas Day when that day falls on a Sunday). Middlesex Street licences expire at the end of each calendar year.
- 3.3. Temporary licences may be granted under section 11A of the 1987 Act. Temporary Licences permit the licence holder to carry on street trading in a designated area set out in the licence for a maximum period of 21 days.
- 3.4. The City of London Corporation may make byelaws under section 21 of the 1965 Act (applicable to Middlesex Street trading only) and section 14 of the

1987 Act (applicable to all street trading) concerning, amongst other things, the manner in which street trading is carried on and the dimensions of receptacles. Applicable byelaws are attached as Appendix 1.

- 3.5. Sections 8(1) and 11A(4) of the 1987 Act provide that an application for a street trading licence must contain certain information. The grounds for refusing to grant or renew a Middlesex Street licence are set out in section 8 of the Act.
- 3.6. It is an offence under section 16(1) of the 1987 Act for any person to engage in street trading in the City of London other than in accordance with a street trading licence.

#### **4. City Corporation's policy in respect of temporary street trading**

- 4.1. As a global financial and business centre with a small resident population and a very large daily workforce, the City requires an environment which meets its special needs. This was recognised at the beginning of the 20<sup>th</sup> century with the enactment of the City of London (Various Powers) Act of 1911. This brought to an end the problems of maintaining order, safety and hygiene created by large numbers of street traders being crowded into the City's many narrow and winding streets.
- 4.2. With one exception to the prohibition, for that part of Middlesex Street which is within the City, the general City restriction on street trading has been maintained until the present day. It remains the view of the Corporation that street trading is generally not suitable within the City. However, the 2013 Act enables the prohibition to be lifted so as to permit street trading to take place for temporary periods in specified areas.
- 4.3. The intention is to enable limited street trading to take place in relation to one-off street festivals or charity events such as the 800<sup>th</sup> anniversary celebration for London Bridge in 2009, the annual Smithfield Nocturne, and, where appropriate, for seasonal events such as may occur at Christmas. This could also include, for example, the licensing of short term specialist markets.
- 4.4. In considering an application for a temporary licence, the City Corporation will have in mind environmental and public safety considerations, the public's

right to use and enjoy the highway, together with any other relevant City Corporation policies and strategies. Specific factors to be taken into account will include:

- The proximity and nature of any rail and tube stations, road junctions, and pedestrian crossing points;
- The volume of pedestrian footfall especially at peak times;
- Whether the proposed Trading area would enable continued free access to members of the public using the road, pavement, other footpath, footway or walkway or cause obstruction to e.g. pedestrians, prams and wheelchairs;
- The presence of existing street furniture;
- Any other factors which might put safety at risk;
- Whether the proposed street trading might have a negative effect on the character and appearance of the area in particular near heritage sites, conservation areas and listed buildings;
- The number of other temporary licences that have been issued for areas in or near the proposed trading area;
- Other events taking place within the City of London
- The nature of goods proposed to be sold;
- Any relevant factors relating to the applicant;
- Waste disposal arrangements;
- Any adverse impact on private rights – especially impacts on access to property/security of premises.

4.5. It is important that the public are able to pass along footpaths without the risk of coming into contact with vehicular and other traffic. In particular those using wheelchairs, mobility vehicles, pushchairs and buggies should be able to pass on pavements. As a guide, there should be a minimum width of unobstructed footway of two metres between the edge of a trading area and the edge of the footway. Where pedestrian flow rates are greater than 1200 persons per hour this distance may be increased, and such distances will need to take account of street furniture such as bollards, benches, cycle racks and bus stops etc. Permission will not be granted where the street trading might interfere with a fire escape. Further details of safe distances and how they should be measured are set out in Appendix 2.

4.6. Other potential hazards which will be considered include the impact on emergency services accessibility and whether the street trading would result in poor sight lines affecting vehicular or pedestrian traffic. In particular, street

trading will not normally be permitted within five metres of a pedestrian crossing.

- 4.7. To protect the attractiveness of the City's streets, it is important that the granting of a temporary licence does not result in detriment to the street scene. Street trading activity should not cause environmental problems or detract from the amenities of adjacent retailers/occupiers. Regard will be had to any potential problems associated with crime and disorder or anti-social behaviour. Street trading activity should not represent, or be likely to represent, a substantial risk of nuisance to the public or business from noise, particularly in residential areas and close to sensitive premises/areas e.g. schools, banks, listed buildings, conservation areas etc.
- 4.8. Where an event is to take place over a large area, such as a processional route, applications are more likely to be granted where they are along the route designated for that event or close to the event area. In these circumstances the number of temporary street trading licences granted in the same street or area, (where part of a single application), will be of less significance than in other cases. However, consideration will be given to the sufficiency of existing trading outlets to serve the needs of the event.
- 4.9. Temporary Licences will usually be connected with a particular event. It is expected that the duration of the licence will be the same as the duration of that event, up to the statutory maximum of twenty-one days.
- 4.10. In order to restrict the possibility of noise nuisance, the playing of amplified or non-amplified music is unlikely to be permitted unless it is an integral part of the event. Each application will be considered individually taking into account the likelihood of disturbance to residents, businesses and other sensitive premises. Further information can be obtained from the Corporation's Environmental Health Pollution Team or can be found on the Corporation's website [*web link*]. Under certain circumstances the playing of music may require a Temporary Event Notice. This would be in addition to the Street Trading Licence. For more information on Temporary Event Notices please go to (*insert web link*).
- 4.11. The use of generators may be permitted subject to the consideration of noise and emissions. Applications must include a detailed location plan indicating full details of generators and associated noise control. Further information can

be obtained from the Corporation's Environmental Health pollution Team or can be found on the Corporation's website [*web link*].

- 4.12. Artificial lighting will only be permitted if it does not cause a public nuisance.

## **5. Terms and conditions of licences**

### **Middlesex Street Licences**

- 5.1. The conditions (or "prescriptions") which are applied to Middlesex Street licences are set out in section 9 of the 1987 Act. These include the position or place in Middlesex Street where the licensee may trade, the articles which may be traded and the nature of any receptacle or equipment which may be used. A standard set of conditions for a Middlesex Street licence is set out at Appendix 3.
- 5.2. A street trading licence is granted to an individual and may not be transferred, sold or sublet to another individual.
- 5.3. A completed indemnity certificate is required before a licence is issued giving evidence of public liability insurance to the minimum value of £2,000,000 per incident.
- 5.4. Failure to comply with any conditions of a Middlesex Street licence may lead to its revocation in addition to any enforcement action.

### **Temporary Licences**

- 5.5. Temporary licences will specify, in addition to the area and time of street trading, the terms and conditions in accordance with which any street trading must take place (section 11A of the 1987 Act). Conditions will include the licence holder's responsibilities to maintain public safety, prevent nuisance and generally preserve the amenity of the locality. The standard conditions for temporary licences, which may be subject to alteration in the circumstances of each case, are set out in Appendix 4.
- 5.6. Permission will not normally be granted for temporary street trading to begin earlier than 09:00 Monday to Friday and 10:00 Saturday or Sunday. The

terminal hour will not normally be later than 21:00 Monday to Friday and 20:00 Saturday or Sunday. In considering the trading times, the Corporation will take into account the need to service the pitch e.g. to stock and re-stock, and the time needed to set up and take down any stall or other receptacle against the likelihood of disturbance to nearby residents and businesses.

- 5.7. A street trading licence is granted to an individual and may not be transferred, sold or sublet to another individual.
- 5.8. Where applicable, waste transfer arrangements must be provided on request to a City of London authorised officer. Any arrangement must comply with the City Corporation's Time banding Regulations. Further details can be obtained by clicking *[insert web link]*.
- 5.9. The licence holder must ensure that there is no litter around his place of trading and in a 3 square metre immediate vicinity of the trading area (regardless of whether the litter emanated from his business). The licence holder will ensure any staining of the footpath is removed before the end of trading on each day to the required standards of the City Corporation. Failure to achieve this will result in the City Corporation arranging removal of any staining and recharging the licence holder. The expected rates for additional cleansing can be seen as part of Appendix 9.
- 5.10. A completed indemnity certificate is required before a licence is issued giving evidence of public liability insurance to the minimum value of £2,000,000 per incident. Where the trading area and/or receptacle is large e.g. a marquee, a trading area containing more than two receptacles, the minimum value of public liability insurance may have to be increased. If in doubt as to the amount of insurance required please consult the licensing team.

## **6 Enforcement of street trading laws**

- 6.1 It is an offence under section 16 of the 1987 Act for any person to engage in street trading in the City of London unless they are a licensed street trader who is:
  - trading in accordance with a Middlesex Street licence, or
  - trading in accordance with a temporary licence granted under section 11A of the 1987 Act.

- 6.2 Any person convicted of an offence under section 16 is liable to a fine up to Level 3 on the Standard Scale (£1000).
- 6.3 A police officer or authorised officer of the City Corporation may, where they have reasonable grounds for believing that a person has committed an offence of unlawful street trading, seize any article or thing being offered for sale (whether or not the items are displayed), or any receptacle or equipment being used.
- 6.4 The procedure to be followed for seizure, including information about how goods may be returned, is explained in Appendix 5. Special provision is made for perishable goods and motor vehicles.
- 6.5 The City of London Port Health and Public Protection Department's Enforcement Policy will always be taken into consideration before any enforcement action is taken. The City of London Corporation's general approach is to assist traders in meeting their legal obligations and to work with them in putting things right. Further information on the Enforcement Policy can be found at *[insert web link]*.

## **7. Making an application for a street trading licence**

### **General**

- 7.1 It is recommended that potential applicants contact a licensing officer prior to submitting an application.
- 7.2 In order to obtain a street trading licence, or renew an existing Middlesex Street licence, an application must be made in writing to the City of London Licensing Service.
- 7.3 An application for a Middlesex Street licence must be in the form set out in Appendix 6 (new) or 7 (renewal). An application for a temporary licence must be in the form set out in Appendix 8. There is no renewal process for a temporary licence.
- 7.4 An application form must be accompanied by two recent photographs of the applicant and the appropriate fee.



- 7.5 On receipt of an application form, licensing officers will check to ensure it is completed correctly and complies with all statutory requirements.
- 7.6 Street trading will not normally require planning permission. However the selling of articles on the highway may require planning permission or affect the current planning use of the premises where that premises is connected with the licensed street trader. In these circumstances planning permission must be obtained in the normal way. Similarly, where temporary street trading will involve the closure of a road, a closure order under the Road Traffic Regulation Act 1984 will need to be applied for. [*link to relevant parts of CoL website*]
- 7.7 Where an LPG fuelled appliance is to be used, a copy of an up-to-date competent person's form certifying that the appliance has been properly checked and is sound must accompany the application form.

### **Middlesex Street Licences**

- 7.8 Under section 8(2) of the 1987 Act, an application for renewal of a Middlesex Street trading licence should be made no earlier than three months, and no later than two months, before the date on which that licence, unless revoked or surrendered, will cease to be valid.
- 7.9 Late applications will be considered and processed so far as reasonably practicable. However, applicants should be aware that if the application is submitted late it may not be processed before the existing licence ceases to be valid. This may result in a period of time during which the applicant cannot carry on any street trading.
- 7.10 Where a renewal application has been made, and there have been no justified complaints or enforcement issues, and all fees have been paid on time, the licence will normally be renewed.
- 7.11 If an application for a Middlesex Street Licence is refused on the grounds that there is no available space, the applicant will be given the option of having his details added to a waiting list. When a suitable space becomes available, the person next in line on the waiting list will be contacted and invited to re-submit an application form for the now vacant position.

## **Temporary Licences**

- 7.12 Full details of the trader, the goods proposed to be traded and the area of trading must be included on the application form. The application form must be accompanied with a plan showing the proposed Trading area outlined in red.
- 7.13 Where a number of stall holders come together as part of a single market, event, commemoration, or similar, a single application may be made. Such an application must list the names and addresses of all proposed traders.
- 7.14 Applications should be made no earlier than six months before the date on which a licence is required, and no later than twenty-eight days before the start of the proposed licence. As with Middlesex Street applications, if the application is submitted late it may not be processed in time for the proposed first trading day.
- 7.15 Before the grant of a temporary licence a site visit will be carried out by Licensing Officers and/or other officers of the City Corporation.
- 7.16 The design and appearance of any receptacle which is to be used will need to be agreed with the Licensing team and/or planning officers. If a large structure, the receptacle may need to be inspected by the City Corporation's District Surveyors.

## **8 Appeal Procedure**

- 8.1 Any person aggrieved by the refusal of the City Corporation to grant or, in the case of a Middlesex Street licence, renew, a street trading licence, or by the revocation or variation of a street trading licence, or by any prescription of a Middlesex Street licence, may appeal to the magistrates' court.
- 8.2 Any appeal must be made within fourteen days from the date on which the refusal, revocation, variation or prescription which is the subject of the appeal is notified to such person.

- 8.3 Further details of the appeal procedure can be found in the Licensing section of the City of London website (*web link to be inserted*) or by contacting the licensing team.

## **9 Fees and charges**

### **Middlesex Street Licences**

- 9.1 The fee for an application for the grant or renewal of a Middlesex Street licence is set by section 10 of the 1987 Act at £5. The fee should be submitted with the application. In the case of a Middlesex Street application, the fee will be returned to the applicant if the application is refused.
- 9.2 In addition to the application fee a further fee will be charged (a 'licence' fee) to recover the City Corporation's costs in issuing and maintaining the licence. This fee is currently set at £780 per annum. Where a licence is granted part way through the year the 'licence' fee will be reduced on a pro-rata basis. For example, if a licence was granted at the beginning of April only 75% of the fee will be payable. The fee for a Middlesex Street licence can be paid on a quarterly basis at no additional cost to the licence holder.
- 9.3 A list of current fees and charges is set out in Appendix 9.

### **Temporary Licences**

- 9.4 The fee for an application for a temporary licence is determined by the City Corporation and is currently set at £300 plus an additional 'trading' fee dependant on the length of time the licence is granted and is currently set at between £73 and £370.
- 9.5 Where the application is for multiple traders and/or trading areas, the fee will be determined individually in each case.
- 9.6 In addition to the application fee, charges may be payable including for the removal of refuse or other services provided to licensees.
- 9.7 An application for a temporary licence must be accompanied by the relevant total fee. The fee is for the duration of the temporary licence.

9.8 A list of current fees and charges is set out in Appendix 9.

## 10 Contacts

Write to: Licensing Service  
Walbrook Wharf  
Upper Thames Street  
EC4R 3TD

Email: [licensing@cityoflondon.gov.uk](mailto:licensing@cityoflondon.gov.uk)

Telephone: 020 7332 3406

You can also find more information and links to other sources of information on the City of London's website. Please click on the link below:

[Street Trading further information](#) *(link to be inserted)*

## BYELAWS AS TO STREET TRADING

**BYELAWS made by the Mayor and Commonalty and Citizens of the City of London acting by the Common Council with respect to Street Trading in the said City pursuant to Section 21 of the City of London (Various Powers) Act, 1965.**

1. In these Bylaws:-

“the Act” means the City of London (Various Powers) Act, 1965;

“the Act of 1911” means the City of London (Various Powers) Act, 1911;

“the Corporation” means the Mayor and Commonalty and Citizens of the City of London acting by the Common Council;

“licensed street trader” means a person licensed to engage in street trading by a licence granted under Part III of the Act;

“registered street trader” means a person registered as a street trader under Section 24 of the Act of 1911;

“receptacle” includes a vehicle or stall and any basket, bag, box, vessel, stand, easel, board, tray or other structure or thing which is used (whether or not constructed or adapted for such use) as a container for, or for the display of, any article or thing;

“article or thing” includes any living thing;

“street traders’ certificate” means a certificate issued to a registered street trader under Section 24 of the Act of 1911;

“street trading” means the selling or exposing or offering for sale of any article or thing in a street;

“street trading licence” means a licence to engage in street trading granted under Part III of the Act.

2. A licensed street trader shall not use a receptacle under the authority of a street trading licence unless it is so constructed as to be easily and immediately removable without the necessity of undressing the receptacle, and no accessories shall be attached thereto which would be likely to cause damage to the street.

3. A licensed street trader shall not, except for the purposes of supplying artificial light, cause or permit a receptacle used by him to be connected physically in any manner with any other receptacle, or any premises or property.

Provided that any connection for the purpose of supplying artificial light shall be readily detachable.

4. A licensed street trader shall not use a receptacle for street trading exceeding 7 feet in length, 4 feet 3 inches in width and 10 feet in height measured from the ground level.
5. *[no longer applicable]*
6. A licensed street trader shall not place a receptacle in such a manner as to project over the footway and where practicable shall place the receptacle along the curb-line. A receptacle may have an awning or roof projecting not more than 2 feet to the front and 2 feet to the rear of the receptacle (the front of the receptacle for this purpose is the side facing the footway).

Provided that any such awning or roof, including its supports, if any, shall insofar as they so project be in every part not less than 7 feet above the highway, and no articles or things shall be suspended from such awning or roof so as to reduce the headroom to less than 7 feet.

7. *[no longer applicable]*
8. A licensed street trader or a registered street trader shall not cause or permit any article or thing to project beyond or be placed alongside or around any receptacle used by him or be placed above the height of 10 feet measured from ground level.

Provided that the space immediately beneath the receptacle may be used for the deposit of articles or things, provided always that the street gullies are not obstructed thereby.

9. *[no longer applicable]*
10. *[no longer applicable]*
11. A licensed street trader or his assistant, shall when required by an officer of the City of London Police immediately remove his receptacle, articles or things temporarily, for so long a period as may be necessary from the space in front of any premises where their presence unduly obstructs or hinders the approach to or departure from such premises of persons or vehicles.

12. A licensed street trader or his assistant, or registered street trader, shall immediately remove his receptacle, articles or things temporarily for so long as may be necessary if required to do so by an officer of the City of London Police in the event of an emergency or in the exercise by the Corporation of any of their powers and duties.
13. A licensed street trader whilst engaged in street trading shall produce his street trading licence, [...], for inspection when requested to do so by an officer of the City of London Police or by an Inspector appointed by the Common Council of the City of London under the Shops Act, 1950.
14. *[no longer applicable]*
15. A licensed street trader shall cause all refuse, scraps, waste material, litter or rubbish arising from his street trading to be placed in suitable covered containers which shall be supplied by him and shall be kept exclusively for that purpose and he shall cause all such containers to be kept in a reasonably clean state, regard being had to the purposes for which they are provided, and shall cause such containers to be emptied as often as they are full into Refuse Containers provided by the Corporation.
16. A licensed street trader and any assistant shall demonstrate, offer for sale or sell goods only whilst standing at ground level or whilst sitting on a chair, box or other object placed at ground level, the height of such chair, box or other object not being in excess of 20 inches.
17. A licensed street trader shall not use or cause or permit to be used on any receptacle used by him for street trading, any system of lighting which includes any of the following types of equipment:-
  - (a) equipment not readily detachable.
  - (b) electricity leads exceeding five yards in length.
  - (c) candles or other naked lights unless the same are surrounded by a non- flammable and windproof shield.
18. The amount of the charges which the Corporation are authorised to make under Section 19 of the Act for the removal of refuse or other services rendered by them to licensed street traders, in respect of expenses incurred by them in the administration of Part III of the Act, and in the cleansing of that part of Middlesex Street in the City of London in which street trading takes place, shall not exceed *[£15 per week]*.

19. Any person who shall offend against any of the foregoing byelaws shall be liable on summary conviction to a penalty not exceeding [£500] and in the case of a continuing offence, to a further penalty not exceeding [???] for each day during which the offence continues after conviction therefor.

Examined.

(Signed) DESMOND HEAP,  
Comptroller and City Solicitor

The Common Seal of the Mayor and Commonalty and Citizens of the City of London was affixed to these Byelaws at a duly constituted meeting of the Court of Common Council held on the 29<sup>th</sup> day of June, 1967 and in my presence.

(Signed) E. H. NICHOLS.  
Town Clerk

The Secretary of State this day confirmed the foregoing Byelaws and fixed the date on which they are to come into operation as the first day of November, 1967.

(L.S.)

(Signed) H. B. WILSON.  
An Assistant Under  
Secretary of State

Whitehall  
4<sup>th</sup> October 1967

NOTE.

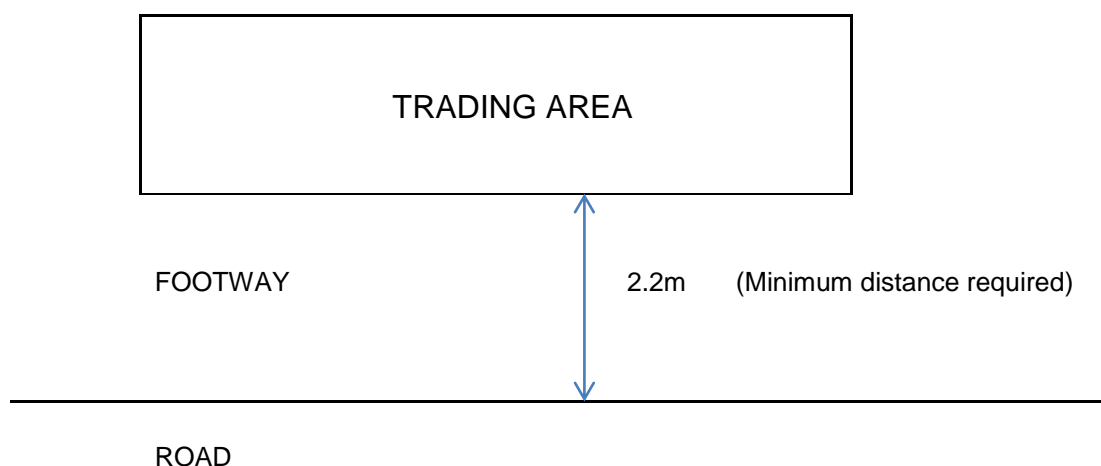
Section 13(2) of the City of London (Various Powers) Act, 1965, is in the following terms.

“(2) A person who is a licensed street trader may, subject to the provisions of this Part of this Act, engage in street trading in that part of Middlesex Street in the City which lies between the junctions of that street with Widegate Street and Sandys Row at any time between the hours of 9 a.m. and 2 p.m. on Sundays other than Christmas Day when that day falls on a Sunday.”



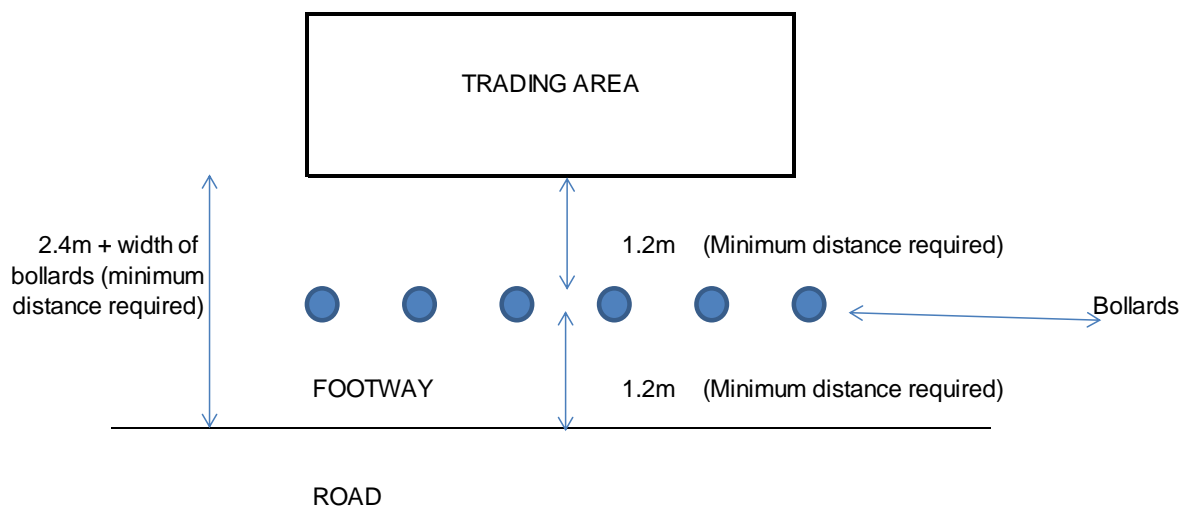
## Measurement of Available Footpath

- a) There must be a minimum width of unobstructed footway of 2.0 metres between the edge of the trading area and 200mm from the edge of the footway. The 200mm distance is to allow for the fact that pedestrians cannot be expected to walk on the edge of the footpath.



- b) Please note that the measurement is taken from the edge of the trading area and not the receptacle that may be used for trading. This is to allow for people browsing or queuing at the trader and not interfering with passing pedestrians.
- c) Where pedestrian flow rates are greater than 1200 persons per hour, particularly near a tourist attraction, this distance may be increased taking into consideration the likelihood of pedestrians stopping to observe shop fronts/the attraction etc. There is no exact formula for determining the minimum width of footpath and each case will be determined on its merits. The overriding factor will be the comfort of pedestrians and their ability to pass along the footpath safely.

- d) Where the footpath contains other street furniture such as lamp posts, bollards, parking meters, telephone booths, benches etc., the minimum unobstructed width will be measured between the edge of the trading area and 200mm from the item(s) in question plus the additional distance between the item(s) and 200mm from the edge of the footpath if each distance is not less than 1.2 metres.



- e) The positioning of the trading area should never discourage pedestrians from using the footway. The available pedestrian route must be straight, obvious and unobstructed and not pass through the trading area. An exception may be made where a street market occupies the whole of the Trading Area and the pedestrian route passes through the centre of that market.

## Standard Conditions for Middlesex Street Licences

1. The holder of any street trading licence, and any receptacle used for the purpose of street trading, must comply with all relevant road traffic and highways legislation.
2. The holder of any street trading licence, and any receptacle used for the purpose of street trading, must comply with all relevant food hygiene legislation.
3. The licensed street trader shall only trade from a receptacle approved by the Corporation in writing.
4. The licensed street trader shall maintain the receptacle in a clean condition and its structure, where appropriate, shall be kept in good order, repair and condition to the satisfaction of a licensing officer.
5. The licensed street trader shall conduct his business in such manner to ensure that he does not:
  - Cause a nuisance to the occupiers of adjoining property
  - Cause an obstruction to the vehicles or pedestrians using the highway
  - Cause a danger to occupiers of adjoining property or to users of the highway
6. A copy of the licence, suitably protected against the weather, shall be displayed in a prominent position on the stall or vehicle at all times when trading is taking place
7. No process or operation shall be carried out which would give rise to a nuisance by reasons of noise, vibration, smoke or smell.
8. No poster, advertisement, signage or decoration of an unsuitable material or nature shall be displayed, sold or distributed on or about the vehicle or premises. For the purpose of this condition, material is unsuitable if, in the

opinion of an authorised officer of the City Corporation, it is indecent, scandalous, offensive or likely to be harmful to any person likely to apprehend it. Material may also be considered to be unsuitable if it is of such a nature as to distract motorists driving on the highway.

9. Failure to comply with any condition attached to the street trading licence may result in the revocation of that licence

## Standard Conditions for Temporary Street Licences

1. The holder of any street trading licence, and any receptacle used for the purpose of street trading, must comply with all relevant road traffic and highways legislation.
2. The holder of any street trading licence, and any receptacle used for the purpose of street trading, must comply with all relevant food hygiene legislation.
3. The licensed street trader shall only trade from a receptacle approved in writing by the Corporation.
4. Trading shall only take place in the area specified on the licence.
5. The licensed street trader may only offer for sale the commodities specified on the licence.
6. The licensed street trader shall maintain the receptacle in a clean condition and its structure, where appropriate, shall be kept in good order, repair and condition to the satisfaction of a City Corporation licensing officer.
7. The licensed street trader shall conduct his business in such manner to ensure that he does not:
  - Cause a nuisance to the occupiers of nearby property
  - Cause an obstruction to the vehicles or pedestrians using the highway
  - Cause a danger to occupiers of nearby property or to users of the highway
8. Refuse storage must be provided adjacent to the trading area. The storage must be of substantial construction and waterproof. The trade waste must be removed at the end of each working day or, if the amount of refuse warrants it, when the container is full, whichever is the sooner.

9. A copy of the licence, suitably protected against the weather, shall be displayed in a prominent position on the stall or vehicle at all times when trading is taking place.
10. No process or operation shall be carried out which would give rise to a nuisance by reasons of noise, vibration, smoke or smell.
11. Nothing in any licence has the effect of granting to the holder any other licence or permissions needed under any other enactment or requirement and the licence holder is specifically advised to obtain such other approvals as may be required.
12. No poster, advertisement, signage or decoration of an unsuitable material or nature shall be displayed, sold or distributed on or about the vehicle or premises. For the purpose of this condition, material is unsuitable if, in the opinion of an authorised officer of the City Corporation, it is indecent, scandalous, campaigning, offensive or likely to be harmful to any person likely to apprehend it. Material may also be considered to be unsuitable if it is of such a nature as to distract motorists driving on the highway.
13. Failure to comply with any condition attached to the street trading licence may result in the immediate revocation of that licence.

## Procedure Relating to Seized Items

### **Goods other than vehicles or perishable goods**

- Goods (includes any articles or things) may only be seized if they are to be used as evidence in proceedings for illegal street trading or may be the subject to forfeiture in such proceedings.
- If legal proceedings **have not** been instituted within 28 days of seizure, the goods will be returned to the person from whom the goods were seized before the end of the 28 day period.
- Where legal proceedings **have** been instituted within 28 days of seizure, the goods will be returned to the person from whom they were seized following the conclusion of proceedings.
- If proceedings have been instituted within the 28 day period but discontinued, the goods will be returned to the person from whom they were seized once proceedings have been discontinued.
- Goods will not be returned if the person from whom they were seized, or the owner if different, cannot be identified or refuses to accept them. In these circumstances we will apply to the Courts for a disposal order.
- Goods will not be returned if a forfeiture order is made under section 16C of the 1987 Act.
- Where costs are awarded to the City Corporation following the conclusion of proceedings, and they have not been paid within 28 days of the order for costs being made, goods will not be returned until the costs are paid. In these circumstances, the City Corporation may dispose of the goods and secure the best possible price for them. Where the sum obtained from the disposal of the goods exceeds the costs awarded by the court, the excess shall be returned to the person to whom the goods belong.

### **Motor Vehicles:**

- Vehicles may only be seized if they are to be used as evidence in proceedings for illegal street trading or may be the subject of forfeiture in such proceedings.
- We will make a request to the Secretary of State within 14 days of seizure in order to ascertain the identity of the person from whom the vehicle was seized.

- Where the results of the above request **have been** received by the City Corporation within 14 days of seizure and legal proceedings **have not been** instituted within 28 days of seizure (the 'proceedings period'), the vehicle will be returned to the person from whom it was seized before the end of the 28 day period.
- Where the results of the above request **have not been** received by the City Corporation within 14 days of seizure the 'proceedings period' will be extended to 14 days following receipt of the requested results. In these circumstances, if legal proceedings have not been instituted within the 'proceedings period' the vehicle will be returned to its owner before the expiry of that period.
- Where legal proceedings **have** been instituted within 28 days of seizure, the goods will be returned to the person from whom they were seized, or the vehicle's owner, following the conclusion of proceedings.
- If proceedings have been instituted within the 28 day period but discontinued, the vehicle will be returned to the person from whom they were seized once proceedings have been discontinued.
- A vehicle will not be returned if the person from whom it was seized, or the owner if different, cannot be identified or refuses to accept it. In these circumstances we will apply to the Courts for a disposal order.
- A vehicle will not be returned if a forfeiture order is made under section 16C of the 1987 Act.
- If the vehicle is used for ice cream trading, the owner or registered keeper of the vehicle will be permitted to collect it within three days of notifying us of their intention in writing irrespective of whether legal proceedings are being instituted.
- However, the owner or registered keeper of an ice cream vehicle will not be permitted to collect it if they have been convicted of an offence under s.87 of the 1987 Act (illegal street trading) within three years of the seizure taking place.

### **Perishable Goods**

- Perishable Goods (includes articles or things) may only be seized if they are to be used as evidence in proceedings for illegal street trading or may be the subject of forfeiture in such proceedings.
- Where perishable goods are seized we will give to the person from whom they are seized a notice detailing how the goods may be collected from the Corporation.



- If perishable goods are not collected within 48 hours of seizure the City Corporation may dispose of them. In disposing of perishable goods the City Corporation will secure the best possible price for them. Whilst waiting for perishable goods to be collected the City Corporation will store them at an appropriate temperature.
- If legal proceedings **have not** been instituted within 28 days of seizure, the goods will be returned to the person from whom the goods were seized before the end of the 28 day period (unless disposed of as above)
- Where legal proceedings **have** been instituted within 28 days of seizure, the goods will be returned to the person from whom they were seized following the conclusion of proceedings (unless disposed of as above).
- If proceedings have been instituted within the 28 day period but discontinued, the goods will be returned to the person from whom they were seized once proceedings have been discontinued (unless disposed of as above).
- Goods will not be returned if the person from whom they were seized, or the owner if different, cannot be identified or refuses to accept them. In these circumstances we will apply to the Courts for a disposal order.
- Goods will not be returned if a forfeiture order is made under section 16C of the 1987 Act.
- Where costs are awarded to the City Corporation following the conclusion of proceedings, and they have not been paid within 28 days of the order for costs being made, goods will not be returned until the costs are paid. In these circumstances, the City Corporation may dispose of the goods and secure the best possible price for them. Where the sum obtained from the disposal of the goods exceeds the costs awarded by the court, the excess shall be returned to the person to whom the goods belong
- Where proceedings are not instituted within 28 days of their seizure, and the goods have been disposed of by the City Corporation following non-collection within 48 hours of seizure, compensation may be recovered from the City Corporation by any person who had a legal interest in the goods at the time of their seizure.



**CITY OF LONDON (VARIOUS POWERS) ACT, 1987 (PART III)**  
**APPLICATION FOR A MIDDLESEX STREET TRADING LICENCE**

I hereby apply to the City of London Corporation, under Part III of the City of London (Various Powers) Act 1987 for a licence to engage in street trading in Middlesex Street: to be valid until 31 December and supply the following information: -

*Please answer all questions in BLOCK CAPITALS*

**1) FULL NAME AND ADDRESS OF APPLICANT**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_ Postcode: \_\_\_\_\_

Tel No: (Home) \_\_\_\_\_ (Work): \_\_\_\_\_

2)	Date of birth: -----	
3)	Nature of articles and things to be sold or exposed or offered for sale. (These must be precisely defined).	
4)	Type of receptacle or equipment (i.e. stall, trailer, stand, etc.) to be used in connection with street trading. <i>(Not exceeding 7ft x 4ft 3"/ 2.13m x 1.30m per pitch)-</i>	
5)	Location for storage when not trading:	
i)	of articles or things for sale:-	i)
ii)	of receptacle or equipment used in connection with street trading:-	ii)
6)	Do you hold a City of London Corporation Street Trading Licence at present? If so, state	
i)	Licence number	i)
ii)	Pitch number	ii)

7)	Do you hold any other Street Trading Licence or Licences at present?  If so, give full details	
8)	Have you ever been refused a Street Trading licence or consent in this or any other area?  If yes, give details.	
9)	Do you, or are you involved in any way with any Company or partnership that, own, operate or assist at any retail or wholesale premises at or near Middlesex Street?  If yes, give full details.	
10)	Do you understand that you will only be permitted to trade at the pitch prescribed by a Street Trading Licence which may be granted to you and only between the hours of 9am and 2pm on Sundays, and not when that day is also Christmas Day?	
11)	Do you understand that you must also comply with any other legislation which may affect your business, and with Bylaws for the time being in force, which govern street trading within the City?	
12)	I confirm that the £5.00 renewal/application fee has been paid.	

In the event of a street trading licence being granted to me I agree to conform to the conditions in the licence, and to pay such charges as the City of London Corporation may direct for the removal of refuse or other services, for the cost of administration and the cleansing of that part of Middlesex street where the market is held.

Any person who by wilful misrepresentation obtains a Street Trading Licence or the renewal of any such Licence shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Any alterations desired by current traders from the terms and conditions of an existing City of London Corporation Street Trading Licence should be made in writing and enclosed with this application form.

**NEW APPLICATIONS** will require a £5.00 application fee to accompany this form.

**N.B.** (The renewal application fee of £5.00 required from existing traders will be included in the next quarterly invoice and should be paid in the normal way).

**ALL APPLICATIONS** will require two passport sized photographs (taken within the preceding twelve months and signed by the applicant on the reverse side), to accompany this form.

I declare that I have checked the information on this application form and to the best of my knowledge and belief it is correct. I further declare that the licence is for my use only.

Signed ..... Date: .....  
(Signature of Applicant)

**Completed forms and their enclosures should be returned to:-**  
**City of London Corporation**  
**Department of Markets & Consumer Protection**  
**Port Health & Public Protection - Licensing Office**  
**P O Box 270**  
**Guildhall**  
**London, EC2P 2EJ.**

**Telephone: 020 7332 3406**



**CITY OF LONDON (VARIOUS POWERS) ACT, 1987 (PART III)**  
**APPLICATION FOR A MIDDLESEX STREET TRADING LICENCE (RENEWAL)**

I hereby apply to the City of London Corporation, under Part III of the City of London (Various Powers) Act 1987 for a licence to engage in street trading in Middlesex Street: to be valid until 31 December and supply the following information: -

*Please answer all questions in BLOCK CAPITALS*

**1) FULL NAME AND ADDRESS OF APPLICANT**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_ Postcode: \_\_\_\_\_

Tel No: (Home) \_\_\_\_\_ (Work): \_\_\_\_\_

2) Date of birth: -----	
3) Nature of articles and things to be sold or exposed or offered for sale. (These must be precisely defined).	
4) Type of receptacle or equipment (i.e. stall, trailer, stand, etc.) to be used in connection with street trading. (Not exceeding 7ft x 4ft 3"/ 2.13m x 1.30m per pitch)-	
5) Location for storage when not trading: i) of articles or things for sale:- ii) of receptacle or equipment used in connection with street trading:-	i)  ii)
6) Do you hold a City of London Corporation Street Trading Licence at present? If so, state i) Licence number ii) Pitch number	i) ii)

7)	Do you hold any other Street Trading Licence or Licences at present?  If so, give full details	
8)	Have you ever been refused a Street Trading licence or consent in this or any other area?  If yes, give details.	
12)	Do you, or are you involved in any way with any Company or partnership that, own, operate or assist at any retail or wholesale premises at or near Middlesex Street?  If yes, give full details.	
13)	Do you understand that you will only be permitted to trade at the pitch prescribed by a Street Trading Licence which may be granted to you and only between the hours of 9am and 2pm on Sundays, and not when that day is also Christmas Day?	
14)	Do you understand that you must also comply with any other legislation which may affect your business, and with Bylaws for the time being in force, which govern street trading within the City?	
12)	I confirm that the £5.00 renewal/application fee has been paid.	

In the event of a street trading licence being granted to me I agree to conform to the conditions in the licence, and to pay such charges as the City of London Corporation may direct for the removal of refuse or other services, for the cost of administration and the cleansing of that part of Middlesex street where the market is held.

Any person who by wilful misrepresentation obtains a Street Trading Licence or the renewal of any such Licence shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Any alterations desired by current traders from the terms and conditions of an existing City of London Corporation Street Trading Licence should be made in writing and enclosed with this application form.

**NEW APPLICATIONS** will require a £5.00 application fee to accompany this form.

**N.B.** (The renewal application fee of £5.00 required from existing traders will be included in the next quarterly invoice and should be paid in the normal way).

**ALL APPLICATIONS** will require two passport sized photographs (taken within the preceding twelve months and signed by the applicant on the reverse side), to accompany this form.

I declare that I have checked the information on this application form and to the best of my knowledge and belief it is correct. I further declare that the licence is for my use only.

Signed ..... Date: .....  
(Signature of Applicant)

**Completed forms and their enclosures should be returned to:-**  
**City of London Corporation**  
**Department of Markets & Consumer Protection**  
**Port Health & Public Protection - Licensing Office**  
**P O Box 270**  
**Guildhall**  
**London, EC2P 2EJ.**

**Telephone: 020 7332 3406**



## CITY OF LONDON (VARIOUS POWERS) ACT 1987 (PART III)

### APPLICATION FOR A TEMPORARY STREET TRADING LICENCE

I hereby apply to the City of London Corporation, under Part III of the City of London (Various Powers) Act 1987 for a licence to engage in temporary street trading in the City of London.

<i>Please answer all questions in BLOCK CAPITALS</i>		
1.	<b>Full Name and Address of Applicant</b>  <b>Name:</b>  <b>Address:</b>  <b>Post Code:</b>	<b>Tel: No. Home</b>  <b>Mobile:</b>  <b>Work:</b>  <b>Email:</b>
2.	Date of Birth	
3.	Type of Street trading activity proposed and nature of articles and things to be sold or exposed or offered for sale.	
4.	Type of receptacle or equipment (i.e. stall, trailer, stand etc.) to be used in connection with street trading (photograph if possible).	
5.	Area in which it is proposed that street trading will take place (a location plan must accompany this application) See Note 1 below.	
6.	Period (not exceeding twenty one days) for which it is desired that the licence should have effect.	
7.	Particulars of days and times during which trading will take place.	

8.	Is there any proposal to permit by agreement, individuals other than the applicants, to trade under the provisions of any licence granted? See Note 2 below	
9.	Have you ever been refused a Street Trading licence or consent in this or any other area?  If yes, please give details	
10.	Do you intend to use generators, other noise making equipment, artificial lighting or intend to play music.  If yes, please give details	
11.	Do you understand that you must also comply with any other legislation which may affect your business, and with bylaws for the time being in force, which govern street trading within the City?	

In the event of a Temporary Street Trading Licence being granted to me I agree to conform to the conditions in the licence.

Any person who by wilful misrepresentation obtains a Temporary Street Trading Licence shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

**ALL APPLICATIONS** must be accompanied by i) two passport sized portrait photographs (taken within the preceding twelve months and signed by the applicant on the reverse side), and, ii) an application fee of £xx.

I declare that I have checked the information on this application form and to the best of my knowledge and belief it is correct.

Signed: .....

Date:

.....  
(signature of applicant)

**Notes**

1. The application must be accompanied by three copies of a site plan, to a scale of 1.50 or larger, which show the precise position of the proposed pitch or pitches to be used for street trading.
2. Where an agreement is proposed between the applicant and any person(s) that provides for such person(s) to become a temporary licence holder by virtue of the temporary licence to which this application relates, you must provide full details of the agreement on the continuation form provided.

**Completed forms and their enclosures should be returned to:-  
City of London Corporation  
Licensing Office  
P O Box 207  
Guildhall, EC2P 2EJ**

**CITY OF LONDON (VARIOUS POWERS) ACT 1987 (PART III)**

**CONTINUATION FORM**

**DETAILS OF AGREEMENT WITH PROPOSED  
TEMPORARY LICENCE HOLDER(s.11A(4)(f))**

Name of Applicant:

Proposed Trading Dates:

Name(s) of proposed temporary licence holder(s) if different:

Details of Agreement:



## FEES

### Middlesex Street Licence

Application Fee (statutory)	£5 (refundable if application not granted)
Annual Fee	£780 (payable by quarterly invoice)
<b>TOTAL FEE</b>	<b>£785</b>

(n.b. For persons renewing their licence the £5 application fee will be included in the first quarters invoice.)

### Temporary Street Licence

Application Fee	£300 (non refundable)
-----------------	-----------------------

In addition to the application fee a trading fee will be charged depending on the length of the licence (this fee is refundable if for whatever reason the licence is not granted):

Trading Fee	1 days	£73
	2 - 3 days	£106
	4 - 7 days	£172
	8 – 14 days	£271
	15 – 21 days	£370

TOTAL FEE (temporary licence for a single trader)\*:

1 day	£373
2 – 3 days	£406
4 – 7 days	£472
8 – 14 days	£571
15 – 21 days	£670

\*Where the application is for two or more traders, or for two or more trading locations, the temporary licence fee will be decided individually in each case. The fee will take into account the number of traders, the size and number of trading areas and the duration of the licence. The fee will cover the costs of administering the licence and ensuring applicable conditions are met..

The following is a **guide only** as to the fee for temporary licence applications for multiple traders/trading areas:

2 – 3 traders	Increase single trader fee by approximately 75%
4 – 5 traders	Increase single trader fee by approximately 100%
6+ traders	Increase single trader fee by approximately 150%

**Please contact licensing team to obtain a precise fee.**

N.B. In addition to the above fees, charges may be payable for the removal of refuse or cleaning the highway at the rate of £55 per hour.

## STREET TRADING FEES

### Middlesex Street Licence

Application Fee (statutory)	£5 (refundable if application not granted)
Annual Fee	£780 (payable by quarterly invoice)
<b>TOTAL FEE</b>	<b>£785</b>

(n.b. For persons renewing their licence the £5 application fee will be included in the first quarters invoice.)

### Temporary Street Licence

Application Fee	£300 (non refundable)
-----------------	-----------------------

In addition to the application fee a trading fee will be charged depending on the length of the licence (this fee is refundable if for whatever reason the licence is not granted):

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	8 – 14 days	£271
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\*Where the application is for two or more traders, or for two or more trading locations, the temporary licence fee will be decided individually in each case. The fee will take into account the number of traders, the size and number of trading areas and the duration of the licence. The fee will cover the costs of administering the licence and ensuring applicable conditions are met..

The following is a **guide only** as to the fee for temporary licence applications for multiple traders/trading areas:

2 – 3 traders	Increase single trader fee by approximately 75%
4 – 5 traders	Increase single trader fee by approximately 100%
6+ traders	Increase single trader fee by approximately 150%

**Please contact licensing team to obtain a precise fee.**

N.B. In addition to the above fees, charges may be payable for the removal of refuse or cleaning the highway at the rate of £55 per hour.

# Agenda Item 9

<b>Committee(s):</b>	<b>Date(s):</b>
Planning and Transportation Committee (For Decision)	30 July 2014
Licensing (For Information)	21 July 2014
<b>Subject:</b> Tables & Chairs Policy	<b>Public</b>
<b>Report of:</b> Director of Markets & Consumer Protection	<b>For Decision</b>
<b><u>Summary</u></b>	
<p>The Highways Act 1980 permits an individual, or corporate body, to seek permission to place tables and chairs on the highway in order to facilitate their business.</p> <p>The Corporation's licensing team administer the process and enforce the provisions of the Highways Act relevant to the granting of a permission and the use of such tables and chairs.</p> <p>In order to assist the licensing team a number of guidelines are used relating primarily to the health and safety implications of obstructing the highway. These guidelines are now out of date and incorporated in an updated policy attached as an appendix to this report.</p> <p><b>Recommendations -</b></p> <p><b>Planning and Transportation</b></p> <p>It is recommended that your committee agree the proposed policy as attached as Appendix 1 to this report.</p> <p><b>Licensing</b></p> <p>Members are invited to note the contents of this report</p>	

## **Main Report**

### **Background**

1. An individual or corporate body wishing to place tables and chairs on the public highway, including a City Walkway, must first seek the necessary licence (permission) under the Highways Act 1980. The Licensing Team in the Department of Port Health & Public Protection has responsibility for the operational administration of this function.
2. Planning permission is not normally required to place tables and chairs on the highway as long as none of the furniture is affixed or left in place outside hours of use, and the primary use of the area remains as highway. Tables and Chairs

applications arrive separately from any planning process and are also, usually, separate from the premises licence process although there is no reason, except the wishes of the businesses concerned, why these should not be applied for concurrently. (However, the determination procedures for each are distinct, and the outcome of one cannot predetermine the outcome of another).

3. The process of dealing with an application to place tables and chairs on the highway involves consulting with other City of London Corporation departments as well as external individuals and organisations. This is primarily in respect of highway matters such as provision of and access to services, traffic and pedestrian management and street scene issues as well as potential public safety and nuisance matters such as obstruction and noise.
4. A typical small, uncontentious tables and chairs application currently takes approximately three months to process. However, this timescale can be considerably extended if there is any unresolved concern with any consultee, whether internal or external to the City of London Corporation.
5. A Tables & Chairs licence cannot be granted where certain frontagers (a person who occupies or owns a property adjoining the part of the highway on which tables and chairs are to be put) withhold their consent. If the Licensing Team consider that consent has been withheld unreasonably, that is, where an objection is maintained (irrespective of all negotiated agreements and mitigating conditions that appear to address such concerns) the issue must be referred to arbitration.

### **Current Position**

6. There are 105 premises in the City of London for which tables and chairs licences are granted or under consideration. This figure has remained consistent for the past four years. 62 of these premises are licensed premises for the purchase of the supply of alcohol under the Licensing Act 2003. The remaining 43 are associated with coffee shops/sandwich bars etc.
7. Policy and guidelines for the issue of tables and chairs licences were agreed by the then Planning and Communications Committee on 26 April 1983. They have not been formally reviewed or revised since then. Recent cases have shown that they need to be updated to keep abreast with changing circumstances in the City. Additional guidelines used to assist officers are similarly out of date and require updating.
8. A combined policy and procedure document has been produced for the purpose of:
  - explaining the legislation affecting the placing of tables and chairs on the highway;
  - setting out the Corporation's policy in respect of the placement of tables and chairs on the highway, including its enforcement; and
  - offering guidance as to the procedure that should be followed when submitting an application.

The document can be seen as Appendix I

9. Of particular note is paragraph 4.3 which looks at the criteria which will be considered prior to issuing a licence. The criteria are designed to ensure that before a licence is

issued environmental and public safety considerations will be taken into account, together with any other relevant City Corporation policies and strategies.

10. Also of note is paragraph 4.10 which makes access requirements a consideration when granting a licence
11. Before preparing the policy the views from a number of City Corporation services were sought including Planning, Highways, Cleansing, the Remembrancer's Office, the Comptroller's Office, and Environmental Health. Their comments were taken into consideration in the preparation of the policy.

### **Corporate and Strategic Implications**

12. The proposed policy surrounding the placing of tables and chairs on the highway and extending trading facilities in the City of London meets one of the City Corporation's aims, as stated in the Corporate Plan 2013-2017, 'To provide modern, efficient and high quality local services and policing within the Square Mile for workers, residents and visitors with a view to delivering sustainable outcomes'.
13. It also meets one of the five key policy priorities KPP2, in that it seeks to 'support and promote the international and domestic financial and business sector.

### **Legal Implications**

14. In preparing policy and criteria it should be noted that the Highway Authority has a duty under s. 130 of the Highways Act 1980 to assert and protect the rights of the public to the use and enjoyment of the highway or City Walkway. This has to be balanced against the public benefits that could be derived by placing amenities on the public highway. Due regard must also be had to other relevant considerations including whether there is any interference with property or family life, and if so, whether it is proportionate to the public benefit (Human Rights Act 1998), and any Equalities Act considerations for example in terms of reduced access or safety.

### **Contact:**

Peter Davenport, [peter.davenport@cityoflondon.gov.uk](mailto:peter.davenport@cityoflondon.gov.uk), ext 3227

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City of London Corporation

## POLICY and PROCEDURE

### Licensing Tables and Chairs On the Highway



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## 1. Introduction

- 1.1. The placing of Tables and Chairs on the Highway is becoming a more frequent sight as more and more people discover the pleasure of alfresco dining and the City's tourism and retail business increases. Tables and Chairs on the Highway can contribute to the life and character of an area. However, if not carefully controlled pedestrians and wheelchair users can be put in danger, and excessive numbers of people eating and drinking outdoors can cause littering and a noise nuisance for residents.
- 1.2. In addition to the above the City of London Corporation is concerned with traffic movement, maintaining adequate space for pedestrian movement, street cleaning, improving the appearance of the City and protecting the character of historic areas and buildings. The siting of tables and chairs has to be considered carefully subject to appropriate conditions to regulate their use.
- 1.3. This policy will explain the criteria to be applied when deciding whether to grant permission to place tables and chairs on the highway and the procedure to be followed, how an application will be dealt with and the conditions that are likely to be imposed.

## 2. Definitions

Act:	The Highways Act 1980
Frontagers:	Owners and occupiers of any premises adjoining the part of the highway on, in or over which an object or structure would be placed thus having an interest in proposals to place objects or structures wholly or partly between their premises and the centre of the highway.
Furniture:	Includes tables, chairs, parasols, planters etc. Please note that this does not include heaters which are not permitted.

Highway:	Includes the carriageway, Footpath and City walkways.
Permission:	A permission to place furniture on the highway or city walkway granted by the Corporation pursuant to Section 115(E)(1)(b)(i) of the Highways Act 1980.
Permission Holder:	The person named on the application form.
Permitted Area:	The area for which permission has been granted to place furniture on the highway.
Persons materially affected:	Those persons living or working in premises near to the permitted area that, although not frontagers, are likely to be affected by permission being granted.
Tables and Chairs:	Includes all 'Furniture'.
Walkway:	Any place within the City of London declared to be a City Walkway in pursuance of Section 6 of the City of London (Various Powers) Act 1967.
Walkway Consent:	The consent of any person who is the owner or occupier of premises adjoining the Walkway and is a person who, in the opinion of the City of London Corporation, is likely to be materially affected or is the owner of land on, under or above which the walkway subsists.

### **3. Legislation**

- 3.1. The legislation applying to the granting of Permission to place Tables & Chairs on the highway in the City of London is contained primarily in Section 115 of the Highways Act 1980.

- 3.2. Permission may be granted under section 115E(1)(b)(i) of the Act for a person to temporarily place tables and chairs, and other items, on the highway for any purpose which will result in the production of income.
- 3.3. Permission may also be granted under section 115E(1)(b)(ii) of the Act for a person to use objects or structures on the highway, for the purpose of providing a centre for advice or information.
- 3.4. The City Corporation may attach such conditions to any permission granted as it thinks fit. All permissions will run for 12 months.
- 3.5. It is an offence under section 148 of the Act to place anything on a highway, without lawful permission, that interrupts any user of the highway. The maximum level of fine which may be imposed is level 3 (currently £1,000). Any items so placed on the highway may be removed in accordance with section 149 of the Act.
- 3.6. Section 115K of the Act outlines the procedure to be taken where a person breaches the terms of their permission. This may result in items being removed from the highway.

#### **4. City Corporation's policy in respect of granting permission to place tables and chairs on the highway**

- 4.1. The 1980 Highways Act requires permission to be sought and granted prior to the placing of tables and chairs on the highway. Highways Act permission is not required to place tables and chairs on private land (although planning permission may be required) and there are slightly different rules for City Walkways. *[insert web link]*
- 4.2. If permission is granted it gives the applicant the authority to place tables and chairs on the highway in accordance with any conditions laid down. The Act does not specifically mention Tables and Chairs and permission may be granted for other items such as planters, heaters, parasols etc. The policy criteria will be applied to each of these items particularly with consideration to excessive street clutter, health and safety and other City Corporation policies.

- 4.3. In considering whether or not to grant permission to place items on the highway, the City Corporation will have in mind environmental and public safety considerations, together with other relevant Council policies. Specific factors to be taken into account will include:
- The proximity and nature of any road junctions and pedestrian crossing points;
  - The volume of pedestrian footfall especially at peak times;
  - Whether the proposed permitted area would enable suitable access to all members of the public using the road or pavement;
  - The presence of existing street furniture;
  - Any other factors which might put safety at risk;
  - Whether the proposed permission might have a negative effect on pedestrian amenity and the character and appearance of the area in particular around heritage sites, conservation areas and listed buildings;
  - Impact of the proposed permission on noise and the amenity of neighbours;
  - The number of other permissions issued for areas in or near the proposed permitted area.
- 4.4. It is important that the public are able to pass along footpaths without the risk of coming into contact with vehicular traffic, in particular those using wheelchairs, mobility vehicles and pushchairs. As a guide, there should be a minimum width of unobstructed footway of 2.2 metres between the edge of a permitted area and the edge of the footway. Where pedestrian flow rates are greater than 1200 persons per hour this distance may be increased. Such distances will need to take account of street furniture such as bollards, benches, cycle racks, bus stops etc. Permission will not be granted where the permitted area might interfere with a fire escape. Further details of safe distances and how they should be measured can be seen at Appendix 1.
- 4.5. An exception to the 2.2 metres stated in paragraph 4.4 will be made where an application for permission to place tables and chairs on the highway is in effect a 'renewal' of a previous permission. In these circumstances, where there is insufficient space for 2.2 metres of unobstructed footpath the previously allowed distance of 1.8 metres will be permitted providing it is safe to do so.

- 4.6. Other potential hazards to be considered include the impact on emergency services accessibility and whether the tables and chairs would result in poor sight lines affecting vehicular or pedestrian traffic. In particular, a permitted area will not normally be permitted within five metres of a pedestrian crossing.
- 4.7. To protect the attractiveness of the City's streets, it is important that the granting of permission does not result in detriment to the street scene. Tables and chairs should not cause environmental problems or detract from the amenities of adjacent retailers, occupiers and pedestrians. Regard will be had to any potential problems associated with crime and disorder or anti-social behaviour. Permission to place tables & chairs on the highway should not represent, or be likely to represent, a substantial risk of nuisance to the public from noise, particularly in residential areas.
- 4.8. Tables and chairs should normally be placed adjacent to a premises at the rear of the footway. In exceptional circumstances this requirement may be waived. However;
- The positioning of tables and chairs should never discourage pedestrians from using the footway.
  - The available pedestrian route must be straight, obvious and unobstructed and not pass through the permitted area.
  - A risk assessment must be submitted by the applicant concerning the transport of food and drink between a premises and the permitted area.
  - The positioning of tables and chairs away from the premises would not be suitable where there is a possibility of persons drinking whilst standing up congregating between the permitted area and the premises.
- 4.9. A standard design of seating and tables is not required. Items should be sufficiently robust to withstand daily use and not present a hazard to the user. Materials and colours shall not be so bright or overly reflective as to cause a hazard to other users of the highway. Plastic 'garden' type furniture will not be permitted.

- 4.10. It is expected that some of the tables and chairs will meet access requirements for those persons with a disability. Some of the tables should permit access to wheelchair users and some seating should have backs and arm rests. Further details on accessibility can be found on the City Corporation's web site. *[insert web link]*
- 4.11. Where the permitted area is a 'licensed' area under the Licensing Act 2003, or where the permitted area is connected with a 'licensed' premises and can be used for 'off' sales, permission will not be given to use tables and chairs later than the terminal hour for the sale of alcohol.
- 4.12. This Policy is a guide and each application will be treated on its merits and individual circumstances. Any written objections (not including frontagers) will be considered in terms of relevancy. Frivolous, vexatious or repetitious observations will be disregarded.

## **5. Terms and conditions of permissions**

- 5.1. Permission will not normally be granted to place tables and chairs on the highway earlier than 07:00 or later than 23:00. In considering the trading times, the Corporation will take into account the needs of other residents, pedestrians and businesses. Permission to place tables and chairs on the highway outside of these times will only be given in exceptional circumstances.
- 5.2. All furniture is to be removed from the highway at the close of permitted hours. If this is not possible until the associated premises closes, permission may be granted for them to remain on the highway until they can be removed at the closure of the premises. Whilst the furniture remain on the highway after permitted hours they must be made unusable i.e. not available for anybody to use. Once the premises ceases trading for that day, all furniture must be removed and stored away from the highway.
- 5.3. Permissions made under section 115E of the Act will specify, in addition to the permitted area, time of permission and the number of tables and chairs permitted to be placed on the highway and terms and conditions under which any permission must take place (section 115F of the Act). Conditions will



include the permission holder's responsibilities to maintain public safety, avoid nuisance and generally preserve the amenity of the locality. The standard conditions for permissions are set out in Appendix 2.

- 5.4. The City Corporation reserve the right to withdraw permission at short, or no, notice where it is necessary for the City Corporation and/or utilities to maintain the highway, plant and/or apparatus, or for any justifiable reason at the City Corporation's discretion.
- 5.5. Umbrellas must be specified as additional items of furniture if intended to be used. All parts of the umbrella must be contained within the permitted area and must be an integral part of the table i.e. they cannot be free standing. The umbrellas must not present an impact hazard to users of the permitted area or to those persons passing by or through the area.
- 5.6. Heaters of any kind will not be permitted.
- 5.7. No preparation of food or drink shall be allowed in the permitted area.
- 5.8. The playing of music in the permitted area will not be allowed.
- 5.9. No permanent fixture will be permitted whether it is at ground, or below ground level.
- 5.10. Permission details are to be displayed by the permission holder in a conspicuous position (usually in the window of the premises) and states the number of items for which permission has been granted.

## **6. Enforcement relating to the placing of tables & chairs on the highway**

- 6.1. It is an offence under section 148 of the Act to deposit anything on the highway, without lawful authority, that interrupts any user of the highway. Permission under section 115E of the Act is deemed to be lawful authority.

- 6.2. Any person convicted of an offence under section 148 is liable to a fine up to Level 3 on the Standard Scale (£1000).
- 6.3. Alternatively, if anything is deposited on a highway so as to constitute a nuisance, the City Corporation may by notice (who can give notice) require the person to remove it. If the person fails to remove the item(s) the City Corporation may apply to a Magistrates' Court for a removal and disposal order.
- 6.4. Where tables and chairs have been placed on a highway otherwise than in accordance with the terms and conditions of a permission, the Highway Authority may by notice require the permission holder to remove the items within the time stated in the notice. If the permission holder fails to remove the items the City Corporation may remove them and recover expenses reasonably incurred from the permission holder.
- 6.5. The Port Health and Public Protection Department's Enforcement Policy will always be taken into consideration before any enforcement action is taken. The aim of the City of London Corporation is to assist traders in meeting their legal obligations and to work with them in putting things right. Further information on the Enforcement Policy can be found at *[insert web link]*.

## **7. Making an application for permission to place tables & chairs on the highway**

### **General**

- 7.1. In order to obtain permission to place tables and chairs on the highway an application must be made in writing to the City of London Licensing Service. An application must be in the form set out in Appendix 3.
- 7.2. The application form must be accompanied with the following items:
- A location plan of the proposed area where tables and chairs are to be placed. The plan must be at least 1:250 scale and clearly define the premises to which the permission will relate.

- A plan to a scale of 1:50 detailing the precise position of all items of furniture with items to be drawn to scale. The proposed area seeking the permission must be outlined in red.
- The above plans must show the position of features such as trees, dropped kerbs, pedestrian crossings, cycle lanes, parking bays, fire exits (next to or within the proposed permitted area) and any other existing street furniture e.g. cycle racks, telephone boxes, street lamps, bollards etc.
- Photographs, brochures and/or pictures and specifications of the proposed furniture e.g. make, finishes and dimension.
- A completed Indemnity Certificate giving evidence of public liability insurance to the minimum value of £2,000,000 per incident. (Incorporated within the application form).
- Where an LPG fuelled appliance is to be used, a copy of an up-to-date competent person's form certifying that the appliance has been properly checked and is sound.
- The appropriate fee.

7.3 On receipt of an application form, licensing officers will check to ensure it is completed correctly and complies with all statutory requirements. An applicant is recommended to speak to a licensing officer if they need advice as to how to complete the form.

7.4 If any Licensable activity (as defined in the Licensing Act 2003) is to take place either in the permitted area or in premises linked to the permitted area then the application will not be determined until after the relevant Premises Licence has been obtained.

7.5 The placing of tables and chairs on the highway will not normally require planning permission as long as none of the furniture is affixed or left in place outside hours of use, and the primary use of the area remains as highway. If planning permission is required, or clarity is required as to a particular situation, applicants must contact the City Corporation Planning Authority *[insert web link]*.

7.6 Applications for permission to place tables and chairs on the highway are to be made at least three months prior to the date on which they are required to

be first used. If the application is submitted later than this it may not be processed in time for the proposed first day of use.

- 7.7 Applicants with an existing permission, and wishing to seek a further permission, are still advised to submit their application three months prior to the date on which their current permission ceases to be valid. If the application is late it may not be processed before the current permission ceases to be valid. This may result in a period of time where the applicant will have to remove all tables and chairs from the highway until a decision is made regarding the new application.

### **Consultation**

- 7.8 The City Corporation will affix a notice at or near the permitted area setting out the details of the application. The notice will state a period during which representations can be made. This will normally be between 28 and 35 days and will normally commence within 14 days of the application being received.
- 7.9 All frontagers will be contacted and their consent sought for the applicant to place tables and chairs on the highway. Permission cannot be granted if any frontagers withhold their consent. If a frontager fails to reply to the requests for consent within the consultation period, consent will be deemed to have been given.
- 7.10 Copies of the notice will be served on the owner/occupier of any premises that the City Corporation considers to be materially affected. This would normally be the premises either side of and above the applicant's premises.
- 7.11 Where the highway is a City Walkway all owners/occupiers of premises that open onto the walkway will be treated as materially affected and served a copy of the notice.
- 7.12 All representations or comments received from persons, and in particular those persons who are materially affected, will be taken into consideration before permission is granted.
- 7.13 Once the consultation period has finished and frontager consent has been obtained, permission to place tables and chairs on the highway will normally

be granted subject to considerations from those persons materially affected (paragraph 7.12) and the application satisfying other policy criteria.

## **8. Appeal and Arbitration Procedure**

- 8.1. If frontager consent has been withheld, and the City Corporation are of the view that the withholding of the consent is reasonable, permission will not be granted.
- 8.2. Any person aggrieved by the refusal of the City Corporation to grant permission to place tables and chairs on the highway, or by the withdrawal or variation of a permission, although they do not have a statutory right of appeal, will be permitted to have the matter heard by the City Corporation's Planning and Transportation Committee.
- 8.3. Any 'appeal' must be made within fourteen days from the date on which the refusal, withdrawal or variation is notified to the permission holder or applicant.
- 8.4. Where consent has been refused by one or more frontagers, the licensing team will attempt to mediate between all parties with the aim of making a proposal which is satisfactory to all frontagers and meets City Corporation policy.
- 8.5. If the mediation is not successful, and the City Corporation are of the opinion that frontager consent is being unreasonably withheld, then the matter will be referred to and determined by an arbitrator either appointed on agreement by all parties or by the President of the Chartered Institute of Arbitrators. In order to assist the City Corporation in deciding what is unreasonable, they will have regard to this Policy.
- 8.6. Further details of the appeal and arbitration procedure can be found in the Licensing section of the City of London website (*web link to be inserted*) or by contacting the licensing team.

## **9. Sale of Ice Cream on the highway**

- 9.1. This section only applies if the criteria in paragraph 9.2 are met. If these criteria are not met the sale of ice cream on the highway is considered to be street trading and needs to meet the requirements of the Street Trading Policy [*link to policy*].
- 9.2. In order to sell ice cream, and it not to be considered as street trading, the following criteria must be met:
- the sale must be made by the occupier of a business premises which is used for conducting a food business;
  - ice cream can only be sold from a receptacle the design of which has been approved by the City Corporation;
  - the receptacle must be situated within 15 metres of the business premises;
  - The location and purpose of the receptacle has been approved by the City Corporation.

Premises must comply with all Food Hygiene Regulations and be registered as Food Businesses.

- 9.3. In determining whether the above criteria have been met, a food business shall mean any undertaking, whether for profit or not and whether public or private, carrying out any of the activities related to any stage of production, processing and distribution of food.
- 9.4. Where the above criteria are met, permission under section 115 of the Act must be obtained. Under these circumstances the requirements of this policy must be met and the procedure laid down for tables and chairs is to be followed.

## **10. Fees and charges**

- 10.1. The fee for an application for Permission to place tables and chairs on the highway is determined by the City Corporation and is currently set at £400 plus an additional amount dependant on the number of items for which

permission is being sought. A list of current fees and charges is set out in Appendix 4.

- 10.2. The fee must be submitted with the application. Where permission is not successful the base fee of £400, which covers the cost of the administration process, will not be refundable.

## 11. Contacts

Write to:     Licensing Service  
                  Walbrook Wharf  
                  Upper Thames Street  
                  EC4R 3TD

Email:         [licensing@cityoflondon.gov.uk](mailto:licensing@cityoflondon.gov.uk)

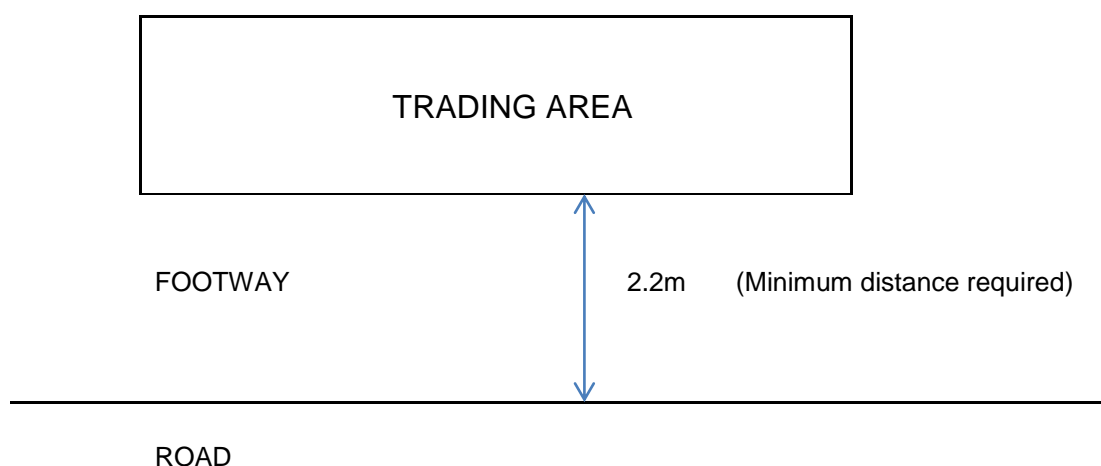
Telephone:    020 7332 3406

You can also find more information and links to other sources of information on the City of London's website. Please click on the link below:

[Tables and Chairs further information](#) *(link to be inserted)*

## Measurement of Available Footpath

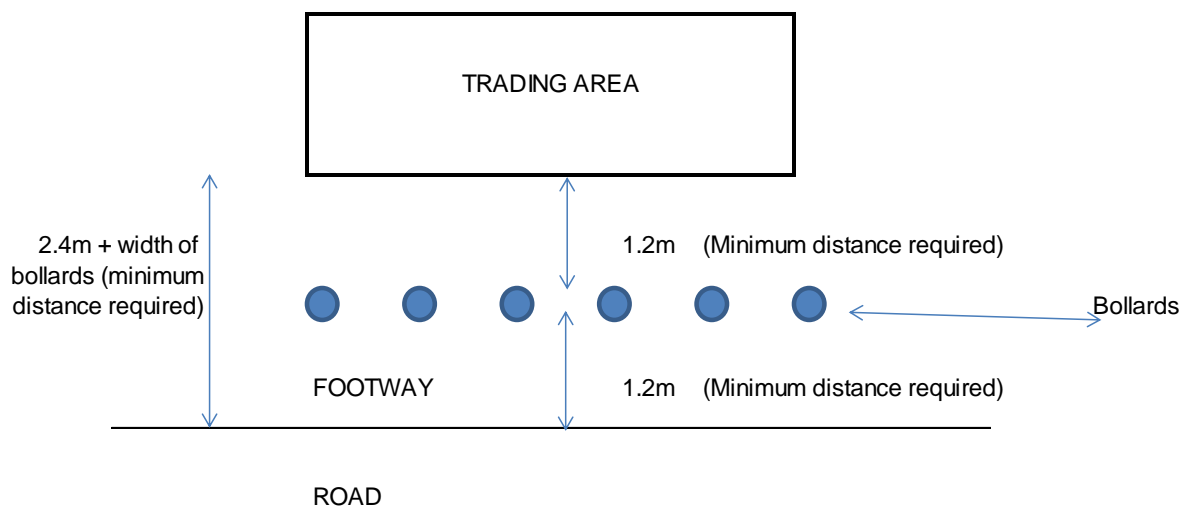
- a) There must be a minimum width of unobstructed footway of 2.0 metres between the edge of the permitted area and 200mm from the edge of the footway. The 200mm distance is to allow for the fact that pedestrians cannot be expected to walk on the edge of the footpath.



- b) Please note that the measurement is taken from the edge of the permitted area and not a particular item within that area. This is to allow for customers for example, to pull back a chair when leaving a table without interfering with passing pedestrians.
- c) Where pedestrian flow rates are greater than 1200 persons per hour, particularly near a tourist attraction, this distance may be increased taking into consideration the likelihood of pedestrians stopping to observe shop fronts/the attraction etc. There is no exact formula for determining the minimum width of footpath and each case will be determined on its merits. The overriding factor will be the safety and comfort of pedestrians and their ability to pass along the footpath safely.



- d) Where the footpath contains other street furniture such as lamp posts, bollards, parking meters, telephone booths, benches etc., the minimum unobstructed width will be measured between the edge of the permitted area and 200mm from the item(s) in question plus the additional distance between the item(s) and 200mm from the edge of the footpath if that additional distance is not less than one metre.



- e) The positioning of the permitted area should never discourage pedestrians from using the footway. The available pedestrian route must be straight, obvious and unobstructed and not pass through the permitted area.

### **TABLES AND CHAIRS PERMISSION TERMS AND CONDITIONS**

The term “furniture” used hereinafter is to be taken to mean tables and chairs, parasols, planters etc. It does not include ‘A’ Boards.

1. This licence must be displayed in a prominent position during any period that furniture is located on the Public Footway.
3. All furniture is to remain within the delineated area whilst it is in use on the Public Footway.
4. No furniture may be placed in any position where it will obstruct a designated fire escape route.
5. The furniture must be removed by the licensee from the Public Footway outside the hours specified herein, or at any time when the licensee is requested by the Police, the Director of the Built Environment, the Director of Markets & Consumer Protection or Transportation and Public Realm Director (to facilitate cleaning and street washing) to remove the same.
6. The number of items of furniture specified overleaf shall not be exceeded at any time.
7. The furniture shall be maintained in a safe, clean and well decorated condition, and be of a design acceptable to the Director of Markets & Consumer Protection.
8. The licensee is responsible for the removal of all litter from the delineated area and from the adjacent carriageway and Public Footway as often as may be necessary to the satisfaction of the Transportation and Public Realm Director.
9. The permission holder must pressure wash the permitted area at a minimum of six-monthly intervals to ensure adequate levels of cleanliness are maintained.
10. No food or drink shall remain at unoccupied tables.
11. The licensee shall be liable for any damage to the Public Footway which the Director of Markets & Consumer Protection considers reasonably attributable to the licensee’s use of the Public Footway and shall reimburse the costs of the City of London Corporation or its Agents in repairing the same.

12. i) The permission holder shall be liable for and shall indemnify the City of London Corporation, their Servants and Agents against:-
  - a) any expense, liability, loss, claim or proceedings whatsoever arising under statute or at common law in respect of personal injury to or the death of any person whomsoever, and
  - b) any expense, liability, loss, claim or proceedings in respect of any injury, loss or damage whatsoever to any person whomsoever or to any property real or personal, arising from the use of the Public Footway for the permitted purpose.

ii) Without limiting the obligation hereunder, the licensee will effect insurance against the matters referred to in 11(i) to the satisfaction of the Chamberlain of London and will produce to the Chamberlain the policies of insurance so effected and the current premium renewal receipts relative thereto at such times as the Chamberlain shall reasonably require.
13. No tables or chairs may be reserved for the exclusive use of the premises associated with this permission. In other words, all tables and chairs may be used by the general public at no charge.
14. No advertising material may be attached to, or form part of, any of the furniture.
15. No supplemental lighting may be used in connection with the furniture.
16. The permission holder shall obtain all necessary consents that may be required relative to the use of the Public Footway for the permitted purpose and comply with all bye-laws and statutory requirements relating thereto.
17. This permission may be withdrawn or suspended at any time by the City of London Corporation if any of the terms and/or conditions are not complied with by the permission holder. No reimbursement of licence fees, nor compensation for any loss occasioned thereby will be made by the City of London Corporation.
18. In the event of withdrawal or suspension of this permission by the City of London Corporation for its highway or similar works, the Director of Markets & Consumer Protection may agree a proportional reimbursement of the permission fee.
19. Furniture must be capable of being stored off the highway on cessation of the permitted hours. No tables and chairs will be permitted on the highway after 23:00.



## APPLICATION FOR PERMISSION TO PLACE TABLES AND CHAIRS ON THE PAVEMENT IN ACCORDANCE WITH THE HIGHWAYS ACT 1980 PART VIIA

PLEASE REFER TO GUIDANCE NOTES

DETAILS OF PREMISES AND INTERESTED PARTIES		OFFICIAL USE : APPLICATION NUMBER
1	NAME OF PREMISES:  ADDRESS:  TELEPHONE:	
2	PROPOSED LICENCE HOLDER(Company or Individual)  NAME  ADDRESS:  TELEPHONE  FAX  E-MAIL	CONTACT OR AGENT  NAME  ADDRESS:  TELEPHONE  FAX  E-MAIL
3	FREEHOLDER(S)  NAME  ADDRESS:  TELEPHONE  FAX  E-MAIL	ADDITIONAL FREEHOLDER(S*)  NAME  ADDRESS:  TELEPHONE  FAX  E-MAIL
4.	LEASEHOLDER OF THE UNIT  NAME  ADDRESS:  TELEPHONE  FAX  E-MAIL	OTHER LEASEHOLDER(S*) IN THE BUILDING  NAME  ADDRESS:  TELEPHONE  FAX  E-MAIL
	DETAILS OF PREVIOUS PERMISSION(s)	*PLEASE CONTINUE ON AN ADDITIONAL SHEET
5	DATE OF EXPIRY	Do you hold a premises licence issued under the Licensing Act 2003?    Y/N
	PERMISSION NUMBER	Premises Licence No if applicable:





**TABLES AND CHAIRS INDEMNITY CERTIFICATE**

<p><b>PROPOSED LICENCEE</b></p> <p>NAME:</p> <p>ADDRESS:</p>		<p><b>PREMISES</b></p> <p>NAME:</p> <p>ADDRESS:</p>
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I the undersigned, confirm that the above named proposed licensee to the City of London Corporation has in force, on an annual basis, the policy of insurance as described below, and the details given are a true record of the insured's insurance arrangements currently in force in respect of the above premises.

**Public Liability Insurance** against the insured's legal liability for death of or bodily injury to or disease contracted by a third party and/or loss of or damage to a third party properly arising out of or in the course of or in connection with the carrying out of the insured's business at the above premises.

- 1) Provision of an automatic indemnity to the City of London Corporation.
- 2) Inclusion of liability assumed under contract or agreement.
- 3) No exclusion for fire or explosion.
- 4) A minimum limited of indemnity for any one occurrence of £2,000.000.

<p>NAME OF INSURER:</p> <p>.....</p> <p>....</p> <p>ADDRESS OF INSURER/BROKER PROVIDING THIS CERTIFICATE:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>	<p>POLICY NUMBER:</p> <p>.....</p> <p>.....</p> <p>INDEMNITY LIMITED:</p> <p>.....</p> <p>.....</p> <p>PERIOD COVERED BY INSURANCE:</p> <p>.....TO.....</p> <p>...</p>
--	--

TO BE SIGNED BY THE APPLICANT

SIGNED	PRINT NAME	DATE
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## Appendix 4

### Fees for tables and chairs consents on the highway April 2014

No. of items	New application	Renewal application	No. of items	New application	Renewal application
1	£435	£395	16	£1200	£1160
2	£470	£430	17	£1250	£1210
3	£505	£465	18	£1300	£1260
4	£540	£500	19	£1350	£1310
5	£575	£535	20	£1400	£1360
6	£610	£570	21	£1450	£1410
7	£645	£605	22	£1500	£1460
8	£680	£640	23	£1550	£1510
9	£715	£675	24	£1600	£1560
10	£750	£710	25	£1650	£1610
11	£785	£745	26	£1700	£1660
12	£820	£780	27	£1750	£1710
13	£855	£815	28	£1800	£1760
14	£890	£850	29	£1850	£1810
15	£925	£885	30	£1900	£1860

If you wish to have more than 31 items on the highway, please use the following table to calculate the correct fee. The same table has been used to calculate the fees above.

Application Type	Base cost	Fee per item (Up to 15 items)	Fee per item (Up to 30 items)	Fee per item (Up to 45 items)	Fee per item (Over 46 items)
Application for a new licence	£400.00	£35	£50.00	£60.00	£65
Application to renew licence	£360.00	£35	£50.00	£60.00	£65
Application to vary licence*	£360.00	£35 per additional item	£50 per additional item	£60 per additional item	£65 per additional item
Application for a minor variation**	£40.00	N/A	N/A	N/A	N/A



\* A variation application may be considered by the City of London Corporation in circumstances where a licence has been granted and the licence holder wishes to make amendments to the terms and conditions of that licence during the course of the licence. A variation application may relate to a change in the number of tables and chairs permitted, the terminal hour of the permission, the layout of the furniture or a change to the design and size of the furniture.

\*\* A minor variation may be considered by the City of London Corporation where the licence holder wishes to change their name or address details on the licence or to make some minor changes to the furniture materials. This does not apply to a change of ownership of the premises in which case an application for a new licence must be made.

**Refund table:**

<b>Application type</b>	<b>Refundable element for unsuccessful applications</b>	<b>Refundable element for withdrawn applications</b>
Application for a <b>new</b> tables and chairs licence	The additional fee paid for items to be placed on the highway. The base cost will be kept in full.	The additional fee paid for items to be placed on the highway. The base cost will be kept in full.
Application to <b>renew</b> a tables and chairs licence	The additional fee paid for items to be placed on the highway. The base cost will be kept in full.	The additional fee paid for items to be placed on the highway. The base cost will be kept in full.
Application to <b>vary</b> a tables and chairs licence*	The additional fee paid for items to be placed on the highway. The base cost will be kept in full.	The additional fee paid for items to be placed on the highway. The base cost will be kept in full.

**Note: There is no refund available if a licence is surrendered part way through the year.**

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