

## **Planning and Transportation Committee**

Date: THURSDAY, 14 MAY 2020

Time: 1.45 pm

Venue: VIRTUAL PUBLIC MEETING (ACCESSIBLE REMOTELY)

HTTPS://YOUTU.BE/4CEY-RORZ\_0

Members: Deputy Alastair Moss (Chair) Alderman Robert Hughes-Penney

Sheriff Christopher Hayward Deputy Jamie Ingham Clark

(Deputy Chairman) Shravan Joshi Adrian Bastow Oliver Lodge

Peter Bennett Natasha Maria Cabrera Lloyd-Owen

Mark Bostock Andrew Mayer

Deputy Keith Bottomley Deputy Brian Mooney (Chief Commoner)

Henry Colthurst
Peter Dunphy
Alderman Emma Edhem
John Edwards
Sylvia Moys
Graham Packham
Susan Pearson
Judith Pleasance

Sophie Anne Fernandes Deputy Henry Pollard Marianne Fredericks James de Sausmarez Alderman Prem Goyal Oliver Sells QC

Alderman Prem Goyal Oliver Sells QC
Tracey Graham William Upton QC
Grame Harrower Alderman Sir Davi

Graeme Harrower Alderman Sir David Wootton Christopher Hill

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#### Accessing the virtual public meeting

Members of the public can view the virtual public meeting at the link below: <a href="https://youtu.be/4CeY-RorZ\_0">https://youtu.be/4CeY-RorZ\_0</a>

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. MINUTES

To agree the public minutes and summary of the meeting held on 6 March 2020.

For Decision (Pages 1 - 20)

4. SITE BOUNDED BY FENCHURCH STREET, MARK LANE, DUNSTER COURT AND MINCING LANE - LONDON, EC3M 3JY

Report of the Interim Chief Planning Officer and Development Director.

For Decision (Pages 21 - 206)

5. 61-65 HOLBORN VIADUCT LONDON EC1A 2FD

Report of the Interim Chief Planning Officer and Development Director.

For Decision (Pages 207 - 314)

6. CONSULTATION ON AN APPLICATION FOR A NON-MATERIAL AMENDMENT TO THE THAMES TIDEWAY TUNNEL DEVELOPMENT CONSENT ORDER; DELEGATION OF POWERS TO OFFICERS TO RESPOND TO CONSULTATIONS IN RESPECT OF APPLICATIONS TO THE SECRETARIES OF STATE FOR NON-MATERIAL OR MINOR MATERIAL AMENDMENTS TO DEVELOPMENT CONSENT ORDERS.

Joint report of the Interim Chief Planning Officer and the Director of the Built Environment.

For Decision

(Pages 315 - 322)

7. TEMPORARY CHANGES TO CITY CORPORATION STATEMENT OF COMMUNITY INVOLVEMENT

Report of the Director of the Built Environment.

For Decision

(Pages 323 - 328)

# 8. CITY STREETS: TRANSPORTATION RESPONSE TO SUPPORT COVID-19 RECOVERY

Report of the Director of the Built Environment (TO FOLLOW).

For Decision (TO FOLLOW)

- 9. QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE
- 10. ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT
- 11. 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.

For Decision

#### Part 2 - Non-public Agenda

12. NON-PUBLIC MINUTES

To agree the non-public minutes of the meeting held on 6 March 2020.

For Decision (Pages 329 - 330)

- 13. NON-PUBLIC QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE
- 14. ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT AND WHICH THE COMMITTEE AGREES SHOULD BE CONSIDERED WHILST THE PUBLIC ARE EXCLUDED



#### PLANNING AND TRANSPORTATION COMMITTEE

#### Friday, 6 March 2020

Minutes of the meeting of the Planning and Transportation Committee held at the Guildhall EC2 at 1.45 pm

#### **Present**

#### Members:

Deputy Alastair Moss (Chairman)

Sheriff Christopher Hayward (Deputy
Chairman)

Graeme Harrower
Shravan Joshi
Oliver Lodge

Randall Anderson Natasha Maria Cabrera Lloyd-Owen

Peter Bennett Graham Packham
Mark Bostock Susan Pearson
Deputy Keith Bottomley Deputy Henry Pollard

Alderman Emma Edhem James de Sausmarez John Edwards William Upton QC

Marianne Fredericks Alderman Sir David Wootton

Alderman Prem Goyal

#### Officers:

Gemma Stokley - Town Clerk's Department

Shani Annand-Baron - Media Officer

Jenny Pitcairn - Chamberlain's Department

Deborah Cluett - Comptroller and City Solicitor's Department

Alison Bunn - City Surveyor's Department

Annie Hampson - Chief Planning Officer and Development Director

Department of the Built Environment Gwyn Richards Zahur Khan Department of the Built Environment Elisabeth Hannah Department of the Built Environment Gordon Roy Department of the Built Environment Paul Beckett Department of the Built Environment Paul Monaghan Department of the Built Environment Bruce McVean Department of the Built Environment Department of the Built Environment Samantha Tharme Beverley Bush Department of the Built Environment

Rachel Pye - Department of Markets and Consumer Protection

Ruth Calderwood - Air Quality Manager

#### 1. APOLOGIES

Apologies for absence were received from Rehana Ameer, Henry Colthurst, Peter Dunphy, Tracey Graham, Christopher Hill, Alderman Robert Hughes-Penney, Deputy Jamie Ingham Clark, Andrew Mayer, Deputy Brian Mooney, Sylvia Moys, William Upton QC and Alderman Sir David Wootton.

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

Oliver Lodge declared a non-pecuniary interest in relation to agenda Item 6 (8 Paternoster Row, London, EC4M 7DX) and stated that he did not intend to participate in any debate or vote on this item on the basis of views he had already expressed on the matter in written correspondence to Officers which indicated that his views were pre-determined.

#### 3. MINUTES

The Committee considered the public minutes and summary of the meeting held on 18 February 2020.

#### **MATTERS ARISING**

Terms of Reference and Frequency of Meetings (page 4) – A Member spoke to ask that some additional points made by himself and another Member were added to the minutes under this item on the basis that he considered to be as, or more, important than some of those already recorded.

He asked that, ahead of the MOTION set out on page 4, the following words be added after the sentence ending ..."decisions on major projects":

"She added that the advantage of a Committee having all Wards represented was to make it more difficult for a group of influential members to dominate decision making in the Corporation. She explained that this protection was very limited, because only 20% of Members represented residential wards, whose interests were typically different from those of other Wards, but she believed it was better than nothing, and without it she would not now be addressing this Committee".

He went on to request that the last sentence of the penultimate paragraph on page 6 be amended to read: "With reference to the Governance Review, the Member stated that he believed that this was likely to delay this decision unnecessarily and that the simplicity of this proposal would mean that it could be made now. In response to the Alderman who suggested that all Committees would be Ward Committees if all wards were to be represented, the Member pointed out that ward representation was only important on Committees that had the most important functions, which the Ward Committees generally had. In response to the Member who advocated that the Planning Committee should cease to be a Ward Committee because of prejudice and predetermination on the part of resident councillors, the Member pointed out that this could equally, or more so, be said of councillors representing business wards.

Another Member interjected to underline that minutes were not intended to be verbatim records and that he was of the view that the minutes, as they stood, represented the reasonable debate that had been had on this matter at the previous meeting. The Chair and Deputy Chairman agreed with the point made and stressed that it was for the Town Clerk to express the spirit of what was said given that it was not feasible to reflect all comments made by all Members in relation to all items. The Deputy Chairman added that he had no issue with amendments proposed by Members in terms of accuracy.

The Member proposing the amendments underlined that he was not requesting that his comments be recorded verbatim but did feel that some key points of his statements at the last meeting had been omitted.

With the agreement of the Committee, the Town Clerk undertook to revise the minute accordingly.

**The Tulip – Appeal** (page 10) – The same Member asked that amendments be made to the minute of this item where he felt that two important points made had been omitted. He firstly proposed that the end of the first paragraph under this Item be added to as follows "...and how the City Corporation could reconcile its quasi-judicial role as a planning authority with the proposal that it should actively support an appeal made by a developer in relation to an application that this Committee had previously considered".

With the agreement of the Committee, the Town Clerk undertook to revise the minute accordingly.

Finally, the Member proposed that a comment made by another Member be reflected in the minute of this item, setting out that he had pointed out that material relating to the City Corporation's position was already available to the developer, who could use it in the appeal without the Corporation's assistance. The Deputy Chairman stated that he found the addition of this point on behalf of a Member not present today was problematic. The Committee therefore asked that this matter be confirmed with the Member in question and the approval of these minutes therefore be deferred until the next meeting of this Committee. (\* - please see further note at item 20).

#### 4. PUBLIC MINUTES OF THE LOCAL PLANS SUB COMMITTEE

The Committee received the draft public minutes of the Local Plans Sub-Committee meeting held on 10 February 2020.

#### RECEIVED.

#### 5. **OUTSTANDING ACTIONS**

The Committee received a report of the Town Clerk detailing the Committee's outstanding actions.

#### Daylight/Sunlight

A Member questioned whether there would be further training provided on this and other relevant planning matters going forward. She stated that she was aware that other local authorities offered more extensive training and induction for Planning Committee members and also requested that those sitting on the Planning Committee signed dispensations stating that they had received adequate training. She added that she felt very strongly on this point and requested that it be included as a separate action point going forward.

The Chair was supportive of this suggestion and asked that the relevant Chief Officers consider how best to take this forward. He also highlighted that the

request from the Town Clerk to all Ward Deputies seeking their nominations on to Ward Committees states that Members of the Planning & Transportation Committee are expected to undertake regular training and potential Members are asked to consider this before putting themselves forward.

An Alderman highlighted that training was also available to Members through the Local Government Association.

#### RECEIVED.

#### 6. 8 PATERNOSTER ROW, LONDON, EC4M 7DX

The Committee considered a report of the Chief Planning Officer and Development Director relative to an application for a change of use at ground and basement levels from retail (Class A1) to a restaurant and hot food takeaway (Sui Generis) (147 sq.m GIA) and external alterations comprising the installation of air-intake and extract louvres to the existing shopfront fascia at 8 Paternoster Row, London, EC4M 7DX.

The Chief Planning Officer and Development Director highlighted that the report had been brought to Committee partly due to the concerns expressed by Mr Lodge.

The Committee were shown proposed plans for both the basement and ground floor levels with the Chief Planning Officer and Development Director highlighting that the basement level would be used primarily for the preparation of food and would require plant in order to be serviced, with the ground floor level used for food preparation but also incorporating a servery and coffee station and seating area.

The Chief Planning Officer and Development Director underlined that the applicant had looked very closely at existing ventilation ducts at the premises and had demonstrated that it would not be possible to extract upwards to roof level. The proposed extraction system was state of the art and had been designed to minimise odours. Officers were therefore of the view that the insertion of louvres in the shopfront to extract at street level would be appropriate and recommended the application for approval.

A Member commented that he had attended the site visit yesterday and noted that the premises adjacent to this already had similar arrangements in place. He commented that, when standing underneath the louvre in the adjacent premises, it was possible to feel air blowing downwards and also to smell food odours. With this in mind, he questioned whether it might be possible to orient the proposed louvre within the shopfront upwards.

The Chair thanked the Member for his contribution and went on to thank all Members who had been able to attend the site visit. He also took the opportunity to remind Members that they should always RSVP in advance for such visits so that adequate preparations could be made.

Another Member, who had also attended the recent site visit, stated that, visually, she did not feel that the installation of the louvre at street level posed a particular problem. She went on to question, however, what would happen should the extraction here prove to be an issue in terms of odours and how this could be adequately conditioned or remedied should the application be approved. She went on to refer to a fish and chip shop in Islington who had operated under similar arrangements but had been forced to close over a year ago following odour complaints from local residents. In this case, a suitable solution had never been found and so the establishment remained closed.

A Member stated that smells were subjective whereas noise/vibration nuisances could be measured. He questioned whether any thought had been given to how odour levels might be quantified. He stated that he had attended the recent site visit and was supportive of this application.

The Deputy Chairman stated that he hoped the Committee would not reject the application on the grounds of potential odour issues. He underlined that the client had explored all options in terms of ventilation and that this application as it stood was policy compliant. He added that it was important to provide a diversity of offerings in the City in order to meet the ambition of it becoming a real 24/7 destination.

In response to the points made, the Chief Planning Officer and Development Director reported that the proposed conditions covered the cleaning, servicing and maintenance of all parts of the ventilation and extraction equipment including the odour control systems. Any monitoring of odours emitted from the premises would be undertaken by Environmental Health. In terms of orienting louvres upwards, the Chief Planning Officer reported that this may lead to issues around rainwater ingress but added that it was certainly something that could be explored further with the applicant.

Members were also informed that DEFRA had produced a paper on 'Odour Guidance for Local Authorities' in March 2010 but Officers underlined that it was not possible to attach any sort of measure on odour emissions in the same way that it was for noise.

A Member spoke to state that he believed that there were very similar conditions in place for a restaurant in the Barbican but that the enforcement of the conditions had proved to be an ongoing difficulty despite the involvement of Environmental Health. He added that he would therefore like to have further clarity around how the maintenance of the proposed ventilation system would be managed. The Chief Planning Officer and Development Director reiterated that the maintenance of the system was also conditioned with the applicant required to keep a record of all maintenance, cleaning and servicing on site and provide this to the Local Planning Authority upon request to demonstrate compliance with this.

The Chair recognised that whilst the proposals in terms of ventilation here may not be ideal, use of EMAQ+ was the best option available at present in terms of

the cleaning, servicing and maintenance of the system and the proposals were entirely compliant with present policy. He asked that Members move to a vote on the application.

Votes were cast as follows: IN FAVOUR – 15 Members OPPOSED – 0 Members

There was one abstention – Oliver Lodge.

**RESOLVED** – That Planning permission be granted for the above proposal in accordance with the details set out in the attached schedule.

#### 7. 120 FENCHURCH STREET ROOFTOP GARDEN - WEEKEND OPENING

The Committee considered a report of the Chief Planning Officer and Development Director recommending that Members determine the Roof Garden should open at weekends during both the Summer and Winter seasons (10am-5pm) and consider whether it would be acceptable for the closing time to be reduced from 9pm to 8pm on Monday-Friday during the summer period.

The Chief Planning Officer and Development Director reported that the Rooftop Garden offering had been enormously successful to date. A trial of weekend opening of the space had seen visitor numbers increase during the trial period and had proved that weekend opening was worthwhile and could be provided at reasonable cost. The approval of the continuation of weekend opening (from 10am – 5pm) would make the Rooftop Garden a seven day a week attraction.

In terms of weekday openings, Members were informed that figures provided by the applicant demonstrated that visitor numbers dropped between 8pm-9pm Monday – Friday and accounted for only 2% of visitor numbers throughout the day. The applicant was therefore suggesting that they would be content to reduce weekday openings to a terminal hour of 8pm.

The Chief Planning Officer and Development Director highlighted that the recommendation, as set out, would require an amendment to the existing Section 106 agreement if approved.

A Member commented that he had reviewed TripAdvisor accounts of the space which were testimony to the huge success of the offering to date. He added, however, that he felt that the costs provided by applicant for managing and maintaining the garden were overstated.

Another Member highlighted that it was worth noting that visitor numbers increased as the weekend opening trial progressed and more and more people became aware of the offering. She stated that she was therefore in support of opening the space from 10am-5pm at weekends during both the Summer and Winter seasons. The Member then went on to refer to the average times of sunset during the Summer months and suggested that closure of the Rooftop Garden at 8pm Monday-Friday would impact on the ability of the public to view this. She therefore stated that she did not support a reduction in opening hours for weekdays.

Another Member added that he also felt that it was too soon to revisit the terminal hour for weekday openings but did support the continuation of weekend openings given the success demonstrated by the recent trial.

The Chair and several other Members of the Committee spoke in similar terms – supporting the weekend opening of the Rooftop Garden from 10am-5pm but resisting the request to reduce the terminal hour from 9pm to 8pm on Monday-Friday during the summer period.

**RESOLVED** – That the Committee agree that the Roof Garden should open at weekends during both the Summer and Winter seasons (10am-5pm) and that closing time remain at 9pm on Monday-Friday during the summer period.

#### 8. BUILDING CONTROL CHARGES REPORT

The Committee considered a report of the Director of the Built Environment seeking approval to increase the existing fees and charges for services users of the District Surveyors, Building Control Service.

The District Surveyor spoke to confirm that the proposed increase was to cover the services provided and that this was to remain a cost neutral service with no profit permitted. He clarified that the sums proposed amounted to a 5% increase on the charges previously approved by this Committee in 2018 and were intended to take account of inflation. He reported that the District Surveyors Building Control Division was a very busy team, working on complex buildings and that the cost of their services was set competitively.

The District Surveyor concluded by stating that very accurate records were now kept by the Chamberlain detailing the time spent and costs incurred by the team on this work over the past few years.

A Member expressed concern that the figures provided within the table detailing Budgetary Performance from 2015-16 to 2019-20 indicated that money was being lost on chargeable work and that a large cumulative deficit now existed. He questioned how these costs would be recovered and whether there was a legal requirement to do so. The Member went on to remark that a similar charging regime existed in licensing and that this was reviewed annually as opposed to every five years, he questioned whether the same approach could therefore be adopted here.

The District Surveyor reported that it was a statutory duty of this Committee to oversee these charges and highlighted that they were reviewed annually and reported to the Planning & Transportation Committee. With regard to the budgetary performance figures, the District Surveyor highlighted that the 2016 Brexit referendum vote had led to a temporary but catastrophic lack of applications but that this was now steadily increasing once again. He added that 2019 had, however, seen the best year's performance since 2015 and that income since Christmas 2019 was already double that of the same period last year.

In response to further questions, the District Surveyor reported that the Building Control Division had no entitlement to the work for construction in the City and had to compete in a competitive market. He added that the division had cut overheads by in excess of £100k and that he was therefore confident in terms of recovering costs and being able to operate on a cost neutral basis going forward.

The Chair, on behalf of the Committee, took the opportunity to thank the District Surveyor and his team for all of their hard work in this area.

**RESOLVED** – That, Members approve the new "City of London Building Control Charges Scheme No3:2020", the new "City of London Miscellaneous Building Control Charges No3;2020" and the revised hourly rate of £112 per hour, to come into effect 6<sup>th</sup> April 2020.

#### 9. ELECTRIC VEHICLE CHARGING INFRASTRUCTURE - ACTION PLAN

The Committee received a report of the Director of the Built Environment providing a forecast of the requirements for charging facilities in the City up to 2025.

The Town Clerk tabled a paper detailing the questions (and their responses) raised by members of the Port Health and Environmental Services Committee when they had received the report at their meeting earlier this week.

Officers highlighted that the City of London's response to the recommendations from the Energy Saving Trust's Electric Vehicle Infrastructure Forecasts report and a timescale for associated actions were set out within Appendix 1 to the report.

A Member commented that this was a rapidly changing market and questioned whether money was being spent prematurely on infrastructure that would not be fit for purpose and therefore redundant in the not too distant future. He stressed that a data driven approach to this issue was vital. The Member went on to question whether the installation of charging points was a means to encourage drivers into the City where, at present, over 90% of trips were made on foot. He questioned whether funds would therefore, ultimately, be better spent on continuing to improve the pedestrian environment within the Square Mile.

Another Member referred to work to be undertaken with the Electric Vehicle Supply Equipment (EVSE) industry and other stakeholders and suggested that it would be helpful to have an idea of what conversations were currently being had.

Other Members echoed the sentiment that technology in this field was advancing rapidly and that the City Corporation needed to be sure that they

were investing in the right things and keeping well abreast of where the market here was heading.

Another Member questioned whether there was sufficient charging for hybrid vehicles such as taxis in the City. He added that power supply was expensive and therefore questioned whether units could be supplied only as needed. The Member went on to highlight that a concern here was private car parks given that there was no on-street parking provided for City residents. He added that off-street parking should therefore be moving to support electric vehicle charging. Finally, he remarked that, whilst Beech Street was being trialled as a zero emissions zone, Defoe House and Shakespeare Tower which were situated nearby had no electric vehicle charging provisions to date.

A Member questioned how Officers proposed to recover costs on this work as the City Corporation, in his view, should not be subsidising motorists in any way.

Another Member highlighted that the City was unique in terms of power supply given its concentration of large buildings, he questioned, however, if Officers had looked at what the City's neighbouring boroughs were providing in terms of charging points. Officers responded that this was being monitored but that there were no charging points close to the City's boundaries at present. The Member went on to highlight that, as he understood it, ULEZ charges would apply to all residents from 2021 and questioned whether this might also be a contributing factor towards an increased use of electric vehicles.

Officers responded to the points raised, stating that the policy around Electric Vehicles had been set by the City Corporation in 2017 and acknowledged the importance of not attracting additional drivers into the Square Mile. They continued by stating that it was recognised that there was demand from residents for additional charging points although this remained relatively low to date. Officers also clarified that they were working with neighbouring boroughs and other stakeholders to identify where it might be possible to cross subsidise this work. Members were informed that the Barbican installations and rapid charge points to date had been provided for using TfL subsidies.

Officers went on to assure the Committee that, alongside TfL and other stakeholders, they were keeping a watchful eye on where the technology in this field was heading. The recommendation at present was therefore that Officers continue to do this as well as to assess the market take-up/need.

**RESOLVED –** That Members note the report.

#### 10. NEW APPROACH TO ADDRESS VEHICLE IDLING

The Committee considered a report of the Director of the Built Environment proposing the introduction of a Traffic Management Order (TMO) to prohibit unnecessary idling of vehicle engines which would allow for enforcement by Civil Enforcement Officers (CEOs) issuing Penalty Charge Notices (PCNs).

Officers explained that these proposals would allow fines of up to £80 to be issued for vehicle idling. Members were made aware that there were some issues around the availability of appropriate signage informing drivers of this but that the City Corporation would continue to lobby the Department for Transport (DfT) on this point. Option 3, as detailed within the report, was recommended for approval – whereby drivers would be issued one warning and then issued with a fine for vehicle idling for a second incident. This would be policed using number plate recognition.

A Member questioned how the scheme would operate in relation to hire cars or different drivers of the same vehicle. She added that she had some concerns around legitimate excuses for vehicle idling and also around vulnerable people. Finally, she questioned whether the approach taken in New York City, whereby members of the public were able to film and report vehicle idlers in return for a sum of money had been properly considered.

Officers reported that there was no legislation in place at present that would allow the City Corporation to take the approach adopted by NYC.

The Deputy Chairman spoke to state that he felt that the Committee should be taking a very hard line on this – vehicle idling was damaging public health and air quality and the City Corporation should therefore be doing everything within its powers to ban this. He added that the Lord Mayor had made this a key priority this civic year and that his recommendation was that fines issued should be for £100 as opposed to £80. He therefore spoke in favour of implementing Option 3 as a bare minimum.

A Member asked a question about the existing 35 CEOs and questioned whether they would be encouraged to visit more regularly those streets where this was known to be a frequent problem. Officers reported that it would be possible to focus on specific areas and that Members and the general public should make them aware of where there were particular issues so that CEOs could be instructed accordingly.

Another Member stated that he was of the view that only one warning per vehicle should be permissible before a fine was imposed, regardless of who was driving. He recognised, however, that hire cars may cause issues with the policing of this scheme. Finally, he spoke to suggest that taxis should not be exempt from the scheme, he questioned whether this matter was at the City Corporation's discretion or was an essential exemption.

A Member spoke to suggest that it was possible to issue fines via car hire companies as she had experience of this elsewhere in Europe.

A Member, also the serving Deputy Chairman of the Port Health and Environmental Services Committee, spoke to support Option 3. He added that the need to see air quality improved was urgent and that steps to address this matter were already way overdue. He too, supported a fine of £100 being issued.

Other Members spoke to support a fine of £100 and also the notion that taxis on ranks should not be omitted from the scheme. It was, however, recognised that some taxis were driven by multiple drivers.

A Member, also the serving Chairman of the Health and Wellbeing Board, spoke to underline the inconsiderate and unacceptable behaviour of vehicle idlers. She stressed in the strongest possible terms that poor air quality kills and highlighted that the City Corporation had led on the introduction of a 20mph limit on its roads and that they should now also look to lead on this and tackle engine idling. She underlined that the scheme needed to be made as practical and useable as possible and stressed that this was not about money making but about tackling an incredibly serious issue.

After hearing the views of other Members, the Deputy Chairman proposed a motion as follows:

MOTION: That Option 3 be amended to read that CEOS be deployed with the prospect of issuing a £100 fine. He also proposed that taxis waiting on ranks should not be included within the exemptions from the scheme.

The Motion was seconded, put to the vote, and passed unanimously.

Members questioned what range of fines were possible in relation to vehicle idling and whether it would, in fact, be feasible to impose fines in excess of the £100 already proposed.

The Transportation and Public Realm Director reported that PCN levels were dictated by London Councils and were normally set around the £120 mark with a reduced charge issued if these were settled within a certain time period.

Members therefore questioned where the recommendation of £80 had come from and whether the City Corporation were bound to follow London Council's quidance when setting these charges.

Officers undertook to look into this matter in further detail and the Committee agreed that the setting of an appropriate level of fine and the finalisation of the list of exemptions should be delegated to the Director of the Built Environment in consultation with the Chair and Deputy Chairman of the Committee. The Committee were unanimously supportive of introducing a fine of £120 if this were possible. Officers recognised the Committee's desire to be as robust as possible in this respect.

With regard to comments made around legitimate or frequent excuses for vehicle idling, Officers reported that the scheme was to be policed by CEOs who were well versed in such matters.

A Member questioned whether TfL buses would also be issued with PCNs in the same way that coaches parked in bays with engines idling would be. He also questioned what would happen if a driver were caught engine idling a third or subsequent time. Officers reported that they could see no reason as to why buses should be exempt and undertook to discuss this matter further with TfL. In terms of a third or subsequent offence, Officers clarified that offending vehicles would be issued with further fines as opposed to having their position 're-set' after a second offence.

#### **RESOLVED –** That Members authorise officers to:-

- a) proceed with the proposal to introduce a TMO to implement the Scheme, and in particular to:
  - I. Consult with the statutory parties<sup>1</sup> on the proposal to make the TMO:
  - II. Carry out the publicity requirements in respect of the TMO<sup>2</sup>;
  - III. Report back for a decision if any objections raise significant or unexpected concerns;
  - IV. Seek the consent of the Secretary of State (if required);
  - V. Make the TMO after the statutory period for objections has ended **SUBJECT TO** the Director of the Built Environment, in consultation with the Chair and Deputy Chairman of the Planning and Transportation Committee, deciding to proceed with the TMO after considering any objections and any other relevant considerations;
  - VI. Commence enforcement of the TMO after an appropriate warning notice period:
  - VII. Monitor the impacts of the Scheme (for a minimum of 6 months);
  - VIII. Report back with an Issues Report concerning the impacts of the Scheme (approximately 8–12 months after implementation of the TMO); and
- b) lobby the Department for Transport (**DfT**) for a new sign to be approved.

#### 11. CITY LIGHTING PROGRAMME UPDATE

The Committee received a report of the Department of the Built Environment providing Members with an update on the implementation of the City's innovative Lighting Strategy approved by the Court of Common Council in October 2018.

Officers drew Members' attention to the significant savings now achieved in terms of both energy consumption and maintenance costs. They also highlighted proposals for further activities in 2021.

Members were informed of two night walks scheduled to take place later this month to view the work undertaken so far.

<sup>&</sup>lt;sup>1</sup> As provided for in Regulation 6 of the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996.

<sup>&</sup>lt;sup>2</sup> As provided for in Regulation 7 of the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996.

Members congratulated Officers on the work undertaken to date. The Chair highlighted that the City's approach had attracted a lot of national and international interest.

A Member questioned whether there were any plans to introduce a limit on the number of square meters per PAR within offices in the City. Officers responded by stating that lighting guidance was already in place but that it was also important to educate and engage with developers on such matters at a very early stage to see real change here. The Policy and Performance Director added that internal lighting specifications were not controlled by planning powers, but good practice could be encouraged through the measurement of energy performance as part of BREEAM sustainability assessments which were required to achieve a minimum rating of excellent. The external lighting of buildings and light spillage to neighbours and the public realm were design policy considerations already addressed in the Local Plan.

Another Member questioned whether Officers could do more to ensure that TfL worked with the City Corporation on programmes such as this to ensure a uniform approach o lighting across the City. Officers underlined that the aim was to develop a pan-London strategy alongside the GLA and other stakeholders, this could also be rolled out to other cities.

**RESOLVED** – That Members note the progress and next steps towards delivering the Lighting Strategy outlined in the report.

#### 12. **2019/20 BUSINESS PLAN UPDATE Q3**

The Committee received a report of the Director of the Built Environment setting out progress made during Q3 of the 2019/20 Departmental Business Plan.

**RESOLVED –** That Members note the report and appendices.

## 13. DEPARTMENT OF THE BUILT ENVIRONMENT RISK MANAGEMENT - QUARTERLY REPORT

The Committee received a report of the Director of the Built Environment providing Members with assurance that risk management procedures in place within the Department of the Built Environment are satisfactory and that they meet the requirements of the Corporate Risk Management Framework.

Officers highlighted that the risk score for DBE - TP - 03 - 'Major Projects not delivered as TfL funding not received' had increased from green to amber in the last quarter.

Officers went on to talk of a new risk which had arisen since the writing of this report – COVID-19. Members were informed that the Department had recently reviewed its business continuity plans in light of this and that home working options were being explored for all should this prove necessary in the coming weeks. Members were also informed that resilience planning was taking place at a Corporate level and that a COVID-19 Steering Group, led by Assistant

Town Clerk Peter Lisley, had also been established to coordinate the City Corporation's response and ensure colleagues receive appropriate and timely advice.

In response to a question around the risk rating for risk DBE-PL-06 – Section 106 controls, moving from Amber to Green, Officers stated that this had been an oversight and would be updated for future reports.

**RESOLVED** – That Members note the report and the actions taken in the Department of the Built Environment to monitor and manage effectively risks arising from the department's operations.

#### 14. THAMES COURT FOOTBRIDGE - GATEWAY 6 - OUTCOME REPORT

The Committee received a report of the Director of the Built Environment detailing the Outcome of the Thames Court Footbridge project.

**RESOLVED** – That Members approve the content of this Outcome Report and approve that the project be closed, subject to successful verification of the final account by the Chamberlain's Financial Services Division.

#### 15. **DEEP DIVE: CR21 AIR QUALITY**

The Committee received a report of the Director of Markets and Consumer Protection providing Members with a 'Deep Dive' into CR21, Air Quality.

A Member spoke to note, disapprovingly, that this Committee's efforts around reducing fumes from premises being blown on to pedestrians were not reflected here under efforts to reduce emissions from non-transport sources and questioned why this was the case. He noted that the report stated that the main mechanisms used by the City Corporation for controlling air pollution from non-traffic sources was, amongst other things, planning policy making it very much the business of this Committee.

Another Member agreed with this point and questioned the climate consequence of agreeing, as the Committee had done earlier on in this meeting, that a premise may move from retail use to that of a restaurant/take-away. The Member went on to note that one of the aims of the Air Quality Strategy was to ensure that air quality in over 90% of the Square Mile meets the health-based Limit Values and World Health Organisation (WHO) Guidelines for nitrogen dioxide by the beginning of 2025. She questioned, however, what the current figure was here. The Air Quality Manager clarified that 2018 figures indicated that 30% of air quality in the Square Mile met WHO guidelines for nitrogen dioxide.

A Member spoke to state that Air Quality should thread through all areas of the City Corporation's work with many Departments/Committees having an important role to play here.

A Member stated that serious steps needed to be taken by the City Corporation to improve air quality. He suggested that the City should consider setting its own standards around what it deemed acceptable as opposed to simply

following WHO guidelines and the like. Another Member disagreed with this point, highlighting that institutions such as the WHO and United Nations were far better placed to set standards. The Air Quality Manager clarified that it would not be appropriate for the City to set its own standards.

A Member highlighted that the report indicated that Upper Thames Street was a worse location in terms of air quality than Beech Street where the City Corporation was trialling a zero emissions zone.

The Air Quality Manger reported that Officers were working alongside food premises that utilised wood and charcoal for cooking to look to reduce the effects that this had on air quality. She added that a detailed Air Quality Strategy existed to coordinate efforts across the City Corporation, including planning. Members were also informed that work was still ongoing to secure an Emissions Reduction Bill which would address all non-vehicle pollution.

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

In response to further comments around the lengthy dialogue held previously at this Committee around fumes from premises blowing on to pedestrians and the fact that this did not seem to be reflected here, the Air Quality Manager clarified that this matter was not within her remit given that it was primarily an odour nuisance and had no obvious connection to health although some could, arguably, be particulate in its make-up.

The Member who had originally raised this point disagreed that this was about health, it was about the quality of the air and odour was, to his mind, clearly part of this. The Chair suggested that the Member continue this discussion with relevant Officers outside of the meeting to try and ascertain where this matter was likely to get the most traction.

**RESOLVED** – That Members note the report.

#### 16. **PUBLIC LIFT REPORT**

The Committee received a report of the City Surveyor providing details of the 4 public escalators/lifts that were in service less than 95% of the time.

RECEIVED.

# 17. DELEGATED DECISIONS OF THE CHIEF PLANNING OFFICER AND DEVELOPMENT DIRECTOR

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

RECEIVED.

## 18. VALID PLANNING APPLICATIONS RECEIVED BY DEPARTMENT OF THE BUILT ENVIRONMENT

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

RECEIVED.

## 19. QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE

City Business Population Growth

A Member commented that, whilst he had already raised this matter at yesterday's Court of Common Council meeting, he wished to explore it further here. He noted that the response from the Chair of the Policy and Resources Committee on the matter at Court had been to suggest that future growth be left to Market Forces. However, he stated that he would prefer to see a more proactive approach taken.

The Member went on to suggest that he was of the view that planning policy and the conditions attached to large, new developments within the City should also require developers to provide new Open Spaces within the City. He added that there was already a precedent for this which had seen some new buildings built on stilts to allow for the provision of open spaces beneath them. The Member also suggested that there should be a dialogue between the City and neighbouring boroughs to establish a hinterland between the two that could form part of the business community within the Square Mile whilst being of benefit to both.

The Policy and Performance Director stated that the Mayor's London Plan set the broad scale and distribution of future growth across London and this approach has been found sound at the London Plan's recent public examination. The London Plan identified the City and its surrounding City Fringe to be important areas for future growth and it was a legal requirement for the City's Local Plan to be in general conformity with the Mayor's London Plan. Therefore the approach in the City's Local Plan is to use a range of policies to manage successfully the projected intensification including taking steps to ensure that the City streets and open spaces play their part in the City remaining an attractive place to work, visit or live. A range of measures set out in the Local Plan and the Transport Strategy are intended to give greater priority to the needs of pedestrians so that they have more space available to them at street and other levels as the City intensifies.

Another Member noted that one of the attractive characteristics of the City was that it was a conglomeration or buildings that were easy to move between on foot – the addition of large expanses of open spaces could take away from this.

The Chair welcomed this debate and suggested that it could be revisited on receipt of the draft Local Plan at the next meeting of this Committee. He added that more metrics around this would be useful going forward in order to assist a more determined and focused effort on this matter.

#### Third Runway at Heathrow

A Member referred to the fact that the City Corporation were in support of introducing a third runway at Heathrow Airport. She noted, however, that this seemed to be at odds with the organisation's views around air quality and the desire for a low carbon future. She went on to highlight that she understood that this decision was now to be revisited as part of the City's Climate Action Strategy and that, whilst she understood that this was ultimately a matter for the Policy and Resources Committee, this Committee should be endorsing that a review should now happen as a priority and as soon as possible.

The Chair agreed with the fact that this should be revisited, particularly in light of the recent legal decision on the Government's handling of the matter.

## 20. ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT PUBLIC INQUIRY COSTS, THE TULIP, 20 BURY STREET, EC3A 5AX

The Committee considered a late, tabled, joint report of the Director of the Built Environment and the Chamberlain seeking authorisation to spend approximately £190,000 on the public inquiry for The Tulip, 20 Bury Street, EC3A 5AX, following the steer from the Planning and Transportation Committee at their last meeting that the City Corporation should fund its own participation at the inquiry.

Oliver Lodge indicated that he believed that the proposed barrister was personally known to him and that he would therefore not be participating in this debate or any subsequent vote.

A Member spoke against the proposal, highlighting that the majority of these costs would be expended on QCs who were unlikely to provide significantly different advice to that of the applicants own QC. He went on to remark that an estimated £20-30k to cover witness costs also seemed excessive, particularly when the Committee had been informed within a report earlier on on today's agenda of the funding constraints already existent within the Department of the Built Environment. He proposed that relevant Officers attend the inquiry as witnesses but at no cost.

Another Member agreed with the points made and underlined that the Committee had already given a steer that the City Corporation's involvement in the enquiry should be minimal. He commented that if minimal involvement equated to a spend of £190,000 this was extremely problematic. He concluded by stating that it was hard to imagine that this was a top priority at present.

The Deputy Chairman commented that, whilst he had not been in attendance at the last meeting, he had read the minutes, spoken with colleagues about the debate and understood the concerns raised. He added that he, however, fundamentally disagreed with the two previous speakers. He underlined that this was not about whether individual Members approved of or had voted in favour of the application but was about robustly defending this Committee's decision. He expressed concern at the message that would be sent to

developers if this were not done, suggesting that the City Corporation would appear as if it was not confident to stand by the decisions of its Planning Committee. He concluded by underlining that this recommendation had been discussed with the Chair of the Policy and Resources Committee and the Chairman of the Finance Committee.

Another Member spoke to agree with the views of the Deputy Chair, underlining that it was essential for the City Corporation to put forward witnesses to the inquiry.

Another Member added that she had also been absent from the last meeting but was pleased to note the reluctance of the Committee to accept funding for the City Corporation's participation in the inquiry from the applicant. She agreed with the approach that the City's participation in this should be separately funded but noted that she felt that it was essential that the Corporation were present at the inquiry with adequate representation. She did, however, query the number of witnesses required to appear. She concluded by asking that a watching brief be kept on costs as it was hoped that these would be lower than anticipated here.

A Member spoke to express concern that the Policy and Resources Committee and Finance Committee did not hold contingencies for such matters.

The Member who had originally spoken against the proposal underlined that those Officers appearing as witnesses were not on trial and therefore disagreed with the notion that they would require legal representation. He added that material relating to the City Corporation's position was already available to the developer, who could refer to it in the inquiry.

The Chair spoke to underline that this Committee had voted in favour of granting the application. His own view was that the Mayor of London should not have intervened. He added that very professional legal teams would be employed on all sides for the inquiry and that it was therefore necessary for the City Corporation to do the same. He added that the City Corporation's reputation was at risk here and that it was therefore important to defend this Committee's original decision. He noted that it was regrettable that not insignificant sums would now need to be spent on this but recognised that this was the necessary cost of business.

The Chair asked that the Committee move to a vote on the proposal.

Votes were cast as follows: IN FAVOUR – 9 votes OPPOSED – 1 Vote

There was one abstention.

A Member questioned whether the City Corporation could look to claim back its costs if the inquiry were to rule in their favour. The Comptroller and City Solicitor reported that this would not normally be the case unless there had been unreasonable behaviour on the part of the other parties. The Chair added

that if this were a possibility, the City Corporation's QC would advise on this as necessary.

Another Member questioned the timeline around making representations to the enquiry and consulting residents on this. The Chief Planning Officer and Development Director reported that those who had been consulted on and who had objected to the original application had already been consulted as part of the process.

(\* - note from Item 3 – Minutes - The Member who had proposed that a comment made by another Member be reflected in the minute on 'The Tulip - Appeal' at item 3 now withdrew this amendment on the basis that he had now made the relevant point here. With this in mind, the Committee were content to approve the public minutes of the meeting held on 18 February 2020 as a correct record subject to the Town Clerk making the amendments approved at Item 3).

#### 21. EXCLUSION OF THE PUBLIC

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

<u>ltem No(s).</u>	<u>Paragraph No(s).</u>	
22 & 23	3	
24	3 & 5	
25 - 26	<u>-</u>	

#### 22. NON-PUBLIC MINUTES

The Committee considered and approved the non-public minutes of the meeting held on 18 February 2020.

#### 23. REPORT OF ACTION TAKEN

The Committee received a report of the Town Clerk advising Members of action taken by the Town Clerk in consultation with the Chairman and Deputy Chairman in accordance with Standing Order Nos. 41 (a) and (b).

## 24. NEW APPROACH TO ADDRESS VEHICLE IDLING - NON-PUBLIC APPENDIX

The Committee received the non-public appendix to agenda Item 9.

## 25. NON-PUBLIC QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE

There were no questions in the non-public session.

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

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

The meeting	closed	at 4.35	pm
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Chairman

Contact Officer: Gemma Stokley tel. no.: 020 7332 3414

gemma.stokley@cityoflondon.gov.uk

# Agenda Item 4

Committee:	Date:
Planning and Transportation	14 May 2020
Subject:	Public
Site Bounded By Fenchurch Street, Mark Lane, Dunster Court And Mincing Lane. London EC3M 3JY i) Demolition of 41-43 Mincing Lane, 40-54 Fenchurch Street, former church hall and the Clothworkers' Hall and its redevelopment to provide a new building comprising four levels of basement (including a basement mezzanine level), ground, mezzanine, plus part 9, 31 and 35 storeys plus plant containing offices (B1) and flexible shop/financial and professional services/cafe and restaurant uses (A1/A2/A3) at ground floor level; and flexible shop/cafe and restaurant/drinking establishment uses (A1/A3/A4) at levels 10 and 11, including winter garden (Sui Generis); ii) Reprovision of the Clothworkers' accommodation (Sui Generis) within part ground, part first, part second and part third floors and four levels of basement (including a basement mezzanine level); iii) Creation of ground level public access to level 10 roof garden and basement level 1 to Grade II Listed crypt; iv) Dismantling, relocation and reconstruction of the Lambe's Chapel Crypt to basement level 1 and associated exhibition accommodation (Sui Generis) (listed Grade II); v) Alterations to and conservation of new hard and soft	
landscaping and other associated works.  (The total proposed floor area of the new building is 94,336sq.m GIA, comprising 88,064sq.m of office floorspace, 289sq.m of flexible retail floorspace (A1/A2/A3), 550sq.m of flexible retail floorspace (A1/A3/A4),789sq.m of livery hall floorspace, 214sq.m of crypt floorspace and 430sq.m of winter garden floorspace. The building would rise to a maximum height of 149.6m when measured from the lowest office ground floor level, 165.1m AOD.)  This application is accompanied by an Environmental Statement	
which is available for inspection with the planning application. Copies of a CD containing the Environmental Statement may be obtained from Gerald Eve LLP, 7 Welbeck Street, London, W1G 0AY.	
Ward: Tower	For Decision
Registered No: 19/01307/FULEIA	Registered on: 12 December 2019
Conservation Area: No	Listed Building: No

#### Summary

Planning permission is sought for:

- Demolition of 41-43 Mincing Lane, 40-54 Fenchurch Street, former church hall and the Clothworkers' Hall and its redevelopment to provide a new building comprising four levels of basement (including a basement mezzanine level), ground, mezzanine, plus part 9, 31 and 35 storeys plus plant containing offices (B1) and flexible shop/financial and professional services/cafe and restaurant uses (A1/A2/A3) at ground floor level; and flexible shop/cafe and restaurant/drinking establishment uses (A1/A3/A4) at levels 10 and 11, including winter garden (Sui Generis);
- Re-provision of the Clothworkers' accommodation (Sui Generis) within part ground, part first, part second and part third floors and four levels of basement (including a basement mezzanine level)
- Creation of ground level public access to level 10 roof garden and basement level 1 to Grade II Listed Lambe's Chapel Crypt
- Dismantling, relocation and reconstruction of the Lambe's Chapel Crypt to basement level 1 and associated exhibition accommodation (Sui Generis) (listed Grade II)
- Alterations to and conservation of the Grade I Listed Tower of All Hallows Staining; vi) Provision of new hard and soft landscaping and other associated works.

Listed building consent is sought for:

- Alterations to and conservation of the Grade I Listed Tower of All Hallows Staining.' (19/01283/LBC)
- Listed building consent for 'Dismantling, relocation and reconstruction of the Grade II Listed Lambe's Chapel Crypt to basement level one including the provision of public access and associated exhibition (Sui Generis).' (19/01277/LBC)

The following recommendation relates to the planning application. There is a separate recommendation before your Committee relating to the two related applications for Listed Building Consent. Both this application and the related listed building consent applications are considered in this report.

Representations objecting to the proposals have been received from Historic Royal Palaces (HRP), the London Borough of Tower Hamlets, Generali (who run the roof garden at 120 Fenchurch Street) and Richard Bennett.

Representations supporting the proposals have been received from the City Heritage Society, the Reverend Arani Sen representing St Olave's Church, Georgina Graham on behalf of the Archdeacon of London, the Drapers Company, the Merchant Taylors Company, the Carpenters Company and the Mercers Company.

The scheme is of a high-quality design and features a number of innovative features including extensive urban greening. It provides a significant increase in office floorspace meeting one of the primary objectives of the City's Local plan and London Plan policies. It results in some loss of retail on a Retail Link but this is considered acceptable when taking into account the nature of the development and the other benefits of the scheme.

It provides an increase and significant enhancement of the public realm through the widening of pavements, the creation of a widened route from Fenchurch St, the provision of a new high quality public space around the listed Tower and a new free to visit roof level space at level 10 of quality, affording views, seating and promenading space and a winter garden accessed off it. The extent of new public realm will represent a significant uplift on the existing area.

Whilst it is accepted that the proposed development would reduce the amount of sunlight received by the roof garden at 120 Fenchurch Street, it is considered that the public benefit created by the proposed roof garden and public realm would outweigh this harm.

The scheme includes conservation work to the listed Tower and the relocation of the listed Lambe's Chapel Crypt and the provision of a public exhibition space to which public access is provided which are a significant cultural heritage benefit of the scheme. However, elements of those works would cause a degree of harm to certain features and interests of the Tower and harm to the Crypt, and great weight has been given to the desirability of their preservation. After applying the relevant statutory tests and NPPF criteria there is considered to be clear and convincing justification for the harm.

The scheme provides a new Livery Hall for the Clothworkers? Company, which is their 7th on the Site which meets their requirements and provides the incorporation of a number of important artefacts associated with the Company including their Gates.

The impact on neighbouring buildings and spaces has been considered. The scheme would not result in unacceptable environmental impacts in terms of noise, air quality, wind, daylight and sunlight and overshadowing. The impact on daylight and sunlight/ overshadowing has been thoroughly tested. Whilst the loss of aspect and the overshadowing of the public roof garden at 120 Fenchurch St has a detrimental impact it is not considered that the impacts would cause unacceptable harm such as to warrant a refusal of planning permission in that a further high quality roof level space is being provided with aspect and amenity. The proposal would be in compliance with Local Plan Policies DM 10.7 and DM21.3 and policies 7.6 and 7.7 of the London Plan.

The scheme would make optimal use of the capacity of a site with high levels of public transport accessibility and would be car free. The proposal would require deliveries to be consolidated and would reflect servicing measures sought for other major developments in the City. The servicing logistics strategy would be incorporated in the Delivery and Servicing Management Plan. The proposal would be in compliance with Local Plan Policies DM16.1, DM16.5 and 6.13 of the London Plan.

1248 long term bicycle spaces would be provided with associated shower and locker facilities. The number of short term spaces at 42 would not be compliant with requirements but need to be balanced against the other public realm benefits. This apart the scheme is in compliance with Local Plan Policy 16.3 and London Plan Policy 6.9.

The scheme would provide benefits through CIL for improvements to the public realm, housing and other local facilities and measures. That payment of CIL is a local finance consideration which weighs in favour of the scheme. In addition to the general planning obligations there would be site specific measures secured in the S106 Agreement. Together these would go some way to mitigate the impact of the proposal.

Planning of the City Cluster has sought to safeguard the immediate setting of the Tower of London in accordance with guidance and to step the height of development away from the Tower so that it rises to a peak some way from the Tower. This scheme immediately to the south of the eastern cluster introduces a taller element closer to the Tower of London which sits comfortably with the Eastern Cluster.

In relation to other designated and non-designated heritage assets, it is considered that the proposed development would not harm their significance or setting.

Virtually no major development proposal is in complete compliance with all policies and in arriving at a decision it is necessary to assess all the policies and proposals in the plan and to come to a view as to whether in the light of the whole plan the proposal does or does not accord with it. The Local Planning Authority must determine the application in accordance with the development plan unless other material considerations indicate otherwise.

In this case, while the proposals are considered in compliance with a number of policies, they are not considered to be in compliance with the development plan as a whole due to non-compliance with the retail policies identified above.

Paragraph 8 of the NPPF sets out that there is a presumption in favour of

sustainable development.

Paragraph 131 of the NPPF sets out that great weight should be given to outstanding and innovative designs which help raise the standard of design more generally in the area.

As set out in paragraph 193 of the NPPF, when considering the impact of a proposed development on the significance of a designated heritage asset great weight should be given to the conservation of designated heritage assets (and the more important the asset, the greater the weight should be). The world heritage site status and its Grade I listing places the Tower of London at the very highest level and as a result greater weight should be given to the asset's conservation.

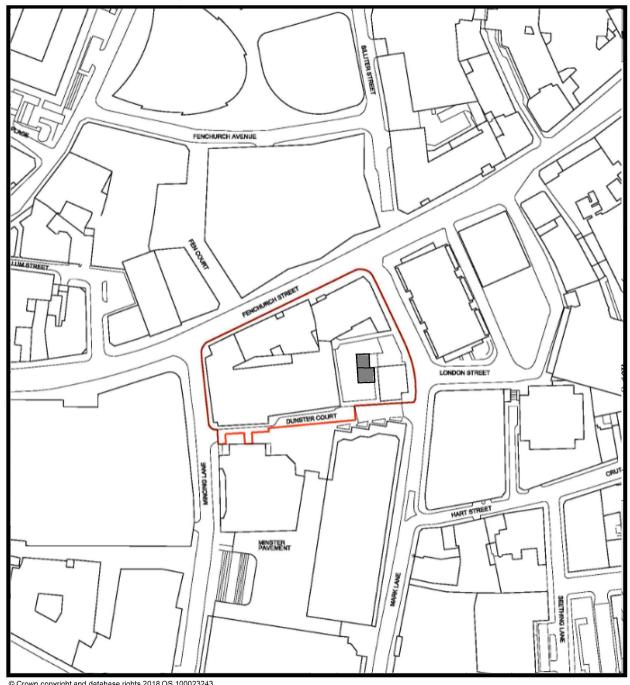
The proposal has been assessed in accordance with the definition of the Outstanding Universal Value and significance of the World Heritage Site as set out in the Tower of London World Heritage Site Management Plan (2016). In addition, the proposal has been assessed in terms of the guidance set out in the Tower of London Local Setting Study (2010) and the London Views Management Framework SPG. The proposal has been assessed in accordance with other relevant SPGs, SPDs and guidance notes listed in the report. The proposed development was not found to harm the Outstanding Universal Value or significance of the Tower of London World Heritage Site.

Taking all material matters into consideration, the application is recommended to you subject to all the relevant conditions being applied and section 106 obligations being entered into in order to secure the public benefits and minimise the impact of the proposal.

#### Recommendation

- 1. That planning permission be granted for the above proposal in accordance with the details set out in the attached schedule subject to:
- a) planning obligations and other agreements being entered into under Section 106 of the Town & Country Planning Act 1990 and Section 278 of the Highway Act 1980 in respect of those matters set out in the report, the decision notice not to be issued until the Section 106 obligations have been executed and
- 2. That you agree in principle that the land affected by the proposal which is currently public highway and land over which the public have right of access (comprising small areas of Fenchurch Street, Mark Lane, Mincing Lane and Star Alley that would be built upon if the development was implemented) 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 the various areas under the delegation arrangements approved by the Court of Common Council.

# **Site Location Plan**



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ADDRESS:

Site Bounded By Fenchurch Street, Mark Lane, Dunster Court And Mincing Lane, EC3M 3JY

**CITY BOUNDARY** 

CASE No: 19/01307/FULEIA



SITE LOCATION



LISTED BUILDINGS





DEPARTMENT OF THE BUILT ENVIRONMENT

## Site from Fenchurch Street looking West



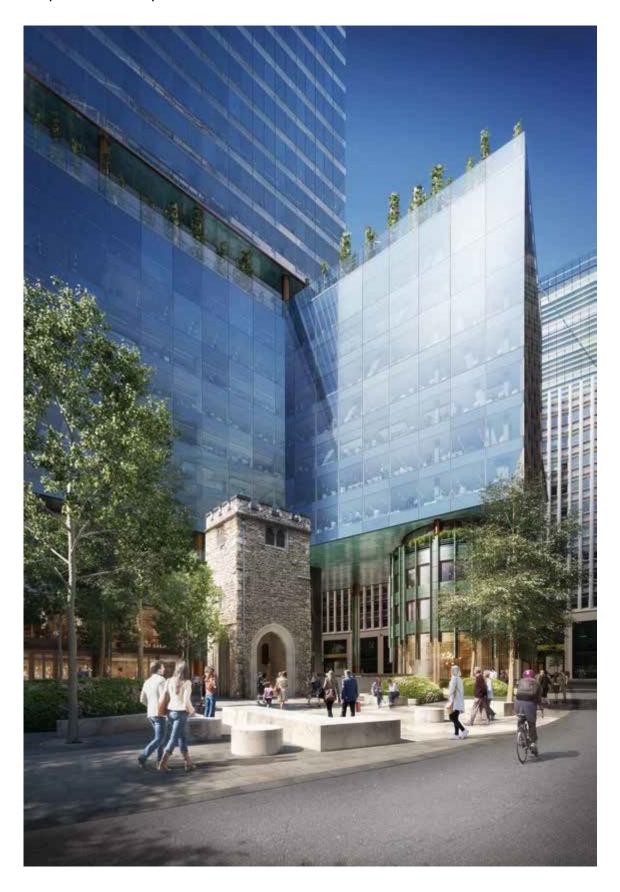
Site from Fenchurch Street looking East



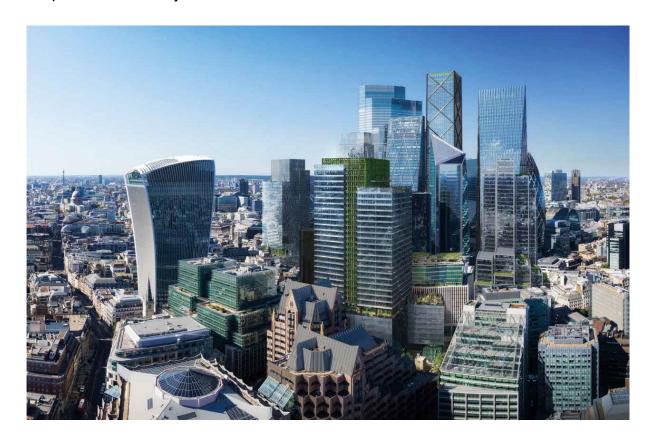
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## Site from the corner of Mark Lane and London Street





## Proposed view of City Cluster



#### **Main Report**

#### **Environmental Statement**

- The application is for EIA development and is accompanied by an Environmental Statement (ES). The ES is a means of drawing together, in a systematic way, an assessment of a project's likely significant environmental effects. This is to ensure that the importance of the predicted effects and the scope for reducing them are properly understood by the public and the competent authority before it makes its decision.
- The Local Planning Authority must take the Environmental Statement into consideration in reaching its decision as well as comments made by the consultation bodies and any representations from members of the public about environmental issues as required by the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.
- 3. The duties imposed by regulation 26 of the EIA Regulations require the local planning authority to undertake the following steps:
  - a. To examine the environmental information
  - b. To reach a reasoned conclusion on the significant effects of the proposed development on the environment, taking into account the examination referred to at (a) above, and where appropriate, their own supplementary examination
  - c. To integrate that conclusion into the decision as to whether planning permission is to be granted; and
  - d. If planning permission or subsequent consent is to be granted, consider whether it is appropriate to impose monitoring measures.
- 4. The local planning authority must not grant planning permission unless satisfied that the reasoned conclusion referred to above is up to date. The draft statement attached to this report at Appendix A sets out the conclusions reached on the matters identified in regulation 26. It is the view of the officers that the reasoned conclusions set out in the statement are up to date.
- 5. Representations made by anybody required by the EIA Regulations to be invited to make representations and any representations duly made by any other person about the environmental effects of the development also forms part of the environmental information before your Committee.
- 6. The Environmental Statement is available online, together with the application, drawings, relevant policy documents and the representations received in respect of the application.

#### Site and Surroundings and Existing Buildings

#### The Site

- 7. The site, known as 50 Fenchurch St, is bounded by Fenchurch St to the North, Mark Lane to the East, Dunster Court to the South and Mincing Lane to the West.
- 8. It comprises a group of separate commercial buildings, the Clothworker's Hall, St Olave's Church Hall, the Lambe's Chapel Crypt, the Tower and remains of All Hallows Staining and an associated disused churchyard and burial ground.
- 9. The Clothworkers Hall occupies the Southern part of the site and is accessed from Dunster Court. It was constructed in the 1950s and was extensively refurbished in the 1990s. The Hall is unlisted and is the 6th hall of the company on the site. On the 8 November 2019 it received a Certificate of Immunity from Listing. Decorative metalwork gates control access to Dunster Court from the West.
- 10. The site is not in a conservation area. It is located immediately to the south of the Eastern Cluster and has an excellent PTAL rating of 6b. This rating is due to the close proximity of Fenchurch Street National Rail and London Underground train station. There are a number of stations close to the site, which include Cannon Street station (National Rail and London Underground), Aldgate, Bank, Tower Hill, Tower Gate, Monument. A total of 25 bus routes are available within the vicinity of the site. There are TfL Cycle Hire docking stations in close proximity to the site including on Crosswall, which accommodates 32 cycles, and on Great Tower Street, which accommodates 24 cycles.

#### Details of the current buildings on site

- 11. 41-43 Mincing Lane and 40-45 Fenchurch Street, known as Minster House, occupies the western part of the site and fronts onto both Mincing Lane and Fenchurch Street. It is an eight-storey post war building. The property underwent significant refurbishment in 2002. It comprises a stepped, eight storey office (Class B1) building accessed from Mincing Lane, with a ground shop unit (Class A1) accessed from the corner of Mincing Lane and Fenchurch Street.
- 12. 46-50 Fenchurch Street is a post war building which occupies the northern part of the site. It comprises a stepped, eight-storey, office (Class B1) building with shop (Class A1) and financial and professional services (Class A2) units at ground, and part basement. The retail units and offices have separate entrances on Fenchurch Street.
- 13. 51-54 Fenchurch Street occupies the north-eastern part of the site. It is a 1950s office (Class B1) building, with a small café (Class A3) at ground floor level and a flexible (Class B1/A1) unit currently in A1 use. The building includes two basement levels and is set back at eighth floor level. The building is bisected at ground level by Star Alley, a pedestrian route between Mark Lane and Fenchurch Street which also runs to the rear of the site.

- 14. The alignment of Star Alley has changed over time. Part of Star Alley to the south of 51-54 Fenchurch Street is owned by the City of London Corporation.
- 15. On the opposite side of Star Alley is the disused churchyard and Tower of All Hallows Staining which occupies the south-eastern part of the site. The Church was demolished in 1870 leaving the Tower which is Grade I listed.
- 16. Adjacent to the Tower and predominantly below ground is the Grade II listed Lambe's Chapel Crypt which was relocated to this site in the 1870's from its former site in Monkwell Street. Surrounding these is the former Churchyard and burial ground of the church where burials remain.
- 17. Within this area is the Church Hall of St Olave's Hart St which was constructed by the Clothworkers Company in 1957 which is hired out for a variety of purposes.
- 18. All three structures are located within the former churchyard, which is currently a private open space not accessible to the public, surrounded by railings, fronting Mark Lane.
- 19. The area around the listed Tower which is the area of the former churchyard is subject to procedural requirements contained in the Allhallows Staining Church Act 2010. The church tower and Lambe's Chapel Crypt have not been the subject of any planning decisions. However, the Allhallows Staining Church Act 2010 repealed earlier legislation and removed restrictive covenants, and the removal of human remains subject to certain provisions. The provisions of the planning acts continued to apply.
- 20. The Clothworkers' Hall occupies the southern part of the site and is accessed from Dunster Court, a private access road, which runs to the south of the site which is gated with fine gates and piers at the western end.
- 21. The Hall dates from 1955-1958 and was first designed by Henry Tanner and then by Herbert Austen Hall. The hall rises to part six and seven storeys and is constructed of brick with stone dressings. The southern wing, which is the main wing, is stone-clad at ground level, whilst the upper levels are brick with deep set sash windows. The southern wing includes the Livery Hall, reception rooms and a floor of offices. The eastern wing is stone-clad at ground level, with a four-storey stone clad façade above, and a red brick upper level. The main wing adjoins the west wing, which is ashlar at ground level and red brick on the upper floors. There are two residential flats located in the Clothworkers' Hall, which are ancillary and support the primary activities of the Clothworkers' Company. The building is the Clothworkers' Company's sixth Hall on the site and is not listed.

# **Designated Heritage Assets**

22. There are two statutorily listed structures on the site as referred to above.

- 23. The Tower and remains of All Hallows Staining is Grade I Listed. The Tower is all that remains of a 14th century church that was on this part of the site. The Church, after collapsing in 1671 and being rebuilt in 1774, was demolished in 1870. The site was then sold to the Clothworkers' Company, who restored the Tower in 1872/73. The Tower is set in its original position within a small paved, private open space surrounded by railings. The listing description for the Church Tower is as follows:
- 24. "C12 or C13 onwards. Lowest stage of tower of coursed ragstone rubble with some knapped flint, probably C12 or C13. Two-light cinquefoil window in west wall, pointed arched in south and east walls of tower. The second stage of the tower, fragmentary remains of a diagonal buttress and south and west walls of the south aisle or nave are probable C14. Octagonal stair turret at north-west corner of tower, with four-centre head doorways to four internal stages, is probably C15. Second stage cinquefoil windows, restored externally but retaining C16 brickwork internally. Parts of the third stage brickwork date from C18. Upper third and fourth stage restored following demolition of the body of the church in 1870."
- 25. Adjacent to the Tower is the 12th century Lambe's Chapel Crypt, which is Grade II Listed. The crypt formed part of the 'Hermitage St James on the Wall'. It was re-built in this position at the same time as the Tower was restored by the Clothworkers' Company. The listing description of the Crypt is as follows:
- 26. "Mid C12. Removed from the site of Lambe's Chapel in Monkwell Street and reconstructed in the remains of the west end of the south aisle or nave of the church. Said to have formed part of the Hermitage of St James on the Wall. Now reduced to 2 bays with candystick rib vault supported by richly carved capitals on short shafts."

#### **Relevant Planning History**

- 27. The Clothworker's Hall received a Certificate of Immunity from listing in December 2019.
- 28. The building at 41-43 Mincing Lane and 43-45 Fenchurch St was constructed in the 1950s as an office building and a retail use at ground floor was approved subsequently in 2002 and implemented. A 1999 planning permission for redevelopment was not implemented.
- 29. At 46-50 Fenchurch St, an office building with retail, various permissions have been granted for refurbishment and for A1 and A2 retail uses.
- 30. In 2014 planning permission was granted for the demolition of the existing building at 51-54 Fenchurch St and its redevelopment for a ten-storey office building with 2 retail units one of which was A1/A3 the other of which was A1/A3 or Class B1(a) and the realignment and reprovision of Star Alley. This permission has lapsed. In 2016 permission was granted for the flexible use of part of the ground floor from B1 offices to flexible B1/A1and A3.

- 31. The church tower and Lambe's Chapel have not been the subject of any planning decisions. However, the Allhallows Staining Church Act 2010 removed restrictive covenants and the removal of human remains subject to certain provisions. The provisions of the planning acts continued to apply.
- 32. The Church Hall was constructed in the 1950s pursuant to a planning permission for the erection of a church hall and the laying out of the surrounding open space. The church hall latterly has been less used as a church hall and has been let out for a variety of commercial uses.

#### **Proposals**

33. Applications have been made for:

### 19/01307/FULEIA

- 34. Planning permission for:
  - i. Demolition of 41-43 Mincing Lane, 40-54 Fenchurch Street, former church hall and the Clothworkers' Hall and its redevelopment to provide a new building comprising four levels of basement (including a basement mezzanine level), ground, mezzanine, plus part 9, 31 and 35 storeys plus plant containing offices (B1) and flexible shop/financial and professional services/cafe and restaurant uses (A1/A2/A3) at ground floor level; and flexible shop/cafe and restaurant/drinking establishment uses (A1/A3/A4) at levels 10 and 11, including winter garden (Sui Generis);
  - ii. Re-provision of the Clothworkers' accommodation (Sui Generis) within part ground, part first, part second and part third floors and four levels of basement (including a basement mezzanine level)
  - iii. Creation of ground level public access to level 10 roof garden and basement level 1 to Grade II Listed crypt
  - iv. Dismantling, relocation and reconstruction of the Lambe's Chapel Crypt to basement level 1 and associated exhibition accommodation (Sui Generis) (listed Grade II)
  - v. Alterations to and conservation of the Grade I Listed Tower of All Hallows Staining; vi) Provision of new hard and soft landscaping and other associated works.

#### 19/01283/LBC

35. Listed building consent for 'Alterations to and conservation of the Grade I Listed Tower of All Hallows Staining.' (19/01283/LBC)

## 19/01277/LBC

36. Listed building consent for 'Dismantling, relocation and reconstruction of the Grade II Listed Lambe's Chapel Crypt to basement level one including the provision of public access and associated exhibition (Sui Generis).' (19/01277/LBC)

- 37. This report deals with the application for planning permission (19/01307/FULEIA) and the applications for Listed Building Consent (19/01283/LBC and 19/01277/LBC).
- 38. The scheme provides:
  - 88,064 sqm of office floorspace,
  - 839 sqm of retail
  - 4789 sqm of livery hall
  - 1283 sgm of publicly accessible roof terrace
  - 430 sqm of winter garden
  - 214 sqm associated with the Lambe's Chapel crypt
- 39. The scheme provides a significant increase in office floorspace on the site with some reduction in retail, livery hall floorspace as well as the church hall which is not re-provisioned on the site.
- 40. A new hall for The Clothworkers' would be provided to the north-east of the site and would be accessed from an entrance on Fenchurch Street. It would provide a new livery hall with ancillary offices and a Master's flat and would comprise four levels of basement, ground and three upper storeys, totalling 4,789sq.m of floorspace (sui generis). As most of the accommodation would be provided at below ground level, light would be provided from a lightwell within the new public square.
- 41. The main building would have two office entrances on Fenchurch Street with 88,064 sqm of office floorspace. The design of the main building is based around a single core. This creates a clean office floorplate to allow flexibility and the maximum natural light to the office floors. The office space has been designed to be flexible and capable of sub-division to allow for both multi-let and single occupier arrangements.
- 42. Two retail units are proposed at ground floor level (ClassA1/A2/A3) with an area of 289 sqm, fronting the new public square.
- 43. A public roof terrace would be created at level 10 around the perimeter of the building, with a double height winter garden facing south. Public access would be provided from an entrance located at ground floor level on the east elevation of the main building. The roof terrace would be 1,283sq.m in area and the winter garden would provide a further 430sq.m of floorspace. Retail floorspace (A1, A3 and A4) totalling 550sq.m would be arranged over two levels at levels 10 and 11 to compliment the roof terrace and winter garden.
- 44. The Grade I Listed Tower of All Hallows Staining would be conserved and a new setting for it would be created by lowering the ground level to reveal the base of the Tower which is obscured by surrounding higher ground. The Tower would be the focal point of the new public realm, which would be accessible to the public from Fenchurch Street, through the new routeway and from Mark Lane.
- 45. It is proposed that the Grade II Listed Lambe's Chapel Crypt is relocated from its current position adjacent to the Tower of All Hallows Staining, to within the footprint of the proposed office building at

- basement level 1, which would enable public access from the public lobby which would also provide access to the roof terrace and winter garden. The relocation would include a new exhibition space to explain the Crypt. The Clothworkers' Company would continue to use the Crypt occasionally for ceremonial use.
- 46. The scheme would incorporate extensive urban greening. Vertical greening would add visual variety to the elevations and help link the building with the greening of its surroundings. Bespoke metal planters would provide support for climbing plants on the south, north and east elevations to create an expansive green façade. At level 10, urban greening would be provided on the roof terrace through unique sculptural elements with vertical planting and the double height winter garden.
- 47. 1248 long stay cycle parking spaces are proposed, alongside showers and associated facilities, and 42 short stay cycle parking spaces would be provided within the new public square.

## **Consultations**

- 48. The views of other City of London departments have been taken into account in the preparation of this redevelopment scheme and incorporated into the proposal. Some detailed matters remain to be dealt with under conditions and in clauses in the Section 106 agreement.
- 49. Following receipt of the applications by the City the applications have been advertised and consulted upon. Copies of all letters and e-mails received making representations are attached in full in Appendix A.
- 50. The Applicants have submitted a Statement of Community Involvement outlining their engagement with stakeholders including a Public Exhibition which was held in November 2019 which was advertised, and key parties notified. It was attended by 134 people.
- 51. The London Borough of Southwark and Westminster City Council have no comments on the application.
- 52. The London Borough of Tower Hamlets objects to the application because of its impacts on the Tower of London WHS and has made detailed comments in this regard.
- 53. The application is supported by the following Livery Companies:
  - The Drapers Company
  - The Merchant Taylors Company
  - The Carpenters Company
  - The Mercers Company
- 54. The Environment Agency advises that the scheme accords with their Guidelines and Natural England have no objections.
- 55. Thames Water raise no objections to the proposal subject to the imposition of conditions.
- 56. The City's Air Quality Officer has raised no objections.

- 57. The Lead Local Flood Authority have raised no objection to the proposals subject to the imposition of conditions.
- 58. NATS Safeguarding, City Airport and Heathrow Airport are satisfied with the proposals subject to appropriate conditions in relation to construction cranes.
- 59. A representation has been received objecting to the principle of demolishing the existing Clothworkers Hall, an historic part of London for which he sees no justification.
- 60. The Reverend Arani Sen representing St Olave's Church supports the proposals and advises that the loss of the Church Hall is satisfactory as it is being re-provided with the support of the Clothworkers at St Botolph's Aldgate. The provision of public open space within the scheme is welcomed. This is supported by Georgina Graham on behalf of the Archdeacon of London.
- 61. Network Rail have requested further information in respect of passenger numbers arising from the development at Fenchurch Street station.
- 62. TfL have raised a number of queries in respect of the application and these queries have been addressed by the Applicant.
- 63. The City Heritage Society is of the view that the existing commercial and Livery Hall buildings are not worthy of retention and support the development proposals. They request that certain architectural features such as the Company's crest are incorporated into the new scheme.
- 64. Historic England advises that due to the site's location to the south and east of the City Cluster, the proposed commercial tower would increase the cumulative impact of the Cluster on the setting of the Tower of London World Heritage Site. Although the scheme would be set against the backdrop of the Cluster in some key views, it further increases the relative prominence of the City from other locations and will as a result cause some harm to the significance of the Tower.
- 65. Historic England welcomes the proposed conservation and representation of the tower of All Hallows Staining and Lambe's Chapel Crypt. The removal of the clutter that currently surrounds these and their representation within the context of a positive public realm proposal should enhance the ability to appreciate their heritage significance.
- 66. Historic England welcomes the proposed conservation of, and repair works to the tower of All Hallows Staining, which are considered to be well-informed and should prevent further loss or decay of historic fabric. Important architectural features and detailing would be better revealed following the removal of later fabric, such as the infill to the Reigate stone arches and heavy masonry shelter coats. The reduction in level of the churchyard as part of a new public realm scheme should also alleviate the damp issues causing stonework to deteriorate and enable a better appreciation of the listed building in a more sympathetic immediate setting.

- 67. Historic England are of the view that the proposed dismantling, relocation and reconstruction of Lambe's Chapel Crypt is considered to be well justified and enables a number of benefits. Its current location makes a limited contribution to significance and this is largely drawn from its long association with the Clothworkers Company, which would be maintained as the crypt would remain on the site. The connection with the tower of All Hallows Staining may be considered misleading in implying an earlier relationship between the two. The principle of relocating the crypt is therefore considered acceptable. In doing so, the inaccuracies and inappropriate materials of the present reconstruction can be rectified; a more coherent re-presentation of the original crypt with inclusive public access would also be achieved.
- 68. They recommend that the City weighs the harm to heritage significance identified in their letter against the public benefits of the scheme, as required by paragraph 196 of the NPPF. Heritage benefits described above to the tower of All Hallows Staining may be treated as a public benefit for these purposes, but should not be seen as mitigation for the harm caused to the OUV of the Tower of London WHS.
- 69. As with all proposals with the potential to harm the Outstanding Universal Value of World Heritage Sites, they encourage the City to notify the State Party (DCMS) of this proposal. DCMS will then make a decision on whether to notify the World Heritage Centre.
- 70. Historic Royal Palaces make objection to the proposal because of its impact on the WHS. They are of the view that the site is outside the Eastern Cluster, that it diminishes the WHS's outstanding universal value, detrimentally impacts on its setting from LVMF views and other key views and that it should not be approved.
- 71. Generali who run the roof garden at 120 Fenchurch Street make objections to the proposals on the grounds that it will detrimentally impact on the Public Roof Garden due to a resultant loss of daylight and sunlight and a loss of view which will diminish its amenity. They have provided evidence of this. They state that their building marked the south -eastern corner of the Eastern Cluster and it was not to be expected that the roof garden would be impacted in this way.

### **Policy Context**

- 72. The development plan consists of the London Plan and the City of London Local Plan.
- 73. The Mayor of London and the City of London have prepared draft plans which are material considerations to be taken into account.
- 74. The London Plan and Local Plan policies that are most relevant to the consideration of this case are set out in Appendix B to this report.
- 75. The Draft London Plan is at an advanced stage. It takes forward many of the policy positions of the existing plan whilst strengthening and adding to others. On the 13th March 2020 the Secretary of State directed the Mayor not to adopt the Plan due to it not addressing a number of national policies in respect of housing ambition, small sites,

- industrial land and aviation meaning it will be some time before the plan is adopted. It has passed through the Examination in Public so is to be afforded some weight with the matters addressed by the Secretary of State being less relevant to this site.
- 76. In relation to this scheme the Draft London Plan continues to support a mixed-use office scheme in the Central Activities Zone (CAZ). The changes that are most relevant to this scheme are those that encourage good growth, enhance climate change, good design and sustainability requirements and further support requirements for public access and routes through sites.
- 77. The City's draft Local plan 2036 will be reported to the Court of Common Council to agree the pre-submission draft in May 2020 and it is anticipated that pre-submission consultation will commence after summer recess. Once agreed by the Court of Common Council it will be a material consideration in the determination of applications alongside the adopted Local Plan.
- 78. Government Guidance is contained in the National Planning Policy Framework (NPPF) February 2019 and the Planning Practice Guidance (PPG) which is amended as necessary.
- 79. There is relevant GLA supplementary planning guidance in respect of: Accessible London: Achieving an Inclusive Environment SPG (GLA, October 2014), Control of Dust and Emissions during Construction and Demolition SPG (GLA, September 2014), Sustainable Design and Construction (GLA, September 2014), Social Infrastructure GLA May 2015) Culture and Night-Time Economy SPG (GLA, November 2017), London Environment Strategy (GLA, May 2018), London View Management Framework SPG (GLA, March 2012), Mayoral CIL 2 Charging Schedule (April 2019), Central Activities Zone (GLA March 2016)
- 80. Relevant City Corporation Guidance and SPDs comprises Air Quality SPD (CoL, July 2017), Archaeology and Development Guidance SPD (CoL, July 2017), City Lighting Strategy (CoL, October 2018) City Transport Strategy (CoL, May 2019), City Waste Strategy 2013-2020 (CoL, January 2014, Protected Views SPD (CoL, January 2012), City of London's Wind Microclimate Guidelines (CoL, 2019), Planning Obligations SPD (CoL, July 2014). Open Space Strategy (COL 2016), Office Use (COL 2015), City Public Realm (COL 2016) and relevant Conservation Area Summaries.

### Considerations

- 81. 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).

In considering whether to grant planning permission for development which affects a listed building or its setting, to apply considerable weight and importance to the need 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);

- 82. The NPPF states at paragraph 2 that "Planning Law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise".
- 83. Paragraph 10 states that "at the heart of the Framework is a presumption in favour of sustainable development. That presumption is set out at paragraph 11:
- 84. For decision-taking this means:
  - a) approving development proposals that accord with an up-to-date development plan without delay; or
  - b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - c) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - d) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 85. It states at paragraph 8 that achieving sustainable development has three overarching objectives, being economic, social and environmental.
- 86. Paragraph 190 of the NPPF advises that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
- 87. Paragraph 192 of the NPPF advises, "In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality;
   and
- c) the desirability of new development making a positive contribution to local character and distinctiveness."
- 88. Paragraph 193 of the NPPF advises "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance."
- 89. Paragraph 194 of the NPPF states "Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:
  - a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
  - b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional."
  - c) Paragraph 196 of the NPPF states "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."
- 90. Paragraph 197 states "The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."
- 91. In considering the planning application account has to be taken of the environmental information including the Environmental Statement, the statutory and policy framework, the documentation accompanying the application, and the views of both statutory and non-statutory consultees.
- 92. There are policies in the Development Plan which support the proposal and others which do not. It is necessary to assess all the policies and proposals in the plan and to come to a view as to whether in the light of the whole plan the proposal does or does not accord with it.
- 93. The principal issues in considering this application are:

- The extent to which the proposals comply with Government policy advice (NPPF).
- The extent to which the proposals comply with the relevant policies of the Development Plan.
- The economic benefits of the proposal
- The other benefits of the proposal including provision of a public roof garden, the relocation and representation of Lambe's Chapel Crypt and public exhibition, representation of the Tower and remains of All Hallows Staining Church and churchyard and new public open space
- The impact of the proposal on designated and non-designated heritage assets, including the Lambe's Chapel Crypt, Tower and remains of All Hallows Staining Church, its churchyard and burial ground and surviving archaeological remains
- The impact of the proposals on the Tower of London World Heritage Site
- The impact on the nearby buildings and spaces, including daylight/sunlight and amenity.
- 94. In considering whether to grant listed building consent, special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses (S.16(2) Planning (Listed Buildings and Conservation Areas) Act 1990).

# **Economic Issues and Need for the Development**

- 95. The National Planning Policy Framework establishes a presumption in favour of sustainable development and places significant weight on ensuring that the planning system supports sustainable economic growth, creating jobs and prosperity.
- 96. The City of London, as one of the world's leading international financial and business centres, contributes significantly to the national economy and to London's status as a 'World City'. Rankings such as the Global Financial Centres Index (Z/Yen Group) and the Cities of Opportunities series (PwC) consistently score London as the world's leading financial centre, alongside New York. The City is a leading driver of the London and national economies, generating £45 billion in economic output (as measured by Gross Value Added), equivalent to 13% of London's output and 3% of total UK output. The City is a significant and growing centre of employment, providing employment for over 450,000 people.
- 97. 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.
- 98. The City is the home of many of the world's leading markets. It has world class banking, insurance and maritime industries supported by world class legal, accountancy and other professional services and a growing cluster of technology, media and telecommunications (TMT) businesses. These office-based economic activities have clustered in

- or near the City to benefit from the economies of scale and in recognition that physical proximity to business customers and rivals can still provide a significant competitive advantage.
- 99. The City's dense Financial Services (FS) business cluster allows firms to benefit from access to a large pool of specialist labour, skilled workers, and support services (accounting, legal services, actuarial etc), as well as supporting demand in those businesses.
- 100. In 2016 the FS Industry provided 182,000 FS jobs in the City with 60,000 of these being in Banking. Large FS firms in the City employ 75% of workers in the financial services sector compared to 25% in SMEs.
- 101. The City Supply Chains research, based on its important cluster of SMEs found that 63% of firms in the City buy from other firms within the City. Whilst a similar proportion (68%) sold to other firms in the City, highlighting the importance of those local trade relationships and the importance of the presence of large FS firms for other City firms and SMEs.
- 102. Some of the key reasons given for purchasing within the City included the proximity of businesses, speed of delivery and the expertise and reputation of the firms found in the concentrated industry clusters around the business district. The effect of sales to other City firms by SMEs surveyed showed that more than one third of SME respondents' sales to City firms accounting for more than half of their annual trading income. (City of London and Bone Wells Urbecon, 2013, https://www.cityoflondon.gov.uk/business/economic-research-and-information/research-publications/Pages/City-SME-supply-chains-aspx)
- 103. 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 Local Plan.
- 104. The City of London lies within the Central Activities Zone (CAZ), which is London's geographic, economic and administrative core and contains London's largest concentration of financial and business services. The London Plan 2016 strongly supports the renewal of office sites within the CAZ to meet long term demand for offices and support London's continuing function as a World City. The Plan recognises the City of London as a strategic priority and stresses the need 'to sustain and enhance it as a strategically important, globally-oriented financial and business services centre' (policy 2.10). CAZ policy and wider London Plan policy acknowledge the need to sustain the City's cluster of economic activity and policies 2.11 and 4.3 provide for exemptions from mixed use development in the City in order to achieve this aim.
- 105. The London Plan projects future employment growth across London, projecting an increase in City employment of 151,000 between 2011 and 2036, a growth of 35.6%. Further office floorspace would be required in the City to deliver this scale of growth and contribute to the maintenance of London's World City Status.

- 106. Strategic Objective 1 in the City of London Local Plan is to maintain the City's position as the world's leading international financial and business centre. Policy CS1 aims to increase the City's office floorspace by 1,150,000sq.m gross during the period 2011-2026, to provide for an expected growth in workforce of 55,000. Local Plan Policy DM1.2 encourages the provision of large office schemes.
- 107. The scheme meets the aims of policy CS1 in delivering significant growth in both office floorspace and employment. The current application provides for an additional increase in floorspace and employment in line with the requirements of the Local Plan. The proposed development would result in an additional 77,436sq.m (GIA) of Class B1 office floorspace (88064 sq. m compared to 10628 sq. m existing) consolidating the nationally significant cluster of economic activity in the City and contributing to its attractiveness as a world leading international financial and business centre. This amount of floorspace would contribute towards meeting the aims of the London Plan for the CAZ and deliver approximately 6.7% of the additional office floorspace sought in Local Plan policy CS1.
- 108. Using the London Plan's assumed density of one person per 12sq.m Net Internal Area (NIA) the number of office workers in the new building could be 7,339.
- 109. The proposed development includes large uniform floor plates maximising internal usable areas and addressing the needs of international business in accordance with Local Plan policy DM1.2 and could provide flexible floor space for a variety of occupiers.

## Provision of Office Accommodation

110. The provision of a substantial office building in this location meets the aims of policy CS7 of the Local Plan in delivering 88,064sq.m of office floorspace, which is an additional 77,436sq.m. This would add a substantial amount of Class B1 office floorspace to the City's office stock, which is supported and in accordance with policy CS1 of the Local Plan. This additional floorspace would make a significant contribution towards meeting the Local Plan's overall office floorspace targets to 2026 and the draft Local Plan's targets to 2036.

### Provision of Retail Accommodation

- 111. The existing retail floorspace on the site is 1462 sq m, with 957 sq m being at ground level. Of the existing floorspace 277 sq m could revert to B1 office use without requiring planning permission.
- 112. The proposed retail floorspace comprises 217 sq m of retail A1, A2 and A3 at ground level, 217sqm of A1, A3 and A4 retail at level 10 and 333 sq m of A1,A3 and A4 at Level 11.
- 113. As such there is a significant loss of retail frontage and floorspace along the Leadenhall Market to Aldgate Retail Link, contrary to policy.

- Under Policy DM20.2 and emerging policy R2, the policy is to resist the loss of retail frontage and floorspace in retail links.
- 114. The new retail floorspace proposed within the new open space and at the upper levels would not be within the Retail Link, but would enhance facilities and the retail offer on the site and would provide a draw to pedestrians and visitors.
- 115. In weighing the planning balance, it is necessary to take into account the primary objective of the current Local Plan and the emerging Local Plan which is to ensure that the City remains the world's leading international financial and professional services centre. The scheme would provide significant additional office floorspace, close to the Eastern Cluster contributing to meeting the City's targets for increasing office floorspace. Other Local Plan objectives met include conserving and enhancing a heritage asset (and making it more accessible to the public), providing modern facilities for a City Livery Company (a key part of the City's cultural and philanthropic offer) and providing new open space close to the Cluster, which is identified in the Local Plan as being deficient in open space. The scheme will also provide higher level views and public areas, in line with emerging Local Plan policy.
- 116. The potential for further retail at ground floor fronting Fenchurch Street was discussed with the Applicant who prepared a Response.
- 117. The Applicant's response demonstrated that the proposed office reception area would not be out of proportion with several other towers and the ground floor of the building performs a wider range of functions than most, with a dedicated entrance to the high level public areas and crypt as well as the entrance to the Clothworkers Hall.
- 118. On balance the Applicant's additional note does provide sufficient evidence to support the reduced ground floor retail frontage on the Retail Link. However, the development as currently proposed, would be contrary to adopted Local Plan DM20.2 and emerging policy R2.

#### The Building's Form and Relationship to the Eastern Cluster

- 119. The proposed building is located to the south of both the Eastern Cluster Key City Place in the City of London Local Plan 2015 (Policy CS7) and the City Cluster Key Area of Change in the Draft City Plan 2036 (Policy S21). Both policies identify the Eastern City Cluster area as the preferred location for siting tall buildings where deemed appropriate.
- 120. The City Cluster area is defined by an illustrative diagram in the adopted Local Plan and emerging Draft Local Plan. The area is intended to be a general strategic area where tall buildings can be delivered on appropriate sites. The boundary as shown in the diagrams is illustrative and not prescriptive. Both the adopted and draft Local Plans identify those areas in the City where tall buildings would be inappropriate. The site does not lie in an area of the City identified as being inappropriate for a tall building.

- 121. The principle of a tower at this location on the immediate periphery of the Eastern City Cluster area is acceptable in broad policy terms though its height and other issues including its impact on the setting of the Tower of London and other strategic and local views would need to be taken into account in accordance with policy.
- 122. The tower's height and form was amended significantly following extensive pre-application negotiations to address the view along the Fleet Street Processional route; to ensure the height responded to the gradual increase in building heights from the south to the north of the cluster to consolidate the form of the City Cluster; reduction in the tower's width to create a more vertical statement on the skyline and the need to address views from the public roof garden of 120 Fenchurch Street towards the Tower of London and Tower Bridge.
- 123. A thorough and comprehensive assessment was carried out on the impact of the proposed tower on wider and local views and no harm was found. Consequently, the height and bulk of the proposal is considered acceptable in terms of its wider and local context and will assist in consolidating the form of the cluster.
- 124. The proposed building would rise to 149.6m above ground and 165.1 m above AOD. This is an appropriate height to consolidate the form of the City Cluster of towers rising from the south to the apex to the north. As a comparison, the following list outlines the heights of existing and permitted towers in the City cluster (in descending AOD height order):

1 Undershaft: 304.9m

22 Bishopsgate: 294.94m

• 100 Leadenhall Street: 263.4m

122 Leadenhall Street: 239.40m

110 Bishopsgate: 217.80m52-54 Lime Street: 206.50m

• Tower 42: 199.60m

• The Gherkin (30 St Mary Axe): 195m

20 Fenchurch Street: 160m

## **Design Approach**

125. The design approach comprises of a glazed tower divided into two wings on the western side of the site stepping up from 142m on the eastern wing to 165m at the western side with both elements separated by a recessed niche, faced in vertical green planting. The tower has chamfered north and south facades positioned at opposing angles to one another which helps to break up the sense of scale as well as giving the tower a more vertical emphasis and a more dynamic profile from a number of views. The tower element comprises of clear double skin glazing with angular modelled glass horizontal spandrel panels over the floor plates which will have a glistening quality in sunlight which contrasts well with the green planting of the niche. The tower partly cantilevers over the public roof terrace with a perimeter promenade walkway and glazed winter garden at level 10.

- 126. The recessed area between the two wings of the tower will include cantilevered metal planters which will be planted by creepers of ivy, evergreen jasmine and other plant types trained up vertical wires to create a green veil. The planters will include an irrigation system and the moisture content of the soil will be monitored. The area behind the trellis planting and the building façade enables BMU access for the maintenance of the greening. The fire safety aspects of this greening have been assessed by the City's District Surveyor and found to be acceptable
- 127. The Building Maintenance Units are telescopic and located at the top of the tower between the lift overruns and will not project above the roof parapet when parked and will be concealed from any significant vantage points. These will be used also to maintain the greening within the niche. There is an additional trackless BMU located at 10th floor level and when not in use it will be garaged within the curtilage of the building out of sight.
- 128. The public roof terrace is located above a glazed podium building to ensure a reduction in scale to the east as a response to the need to step down towards the Tower of London as well as maximizing views to the south east towards the Tower from the public roof terrace of 120 Fenchurch Street. The podium building provides a more human scale to Fenchurch Street and surrounding streets and is designed in a more abstract architectural style with facades of sheer glazing with a degree of reflectivity ensuring an aesthetic contrast between the podium and tower. The roof of the podium is a free public roof garden with generous planting which will appear as a way-marking feature in surrounding street views complementing the vertical green niche of the tower.
- 129. An additional roof terrace for the office occupiers of the building is located at Level 32.
- 130. The podium element includes a north-south route between Fenchurch St and the new public square to create a comfortable pedestrian environment. The route at approximately 11.6m wide and 16.5m high is generously scaled and will provide views of the important Grade 1 listed Church tower acting as a wayfinding feature for passers-by into the new public square. The route re-imagines Star Alley. It is aligned to both the pedestrian route through 120 Fenchurch Street to the north and addresses pedestrian desire lines towards Fenchurch Street Station.
- 131. The ground floor of the podium building provides A uses and the entrance to the public roof garden and Crypts exhibition facing eastwards onto the public square with the entrance to the Clothworkers Hall on the north east corner and the Fenchurch Street frontage dominated by the office reception.

#### The Clothworkers Hall

- 132. Sitting recessed below the eastern end of the podium is the Clothworkers Hall block, clad in faience to appear architecturally distinct befitting its separate use. The faience will be twice coloured and twice fired to give a sense of depth, texture, richness and reflection and will be convincingly modelled with projecting faience fins creating visual interest. The ground floor elevations are clear glazed to create visual interest to the public realm and the existing Hall entrance doors will be re-instated on the Mark Lane elevation.
- 133. To create a sense of architectural integrity at the base of the development, circular, channelled faience columns over the lower four storeys support the cantilevered podium block with the resultant soffit clad in faience panels to match the colour of the Clothworkers Hall faience.
- 134. The Clothworkers Hall continues underneath the new public square on the south side of the entrance block and includes a lightwell between the entrance block and the Church tower which allows light in to the Clothworkers Hall below. This lightwell is sufficiently set away from the Church tower so that it appears appropriately grounded.

## A new Public Square

- 135. The scheme provides a new public square on the south eastern corner. This existing area (apart from Star Alley) is inaccessible to the public. An unconvincing hard landscaping of concrete paving at different levels has unsympathetically encroached upwards onto the original Church tower floor levels to the detriment of the tower's setting.
- 136. A major public benefit of the scheme is a new public square with a sunny south facing aspect with the Grade 1 listed Church tower as its centrepiece. The landscaping of the new public square will be of a high quality and well considered with the history of the site denoted in the paving and landscape elements including the alignment of Star Alley, the churchyard as well as providing seating and paving denoting the church footprint whilst integrating historical tombstones in to the scheme as landscaping elements. The landscaping will include generous tree planting and soft landscaping. A sense of enclosure is provided on the southern side with a perimeter boundary wall with railings and greening.
- 137. The existing Star Alley is replaced with a new wider route. Star Alley's position has evolved over time and its existing line will be denoted in the paving of the new public square. The new route has numerous benefits. It's alignment responds to pedestrian desire lines from Fenchurch Street Station northwards, it will be wider to accommodate the forecast growth in working population, it will align with the north south route through 120 Fenchurch Street and will open up new views of the Tower of the listed All Hallows Staining from Fenchurch Street, both as a historical building but also as a wayfinding focus.

138. The roof garden and crypts exhibition entrance is prominently located on the east elevation facing on to the public square and almost on axis to the church tower.

## The Tower and remains of Church of All Hallows Staining

- 139. The Tower and remains of Church of All Hallows Staining are listed Grade 1. It is in a private open space enclosed by a low wall and railings, which comprises the churchyard, raised above the ground level with a narrow path at ground level on the north, west and south sides, a path at ground level between the east entrance to the Tower and Mark Lane, and a paved area on the north east side adjacent to Mark Lane and Star Alley. Lambe's Chapel Crypt is to the south of the Tower and raised above the churchyard level. The open space was paved in the 1950's with random stone paving, including the roof of the Crypt and there are a number of grave ledger stones and markers in the former churchyard. St Olaves Church Hall is at the south east corner of the site.
- All Hallows Staining Church was demolished in 1872, and the churchyard was made into a garden with trees and planting. The Tower and below ground foundations are the surviving structures of the church. Post war and following removal of a temporary church, the Tower was altered; the arch to the south aisle and the east arch to the nave were infilled with ragstone, and an entrance door built within the east arch infill. New steps were built from ground level to the new entrance door and a modern timber floor inserted above the original floor. Inside the Tower, a new staircase was built between the new floor level and an external passageway on the south side, to give access to Lambe's Chapel Crypt. Although historically significant, the Tower's visual appearance is affected by its setting; the variation of the surrounding levels, poor interpretation and presentation of its archaeological, architectural and historic evolution and lack of public access.
- 141. The Tower and remains of the Church have very high significance due to their date, historical, archaeological, aesthetic and communal value. There is an historic association with The Clothworkers Company who bought the Tower and Churchyard in the 1870's on condition that the land was not built on and that the Tower was kept in good order. It is constructed of coursed ragstone rubble and flint. There may have been an earlier church on the site as there are surviving burials which predate the construction of the Tower. Assessment and archaeological evaluation carried out have shown that the Tower is of mid-14th century date and later alterations were carried out in the 15th, 16th and 18th centuries. The upper levels were restored in the late 19th Century when the body of the church was demolished, and conservation work was carried out in the 1980's. Lambes' Chapel Crypt was moved to the site of the churches' south aisle in the 1870's.
- 142. Assessment, investigation and condition surveys of the history and construction of the Tower have been carried out and the results submitted with the planning and Listed Building Consent applications.

To enable this, the modern timber floor, staircase and modern floor at the original Tower ground level have been removed. The floors had no historic value and their removal has improved the damp conditions which are detrimental to the fabric and conservation of the Tower and have caused some deterioration. Their removal has enabled further investigation of the Tower construction and architectural features and archaeological evaluation. The Tower is subject to environmental monitoring which is on-going and the results of this work will inform future conservation proposals.

- 143. The Tower has high significance for a number of reasons; it is a significant survival of a medieval structure, it is one of the first churches in the City built from stone, it survived the 1666 Great Fire and World War II damage. It is one of the few City buildings where a sense of the medieval character of the City can be appreciated and studied. It has evidential, historic, aesthetic and communal value for its evolution evident in the built fabric and historic records, its visual appearance as a medieval stone building, as a focal point in the open space, as a place of worship and close associations with its churchyard, burials and the Lambe's Chapel Crypt and the high archaeological and historic significance of this part of the site.
- 144. The proposed scheme would retain the Tower in its physical location and context and provide a new landscaped setting. It is proposed to excavate the ground around and below the Tower and insert new permanent and underpinning structures, ensuring that the Tower is protected at all stages and its physical condition is maintained. The footprint of the church would be laid out in the new landscape scheme, with low walls and seating and the footprint of the Churchyard set out with greening and incorporating the grave ledger stones and markers. On the north side a new lightwell to the lower levels of The Clothworkers Hall would be separated from the Tower by metal railings. The modern infill stonework to the south and east arches of the Tower would be removed and it is proposed, subject to on-going assessment and monitoring of the condition of the structure, that the arches are opened, allowing full public access around, in and through the Tower. The monitoring results may lead to proposals to enclose the arches in order to protect the stonework which is vulnerable and not leave it liable to deterioration through weathering. In this instance, a separate listed building consent would be necessary, and public access would be required.
- 145. The proposed alterations would enhance the significance of the Tower and its conservation by removing modern construction around it, particularly at the lower levels, which are detrimental to its visual appearance and physical condition. The removal of the modern arch infills and the removal of the modern steps on the east side, which currently have a negative visual impact, would be an improvement and enable inclusive access. Lowering the surrounding ground would provide an enhanced setting for the Tower and enable its full extent to be visible and appreciated. The association with the former church and churchyard layout would be more clearly understood, the Tower would have an improved connection with the surrounding buildings, and it

would not be seen, as at present, as isolated and disconnected. The proposed landscaping would reflect the character of the former church nave and aisle and the green character of the churchyard, its grave ledger stones and markers, which would further enhance the Tower's setting. There would be less than substantial harm caused to the archaeological and historic significance of the Tower, its evidential, historic, aesthetic and communal value, by excavating and removing the ground surrounding and below the Tower. The evidential and communal value is enhanced by the close association of the church and churchyard. The proposed work would have an impact on archaeological remains of high significance and their removal would cause harm by the removal of the significant physical association with the Tower, evidence of buried remains of the church, its' churchyard, burials, Roman and early medieval archaeological remains.

- 146. The proposals would provide an enhanced setting for the Tower and its relationship with the churchyard and site of the church. The Tower would benefit from necessary conservation work and removal of modern construction which has a detrimental impact on its condition. fabric and visual appearance. There would be improved presentation and interpretation of the Tower which would promote its understanding and appreciation and it would be in a landscaped open space that would be level, with full public assess. The work would be subject to a full programme of archaeological work which would advance knowledge and understanding of the significance of the church and churchyard, their history and evolution as well as the history of City parish. In considering the planning application, considerable weight and importance has been given to the desirability of preserving the Tower, its setting and features of special architectural or historic interest which it possesses. There is a presumption against granting planning permission that harms a listed building, and that presumption has been applied in evaluating the planning application. In considering the application for listed building consent, special regard has also been paid to the desirability of preserving the Tower.
- 147. In this case the less than substantial harm caused by removing the ground around and below the Tower is considered to be outweighed by the substantial public benefits of improved presentation and interpretation.
- 148. Conditions are added to cover the recording, monitoring, conservation, details of a programme of archaeological work, foundation design, structural interventions and protection measures to the Tower, details of the marking out of the footprint of the church and churchyard, interpretation and information signage. Conservation, management and access arrangements would be required under the S106 agreement.

#### The Lambe's Chapel Crypt and new Public Exhibition

149. The Crypt dates from the mid-12th century, first recorded in 1189 and the architectural details indicate a date of 1140. It was originally below Lambe's Chapel, which had been part of the Hermitage of St James on the Wall. The Chapel was adjacent to Clothworkers Company almshouses and was bought by William Lambe, a Clothworker, in the

- 16th century, who left it to The Company. The Chapel was demolished in 1872 when the Crypt was moved and rebuilt on the site of All Hallows Staining Church which had been purchased by The Clothworkers Company.
- 150. Analysis of the Crypt and historic records show that only part of the Crypt was saved, including the north wall, doorway, the stone ribs to the vaulting and the columns. It was rebuilt to a different orientation and it is approximately half its original size. The 1870's reconstruction includes rebuilding of some stone ribs which are not dimensionally, historically or aesthetically correct, as well as non-original brick and concrete. It was rebuilt partly below the churchyard level and externally it appears as a raised structure south of the Church Tower with a York Stone paved roof. There is no separate access to the Crypt, the access is from a doorway in the north Crypt wall leading to a modern staircase in the Church Tower.
- 151. The Crypt has high archaeological, historic and architectural significance due to its early medieval date, its associations with William Lambe, a Master of The Clothworkers Company, its close associations with The Clothworkers Company since the 16th century, it's rescue and rebuilding on the site of All Hallows Staining and continued use as a chapel. Although the reconstruction includes modern materials, the present Crypt has significance as a re-creation of the sense of space of the original Lambe's Chapel Crypt, and the incorporation of highly significant original fabric. It has evidential, historical, aesthetic and communal value due to its associations with Lambe's Chapel, historically significant original fabric and long association with The Clothworkers Company.
- 152. It is proposed to carefully dismantle the Crypt and to reconstruct it in a new publicly accessible exhibition space in the lower ground floor of the proposed office building. Access would be by a dedicated lift from the building entrance, which would also provide access to the public roof garden. The Crypt would be reconstructed in a more historically accurate way, using best conservation practice based on archaeological evidence, and restoring the scale, format and sense of place of the original Crypt. The reconstruction would correct the orientation, with new vault and side walls constructed from appropriate materials and the layout would be revised to provide a coherent understanding and appreciation of the original dimensions. The exhibition space would include details of the history of the Crypt, its close connections with The Clothworkers Company, and the archaeology, artefacts and history of the site.
- 153. There would be some harm to the Crypt from dismantling and reconstruction. It would however provide an opportunity to better understand the original significant fabric and dismantling may reveal details which would enhance knowledge and inform the reconstruction and interpretation proposals. It would enable the removal of unsympathetic or damaging materials which would be in the interests of the conservation of the Crypt and its appearance. It's proposed relocation and display and exhibition with full public access would be a

- significant public benefit. Considerable weight and importance has been given to the desirability of preserving the Crypt. There is a presumption against granting planning permission that harms a listed building, and that presumption has been applied in evaluating the planning application. Special regard has been paid to the desirability of preserving the Crypt.
- 154. In forming a balanced judgement when considering the impact on the Crypt, as required by paragraphs 193-197 of the NPPF, it is the view of officers that the scale of harm is low, and that the public benefits of the relocation and display is considered to outweigh the harm caused.
- 155. Conditions are attached to cover the dismantling, storage and reconstruction of the Crypt, details of the exhibition space, the exhibition displays, including artefacts, interpretation and wayfinding material and signage. Conservation, management and visitor arrangements would be required under the S106 agreement.

## A new public roof garden and winter garden

- 156. A new perimeter promenaded walk with a roof terrace with a south facing glazed winter garden is provided at 10th floor level. This will be a free to visit public benefit with no pre-booking requirements. The roof garden at 60m high will afford impressive all-round views of landmarks such as Tower Bridge, the Thames and the City skyline both of historical landmarks as well as the dynamic cluster of towers. The promenaded walkway will be located under the double height overhanging soffit of the tower providing a generous space and shelter from rain and shade in Summer resulting in a more resilient and useable public realm in any weather conditions. The glazed balusters will be of a sufficient height at 2m to provide protection from wind as well as addressing safety concerns.
- 157. A glazed winter garden is located on the southern side of the roof garden providing warmth and shelter from inclement weather as well as a comfortable environment to enjoy the low winter sun. Given its south facing aspect it will be a sunlit, bright double height space planted with verdant evergreen vegetation, traversed by paths with generous seating. A complementary separate retail use providing vibrancy will ensure that the winter garden is successful as a place to dwell.
- 158. The combination of a perimeter covered walk, enclosed winter garden and extensive roof terrace with generous seating will result in an elevated public realm of the highest quality and environmental conditions. In addition, vertical planted features and the generous planting within the winter garden will provide soft greening. The landscaping elements are arranged away from the perimeter walkway to enable the success of the perimeter walk and an appreciation of the views.
- 159. The public roof terrace will be accessed by two dedicated lifts from a prominent and dedicated entrance on to the new public square. The same lifts will access the Crypts exhibition at lower ground floor level enhancing the visitor experience combining the past below ground with

- elevated views over the modern City. The proposed elevated public realm has all the attributes to be a unique, successful and enduring socially and economically inclusive public space for all and a significant asset for the City, for workers, residents and visitors.
- 160. The roof garden would be open all year round, seven days a week, from 10am-7pm or nautical dusk, whichever is later. The roof garden would be closed on Christmas Day, Boxing Day and New Year's Day but open on all other bank holidays and would not close for private events, although private events could take place outside the public opening hours.
- 161. A Visitor Management Plan is required under the Section 106 Agreement for the public roof garden, winter garden and the Crypts public exhibition.

### Urban greening

162. The development provides generous urban greening in the new public square, the roof garden and vertical planting in the recessed niche between the two tower elements. Urban greening provides the following benefits: mitigating air and noise pollution, capturing CO2 while releasing O2, combating the heat island effect, improving biodiversity, rainwater run-off management as well as making a place healthier, more attractive improving the wellbeing of people. The development achieves an Urban Greening Factor (UGF) of 0.34.

## Impact on the Tower of London World Heritage Site

- 163. The application included a separate Heritage Impact Assessment outlining the impact of the proposal on the Tower of London World Heritage site located to the south east of the site.
- 164. A key consideration in assessing the application is the impact on the significance of the Tower of London World Heritage Site. Para 194 of the NPPF states that "any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- 165. The Statement of Outstanding Universal Value (SOUV) sets out the significance of the Tower of London and was agreed in 2013 and is included in the Tower of London World Heritage Site Management Plan and identifies the Tower as an internationally important monument and one of England's most iconic structures. These attributes include an internationally famous monument, its landmark siting, symbol of Norman power, the physical dominance of the White Tower, the concentric defences, surviving medieval remains and historical associations (paras 3.2 to 3.6 of the Management Plan).
- 166. The Glossary of the NPPF in defining heritage significance states "for World Heritage Sites, the cultural value described within each site's Statement of Outstanding Universal Value forms part of its

- significance." The Mayor of London's Supplementary Planning Guidance "London's World Heritage Sites: Guidance on settings" (March 2012) also sets out the OUV and significance of the Tower of London.
- 167. The Tower of London World Heritage Site Management Plan (2007) provides an agreed framework for long-term decision-making on the conservation and improvement of the Tower and sustaining its outstanding universal value. The Plan embraces the physical preservation of the Tower, protecting and enhancing the visual and environmental character of its local setting, providing a consideration of its wider setting and improving the understanding and enjoyment of the Tower as a cultural resource. The local setting of the Tower comprises the spaces from which it can be seen from street and river level, and the buildings that provide definition to those spaces. Its boundary is heavily influenced by views across the Thames.
- 168. The Tower of London Local Setting Study, produced in 2010, describes the character and condition of the Tower's local setting and sets out aims and objectives for conserving, promoting and enhancing appreciation of the Outstanding Universal Value of the Tower is recognised and identified in the City of London Local Plan in Policies CS12 and CS13 and on Policies Map A.
- 169. There are two views within the London View Management Framework which are key in assessing 50 Fenchurch St's impact on the World Heritage Site, Tower Bridge (10A) and City Hall (25A), these are considered in detail.

# Tower Bridge: (10A.1)

- 170. This LVMF view is identified also as a key view in the Tower of London World Heritage Site Local Setting Study. Its focus is on the Tower of London with the cluster of towers in the City comprising a distinctive element to the west of the Tower. The application includes a comprehensive Historic Impact Assessment in accordance with the ICOMOS guidance for assessing the impact of proposals affecting the World Heritage Site.
- 171. From this viewpoint, the proposal will appear as a prominent element in the foreground of 22 Bishopsgate, the Leadenhall Building and the consented 1 Leadenhall Court tower. It will appear fully integrated within the cluster of existing and consented towers and would assist in visually consolidating the cluster of towers as a distinct mass to the west of the Tower of London. In particular, the proposal would mediate between the height of 22 Bishopsgate and the 1 Leadenhall Street tower consolidating the character of the towers rising in height from the west to east.
- 172. There is considered to be an aesthetic benefit for the cluster of towers to read as a single coherent group to ensure a legible and clear relationship between the City cluster as an entity and the Tower of London as a separate landmark to the east, the proposal assists in doing so. The tower will have the effect of bringing the cluster of towers

- southwards somewhat closer to the Tower of London but in a manner which does not appear over-bearing or over-dominant and a generous area of lower City townscape remains between the proposal and the Tower of London, a significant distance to the east of the site.
- 173. Therefore, the proposal is not considered to dominate the Tower of London and therefore is in accordance with para 183 of the LVMF guidance for this view. In addition, the proposal by reason of its location at the centre of the cluster would not compromise a viewer's ability to appreciate the Outstanding Universal Value of the World Heritage Site and therefore is in accordance with paragraph 186 of the LVMF guidance for this view.
- 174. The proposal does not breach the White Towers' skyline or erode the visual separation between the upper parts of the White Tower and the emerging cluster of tall buildings in the background and thereby will not undermine the objective of retaining visual separation between the upper parts of the White Tower and the cluster (para 186 of the LVMF guidance for this view). The proposal would appear visually integrated at the centre of the cluster thereby retaining the appearance and visual dynamic of the city cluster of towers and the Tower of London as two discernible and separate skyline features in accordance with para 187 of the LVMF guidance for this view.
- 175. For the reasons outlined, the proposal is not considered to cause harm to the significance of the Tower of London.
- 176. The proposal would not have an adverse impact on the World Heritage Site and its setting and compromise a viewer's ability to appreciate its Outstanding Universal Value, integrity, authenticity or significance. Therefore, the proposal's impact on view 10A (Tower Bridge) is in accordance with Policy CS13 of the City of London Local Plan and Policy 7.10 of the London Plan.
- 177. This report agrees with Historic England's conclusions that the proposal's impact on the significance and Outstanding Universal Value of the Tower of London World Heritage Site from the north bastion of Tower Bridge (View 10A) is neutral and the ability to appreciate the Outstanding Universal Value does not change. Therefore, the proposal in the manner in which it preserves the World Heritage Site and its setting and special architectural or historic interest is in accordance with the test of Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990.

### City Hall (25A.1, 25A.2 and 25A.3)

178. While outside the Protected Vista, the proposal would affect the views from, and between the three Assessment Points (25A.1, 25A.2 and 25A.3). The City cluster of towers is a characteristic element in these views. The site falls outside the Protected Vista from City Hall focusing on the Tower of London. However, the proposal would affect the views from the three assessment points.

- 179. The principal focus of all three views is the strategic landmark of the Tower of London. The proposal by virtue of its location on the southern edge of the cluster of towers would appear as a prominent element in the foreground of the cluster of towers. The tower will have the effect of pulling the cluster southwards but not in a manner which overdominates or is harmful to the Tower of London located a significant distance to the east.
- 180. In all three views the proposal will appear as visually integrated in to the existing and consented cluster of towers. At no point in the three Assessment viewpoints would the proposal appear directly over the White Tower and would not rise above the curtain walls. The Tower of London to the east of the cluster would continue to dominate the lower scale of the townscape in this part of the view. The Outstanding Universal value and setting of the Tower of London World Heritage Site would not be compromised.
- 181. Therefore, the proposal is considered to be in accordance with the guidance for this view (paras 414 to 415 and 418 to 419 of the LVMF) and Policy 7.10B of the London Plan, in particular by virtue of the proposal's height, scale, massing and materials and its relationship to other buildings in this view and the quality of design. The proposal would not compromise the viewer's ability to appreciate the Outstanding Universal Value, integrity, authenticity or significance of the World Heritage Site, does not dominate the World Heritage Site and relates positively to the Tower of London. Consequently, the World Heritage Site would continue to dominate its surroundings.
- 182. This report agrees with Historic England's conclusions that the proposal's impact on the significance and Outstanding Universal Value of the Tower of London World Heritage Site from the Queen's Walk (View 25A,1-3) is neutral and the ability to appreciate the Outstanding Universal Value does not change Therefore, the proposal, in the manner in which it preserves the World Heritage Site and its setting and special architectural or historic interest is in accordance with the test of Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990.

### Other World Heritage Site views

- 183. The application includes a Historic Impact Assessment in accordance with the ICOMOS guidance for assessing the impact of proposals affecting the World Heritage Site. The impact of the proposal was assessed on a total of 12 views identified in the Local Setting Study, one of which included an assessment during the hours of darkness.
- 184. The Tower of London World Heritage Site is located a significant distance to the south-east of the site and the site lies outside the identified Local Setting boundary for the World Heritage Site. The proposal has been assessed from all recognized key views of the World Heritage Site identified in the adopted Local Setting Study

- 185. Other views listed within the Local Setting Study include views from the Inner Ward, Inner Wall and near the Byward Tower entrance. These have been assessed in turn.
- 186. From the Scaffold Site viewpoint in the Inner Ward, the proposal will be almost concealed behind the parapet and tower of the Chapel Royal of St Peter ad Vincula. The only part of the proposal which will breach this parapet is a very small, almost imperceptible section of the top few metres of the building. the top few storeys. The proposal would not detract from the scale of the buildings of the Inner Ward or the sense of place of the Inner Ward and, would ensure the buildings surrounding the Inner Ward remain the focus of the view in accordance with the guidance for this view in the Local Setting Study.
- 187. The Local Setting Study acknowledges that there is a range of views within the Inner Ward. A more detailed and comprehensive assessment of the visual impact on the Inner Ward was required as part of the submission. It is clear that the cluster of towers represent a prominent backdrop to views within the Inner Ward. From the south side of the Inner Ward the proposal will appear as a distinctive tower in the foreground of the cluster and will have the effect of bringing the cluster of towers somewhat closer to the tower to the south east. However, the cluster would still appear a significant distance to the north west and the proposal would not appear over-dominating in views from the Inner Ward. From views from the south side of the Inner Ward the cluster of tall buildings create a prominent and bold backdrop to the Chapel Royal of St Peter ad Vincula. In this respect, the proposal is seen as part of this varied and eclectic cluster of tall buildings.
- 188. As one approaches the Chapel on the northern side of the Inner Ward most of the towers are concealed by the Chapel and stepping further forwards towards the Chapel the proposal and the rest of the cluster are concealed from view. Given the dynamic and ever-changing nature of the view with the kinetic relationship of the cluster backdrop to the view, the proposal is not considered to harm this view.
- 189. Historic England have concluded that there is less than substantial harm resulting from the proposal's impact on the Inner Ward, arguing "... the appearance of modern tall buildings above this roofline causes harm, as it diminishes the self-contained ensemble of historic buildings currently largely unimpeded by signs of the modern city beyond. This is not a pristine view, but each time a new building appears in the view. It contributes to a diminution of the impact of the sense of history in this special place". This report does not concur with Historic England's view as, for reasons set out in preceding paragraphs, the Inner Ward view is a kinetic one and as one approaches the Chapel Royal of St Peter ad Vincula a short distance to the north of the scaffold site, the historic building can still be seen against open sky, unimpeded by signs of the modern City beyond.
- 190. From the identified viewpoints from the Inner Wall looking northwards, the proposal would rise to the left of the 22 Bishopsgate and 1 Leadenhall Street towers and would assist in infilling the somewhat awkward sky gap between the 20 Fenchurch Street tower and the

cluster and has the visual effect of pulling the 20 Fenchurch Street tower closer to the cluster of towers which is considered beneficial in consolidating the single form of the cluster. The proposed tower, located as it is on the southern edge of the cluster would have the effect of pulling the cluster south eastwards closer to the Tower of London, but not in a manner which is overtly dominating or harmful. The proposal is not considered to harm views out of the World Heritage Site. From this viewpoint, the proposed tower would sit comfortably at the eastern end of the City cluster.

- 191. In the view from the Byward Tower entrance, the proposed tower would consolidate and add to the profile of the cluster rising in the foreground of the existing towers on the western side of the City cluster and would not harm views out of the World Heritage Site from this point.
- 192. In other views and approaches to the Tower identified in the Local Setting Study such as from the north and south Inner Wall, the proposal though clearly visible as a distinctive tower on the southern edge of the cluster some distance from the World Heritage Site. In many of these views, the proposed tower will be located between the 20 Fenchurch Street tower and the City Cluster, assisting in partly infilling this awkward sky gap which is beneficial in pulling and consolidating the cluster of towers together as a single skyline element. The emerging City cluster of towers to the west of the Tower of London has become an integral part of the setting and views of the World Heritage Site.
- 193. The City has carried out a 3D modelling initiative to better understand the impact of new tall buildings on key views. This work is providing evidence that the cluster can evolve while taking account of key protected views and the wider setting of the Tower of London World Heritage Site. This is in line with Policy CS7 of the Local Plan which seeks to deliver "tall buildings on appropriate sites that enhance the overall appearance of the cluster on the skyline" whilst "adhering to the principles of sustainable design, conservation of heritage assets and their settings and taking account of their effect on the wider London skyline and protected views". Furthermore, para 7.6.4 of the explanatory text of Policy S21 (City Cluster) of the draft City Plan 2036 states "The spatial extent of the Cluster has been informed by technical work undertaken to develop the City's 3D modelling, which shows that there is scope for further tall buildings, although not every site within the Cluster will be suitable". The proposal accords with the 3D model in terms of the relationship and proximity with the Tower of London World Heritage Site. In particular, there is considered to be an aesthetic benefit for the emerging cluster to address the awkward sky gap between the 20 Fenchurch Street tower and the City Cluster, so the cluster appears as a single consolidated entity. The proposed tower has the effect of doing this in a number of important views.
- 194. Historic England object to the proposal considering it to be "highly intrusive in many local views from the tower" especially along the north wall walks where it would appear to link 20 Fenchurch Street and the cluster. For reasons outlined on preceding paragraphs, this report does

not concur with this view and does not conclude that the impact on the World Heritage Site is a harmful one. Therefore, the proposal, in the manner in which it preserves the World Heritage Site and its setting and special architectural or historic interest is in accordance with the test of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## London Views Management Framework

- 195. The London View Management Framework (LVMF) is a key part of the Mayor's strategy to preserve London's character and built heritage. Policy 7.12 of the London Plan ensures the implementation of the LVMF. In particular, the policy seeks to ensure in 7.12A that "new development should not harm, and where possible should make a positive contribution to, the characteristic and composition of the strategic views and landmark elements". Furthermore Policy 7.12C states that "development proposals in the background of a view should give context to landmarks and not harm the composition of the view as a whole".
- 196. The LVMF explains the policy framework for managing the impact of development on key panoramas, river prospects and townscape views. The LVMF provides Mayoral Supplementary Planning Guidance (SPG) on the management of 27 strategically important views designated in the London Plan. It elaborates on the policy approach set out in London Plan policies 7.10, 7.11 and 7.12 and came into effect on 16 March 2012. London Plan policy requires that development should not cause adverse impacts on World Heritage Sites or their settings and that new development should not harm and where possible should make a positive contribution to the characteristics and composition of strategic views and their landmark elements.
- 197. The site falls outside all the Protected Vistas of the LVMF but impacts on a number of the identified Assessment Points. These have been assessed in full and the impact on the following Assessment points are covered in detail. The impact on two specific views (10A, the north bastion of Tower Bridge and 25A from City Hall) are discussed in preceding paragraphs in relation to the Tower of London World Heritage Site.

## Waterloo Bridge (15B.1 and 15B.2)

- 198. The proposed development would be largely or wholly concealed behind 20 Fenchurch Street when viewed from and between assessment points 15B.1 and 15B.2. The northern part of the tower would be visible just to the right of 20 Fenchurch Street from the northernmost view (15B.1) but not in a manner which harms the view.
- 199. The proposal is considered to accord with the guidance for this view (para 262 to 267 of the LVMF). Its height and good architectural design would not draw the cluster closer to St. Paul's Cathedral ensuring the Cathedral's continued visual prominence.

## London Bridge (11B.1, 11B.2)

- 200. The proposal would be located to the east of 20 Fenchurch Street from and between Assessment Points 11B.1 and 11B.2. It would, alongside the consented 40 Leadenhall Street tower have the impact of pulling the cluster of towers towards the east closer to the Tower of London in this view. However, the Tower of London lies in the extreme east of the view and would not harm the wider settings of the listed Adelaide House, Custom House, St Magnus the Martyr or Billingsgate Market.
- 201. The proposal is considered to be in accordance with the guidance for this view (paras 202 to 205 of the LVMF). In particular, Tower Bridge would remain the dominant structure in the view and the viewer's ability to easily recognize its profile and the Outstanding Universal Value of the World Heritage Site would not be compromised.

### Gabriel's Wharf (16B.1, 16B.2)

- 202. The proposal would be concealed behind 20 Fenchurch Street from these two viewpoints. The views and setting of St Paul's Cathedral or other Heritage Assets in this view would not be harmed.
- 203. The proposal is considered to be in accordance with the guidance for this view (paras 280 to 283 of the LVMF). In particular, the proposal would preserve the townscape setting of St. Paul's Cathedral by being located within and contributing to the existing eastern cluster. The prominence of St Paul's Cathedral would not be reduced or compromised.

### Other Key Views (non LVMF)

204. The height of the proposed tower means its impact on surrounding townscape views is widespread and the key views impacted upon are discussed in turn:

#### Monument

205. The proposal falls outside the identified viewing cones from the Monument and would not harm or conceal views of important heritage assets in the view. The proposed tower would be partly obscured by the 20 Fenchurch Street tower. The proposal would not harm or obstruct important views of the Monument from afar or in local views.

## Fleet Street / Ludgate Hill

- 206. The Processional Route is identified as a Viewing Point of St Paul's in the City of London's "Protected Views" SPD, January 2012. The gap of open sky between the Cathedral and the cluster is important in the views as well as the ability to appreciate the Cathedral and its western towers against open sky as well as the wider setting of the Cathedral.
- 207. The impact of the proposal on this view was a key consideration. Consequently, the height of the proposed tower was agreed so that it

was concealed in the views along Fleet Street to Ludgate ensuring that the tower will not harm views or the appreciation of St Pauls Cathedral.

## <u>Cheapside</u>

208. The tower will appear as a distinctive skyline feature in views eastwards along Cheapside alongside the 20 Fenchurch Street tower and 20 Gracechurch St. Although a striking feature in the background the impact is not considered harmful and is not considered to visually compete with the visual prominence of St Mary Le Bow in this view.

## Aldgate Square

209. The recently pedestrianized public square is an important public space on the eastern approach to the City. In views westwards, the City Cluster is a dynamic and eye-catching backdrop. In these views, the proposed tower would appear on the southern side of the cluster as a prominent element in views along Fenchurch Street. The proposal will not harm this view.

## St. Paul's Cathedral

- 210. The proposal would not harm views of, the setting or significance of St. Paul's.
- 211. Exceptional public views of London are afforded from the Golden gallery of St. Paul's. From here the proposal would appear to the north of the 20 Fenchurch Street tower and would contribute to partially infilling the somewhat awkward sky gap between this tower and the cluster of towers to the north, a beneficial impact that would assist in consolidating the cluster of towers as a single entity. The proposal will not harm views out of or the setting of St Paul's Churchyard.
- 212. The proposal is not considered to harm views within and out of or the setting or significance of St Paul's Cathedral as a listed building or the St. Paul's Conservation Area.

### Views from other publicly accessible elevated viewing areas

- 213. The City cluster forms a key element in a number of elevated views from the upper storeys of buildings, which because they are freely available to the public have significant public benefits. Such areas are increasing in number and are proving to be highly popular and much visited elevated elements of the public realm offering exceptional views.
- 214. The proposal will diminish views to the south from the public roof garden of 120 Fenchurch Street. In addition, the proposal will significantly diminish sunlight to this roof garden. This impact is a disbenefit of the scheme, and in this respect the proposed scheme would have not been considered acceptable in the absence of the

provision of a similar vantage point and promenaded walk. The promenaded walk, winter garden and generous free to visit public space provided at level 10 in the proposed scheme is considered to compensate for the diminishment in the viewing experience and qualities of the roof garden at 120 Fenchurch Street such that the wider public benefit is not harmed. The tower element of the proposed scheme is set back at the eastern end of the site which has the effect of ensuring that views remain of the Tower of London and Tower Bridge from the roof garden of 120 Fenchurch Street.

- 215. The impact of the proposal on views from the Skygarden at 20 Fenchurch Street tower has been assessed. Although the tower will obscure views to the north east, generous views of the Tower of London, Tower Bridge, the river and the Isle of Dogs will not be affected. and where visible the impact of the proposal is not considered to significantly diminish the public experience of this popular public space.
- 216. The proposed tower would not harm the views out from other elevated public spaces proposed at 1 Undershaft, 22 Bishopsgate, 100 Leadenhall Street and 6-8 Bishopsgate and where visible will appear as an eye-catching addition to the dynamic skyline.
- 217. The proposal would be a dynamic element in the heart of the City cluster of towers from the viewing gallery of Tate Modern on Bankside.

# Impact on significance and setting of Listed Buildings

- 218. There are a large number of listed buildings in this part of London where the proposal will appear in their setting. The impact on these other listed buildings have been assessed and harm to their setting or significance was not identified.
- 219. The Grade I listed tower of All Hallows Staining and the Grade II listed Lambe's Chapel Crypt lie within the site. These listed buildings and their settings are discussed in preceding paragraphs. The proposal is considered to positively enhance the significance and setting of both listed buildings.
- 220. In particular, the new public square will create an appropriate setting to the tower along with the provision of new views from Fenchurch Street with the restrained glazed facades of the development providing an appropriate backdrop to the tower in views from the square.

# Impact on the significance of conservation areas

221. The site is in close proximity to a number of conservation areas. The proposal also would affect more distant conservation areas within and outside the City. These include conservation areas in other Boroughs, in particular, the London Boroughs of Southwark and Tower Hamlets. The impact of the proposal on nearby conservation areas within the City is set out below:

#### Leadenhall Market

222. The proposal will appear in views south eastwards from numerous locations on the southern end of this Conservation Area. This particular Conservation Area is characterized by a backdrop of tall towers to the north, east and south and the proposal will be viewed alongside 20 Fenchurch Street and the consented 130 Fenchurch Street development. In this respect, the proposal is not considered to harm the character and appearance of this Conservation Area.

## Bank Conservation Area

223. The proposal will be seen as a tower on the skyline in numerous locations from within this Conservation Area, especially along Lombard Street. In these views it will be seen alongside the 20 Fenchurch Street tower and 20 Gracechurch Street which are established backdrop elements in these views.

## Lloyd's Avenue Conservation Area

224. The proposal will appear as a prominent backdrop element in views westwards out of this Conservation Area. However, these views are already characterized by a backdrop of tall buildings such as 40 Leadenhall Street, The Gherkin, 20 Fenchurch Street and others in the City Cluster. In this respect, the proposal will not harm the character and appearance of the Conservation Area.

# Fenchurch Street Station Conservation Area

225. This small conservation area lies to the south of the site and is centred on Fenchurch Street Station and earlier buildings to its south. In the forecourt of Fenchurch Street Station, the proposal will appear as a prominent feature on the skyline to the west. This view is already characterised by the 20 Fenchurch Street tower and other consented major developments in the City Cluster. As such, the proposal is not considered to harm the character and appearance of the Conservation Area.

### Trinity Square Conservation Area

226. The proposal will appear in the backdrop of the former PLA building on Trinity Square and in other views looking north westwards. The backdrop of these views includes the large number of existing and consented towers of the City Cluster and as such the proposal is not considered to harm the character and appearance of the Conservation Area.

## Eastcheap Conservation Area

227. The proposal will appear in the backdrop of views looking north eastwards from this Conservation Area. These views are characterised by the backdrop of 20 Fenchurch Street and other consented towers in the City Cluster such as 40 Leadenhall Street. As such, the proposal does not harm the character and appearance of this Conservation Area

## Archaeology and Non-designated Heritage Assets

- 228. The site is in an area of high archaeological potential with remains from the Roman, medieval and later medieval periods recorded on the site and its immediate area. There is negligible survival below the double basements of the existing buildings and low or moderate survival below the single basement areas. Survival below Star Alley is uncertain as the route has altered over time. There is high and significant survival, including human burials, on the remainder of the site which includes the Grade I listed Tower and remains of All Hallows Staining Church, the Grade II listed Lambe's Chapel Crypt, the former churchyard of All Hallows Staining, a non-designated heritage asset, and the open space fronting Mark Lane. An Historic Environment Assessment reports of two phases of archaeological evaluation and Statements of Significance have been submitted with the application.
- 229. There is high potential for significant Roman remains to survive. The site is to the north of the main east-west Roman road and occupation and structural remains from the early Roman to the late Roman period have been recorded on adjacent and nearby areas.
- 230. There is moderate potential for early medieval remains, including evidence of occupation such as pits and wells.
- 231. There is high potential for later medieval remains, including remains of the Church of All Hallows, the churchyard and burials as well as evidence of buildings located to the south of the main street leading out of the City at Aldgate. The Shearmens' Hall is first recorded in the 15<sup>th</sup> century.
- 232. There is high potential for significant remains from the later medieval to post medieval periods, including human burials and associated remains, including burial vaults and for evidence of the church demolished in the late 19th century. The former churchyard of All Hallows Staining is a non-designated heritage asset and has high archaeological, evidential, historic and communal significance. It is representative of an entire City parish in use from the 12th century establishment of the church to the mid nineteenth century when it was closed for burials and it has not been built on in that time. As a parish burial ground, it would largely be composed of members of the parish population. It may have been greater in size at one time as burials survive below the tower of the church and have been recorded in Star Alley. There is potential for burials to survive to a depth of 1.75m or greater and the number of burials is estimated to be in the range of 1500-2000. Survival of medieval burials, which may have been affected by later graves, would be highly significant. The churchyard

- has strong archaeological, historic and communal significance, in its own right, and through to its long historical connection and physical link with the Church of All Hallows Staining.
- 233. The results of archaeological evaluation on the site has provided additional information on the character, date and survival of archaeological deposits, including burials and burial vaults and has enabled an estimate to be made of the potential depth and extent of burials. There is potential for archaeological remains, including burials, later medieval and Roman remains to survive up to a depth of four metres.
- 234. The proposed scheme would have an impact on and would remove all archaeological remains on the site, including the entire churchyard, burials and associated features such as burial vaults, burials and remains below the Tower, remains of the church and any earlier church and underlying Roman and early medieval remains. The proposals would cause less than substantial harm to the heritage assets. National guidance on burial grounds states that 'Where possible, avoidance of disturbance is the best option' and that 'any harm that might be done to that heritage asset by a development must be carefully weighed against the public benefits of that development'.
- 235. Due to the high archaeological significance of the churchyard and burials as a non-designated heritage asset and its high archaeological, evidential, historic and communal significance, Statements of Significance have been submitted with the applications. The recording, excavation and analysis of a significantly high number of burials has potential to provide new data, including evidence of burial practices over time, details of individuals and family groups, and characteristics such as how changing environments, health, impact of urbanisation, mobility and migration affected peoples' lives. It would advance knowledge and understanding of an entire City parish and supplement documentary evidence. The analysis, publication and archiving of a programme of archaeological work would add to existing knowledge and data from excavations of the small number of burial grounds in the City and in London. It would contribute to the proposed publicly accessible exhibition space, proposed landscaping and enhanced setting for the Tower, church and churchyard footprints and reveal the history and archaeology of the site.
- 236. The proposed scheme would provide public benefit and better reveal the significant archaeological and historic context of the site and the significant close association with The Clothworkers Company. The public benefit is considered to outweigh the harm caused to the heritage assets.
- 237. Conditions are attached to cover site investigation and archaeological evaluation, a programme of archaeological work and foundation and piling design.

# Transport, Servicing, Parking and Impact on Public Highways

238. The proposed development is car free in that there is no private vehicle parking provision at the development.

## Servicing Arrangements

- 239. The office, retail and livery hall would be serviced from a dedicated servicing yard at the south-western corner of the site. The servicing yard would be accessed from Mincing Lane and Dunster Court. The servicing yard would provide two 8m servicing bays and space for vehicles to manoeuvre to allow access and egress in a forward gear. Servicing and delivery vehicles would enter and exit Dunster Court from Mincing Lane.
- 240. Physical consolidation is required to ensure the servicing yard provides enough capacity to service the development and this would be secured through the S106 agreement. The maximum number of deliveries each day will be 115 and this will be secured through the S106 agreement. Deliveries would be prohibited during peak pedestrian hours of 0700 1000, 1200 1400 and 1600 1900.
- 241. Occasional infrequent deliveries by larger vehicles for events at the Clothworker's Hall are anticipated, which would take place off the public highway on Dunster Court. A final delivery and servicing plan, detailing the exact consolidation arrangements and the frequency of these larger deliveries as well as the delivery and servicing management procedures will be secured through the S106 agreement.

### Cycle Parking

- 242. The proposal provides 1,248 long-stay cycle parking spaces at basement levels 1 and 3 for all the proposed uses. Of the 1,248 spaces, 126 are proposed to be folding bicycle lockers and 60 are proposed to be non-standard / adaptable cycle spaces. The cycle parking would be accessed via a lift and staircase with wheeling ramps from a dedicated entrance from Dunster Court. Associated shower and locker facilities are proposed at first floor level. 125 showers would be provided, equating to one shower per 10 cycle parking spaces which is acceptable. 1248 lockers would be provided.
- 243. The London Plan and draft London Plan require a development of this scale to provide 50 and 72 spaces respectively for visitors to the office and retail uses and the Clothworker's Hall. 42 short-stay cycle parking spaces are proposed in the public realm in the form of 21 Sheffield stands.
- 244. The proposed long-stay cycle parking provision accords with policies DM16.3 of the Local Plan, 6.9B(a) of the London Plan and T5 A(2) of the draft London Plan. The proposed level of short-stay cycle parking in not compliant with policy 6.9B(a) of the London Plan and draft London Plan policy T5 A(2), however it is considered an acceptable provision

when balancing the competing needs for the design of the public realm to reflect the historic environment, provide places to dwell, and areas for movement through the site.

### Public Transport and Pedestrian Movement

- 245. The site is highly accessible by public transport, with national rail services from Fenchurch Street station 200m from the site and Cannon Street and Liverpool Street within walking distance. Services on the Northern, Central, District, Circle, Metropolitan, Hammersmith and City and Docklands Light Railway and from 2021 the Elizabeth Line available at Bank, Monument and Liverpool Street stations, all within walking distance of the site. Within 640m of the site 23 bus services are available. As such the site records the highest possible Public Transport Accessibility Level (PTAL) of 6b. There are no cycle hire docking stations immediately adjacent to the site, the nearest being available approximately 300m away on Great Tower Street and Crosswall.
- 246. A pedestrian comfort level (PCL) assessment has been undertaken to understand the impacts of the development on pedestrian movement through the area. The development would provide additional space for pedestrians under the colonnade along the southern Fenchurch Street footway. The PCL assessment concludes this additional space would improve the PCL from D to B. The recommended minimum level for all areas in the City is B+. The additional footway capacity provided by the colonnade is restricted in areas due to the large columns and in these areas the PCL would remain at level D which is considered very uncomfortable. The applicant has agreed to improvements to the footways surrounding the site on Fenchurch Street, Mark Lane and Mincing Lane as part of the S278 agreement and footway widening to improve pedestrian comfort levels will be explored as part of these works.
- 247. Following the proposed introduction of a new, improved north-south link pedestrian route from Fenchurch Street station north into the cluster through the new public square and under the building it is considered the pedestrian experience in the area would be considerably improved. The extent of new public realm will represent a significant uplift on the existing area. The introduction of new crossings and improvements to existing crossings along Fenchurch Street to facilitate this north south pedestrian movement will be explored and implemented through the S278 agreement.

### Stopping Up

248. A stopping up order would be needed to stop up small areas of Fenchurch Street, Mark Lane, Mincing Lane and Star Alley that would be built upon if the development was implemented. This includes the livery hall lightwell in the southern leg of Star Alley, which would then become, as a result, two short cul-de-sacs. To ameliorate the obvious disbenefits to public movement that this interruption to Star Alley as a

pedestrian thoroughfare would create, 24-hour public access is proposed to be secured over the whole of the proposed new public realm through an appropriate planning obligation, which would allow the public to walk at any time around the lightwell to its north (this being the principal desire line from the west to and from London Street and therefore Fenchurch Street Station) and also to the south of the church tower.

- 249. The Court has authorized the Town Clerk to make stopping up orders that are not opposed, and he has delegated this authority to the Director of the Built Environment. Opposed stopping up orders are, however, reported to your Committee to determine.
- 250. The developer has proposed stopping up the whole of Star Alley (not just those parts where the lightwell is located), so that it would be owned, insured and managed within the same regime as the surrounding privately-owned public realm. It is understood that the applicant envisage the acquisition of the part of Star Alley which is owned by the City Corporation and several other small areas to enable delivery of the scheme. Officers are not currently satisfied that the stopping up of the whole of Star Alley would be fully compliant with policy aimed at safeguarding rights of access (Local Plan Policy D.M.16.2), but acknowledge that there are countervailing public benefits which will in due course need to be weighed in the balance. As part of the separate process of stopping up there will need to be an assessment of whether it would meet the statutory test of necessity. However, this matter would be for separate determination in the event of a stopping-up application being received. It is open to your Committee to agree the recommendation notwithstanding the City's initial reservations regarding a potential stopping-up application in respect of the whole of Star Alley.

### Waste Management Arrangements

251. A single waste store is proposed at basement level which all building occupants will have access to and be required to use. Tenants or facilities management will be responsible for transporting waste from the office floors, retail units and the Clothworkers' Hall to the waste store. Facilities management will be responsible for transporting the waste to the service yard immediately prior to collection. Two waste compactors are proposed in the loading bays, where waste collection would take place. The waste management arrangements have been reviewed by the City's Cleansing officers who have no objection.

# **Environmental Impact of Proposals on Surrounding Area**

### **Wind Microclimate**

252. The Wind Microclimate Guidelines, which was adopted in August 2019, requires that for schemes over 100m in height, Early Stage Massing Optimization should be undertaken, to include Wind Tunnel Testing

- and/or Computational Fluid Dynamics (CFD) Simulations. Wind conditions have been fully assessed with two wind tunnel workshops taking place as well as CFD simulations.
- 253. The baseline assessment established the wind conditions in the presence of both existing and cumulative scheme surroundings and for both 'worst season' and summer season scenarios.
- 254. The massing arrangement of the proposed development reduces wind at pedestrian level. The taller portion of the proposed development would be similar in height to 20 Fenchurch Street from which it would be sheltered from the prevailing westerly wind. The massing of the proposed development would shelter the proposed ground level public realm from the westerly and south westerly winds.
- 255. Early testing influenced the landscape proposals within the public realm at ground floor level and the public terrace at level 10. At ground level a 2.5m hedge would be incorporated on the southern perimeter and back screens would be installed on the bench seating (solid, 1.5m in height). The landscape proposals include 10m tall trees. These are not wind mitigation but would have a beneficial effect. At level 10 the landscape proposals include 'seedlings', which are planted structures between 4.2m and 5m tall and 1.5m screens incorporated into the bench seating.
- 256. Wind conditions at ground level would be suitable for the intended uses and no significant effects would occur (both in the proposed and cumulative scenarios). No significant effects would occur for off-site receptors where conditions would generally remain similar to existing and are suitable for intended pedestrian access use. In some locations conditions would be windier by one category but would remain suitable for intended pedestrian access. The effects in these locations are assessed to be moderate adverse but no mitigation is required. At all upper level locations assessed (the proposed roof terrace at Level 10 and the public terrace of 120 Fenchurch Street), wind conditions were assessed to be suitable for the intended uses. It is concluded that no significant effects would occur.
- 257. The Proposed Development is therefore considered to accord with the guidance in the Sustainable Design and Construction SPG, London Plan policy 7.6, Local Plan policy DM10.1 and the City's Wind Microclimate Guidelines.

# **Daylight and Sunlight**

258. An assessment of the impact of the development on daylight and sunlight to surrounding buildings and public amenity spaces has been undertaken in accordance with the Building Research Establishment (BRE) guidelines and considered having regard to policies 7.6 and 7.7

of the London Plan and policy DM 10.7 of the Local Plan. These include residential buildings at 67 Fenchurch Street (the East India Arms Public House), New London House and 3 Hart Street (the Ship Public House); and the public amenity spaces of Fenchurch Place, Fen Court Garden and the public roof terrace at 120 Fenchurch Street.

# <u>Daylight</u>

- 259. There are 22 windows serving nine residential rooms within the identified residential buildings.
- 260. The rooms in 67 Fenchurch Street (the East India Arms Public House) and New London House would experience alterations which, in accordance with the BRE guidelines, would not be noticeable to the occupants.
- 261. 3 Hart Street (the Ship Public House) is located to the south of the proposed development and has one residential unit on the second floor. The site facing room is understood to be a living room and has a bay window with eight panes of glass. Two of the eight panes would meet the BRE guidelines VSC (vertical sky component) reduction criteria. Of the six panes which would exceed the VSC criteria, two would experience reductions which are considered be minor and not significant. The remaining four panes would experience reductions considered to be moderate-major. When looking at the results to these four panes which experience greater reduction in more detail, the existing daylight values are already very low at 2.78% to 5.18% VSC in comparison to the recommended BRE guidelines criteria of 27%. Therefore, even a small reduction is likely to result in a large percentage reduction.
- 262. One window at 3 Hart Street does not satisfy No Sky Line (NSL) analysis, which is greater than 40%, Nevertheless, as the existing living room enjoys a NSL to 48% of the room's area, in comparison to the recommended level of 80% in accordance with the BRE guidelines, it is considered to be a disproportionate percentage reduction

#### Sunlight

263. There are 11 windows orientated within 90 degrees of due south which serve 7 residential rooms within the identified receptors. The sunlight assessment concludes that both 67 Fenchurch Street and New London House will experience alterations which are in accordance with the BRE Guidelines and will not be noticeable to the occupants and the effects are therefore considered negligible.

### Overshadowing to the roof garden at 120 Fenchurch Street

264. Generali who run the roof garden at 120 Fenchurch St have objected to the application, raising concern that the proposal would overshadow the roof garden during opening hours. The roof garden at 120 Fenchurch Street is open Mondays to Friday, from 10am to 9pm in the

- summer (1st April-30th September) and from 10am to 6:30pm in the winter (1st October-31st March).
- 265. BRE guidance recommends that a space should receive two hours of direct sunlight to 50% of the space on 21st March. The applicant's submission concludes that "in terms of transient overshadowing, although the proposed development will cast a much larger shadow than the existing development, this will cause minimal impacts during the year. Additional shadowing sweeping over the public amenity spaces would occur between 10am and 2pm in March and September. Overall, the effect of the proposed development in terms of overshadowing to the public amenity spaces throughout the year is considered to be minor adverse and therefore not significant...'.
- 266. This conclusion is disputed by the objectors, who have carried out their own assessment. They have noted that the BRE guidance recommends that "if a particular space is only used at certain times of day or year (e.g. café, outdoor performance area or school playground) it is instructive to plot shadows for those specific times" and argue that the overshadowing of the roof garden should be assessed during the hours of operation. GIA, who assessed the overshadowing on behalf of the objectors, have concluded that only 38.91% of the space would receive direct sunlight on 21st March and consequently the BRE guidelines would not be achieved.
- 267. The applicant has responded to this objection. Point 2, who assessed the overshadowing on behalf of the applicant, argue that GIA's assessment is not based on the implemented roof garden layout, but is based on an earlier design, from a previous planning application. The assessment submitted as part of this application, carried out by Point 2 is based on the implemented layout.
- 268. Point 2 have assessed the impact on the roof garden at 120 Fenchurch Street, looking only at the areas where people could dwell when the roof garden is open to the public. They conclude that 52.6% of the space would receive two hours of sunlight on 21st March, which would meet the BRE guidelines.
- 269. During the winter months there is likely to be reduction in the amount of direct sunlight to the roof garden at 120 Fenchurch Street but it is considered that this is outweighed by the provision of the new roof garden, which includes a winter garden that could be used by the public all year round.
- 270. On June 21 (the summer solstice), during the public opening hours, the reduction of area at 120 Fenchurch Street which would receive two hours of direct sunlight is 109sq.m. It is considered that this is outweighed by the 636sq.m of new roof garden that would receive two hours of direct sunlight.

271. Whilst it is accepted that the proposed development would reduce the amount of sunlight received by the roof garden at 120 Fenchurch Street, this needs to be balanced against the public benefit the proposed roof garden and public realm would create. The proposed roof garden would be open to the public for significantly longer hours than the roof garden at 120 Fenchurch Street and due to the inclusion of a winter garden would provide a facility that could be enjoyed by the public all year round, in any weather. The proposed roof garden would include promenade around the building allowing 360-degree, sheltered views. It is considered that this public benefit outweighs the harm caused to the roof garden at 120 Fenchurch Street.

### **Energy and Sustainability**

# **Energy Consumption**

- 272. The Energy Statement shows that this development has been designed to achieve a carbon reduction of 27% compared to a Building Regulations compliant building. This has been achieved through extensive amounts of vertical greening to reduce solar heat gain, a closed cavity façade system to maximise daylight and limit solar gain, and efficient lighting, heating and cooling plant. Draft New London Plan policy SI 2:C requires all major development to be net zero carbon. The shortfall must be offset through a carbon offsetting contribution secured through the S106 agreement. Initial calculations based on the BRUKL assessments as designed provided in the Energy Strategy indicate that this will be in the region of £2.4 Million.
- 273. It should be noted that this new net zero-carbon requirement for commercial buildings will come into effect on final publication (i.e. adoption) of the London Plan. The date of publication is currently uncertain due to a recent intervention by the Secretary of State but is expected to be within the next few months. Neither the Examination in Public Panel nor the Secretary of State have objected to Draft London Plan Policy SI 2 and major developments should therefore be planning to achieve net zero-carbon.
- 274. The City Corporation's intention to apply net zero carbon policies was highlighted to Members in December 2019. As a result, all applications received after the London Plan Panel Report was published 21<sup>st</sup> October 2019 are being assessed against the zero carbon policies in the emerging London Plan.
- 275. A condition is recommended requiring a revised energy strategy to be submitted and approved to demonstrate there would be a 35% carbon reduction achieved on site.

#### BREEAM

276. The Sustainability Statement prepared by the Applicant includes a BREEAM pre-assessment which indicates that this development has been designed to achieve a BREEAM rating of "Excellent" for the office areas. For the City's priority credits the BREEAM pre-assessment

- shows that high credits have been achieved for Water, Pollution and Materials with a lower score for Energy. The City is an Air Quality Management Area and an area of water stress therefore the high scores in these areas are welcome. Every effort should be made to achieve the remaining credits in the energy category. The scope of work for the Clothworkers' Hall accommodation is shell only and as such a pre-assessment for this space has not been undertaken.
- 277. A post construction BREEAM assessment is required by condition with the aim of maximising BREEAM credits for the City's priorities: Energy, Materials, Water and Pollution.

### Security

- 278. Security proposals to protect the building and the new areas of public realm have been developed in consultation with the City of London Police's Counter Terrorism team, who will continue to be involved as the final proposals are agreed. As detailed plans for security around the public realm develop, impacts on pedestrians will be considered and any necessary footway widening will be secured through the S278 agreement.
- 279. The applicant is required to enter a separate security S106 agreement for security works to the wider City Cluster area. Conditions are recommended to secure appropriate measures within and adjacent to the site.

### Flood Risk and Drainage

- 280. The submitted Flood Risk Statement, prepared by ARUP, considers several different sources of flooding, including fluvial, artificial sources, tidal, groundwater and pluvial. The Site is not considered to be at risk from these sources of flooding.
- 281. The Drainage Strategy has been developed with consideration to both on-site and off-site flooding potential. SuDS features are proposed, and it is estimated that this would result in a 95% reduction of the estimated brownfield runoff rate, which would represent a significant betterment at the Site and achieve the Thames Water discharge rate requirements.
- 282. Due to the overall very low flood risk posed to the proposed development, no specific flood risk mitigation is proposed.
- 283. The Lead Local Flood Authority and Thames Water have raised no objections but have recommended conditions.

#### Air Quality

284. The Environmental Statement includes an assessment of the likely changes in air quality as a result of the construction and operational phases of the development and has been considered having regard to policies 7.14 of the London Plan and CS15 of the Local Plan.

- 285. During construction dust emissions would increase and would require control through the implementation of good practice mitigation measures in the Construction Method Statements to be approved under conditions attached to the planning permission.
- 286. An Air Quality Neutral Assessment has been undertaken. The proposed development is Air Quality Neutral in terms of building and transport emissions.
- 287. The proposed development does not include the provision of any car parking spaces. The traffic generation associated with the operation of the proposed development is likely to mainly relate to taxis and servicing vehicles.
- 288. It is proposed that three 1.15MW boilers are installed. The Efflux velocities for the boiler flues used in the assessment are 3.1 and 5.5 m/s, which is significantly below the City's requirement for a minimum efflux velocity of 15m/s for appliances that are larger than 1MW.
- 289. The City's Air Quality Officer has no objections.

#### Noise and Vibration

- 290. The Environmental Statement assesses the impact from noise and vibration on the surrounding area, including noise and vibration from enabling works, demolition and construction; noise from the proposed development during operation; and noise associated with increases in road traffic, which could be attributed to the development.
- 291. In most City redevelopment schemes most noise and vibration issues occur during demolition and early construction phases. Noise and vibration mitigation, including control over working hours and types of equipment to the used would be included in a Construction Management Plan to be secured by condition, and freight movements would be controlled through the Construction Logistics Plan, secured by condition.
- 292. During the operational phase of the development, as no parking is to be provided it is predicted that the vehicular trip generation for the development would be low and would have a negligible impact on road traffic noise.
- 293. Noise levels from mechanical plant in the completed development would need to comply with the City of London's standard requirements on noise levels and approved under planning conditions to ensure that there would not be an adverse effect on the surrounding area.

#### Planning Obligations

294. The proposed development would require planning obligations to be secured in a Section 106 agreement to mitigate the impact of the development to make it acceptable in planning terms. The proposal would also result in payment of the Community Infrastructure Levy (CIL) to help fund the provision of infrastructure in the City of London.

- 295. These contributions would be in accordance with Supplementary Planning Documents (SPDs) adopted by the Mayor of London and the City.
- 296. From 1 April 2019 Mayoral CIL 2 (MCIL2) supersedes the Mayor of London's CIL and associated section 106 planning obligations charging schedule. This change removes the Mayor's planning obligations for Crossrail contributions. Therefore, the Mayor will be collecting funding for Crossrail 1 and Crossrail 2 under the provisions of the Community Infrastructure Levy regulations 2010 (as amended). CIL contributions and City of London Planning obligations are set out below:

### MCIL2

Liability in accordance with the Mayor of London's policies	Contribution	Forwarded to the Mayor	City's charge for administration and monitoring
MCIL2 payable	£14,134,940	£13,569,542	£565,398

# City CIL and S106 Planning Obligations

Liability in accordance with the City of London's policies	Contribution	Available for allocation	Retained for administration and monitoring
City CIL	£5,723,250	£5,437,087	£286,163
City Planning Obligation Affordable Housing	£1,526,200	£1,510,938	£15,262
City Planning Obligation Local, Training, Skills and Job Brokerage	£228,930	£226,641	£2,289
Section 278 Design and Evaluation	£100,000	£100,000	-
Security S106 Design and Evaluation	£50,000	£50,000	-
City Planning Obligation Monitoring Charge	£4,500	-	£4,500
Total liability in accordance with the City of London's policies	£7,632,880	£7,324,666	£308,214

### City's Planning Obligations

- 297. The obligations set out below are required in accordance with the City's SPD. They are 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 tests in the CIL Regulations and government policy.
  - Highway Reparation and other Highways obligations
  - Delivery and Servicing Management Plan
  - Consolidation
  - Travel Plan (including Cycling Promotion Plan)
  - Local Training, Skills and Job Brokerage Strategy (Demolition & Construction, including Fit-Out)
  - Local Procurement Strategy
  - Carbon Offsetting
  - Section 278 Agreement
  - Security S106 Agreement
  - Legible London Contribution
  - Free public access to the roof terrace and winter garden during specified hours
  - Visitor Management Plan for the public roof garden, winter garden and the Lambe's Chapel Crypt Public Exhibition
  - Free Public access to Lambe's Chapel Crypt and the associated exhibition space during specified hours
  - Free public access to the new public square and ground level of the Tower of All Hallows Staining Church
  - A Conservation and Management Plan for the Tower of All Hallows Staining, to include a maintenance and conservation regime (including any displays and interpretation)
  - A Conservation and Management Plan for the Lambe's Chapel Crypt and Exhibition, to include a maintenance and conservation regime (including displays, objects and artefacts)
  - Utility Connections to the development
- 298. I request that I be given delegated authority to continue to negotiate and agree the terms of the proposed obligations as necessary and enter into the S106 and S278 agreement.

#### Monitoring and Administrative Costs

- 299. A 10-year repayment period would be required whereby any unallocated sums would be returned to the developer 10 years after practical completion of the development. Some funds may be set aside for future maintenance purposes.
- 300. The applicant will pay the City of London's legal costs and the Chief Planning Officer's administration costs incurred in the negotiation, execution and monitoring of the legal agreement and strategies.

# CIL/Site Specific Mitigation

301. The City will apply CIL towards infrastructure to support the development of the City's area. In some circumstances, it may be necessary additionally to seek site specific mitigation to ensure that a development is acceptable in planning terms.

### Conclusions

- 302. The proposal has been assessed in accordance with the relevant statutory duties and having regard to the development plan and other relevant policies and guidance, SPDs and SPGs and relevant advice including the NPPF, the draft London Plan and the draft Local Pan and considering all other material considerations.
- 303. The scheme is of a high-quality design and features a number of innovative features including extensive urban greening. It provides a significant increase in office floorspace meeting one of the primary objectives of the City's Local plan and London Plan policies. It results in some loss of retail on a Retail Link but this is considered acceptable when taking into account the nature of the development and the other benefits of the scheme.
- 304. It provides an increase and significant enhancement of the public realm through the widening of pavements, the creation of a widened route from Fenchurch St, the provision of a new high quality public space around the listed Tower and a new free to visit roof level space at level 10 of quality, affording views, seating and promenading space and a winter garden accessed off it. The extent of new public realm (at 3,045 sqm) will represent 36 times the existing area of public realm (at 95 sqm).
- 305. The scheme carries out conservation work to the listed Tower and the relocation of the listed Lambe's Chapel Crypt and the provision of a public exhibition space to which public access is provided which are a significant cultural heritage benefit of the scheme.
- 306. The scheme provides a new Livery Hall for the Clothworkers' Company, which is their 7th on the Site which meets their requirements and provides the incorporation of a number of important artefacts associated with the Company including their Gates.
- 307. The impact on neighbouring buildings and spaces has been considered. The scheme would not result in unacceptable environmental impacts in terms of noise, air quality, wind, daylight and sunlight and overshadowing. The impact on daylight and sunlight/ overshadowing has been thoroughly tested. Whilst the loss of aspect and the overshadowing of the public roof garden at 120 Fenchurch St has a detrimental impact it is not considered that the impacts would cause unacceptable harm such as to warrant a refusal of planning permission in that a further high quality roof level space is being provided with aspect and amenity. The proposal would be in compliance with Local Plan Policies DM 10.7 and DM21.3 and policies 7.6 and 7.7 of the London Plan.

- 308. The scheme would make optimal use of the capacity of a site with high levels of public transport accessibility and would be car free. The proposal would require deliveries to be consolidated and would reflect servicing measures sought for other major developments in the City. The servicing logistics strategy would be incorporated in the Delivery and Servicing Management Plan. The proposal would be in compliance with Local Plan Policies DM16.1, DM16.5 and 6.13 of the London Plan.
- 309. 1248 long term bicycle spaces would be provided with associated shower and locker facilities. The number of short-term spaces at 42 would not be compliant with requirements but need to be balanced against the other public realm benefits. This apart the scheme is in compliance with Local Plan Policy 16.3 and London Plan Policy 6.9.
- 310. The scheme would provide CIL which would be applied towards infrastructure to support the development of the City's area. That payment of CIL is a local finance consideration which weighs in favour of the scheme. In addition to the general planning obligations there would be site specific measures secured in the S106 Agreement. Together these would go some way to mitigate the impact of the proposal.
- 311. Planning of the City Cluster has sought to safeguard the immediate setting of the Tower of London in accordance with guidance and to step the height of development away from the Tower so that it rises to a peak some way from the Tower. This scheme immediately to the south of the eastern cluster introduces a taller element closer to the Tower of London which sits comfortably with the Eastern Cluster.
- 312. In relation to the listed Tower of All Hallows, the listed Lambe's Chapel Crypt and the non-designated heritage assets on the site, and in forming a balanced judgement as required by paragraphs 193-197 the NPPF, it is considered that the scale of harm would be outweighed by the public benefits of an enhanced presentation of the listed buildings and the opportunity to better reveal the significant archaeological and historic context of the site.
- 313. Virtually no major development proposal is in complete compliance with all policies and in arriving at a decision it is necessary to assess all the policies and proposals in the plan and to come to a view as to whether in the light of the whole plan the proposal does or does not accord with it. The Local Planning Authority must determine the application in accordance with the development plan unless other material considerations indicate otherwise.
- 314. In this case, while the proposals are considered in compliance with a number of policies, they are not considered to be in compliance with the development plan as a whole due to non-compliance with the retail policies identified above.
- 315. Paragraph 8 of the NPPF sets out that there is a presumption in favour of sustainable development.

- 316. Paragraph 131 of the NPPF sets out that great weight should be given to outstanding and innovative designs which help raise the standard of design more generally in the area.
- 317. As set out in paragraph 193 of the NPPF, great weight should be given to the conservation of designated heritage assets. The world heritage site status and its Grade I listing places the Tower of London at the very highest level and as a result greater weight should be given to the asset's conservation.
- 318. The proposal has been assessed in accordance with the definition of the Outstanding Universal Value and significance of the World Heritage Site as set out in the Tower of London World Heritage Site Management Plan (2016). In addition, the proposal has been assessed in terms of the guidance set out in the Tower of London Local Setting Study (2010) and the London Views Management Framework SPG. The proposal has been assessed in accordance with other relevant SPGs, SPDs and guidance notes listed in the report. The proposed development was not found to harm the Outstanding Universal Value or significance of the Tower of London World Heritage Site.
- 319. Taking all material matters into consideration, the application is recommended to you subject to all the relevant conditions being applied and section 106 obligations being entered into in order to secure the public benefits and minimise the impact of the proposal.

### **Background Papers:**

### <u>Internal</u>

Email, City Surveyors, 6th January 2020

Memo, Air Quality Officer, 17th January 2020

Memo, Environmental Health Officer, Department of Markets and Consumer Protection, 11<sup>th</sup> February 2020

#### External

Email, NATS Safeguarding, 3rd January 2020

Letter, City of Westminster, 7th January 2020

Letter, Rev'd Arani Sen, Rector St Olave's Hart Street, 13th January 2020

Letter, Georgina Graham, Archdeaconry of London, 13th January 2020

Email, Richard Bennett, 14th January 2020

Letter, Environment Agency, 16th January 2020

Letter, Natural England, 20th January 2020

Email, Heathrow, 21st January 2020

Letter, London City Airport, 22<sup>nd</sup> January 2020

Letter, Network Rail, 23rd January 2020

Letter, City Heritage Society, 27th January 2020

Letter, Historic Royal Palaces, 27th January 2020

Letter, London Borough of Southwark, 27th January 2020

Email, Thames Water, 31st January 2020

Email, Ministry of Housing, Communities, and Local Government, 4<sup>th</sup> February 2020

Letter, London Borough of Tower Hamlets, 10th February 2020

Letter, Historic England, 13th February 2020

Letter, Transport for London, 18th February 2020

Letter, Tim Orchard, The Drapers' Company, 24th February 2020

Letter, Generali, 28<sup>th</sup> February 2020

Letter, Historic England, 28th February 2020

Letter, Historic England, 28th February 2020

Letter, Nicholas Hunter Jones, Merchant Taylors' Company, 3rd March 2020

Letter, Carpenters' Company, 6th March 2020

Letter, Mark Aspinall, The Mercers' Company, 6th March 2020

# **Documents**

Report on an Archaeological Evaluation, MOLA, December 2018

Tower and Remains of the Church of All Hallows Staining and Crypt, Statement of Significance, MOLA, 20<sup>th</sup> October 2019

Historic Environment Assessment, MOLA, November 2019

Lambe's Chapel Crypt, Investigation report on History and Construction, Odgers Conservation, December 2019

Lambe's Chapel Crypt, Justification for Dismantling and Reconstruction, Odgers Conservation, December 2019

Lambe's Chapel Crypt, Scope of Works for proposed Dismantling and Construction, Odgers Conservation, December 2019

All Hallows Staining Church Tower and Lambe's Chapel Crypt Condition Survey Report (Part 1), Odgers Conservation, December 2019

All Hallows Staining Church Tower and Lambe's Chapel Crypt Condition Survey Report (Part 2), Odgers Conservation, December 2019

All Hallows Staining Church Tower, Scope of Proposed Conservation Works, Odgers Conservation, December 2019

Report on an Archaeological Evaluation and Watching Brief, MOLA, December 2019

Significant of All Hallows Staining Burial Ground, Hawk Heritage, December 2019

Design and Access Statement, Eric Parry Architects, December 2019

Construction Methodology, Morton/Arup, December 2019

Energy Statement, Arup, December 2019

Fire Statement, Arup, December 2019

Flood Risk Statement, Arup, December 2019

Ground Contamination Preliminary Risk Assessment, Arup, December 2019

Sustainability Statement, Arup, December 2019

Utilities Statement, Arup, December 2019

Environmental Statement Non-Technical Summary, Arup, December 2019

ES Volume 1 – Main Assessment, Arup, December 2019

ES Volume 2 – Townscape, Built Heritage and Visual Impact Assessment, Tavernor Consultancy / Miller Hare / MOLA / Hawk Heritage, December 2019

ES Volume 3 – Appendices, Arup, December 2019

ES Volume 4 – Appendices, Arup, December 2019

Transport Assessment, Arup, December 2019

Planning Statement, Gerald Eve, December 2019

Cover letter, Gerald Eve, 11th December 2019

Archaeological Addendum to Statement of Significance, HEA and Reports, MOLA, 17<sup>th</sup> February 2020

Letter, Point 2, 19th March 2020

Letter, Gerald Eve, 27th April 2020

Report on sunlight variables on the growth of Wisteria plants impacting the roof garden at 120 Fenchurch Street

### <u>Drawings</u>

Existing Site Location Plan Listed Building Consent, EPA-HIS-05-1-000 Rev P00

Existing Site Plan, EPA-HIS-05-1-004 Rev P00

Existing Plan – Sub Basement, EPA-HIS-05-1-007 Rev P00

Existing Plan – Basement, EPA-HIS-05-1-008 Rev P00

Existing Plan – Ground Floor, EPA-HIS-05-1-009 Rev P00

Existing Plan – All Hallows Staining and Crypt, EPA-HIS-05-1-020 Rev P00

Existing Elevation – Fenchurch Street – North, EPA-HIS-05-2-010 Rev P00

Existing Elevation – Dunster Court – South, EPA-HIS-05-2-011 Rev P00

Existing Elevation – Mincing Lane – West, EPA-HIS-05-2-012 Rev P00

Existing Elevation – Mark Lane – East, EPA-HIS-05-2-013 Rev P00

Existing Elevations – All Hallows Staining, EPA-HIS-05-2-020 Rev P00

Existing Section – All Hallows Staining and Crypt 01 & 02, EPA-HIS-05-3-020 Rev P00

Existing Section – All Hallows Staining and Crypt 03 & 04, EPA-HIS-05-3-021 Rev P00

Existing Site Location Plan Crypt, EPA-HIS-05-1-300 Rev P00

Existing Site Plan Crypt, EPA-HIS-05-1-304 Rev P00

Existing Plan Crypt, EPA-HIS-05-1-308 Rev P00

Existing Plan Crypt, EPA-HIS-05-1-309 Rev P00

Existing Plan Crypt, EPA-HIS-05-1-320 Rev P00

Existing Elevation South – Dunster Court – Crypt, EPA-HIS-05-2-311 Rev P00

Existing Sections 01 & 02 Crypt, EPA-HIS-05-3-320 Rev P00

Existing Sections 03 & 04 Crypt, EPA-HIS-05-3-321 Rev P00

Existing Site Location Plan All Hallows Staining, EP-HIS-05-1-400 Rev P00

Existing Site Plan All Hallows Staining, EP-HIS-05-1-404 Rev P00

Existing Plan - Basement All Hallows Staining, EP-HIS-05-1-408 Rev P00

Existing Plan – Ground Floor All Hallows Staining, EP-HIS-05-1-409 Rev P00

Existing Plan - All Hallows Staining, EP-HIS-05-1-420 Rev P00

Existing Elevation South – Dunster Court – All Hallows Staining, EPA-HIS-05-2-411 Rev P00

Existing Elevation East – Mark Lane – All Hallows Staining, EPA-HIS-05-2-453 Rev P00

Existing Elevations – All Hallows Staining, EPA-HIS-05-2-020 Rev P00

Existing Sections 01 & 02 All Hallows Staining, EPA-HIS-05-3-420 Rev P00

Existing Sections 03 & 04 All Hallows Staining, EPA-HIS-05-3-421 Rev P00

Demolition Plan - Sub Basement, EPA-HIS-05-1-047 Rev P00

Demolition Plan – Basement, EPA-HIS-05-1-048 Rev P00

Demolition Plan – Ground Floor, EPA-HIS-05-1-049 Rev P00

Demolition Plan – All Hallows Staining and Crypt, EPA-HIS-05-1-070 Rev P00

Demolition Elevation – Fenchurch Street – North, EPA-HIS-05-2-050 Rev P00

Demolition Elevation – Dunster Court – South, EPA-HIS-05-2-051 Rev P00

Demolition Elevation – Mincing Lane – West, EPA-HIS-05-2-052 Rev P00

Demolition Elevation – Mark Lane – East, EPA-HIS-05-2-053 Rev P00

Demolition Elevations – All Hallows Staining, EPA-HIS-05-2-070 Rev P00

Demolition Section – All Hallows Staining and Crypt 01 & 02, EPA-HIS-05-3-070 Rev P00

Demolition Section – All Hallows Staining and Crypt 03 & 04, EPA-HIS-05-3-071 Rev P00

Demolition Plan – Basement Crypt, EPA-HIS-05-1-348 Rev P00

Demolition Plan - Ground Floor Crypt, EPA-HIS-05-1-349 Rev P00

Demolition Plan - Crypt, EPA-HIS-05-1-370 Rev P00

Demolition Elevation Dunster Court South - Crypt, EPA-HIS-05-1-351 Rev P00

Demolition Section 01 & 02 Crypt, EPA-HIS-05-3-370 Rev P01

Demolition Section 03 & 04 Crypt, EPA-HIS-05-3-371 Rev P01

Demolition Plan – Basement All Hallows Staining, EPA-HIS-05-1-448 Rev P00

Demolition Plan – Ground Floor All Hallows Staining, EPA-HIS-05-1-449 Rev

Demolition All Hallows Staining, EPA-HIS-05-1-470 Rev P00

Demolition Elevation Dunster Court South All Hallows Staining, EPA-HIS-05-2-451 Rev P00

Demolition Elevation – Mark Lane East All Hallows Staining, EPA-HIS-05-2-453 Rev P00

Demolition Elevations All Hallows Staining, EPA-HIS-05-2-070 Rev P00

Demolition Section 01 & 02 All Hallows Staining, EPA-HIS-05-3-470 Rev P01

Demolition Section 03 & 04 All Hallows Staining, EPA-HIS-05-3-471 Rev P01

Proposed Site Plan, EPA-HIS-05-1-001 Rev P00

Proposed Plan – Basement 3, EPA-HIS-05-1-095 Rev P01

Proposed Plan – Basement 2, EPA-HIS-05-1-096 Rev P00

Proposed Plan - Basement 2 Mezzanine, EPA-HIS-05-1-097 Rev P00

Proposed Plan – Basement 1, EPA-HIS-05-1-098 Rev P01

Proposed Plan – Ground, EPA-HIS-05-1-099 Rev P01

Proposed Plan – Mezzanine, EPA-HIS-05-1-100 Rev P01

Proposed Plan – Level 1, EPA-HIS-05-1-101 Rev P01

Proposed Plan – Level 2, EPA-HIS-05-1-102 Rev P01

Proposed Plan – Levels 3-8, EPA-HIS-05-1-103 Rev P01

Proposed Plan – Level 9, EPA-HIS-05-1-109 Rev P00

Proposed Plan – Level 10, EPA-HIS-05-1-110 Rev P02

Proposed Plan – Level 11, EPA-HIS-05-1-111 Rev P01

Proposed Plan – Levels 12-13, EPA-HIS-05-1-112 Rev P00

Proposed Plan – Levels 14-20, EPA-HIS-05-1-114 Rev P00

Proposed Plan – Level 21, EPA-HIS-05-1-121 Rev P00

Proposed Plan – Level 22, EPA-HIS-05-1-122 Rev P00

Proposed Plan – Levels 23-24, EPA-HIS-05-1-123 Rev P00

Proposed Plan – Levels 25-29, EPA-HIS-05-1-125 Rev P00

Proposed Plan – Level 30, EPA-HIS-05-1-130 Rev P00

Proposed Plan – Level 31, EPA-HIS-05-1-131 Rev P00

Proposed Plan – Level 32, EPA-HIS-05-1-132 Rev P00

Proposed Plan – Level 33, EPA-HIS-05-1-133 Rev P00

Proposed Plan – Level 34, EPA-HIS-05-1-134 Rev P00

Proposed Plan – Level 35, EPA-HIS-05-1-135 Rev P00

Proposed Plan – Level 36, EPA-HIS-05-1-136 Rev P00

Proposed Plan – Roof Level, EPA-HIS-05-1-137 Rev P00

Proposed Plans Crypt and Public access, EPA-HIS-05-1-200 Rev P00

Proposed Elevation – Fenchurch Street – North, EPA-HIS-05-2-100 Rev P01

Proposed Elevation – Dunster Court – South, EPA-HIS-05-2-101 Rev P01

Proposed Elevation – Mincing Lane – West, EPA-HIS-05-2-102 Rev P00

Proposed Elevation – Mark Lane – East, EPA-HIS-05-2-103 Rev P01

Proposed Elevation – Ground Level North – Fenchurch Street, EPA-HIS-05-2-110 Rev P01

Proposed Elevation – Ground Level East – Mark Lane, EPA-HIS-05-2-113 Rev P00

Proposed Elevation – Clothworkers' Entrance Building – North, EPA-HIS-05-2-120 Rev P01

Proposed Elevation – Clothworkers' Entrance Building – East, EPA-HIS-05-2-121 Rev P01

Proposed Elevation – Clothworkers' Entrance Building – South, EPA-HIS-05-

#### 2-122 Rev P00

Proposed Elevation – Clothworkers' Entrance Building – West EPA-HIS-05-2-123 Rev P00

Proposed Elevation – All Hallows Staining, EPA-HIS-05-2-200 Rev P00

Proposed Section A-A, EPA-HIS-05-3-100 Rev P00

Proposed Section B-B, EPA-HIS-05-3-101 Rev P01

Proposed Public Realm Section 1 – All Hallows Staining and Proposed Lightwell, EPA-HIS-05-3-110 Rev P00

Proposed Public Realm Section 2 – All Hallows Staining and Crypt Relocation, EPA-HIS-05-3-111 Rev P00

Façade Study Callout: Fenchurch Street – Ground to Level 2 - EPA-HIS-05-5-110 Rev P00

Façade Study Callout: Mark Lane – Ground to Level 2 - EPA-HIS-05-5-113 Rev P00

Façade Study Callout: Podium Levels - EPA-HIS-05-5-130 Rev P00

Façade Study Callout: Terrace Levels - EPA-HIS-05-5-131 Rev P00

Façade Study Callout: Levels 12-35 - EPA-HIS-05-5-132 Rev P00

Façade Study Callout: Vertical Landscape South - EPA-HIS-05-5-140 Rev P00

Façade Study Callout: Vertical Landscape North - EPA-HIS-05-5-141 Rev P00

Façade Study Callout: Vertical Landscape East - EPA-HIS-05-5-142 Rev P00

Re-Located Dunster Court Gates - EPA-HIS-05-5-011 Rev P00

Proposed Site Plan, EPA-HIS-05-1-301 Rev P00

Proposed Plan – Basement 1 Crypt, EPA-HIS-05-1-298 Rev P00

Proposed Plans Crypt and Public access, EPA-HIS-05-1-200 Rev P01

Proposed Public Realm Section 2 Crypt, EPA-HIS-05-1-311 Rev P00

Proposed Site Plan, EPA-HIS-05-1-401 Rev P00

Proposed Plan – Ground All Hallows Staining, EPA-HIS-05-1-399 Rev P01

Proposed Plan – Roof All Hallows Staining, EPA-HIS-05-1-437 Rev P00

Proposed Elevation - All Hallows Staining, EPA-HIS-05-2-200 Rev P00

Proposed Public Realm Section 1 All Hallows Staining, EPA-HIS-05-3-410 Rev P00

Proposed Public Realm Section 2 All Hallows Staining, EPA-HIS-05-3-411 Rev P00

#### Appendix A

#### REASONED CONCLUSIONS ON SIGNIFICANT EFFECTS

#### **Reasoned Conclusions**

Following examination of the environmental information a reasoned conclusion on the significant effects of the proposed development on the environment has been reached and is set out in the report as summarised in the Conclusions section of the report.

### **Monitoring Measures**

If planning permission were granted, it is considered that monitoring measures should be imposed to secure compliance with the cap on servicing trips and other elements of the Delivery and Servicing Management Plan as well as other measures to ensure the scheme is acceptable, which will be monitored by the S106 and recommended conditions.

### Appendix B

#### **London Plan Policies**

The following policies from the London Plan (2016) are considered relevant:

- Policy 2.10 Enhance and promote the unique international, national and London wide roles of the Central Activities Zone (CAZ) and as a strategically important, globally oriented financial and business services centre.
- Policy 2.11 Ensure that developments proposals to increase office floorspace within CAZ include a mix of uses including housing, unless such a mix would demonstrably conflict with other policies in the plan.
- Policy 4.1 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 4.3 Within the Central Activities Zone increases in office floorspace

should provide for a mix of uses including housing, unless such a mix would demonstrably conflict with other policies in this plan.

- Policy 4.5 Support London's visitor economy and stimulate its growth, taking into account the needs of business as well as leisure visitors and seeking to improve the range and quality of provision.
- 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 5.5 (Decentralised Energy Networks) Development proposals should prioritise connections to existing or planned decentralised energy networks where feasible.
- Policy 5.6 Development proposals should evaluate the feasibility of Combined Heat and Power (CHP) systems, and where a new CHP system is appropriate also examine opportunities to extend the system beyond the site boundary to adjacent sites.
- Policy 5.7 Major development proposals should provide a reduction in carbon dioxide emissions through the use of on-site renewable energy generation, where feasible.
- Policy 5.9 Reduce the impact of the urban heat island effect in London and encourage the design of places and spaces to avoid overheating and excessive heat generation, and to reduce overheating due to the impacts of climate change and the urban heat island effect on an area wide basis.
- Policy 5.10 Promote and support urban greening, such as new planting in the public realm (including streets, squares and plazas) and multifunctional green infrastructure, to contribute to the adaptation to, and reduction of, the effects of climate change.
- Policy 5.11 Major development proposals should be designed to include

roof, wall and site planting, especially green roofs and walls where feasible.

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

Policy 5.18 Encourage development waste management facilities and removal by water or rail transport.

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

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 6.10 (Walking) encourages new developments to "ensure high quality pedestrian environments and emphasise the quality of the pedestrian and street space."

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 7.1 Development should be designed so that the layout, tenure, mix of uses interface with surrounding land will improve people's access to social and community infrastructure (including green spaces), the Blue Ribbon Network, local shops, employment opportunities, commercial services and public transport.

Policy 7.4 Development should have regard to the form, function, and structure of an area, place or street and the scale, mass and orientation of surrounding buildings. It should improve an area's visual or physical connection with natural features. In areas of poor or ill-defined character, development should build on the positive elements that can contribute to establishing an enhanced character for the future function of the area.

Policy 7.5 London's public spaces should be secure, accessible, inclusive, connected, easy to understand and maintain, relate to local context, and incorporate the highest quality design, landscaping, planting, street furniture and surfaces.

# Policy 7.6 Buildings and structures should:

- (a) be of the highest architectural quality
- (b) be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm
- (c) comprise details and materials that complement, not necessarily replicate, the local architectural character
- (d) not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate. This is particularly important for tall buildings
- (e) incorporate best practice in resource management and climate change mitigation and adaptation
- (f) provide high quality indoor and outdoor spaces and integrate well with the surrounding streets and open spaces
- (g) be adaptable to different activities and land uses, particularly at ground level
- (h) meet the principles of inclusive design
- (i) optimise the potential of sites.
- Policy 7.7 Tall and large buildings should be part of a plan-led approach to changing or developing an area by the identification of appropriate, sensitive and inappropriate locations. Tall and large buildings should not have an unacceptably harmful impact on their surroundings. Applications for tall or large buildings should include an urban design analysis that demonstrates the proposal is part of a strategy that will meet the criteria set out in this policy.
- Policy 7.8 Development should identify, value, conserve, restore, re-use and incorporate heritage assets, conserve the significance of heritage assets and their settings and make provision for the protection of archaeological resources, landscapes and significant memorials.
- Policy 7.10 Development in World Heritage Sites and their settings, including any buffer zones, should conserve, promote, make sustainable use of and enhance their authenticity, integrity and significance and Outstanding

Universal Value.

Policy 7.11 (London View Management Framework) Manage the impact of development on key panoramas, river prospects and townscape views.

Policy 7.12 New development should not harm and where possible should make a positive contribution to the characteristics and composition of the strategic views and their landmark elements identified in the London View Management Framework. It should also, where possible, preserve viewers' ability to recognise and to appreciate Strategically Important Landmarks in these views and, where appropriate, protect the silhouette of landmark elements of World Heritage Sites as seen from designated Viewing Places.

Policy 7.14 Implement Air Quality and Transport strategies to achieve reductions in pollutant emissions and minimise public exposure to pollution.

Policy 7.15 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.

#### Relevant Local Plan 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.

#### DM1.5 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.

### 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.

### DM10.1 New development

To require all developments, including alterations and extensions to existing buildings, to be of a high standard of design and to avoid harm to the townscape and public realm, by ensuring that:

- a) the bulk and massing of schemes are appropriate in relation to their surroundings and have due regard to the general scale, height, building lines, character, historic interest and significance, urban grain and materials of the locality and relate well to the character of streets, squares, lanes, alleys and passageways;
- b) all development is of a high standard of design and architectural detail with elevations that have an appropriate depth and quality of modelling:
- c) appropriate, high quality and durable materials are used;
- d) the design and materials avoid unacceptable wind impacts at street level or intrusive solar glare impacts on the surrounding townscape and public realm;
- e) development has attractive and visually interesting street level elevations, providing active frontages wherever possible to maintain or enhance the vitality of the City's streets;
- f)the design of the roof is visually integrated into the overall design of the building when seen from both street level views and higher level viewpoints;
- g) plant and building services equipment are fully screened from view and integrated in to the design of the building. Installations that would adversely affect the character, appearance or amenities of the buildings or area will be resisted:
- h) servicing entrances are designed to minimise their effects on the appearance of the building and street scene and are fully integrated into the building's design;
- i)there is provision of appropriate hard and soft landscaping, including appropriate boundary treatments;
- j)the external illumination of buildings is carefully designed to ensure visual sensitivity, minimal energy use and light pollution, and the discreet integration of light fittings into the building design;
- k) there is provision of amenity space, where appropriate; l)there is the highest standard of accessible and inclusive design.

#### DM10.2 Design of green roofs and walls

- 1) To encourage the installation of green roofs on all appropriate developments. On each building the maximum practicable coverage of green roof should be achieved. Extensive green roofs are preferred and their design should aim to maximise the roof's environmental benefits, including biodiversity, run-off attenuation and building insulation.
- 2) To encourage the installation of green walls in appropriate locations, and to ensure that they are satisfactorily maintained.

### DM10.3 Roof gardens and terraces

- 1) To encourage high quality roof gardens and terraces where they do not:
- a) immediately overlook residential premises;
- b) adversely affect rooflines or roof profiles;
- c) result in the loss of historic or locally distinctive roof forms, features or coverings;
- d) impact on identified views.
- 2) Public access will be sought where feasible in new development.

#### DM10.4 Environmental enhancement

The City Corporation will work in partnership with developers, Transport for London and other organisations to design and implement schemes for the enhancement of highways, the public realm and other spaces. Enhancement schemes should be of a high standard of design, sustainability, surface treatment and landscaping, having regard to:

- a) the predominant use of the space, surrounding buildings and adjacent spaces;
- b) connections between spaces and the provision of pleasant walking routes;
- c) the use of natural materials, avoiding an excessive range and harmonising with the surroundings of the scheme and materials used throughout the City;
- d) the inclusion of trees and soft landscaping and the promotion of biodiversity, where feasible linking up existing green spaces and routes to provide green corridors;
- e) the City's heritage, retaining and identifying features that contribute positively to the character and appearance of the City; f)sustainable drainage, where feasible, co-ordinating the design with adjacent buildings in order to implement rainwater recycling;
- g) the need to provide accessible and inclusive design, ensuring that streets and walkways remain uncluttered;
- h) the need for pedestrian priority and enhanced permeability, minimising the conflict between pedestrians and cyclists;
- i)the need to resist the loss of routes and spaces that enhance the City's function, character and historic interest;
- j)the use of high quality street furniture to enhance and delineate the public realm;
- k) lighting which should be sensitively co-ordinated with the design of the scheme.

### DM10.5 Shopfronts

To ensure that shopfronts are of a high standard of design and appearance and to resist inappropriate designs and alterations. Proposals for shopfronts should:

- a) respect the quality and architectural contribution of any existing shopfront;
- b) respect the relationship between the shopfront, the building and its context;
- c) use high quality and sympathetic materials;
- d) include signage only in appropriate locations and in proportion to the shopfront;
- e) consider the impact of the installation of louvres, plant and access to refuse storage;
- f)incorporate awnings and canopies only in locations where they would not harm the appearance of the shopfront or obstruct architectural features;
- g) not include openable shopfronts or large serving openings where they would have a harmful impact on the appearance of the building and/or amenity;
- h) resist external shutters and consider other measures required for security;
- i)consider the internal treatment of shop windows (displays and opaque windows) and the contribution to passive surveillance;
- j)be designed to allow access by users, for example, incorporating level entrances and adequate door widths.

# DM10.7 Daylight and sunlight

- 1) To resist development which would reduce noticeably the daylight and sunlight available to nearby dwellings and open spaces to unacceptable levels, taking account of the Building Research Establishment's guidelines.
- 2) The design of new developments should allow for the lighting needs of intended occupiers and provide acceptable levels of daylight and sunlight.

#### DM10.8 Access and inclusive design

To achieve an environment that meets the highest standards of accessibility and inclusive design in all developments (both new and refurbished), open spaces and streets, ensuring that the City of London is:

- a) inclusive and safe for of all who wish to use it, regardless of disability, age, gender, ethnicity, faith or economic circumstance;
- b) convenient and welcoming with no disabling barriers, ensuring that everyone can experience independence without undue effort, separation or special treatment;
- c) responsive to the needs of all users who visit, work or live in the City, whilst recognising that one solution might not work for all.

### CS11 Encourage art, heritage and culture

To maintain and enhance the City's contribution to London's world-class cultural status and to enable the City's communities to access a range of arts, heritage and cultural experiences, in accordance with the City Corporation's Destination Strategy.

#### DM11.2 Public Art

To enhance the City's public realm and distinctive identity by:

- a) protecting existing works of art and other objects of cultural significance and encouraging the provision of additional works in appropriate locations;
- b) ensuring that financial provision is made for the future maintenance of new public art;
- c) requiring the appropriate reinstatement or re-siting of art works and other objects of cultural significance when buildings are redeveloped.

# 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.

# DM12.1 Change affecting heritage assets

- 1. To sustain and enhance heritage assets, their settings and significance.
- 2. Development proposals, including proposals for telecommunications infrastructure, that have an effect upon heritage assets, including their settings, should be accompanied by supporting information to assess and evaluate the significance of heritage assets and the degree of impact caused by the development.
- 3. The loss of routes and spaces that contribute to the character and historic interest of the City will be resisted.
- 4. Development will be required to respect the significance, character, scale and amenities of surrounding heritage assets and spaces and their settings.
- 5. Proposals for sustainable development, including the incorporation of climate change adaptation measures, must be sensitive to heritage assets.

#### DM12.3 Listed buildings

1. To resist the demolition of listed buildings.

2. To grant consent for the alteration or change of use of a listed building only where this would not detract from its special architectural or historic interest, character and significance or its setting.

### DM12.4 Archaeology

- 1. To require planning applications which involve excavation or ground works on sites of archaeological potential to be accompanied by an archaeological assessment and evaluation of the site, including the impact of the proposed development.
- 2. To preserve, protect, safeguard and enhance archaeological monuments, remains and their settings in development, and to seek a public display and interpretation, where appropriate.
- 3. To require proper investigation and recording of archaeological remains as an integral part of a development programme, and publication and archiving of results to advance understanding.

# CS14 Tall buildings in suitable places

To allow tall buildings of world class architecture and sustainable design in suitable locations and to ensure that they take full account of the character of their surroundings, enhance the skyline and provide a high quality public realm at ground level.

### 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.

### DM15.1 Sustainability requirements

- 1. Sustainability Statements must be submitted with all planning applications in order to ensure that sustainability is integrated into designs for all development.
- 2. For major development (including new development and refurbishment) the Sustainability Statement should include as a minimum:
- a) BREEAM or Code for Sustainable Homes pre-assessment;
- b) an energy statement in line with London Plan requirements;
- c) demonstration of climate change resilience measures.
- 3. BREEAM or Code for Sustainable Homes assessments should demonstrate sustainability in aspects which are of particular significance in the City's high density urban environment. Developers should aim to achieve the maximum possible credits to address the City's priorities.

- 4. Innovative sustainability solutions will be encouraged to ensure that the City's buildings remain at the forefront of sustainable building design. Details should be included in the Sustainability Statement.
- 5. Planning conditions will be used to ensure that Local Plan assessment targets are met.

### DM15.2 Energy and CO2 emissions

- 1. Development design must take account of location, building orientation, internal layouts and landscaping to reduce likely energy consumption.
- 2. For all major development energy assessments must be submitted with the application demonstrating:
- a) energy efficiency showing the maximum improvement over current Building Regulations to achieve the required Fabric Energy Efficiency Standards;
- b) carbon compliance levels required to meet national targets for zero carbon development using low and zero carbon technologies, where feasible:
- c) where on-site carbon emission reduction is unviable, offsetting of residual CO2 emissions through "allowable solutions" for the lifetime of the building to achieve national targets for zero-carbon homes and non-domestic buildings. Achievement of zero carbon buildings in advance of national target dates will be encouraged;
- d) anticipated residual power loads and routes for supply.

### DM15.4 Offsetting carbon emissions

- 1. All feasible and viable on-site or near-site options for carbon emission reduction must be applied before consideration of offsetting. Any remaining carbon emissions calculated for the lifetime of the building that cannot be mitigated on-site will need to be offset using "allowable solutions".
- 2. Where carbon targets cannot be met on-site the City Corporation will require carbon abatement elsewhere or a financial contribution, negotiated through a S106 planning obligation to be made to an approved carbon offsetting scheme.
- 3. Offsetting may also be applied to other resources including water resources and rainwater run-off to meet sustainability targets offsite where on-site compliance is not feasible.

### DM15.6 Air quality

- 1. Developers will be required to consider the impact of their proposals on air quality and, where appropriate, provide an Air Quality Impact Assessment.
- 2. Development that would result in deterioration of the City's nitrogen dioxide or PM10 pollution levels will be resisted.
- 3. Major developments will be required to maximise credits for the pollution section of the BREEAM or Code for Sustainable Homes assessment relating to on-site emissions of oxides of nitrogen (NOx).
- 4. Developers will be encouraged to install non-combustion low and zero carbon energy technology. A detailed air quality impact assessment will be required for combustion based low and zero carbon technologies, such as CHP plant and biomass or biofuel boilers, and necessary mitigation must be approved by the City Corporation.
- 5. Construction and deconstruction and the transport of construction materials and waste must be carried out in such a way as to minimise air quality impacts.
- 6. Air intake points should be located away from existing and potential pollution sources (e.g. busy roads and combustion flues). All combustion flues should terminate above the roof height of the tallest building in the development in order to ensure maximum dispersion of pollutants.

### DM15.7 Noise and light pollution

- 1. Developers will be required to consider the impact of their developments on the noise environment and where appropriate provide a noise assessment. The layout, orientation, design and use of buildings should ensure that operational noise does not adversely affect neighbours, particularly noise-sensitive land uses such as housing, hospitals, schools and quiet open spaces.
- 2. Any potential noise conflict between existing activities and new development should be minimised. Where the avoidance of noise conflicts is impractical, mitigation measures such as noise attenuation and restrictions on operating hours will be implemented through appropriate planning conditions.
- 3. Noise and vibration from deconstruction and construction activities must be minimised and mitigation measures put in place to limit noise disturbance in the vicinity of the development.
- 4. Developers will be required to demonstrate that there will be no increase in background noise levels associated with new plant and equipment.

5. Internal and external lighting should be designed to reduce energy consumption, avoid spillage of light beyond where it is needed and protect the amenity of light-sensitive uses such as housing, hospitals and areas of importance for nature conservation.

### CS16 Improving transport and travel

To build on the City's strategic central London position and good transport infrastructure to further improve the sustainability and efficiency of travel in, to, from and through the City.

# DM16.1 Transport impacts of development

- 1. Development proposals that are likely to have effects on transport must be accompanied by an assessment of the transport implications during both construction and operation, in particular addressing impacts on:
- a) road dangers;
- b) pedestrian environment and movement;
- c) cycling infrastructure provision;
- d) public transport;
- e) the street network.
- 2. Transport Assessments and Travel Plans should be used to demonstrate adherence to the City Corporation's transportation standards.

#### DM16.2 Pedestrian movement

- 1. Pedestrian movement must be facilitated by provision of suitable pedestrian routes through and around new developments, by maintaining pedestrian routes at ground level, and the upper level walkway network around the Barbican and London Wall.
- 2. The loss of a pedestrian route will normally only be permitted where an alternative public pedestrian route of at least an equivalent standard is provided having regard to:
- a) the extent to which the route provides for current and all reasonably foreseeable future demands placed upon it, including at peak periods:
- b) the shortest practicable routes between relevant points.
- 3. Routes of historic importance should be safeguarded as part of the City's characteristic pattern of lanes, alleys and courts, including the route's historic alignment and width.

- 4. The replacement of a route over which pedestrians have rights, with one to which the public have access only with permission will not normally be acceptable.
- 5. Public access across private land will be encouraged where it enhances the connectivity, legibility and capacity of the City's street network. Spaces should be designed so that signage is not necessary and it is clear to the public that access is allowed.
- 6. The creation of new pedestrian rights of way will be encouraged where this would improve movement and contribute to the character of an area, taking into consideration pedestrian routes and movement in neighbouring areas and boroughs, where relevant.

# DM16.3 Cycle parking

- 1. On-site cycle parking must be provided in accordance with the local standards set out in Table 16.2 or, for other land uses, with the standards of the London Plan. Applicants will be encouraged to exceed the standards set out in Table 16.2.
- 2. On-street cycle parking in suitable locations will be encouraged to meet the needs of cyclists.

### DM16.4 Encouraging active travel

- 1. Ancillary facilities must be provided within new and refurbished buildings to support active transport modes such as walking, cycling and running. All commercial development should make sufficient provision for showers, changing areas and lockers/storage to cater for employees wishing to engage in active travel.
- 2. Where facilities are to be shared with a number of activities they should be conveniently located to serve all proposed activities.

#### DM16.5 Parking and servicing standards

- 1. Developments in the City should be car-free except for designated Blue Badge spaces. Where other car parking is exceptionally provided it must not exceed London Plan's standards.
- 2. Designated parking must be provided for Blue Badge holders within developments in conformity with London Plan requirements and must be marked out and reserved at all times for their use. Disabled parking spaces must be at least 2.4m wide and at least 4.8m long and with reserved areas at least 1.2m wide, marked out between the parking spaces and at the rear of the parking spaces.
- 3. Except for dwelling houses (use class C3), whenever any car parking spaces (other than designated Blue Badge parking) are provided, motor cycle parking must be provided at a ratio of 10 motor

cycle parking spaces per 1 car parking space. At least 50% of motor cycle parking spaces must be at least 2.3m long and at least 0.9m wide and all motor cycle parking spaces must be at least 2.0m long and at least 0.8m wide.

- 4. On site servicing areas should be provided to allow all goods and refuse collection vehicles likely to service the development at the same time to be conveniently loaded and unloaded. Such servicing areas should provide sufficient space or facilities for all vehicles to enter and exit the site in a forward gear. Headroom of at least 5m where skips are to be lifted and 4.75m for all other vehicle circulation areas should be provided.
- 5. Coach parking facilities for hotels (use class C1) will not be permitted.
- 6. All off-street car parking spaces and servicing areas must be equipped with the facility to conveniently recharge electric vehicles.
- 7. Taxi ranks are encouraged at key locations, such as stations, hotels and shopping centres. The provision of taxi ranks should be designed to occupy the minimum practicable space, using a combined entry and exit point to avoid obstruction to other transport modes.

### CS17 Minimising and managing waste

To support City businesses, residents and visitors in making sustainable choices regarding the minimisation, transport and management of their waste, capitalising on the City's riverside location for sustainable waste transfer and eliminating reliance on landfill for municipal solid waste (MSW).

#### DM17.1 Provision for waste

- 1. Waste facilities must be integrated into the design of buildings, wherever feasible, and allow for the separate storage and collection of recyclable materials, including compostable material.
- 2. On-site waste management, through techniques such as recyclate sorting or energy recovery, which minimises the need for waste transfer, should be incorporated wherever possible.

#### CS18 Minimise flood risk

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

#### DM18.2 Sustainable drainage systems

1. The design of the surface water drainage system should be integrated into the design of proposed buildings or landscaping, where

feasible and practical, and should follow the SuDS management train (Fig T) and London Plan drainage hierarchy.

- 2. SuDS designs must take account of the City's archaeological heritage, complex underground utilities, transport infrastructure and other underground structures, incorporating suitable SuDS elements for the City's high density urban situation.
- 3. SuDS should be designed, where possible, to maximise contributions to water resource efficiency, biodiversity enhancement and the provision of multifunctional open spaces.

# DM19.2 Biodiversity and urban greening

Developments should promote biodiversity and contribute to urban greening by incorporating:

- a) green roofs and walls, soft landscaping and trees;
- b) features for wildlife, such as nesting boxes and beehives;
- c) a planting mix which encourages biodiversity;
- d) planting which will be resilient to a range of climate conditions;
- e) maintenance of habitats within Sites of Importance for Nature Conservation.

### 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.

#### DM20.2 Retail links

To encourage the provision and resist the loss of retail frontage and floorspace within the Retail Links. A mix of shops and other retail uses will be encouraged in the Links, ensuring that the location and balance of uses does not adversely affect the function of the Link, any nearby PSC or their surrounding areas.

#### DM20.4 Retail unit sizes

- 1. Proposals for new retail uses should provide a variety of unit sizes compatible with the character of the area in which they are situated.
- 2. Major retail units (over 1,000sq.m) will be encouraged in PSCs and, where appropriate, in the Retail Links in accordance with the sequential test.

#### **SCHEDULE**

APPLICATION: 19/01307/FULEIA

Site Bounded By Fenchurch Street, Mark Lane, Dunster Court And Mincing Lane. London EC3M 3JY

i) Demolition of 41-43 Mincing Lane, 40-54 Fenchurch Street, former church hall and the Clothworkers' Hall and its redevelopment to provide a new building comprising four levels of basement (including a basement mezzanine level), ground, mezzanine, plus part 9, 31 and 35 storevs plus plant containing offices (B1) and flexible shop/financial and professional services/cafe and restaurant uses (A1/A2/A3) at ground floor level; and flexible shop/cafe and restaurant/drinking establishment uses (A1/A3/A4) at levels 10 and 11, including winter garden (Sui Generis); ii) Reprovision of the Clothworkers' accommodation (Sui Generis) within part ground, part first, part second and part third floors and four levels of basement (including a basement mezzanine level); iii) Creation of ground level public access to level 10 roof garden and basement level 1 to Grade II Listed crypt; iv) Dismantling, relocation and reconstruction of the Lambe's Chapel Crypt to basement level 1 and associated exhibition accommodation (Sui Generis) (listed Grade II); v) Alterations to and conservation of the Grade I Listed Tower of All Hallows Staining; vi) Provision of new hard and soft landscaping and other associated works.

(The total proposed floor area of the new building is 94,336sq.m GIA, comprising 88,064sq.m of office floorspace, 289sq.m of flexible retail floorspace (A1/A2/A3), 550sq.m of flexible retail floorspace (A1/A3/A4),789sq.m of livery hall floorspace, 214sq.m of crypt floorspace and 430sq.m of winter garden floorspace. The building would rise to a maximum height of 149.6m when measured from the lowest office ground floor level, 165.1m AOD.)

This application is accompanied by an Environmental Statement which is available for inspection with the planning application. Copies of a CD containing the Environmental Statement may be obtained from Gerald Eve LLP, 7 Welbeck Street, London, W1G 0AY.

#### CONDITIONS

- 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.
- The development shall incorporate such measures as are necessary within the site to resist structural damage arising from an attack with a road vehicle or road vehicle borne explosive device, details of which

must be submitted to and approved in writing by the Local Planning Authority before any construction works hereby permitted are begun.

REASON: To ensure that the premises are protected from road vehicle borne damage within the site in accordance with the following policy of the Local Plan: DM3.2. These details are required prior to construction work commencing in order that any changes to satisfy this condition are incorporated into the development before the design is too advanced to make changes.

- The development shall provide such measures as are necessary to protect the approved new public realm from an attack with a road vehicle or road vehicle borne explosive device, details of which must be submitted to and approved in writing by the Local Planning Authority before any construction works hereby permitted are begun. REASON: To ensure that the public are protected from an attack in accordance with the following policy of the Local Plan: DM3.2. These details are required prior to construction work commencing in order that any changes to satisfy this condition are incorporated into the development before the design is too advanced to make changes.
- Before any works including demolition are begun a site survey and survey of highway and other land at the perimeter of the site 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 Ordnance Datum levels of the adjoining streets and open spaces. The development shall be carried out in accordance with the approved survey unless otherwise agreed in writing by the local planning authority.

REASON: To ensure continuity between the level of existing streets and the finished floor levels in the proposed building and to ensure a satisfactory treatment at ground level in accordance with the following policies of the Local Plan: DM10.8, DM16.2. These details are required prior to commencement in order that a record is made of the conditions prior to changes caused by the development and that any changes to satisfy this condition are incorporated into the development before the design is too advanced to make changes.

Details of facilities and methods to accommodate and manage all freight vehicle movements to and from the site during the demolition and construction of the building(s) hereby approved shall be submitted to and approved by the Local Planning Authority in writing prior to the commencement of work. The details shall be completed in accordance with the Mayor of London's Construction Logistics Plan Guidance dated July 2017, and shall specifically address the safety of vulnerable road users through compliance with the Construction Logistics and Community Safety (CLOCS) Standard. The Plan must demonstrate how Work Related Road Risk is to be managed. No demolition or construction shall be carried out other than in accordance with the approved details and methods.

REASON: To ensure that demolition and construction works do not have an adverse impact on public safety and the transport network in accordance with London Plan Policy 6.14 and the following policies of the Local Plan: DM15.6, DM16.1. These details are required prior to demolition and construction work commencing in order that the impact on the transport network is minimised from the time that demolition and construction starts.

- There shall be no demolition on the site until a scheme for protecting nearby residents and commercial occupiers from noise, dust and other environmental effects has been submitted to and approved in writing by the Local Planning Authority. 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 and monitoring (including any agreed monitoring contribution) 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 (including payment of any agreed monitoring contribution)
  - 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 policies of the Local Plan: DM15.6, DM15.7, DM21.3. These details are required prior to demolition in order that the impact on amenities is minimised from the time that development starts.
- 7 Demolition works shall not begin until a Deconstruction Logistics Plan to manage all freight vehicle movements to and from the site during deconstruction of the existing building(s) has been submitted to and approved in writing by the Local Planning Authority. The Deconstruction Logistics Plan shall be completed in accordance with the Mayor of London's Construction Logistics Plan Guidance dated July 2017, and shall specifically address the safety of vulnerable road users through compliance with the Construction Logistics and Community Safety (CLOCS) Standard. The Plan must demonstrate how Work Related Road Risk is to be managed. The demolition shall not be carried out otherwise than in accordance with the approved Deconstruction Logistics Plan or any approved amendments thereto as may be agreed in writing by the Local Planning Authority. REASON: To ensure that demolition works do not have an adverse impact on public safety and the transport network in accordance with London Plan Policy 6.14 and the following policies of the Local Plan: DM15.6, DM16.1. These details are required prior to demolition work commencing in order that the impact on the transport network is minimised from the time that demolition starts.

- Prior to the commencement of development the developer/construction contractor shall sign up to the Non-Road Mobile Machinery Register. The development shall be carried out in accordance with the NRMM Regulations and the inventory of all NRMM used on site shall be maintained and provided to the Local Planning Authority upon request to demonstrate compliance with the regulations. REASON: To reduce the emissions of construction and demolition in accordance with the Mayor of London Control of Dust and Emissions during Construction and Demolition SPG July 2014. Compliance is required to be prior to commencement due to the potential impact at the beginning of the construction
- 9 Before the development hereby permitted is begun a detailed site investigation shall be carried out to establish if the site is contaminated and to determine the potential for pollution of the water environment. The method and extent of this site investigation shall be agreed in writing with the Local Planning Authority prior to commencement of the work. Details of measures to prevent pollution of ground and surface water, including provisions for monitoring, shall then be submitted to and approved in writing by the Local Planning Authority before the development commences. The development shall proceed in strict accordance with the measures approved. REASON: To prevent pollution of the water environment in accordance with the following policy of the Local Plan: DM15.8. These details are required prior to commencement in order that any changes to satisfy this condition are incorporated into the development before the design is too advanced to make changes.
- 10 No development other than demolition shall take place until the detailed design of all wind mitigation measures has been submitted to and approved in writing by the Local Planning Authority. These details shall include the size and appearance of any features, the size and appearance of any planting containers, trees species, planting medium and irrigation systems. No part of the building shall be occupied until the approved wind mitigation measures have been implemented unless the Local Planning Authority agrees otherwise in writing. The said wind mitigation measures shall be retained in place for the life of the building unless otherwise agreed by the Local Planning Authority. REASON: In order to ensure that the proposed development does not have a detrimental impact on the amenities of the area in accordance with the following policies of the Local Plan: DM10.1, DM16.1, DM16.2. These details are required prior to construction in order that any changes to satisfy this condition are incorporated into the development before the design is too advanced to make changes.
- 11 Geotechnical Site Investigation and archaeological recording shall be carried out in order to compile archaeological records in accordance with a timetable and scheme of such archaeological work submitted to and approved in writing by the Local Planning Authority before any commencement of archaeological evaluation work.

REASON: To ensure that an opportunity is provided for the archaeology of the site to be considered and recorded in accordance with the following policy of the Local Plan: DM12.4.

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

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 policy of the Local Plan: DM12.4.

- 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.

  REASON: To ensure the preservation of archaeological remains following archaeological investigation in accordance with the following policy of the Local Plan: DM12.4.
- No work except demolition to basement slab level shall take place until an investigation and risk assessment has been undertaken to establish if the site is contaminated and to determine the potential for pollution 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 by removing unacceptable risks to human health, buildings and other property and to the natural and historical environment 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 are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the Local Plan DM15.8. These details are required prior to commencement in order that any changes to satisfy this

condition are incorporated into the development before the design is too advanced to make changes.

No 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 water infrastructure and 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 water utility infrastructure and underground sewerage infrastructure. Piling has the potential to impact on local underground water utility infrastructure and significantly impact / cause failure of local underground sewerage utility infrastructure.

- 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 policy of the Local Plan: DM10.1. These details are required prior to piling or construction work commencing in order that any changes to satisfy this condition are incorporated into the development before the design is too advanced to make changes.
- 17 No construction shall take place within 5m of the water main.

  Information detailing how the developer intends to divert the asset /
  align the development, so as to prevent the potential for damage to
  subsurface potable water infrastructure, must be submitted to and
  approved in writing by the local planning authority in consultation with
  Thames Water. Any construction must be undertaken in
  accordance with the terms of the approved information. Unrestricted
  access must be available at all times for the maintenance and repair of
  the asset during and after the construction works.
  REASON: The proposed works will be in close proximity to
  underground strategic water main, utility infrastructure. The works has
  the potential to impact on local underground water utility infrastructure.
- 18 Construction works shall not begin until a Construction Logistics Plan to manage all freight vehicle movements to and from the site during construction of the development has been submitted to and approved in writing by the Local Planning Authority. The Construction Logistics

Plan shall be completed in accordance with the Mayor of London's Construction Logistics Plan Guidance dated July 2017, and shall specifically address the safety of vulnerable road users through compliance with the Construction Logistics and Community Safety (CLOCS) Standard. The Plan must demonstrate how Work Related Road Risk is to be managed. The development shall not be carried out otherwise than in accordance with the approved Construction Logistics Plan or any approved amendments thereto as may be agreed in writing by the Local Planning Authority.

REASON: To ensure that construction works do not have an adverse impact on public safety and the transport network in accordance with London Plan Policy 6.14 and the following policies of the Local Plan: DM15.6, DM16.1. These details are required prior to construction work commencing in order that the impact on the transport network is minimised from the time that construction starts.

- Before any construction works hereby permitted are begun a detailed assessment of further on-site measures to reduce carbon dioxide emissions by 35% shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

  REASON: To minimise carbon emissions and provide a sustainable development in accordance with the following policy of the Local Plan: DM15.1, DM15.3. These details are required prior to construction work commencing in order that any changes to satisfy this condition are incorporated into the development before the design is too advanced to make changes.
- Before any construction works hereby permitted are begun the following details shall be submitted to and approved in writing by the Local Planning Authority in conjunction with the Lead Local Flood Authority and all development pursuant to this permission shall be carried out in accordance with the approved details:

  (a) Fully detailed design and layout drawings for the proposed SuDS
  - components including but not limited to: attenuation systems, rainwater pipework, flow control devices, design for system exceedance, design for ongoing maintenance; surface water flow rates shall be restricted to no greater than 4.3 l/s when combined from no more than two distinct outfalls, provision should be made for an attenuation volume capacity capable of achieving this, the use of pumping to discharge surface water to the sewer shall be minimised;
  - (b) Full details of measures to be taken to prevent flooding (of the site or caused by the site) during the course of the construction works.
  - (c) Evidence that Thames Water have been consulted and consider the proposed discharge rate to be satisfactory.

REASON: To improve sustainability, reduce flood risk and reduce water runoff rates in accordance with the following policy of the Local Plan: DM18.1, DM18.2 and DM18.3.

- Before any works thereby affected are begun the following details shall be submitted to and approved in writing by the Local Planning Authority and all development pursuant to this permission shall be carried out in accordance with the approved details:
  - (a) particulars and samples of the materials to be used on all external faces of the building including external ground and upper level surfaces:
  - (b) details of the proposed new facade(s) including typical details of the fenestration and entrances;
  - (c) details of a typical bay of the development;
  - (d) details of ground floor elevations;
  - (f) details of the ground floor office entrance(s);
  - (g) details of the flank wall(s) of the proposed new building;
  - (h) details of windows and external joinery;
  - (i) details of soffits, hand rails and balustrades;
  - (j) details of the integration of window cleaning equipment and the garaging thereof, plant, flues, fire escapes and other excrescences at roof level

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 Local Plan: DM3.2, DM10.1, DM10.5, DM12.2.

Details of the construction, planting irrigation and maintenance regime for the proposed green wall(s)/roof(s) 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 Local Plan: DM18.2, DM19.2.

- 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 works pursuant to this consent shall be carried out in accordance with the approved details:
  - (a) recording of the positions of all grave ledger stones and markers, their dismantling, secure storage and reinstatement in their original locations.
  - (b) the recording and re-siting of grave ledger stones and markers recovered within the site of All Hallows Staining Church and Churchyard

REASON: In the interests of amenity and to maintain the historic and cultural history of the site in accordance with the following policies of the Local Plan: CS12, DM12.4

- 24 Before any works thereby affected are begun, the decorative gates, gate piers and overthrow to the west end of Dunster Court, the decorative feature from the previous Livery Company Hall at first floor, south elevation shall be carefully removed prior to demolition commencing, stored for the duration of building works, reinstated and retained for the life of the building on the new development in accordance with detailed specifications and method statements including locations and fixing details which shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the works affected thereby.

  REASON: In the interest of visual amenity and to maintain the historic and cultural interest of the site in accordance with the following policy of the Local Plan: DM12.1.
- 25 Before any works thereby affected are begun, details of the marking out in the paving of the alignment and route of Star Alley, between Fenchurch Street and Mark Lane, including materials, finishes and inscription recording the route and its history shall be submitted to and approved in writing by the Local Planning Authority.

  REASON: In the interest of visual amenity and to maintain the historic and cultural interest of the site in accordance with the following policy of the Local Plan: DM12.1.
- 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 works pursuant to this consent shall be carried out in accordance with the approved details:
  - a) recording of the standing structures of the Tower and remains of All Hallows Staining Church;
  - b) details of a condition and structural survey of the Tower and remains of All Hallows Staining Church and any proposals arising from the surveys including details of cleaning, conservation, repair or consolidation work identified;
  - c) details of monitoring equipment, a monitoring regime and programme, including review of results and potential actions identified during monitoring, to be placed on the Tower and remains of All Hallows Staining Church, during the pre-demolition, demolition, temporary and permanent foundation works, construction and post-construction phases of development;
  - (d) details of temporary and permanent structural support, (including scaffolding) of the Tower and remains of All Hallows Staining Church including a programme of work, a method statement and drawings to a scale of not less than 1:20
  - e) details of a method statement for the demolition of modern structures and safeguarding of archaeological remains adjacent to the Tower and remains of All Hallows Staining Church;
  - f) details of protection measures to the Tower and remains of All Hallows Staining Church, including any protective measures to the East and South arches for the duration of the implementation of the scheme;

- g) details of protection measures to the Tower and remains of All Hallows Staining Church including any protective measures to the East and South Tower arches following completion of the development;
- (h) details of the marking out of the footprint of the Church and Churchyard of All Hallows Staining in the open space adjacent to Mark Lane and Dunster Court;
- (i) details of interpretation and display of the results of a programme of archaeological work to explain the archaeology, history and context of the site, including the Clothworkers Company, the Church, churchyard, parish and burials of All Hallows Staining, Lambe's Chapel Crypt;
- (j) details of directional signs, information panels and interpretation of the Church and Churchyard of All Hallows Staining, its history and the history of the site.

REASON: To ensure the protection of the significance and setting of the listed building and that the Local Planning Authority may be satisfied with the

detail of the proposed works and to ensure a satisfactory external appearance in accordance with the following policies of the Local Plan: CS12, DM12.4.

- 27 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 works pursuant to this consent shall be carried out in accordance with the approved details:
  - (a) recording of all areas of the standing structure of Lambe's Chapel Crypt;
  - (b) details of a condition survey of Lambe's Chapel Crypt and any proposals arising from the surveys including details of cleaning, conservation and consolidation work identified;
  - (c) details of a method statement for demolition of modern structures and safeguarding of archaeological remains adjacent to Lambe's Chapel Crypt;
  - (d) details of a method statement for dismantling Lambe's Chapel Crypt, to include recording of dismantling, protection and labelling of individual elements, secure storage and details of materials not to be reused in the reconstruction;
  - (e) details of a method statement for the reconstruction of Lambe's Chapel Crypt to include details of materials to be reused, details of materials not to be reused, particulars and samples of any new materials, mortar samples and details of materials of all upper and external surfaces of the reconstruction;
  - (f) details of basement level, materials and finishes, interpretation, all floor and wall surfaces in the new exhibition space
  - (g) details of the marking out of the footprint and 'lost bays' of Lambe's Chapel Crypt in the new exhibition space of office Basement Level 1
  - (h) details of exhibition and display cases to a scale of not less than 1:5, including location, materials and interpretation material, to include the history of Lambe's Chapel Crypt, its relocation from Monkwell Street, its associations with the Clothworker's Company, conservation

- and interpretation relating to its dismantling and relocation from the site of the Tower and remains of All Hallows Staining Church to the new exhibition space;
- (i) details of interpretation and display, to explain the archaeology, history and context of the site, including Lambe's Chapel Crypt, the Clothworkers Company, the Church, churchyard, parish and burials of All Hallows Staining, to include artefacts, and the results of a programme of archaeological work;
- (j) details of directional signs and information from the highway and public realm to the Lambe's Chapel Crypt and Exhibition space. REASON: To ensure the protection of the significance and setting of the listed building and that the Local Planning Authority may be satisfied with the
- detail of the proposed works and to ensure a satisfactory external appearance in accordance with the following policies of the Local Plan: CS12, DM12.4.
- Before any works thereby affected are begun, details of the materials, design, fixing and positioning of the railings to the north of the Tower of All Hallows Staining shall be submitted to and approved in writing by the Local Planning Authority.
  REASON: In the interest of visual amenity and to maintain the historic and cultural interest of the site in accordance with the following policy of the Local Plan: DM12.1.
- Unless otherwise approved in writing by the Local Planning Authority, before any works thereby affected are begun, details of the provision to be made in the building's design to enable the discreet installation of street lighting on the development, including details of the location of light fittings, cable runs and other necessary apparatus, shall be submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.
  - REASON: To ensure provision for street lighting is discreetly integrated into the design of the building in accordance with the following policy of the City of London Local Plan: DM10.1.
- 30 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 Local Plan: DM15.7.
- Prior to any plant being commissioned and installed in or on the building an Air Quality Report shall be submitted to and approved in writing by the Local Planning Authority. The report shall detail how the finished development will minimise emissions and exposure to air pollution during its operational phase and will comply with the City of London Air Quality Supplementary Planning Document and any

submitted and approved Air Quality Assessment. The measures detailed in the report shall thereafter be maintained in accordance with the approved report(s) for the life of the installation on the building. REASONS: In order to ensure the proposed development does not have a detrimental impact on air quality, reduces exposure to poor air quality and in accordance with the following policies: Local Plan policy DM15.6 and London Plan policy 7.14B.

- (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 window of the nearest noise sensitive premises. The background noise level shall be expressed as the lowest LA90 (10 minutes) during which plant is or may be in operation.
  - (b) 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.
  - (c) 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 Local Plan: DM15.7, DM21.3.
- The proposed office development sharing a party element with nonoffice premises shall be designed and constructed to provide
  resistance to the transmission of sound. The sound insulation shall be
  sufficient to ensure that NR40 is not exceeded in the proposed office
  premises due to noise from the neighbouring non-office premises and
  shall be permanently maintained thereafter.
  A test shall be carried out after completion but prior to occupation to
  show the criterion above have been met and the results shall submitted
  to and approved in writing by the Local Planning Authority.
  REASON: To protect the amenities of occupiers of the building in
  accordance with the following policy of the Local Plan: DM15.7.
- Prior to first occupation confirmation shall be provided that either:- all water network upgrades required to accommodate the additional flows to serve the development have been completed; or a housing and infrastructure phasing plan has been agreed with Thames Water to allow occupation. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.

  REASON: The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development

- Before any retail units are occupied 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) A signage strategy for the retail units within the development shall be submitted.
  - (b) The signage relating to the public viewing terrace and any retail units accessed from this level shall also be included within the overall strategy.

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 Local Plan: DM10.1, DM10.5, DM10.8, DM12.1, DM12.2, DM15.7.

- 36 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 are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the Local Plan DM15.8. These details are required prior to commencement in order that any changes to satisfy this condition are incorporated into the development before the design is too advanced to make changes.
- 37 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. Flues must terminate at roof level or an agreed high level location which will not give rise to nuisance to other occupiers of the building or adjacent buildings. The details approved must be implemented before the Class A use takes place.

REASON: In order to protect residential/commercial amenities in the building in accordance with the following policies of the Local Plan: DM15.6, DM15.7, DM21.3.

All unbuilt surfaces shall be treated in accordance with a landscaping scheme to be submitted to and approved in writing by the Local Planning Authority before any landscaping works are commenced. All hard and soft landscaping works shall be carried out in accordance with the approved details not later than the end of the first planting season following completion of the development. Trees and shrubs which die or are removed, uprooted or destroyed or become in the opinion of the Local Planning Authority seriously damaged or defective within 5 years of completion of the development shall be replaced with trees and shrubs of similar size and species to those originally approved, or such alternatives as may be agreed in writing by the Local Planning Authority.

REASON: In the interests of visual amenity in accordance with the following policies of the Local Plan: DM10.1, DM19.2.

- 39 Before the shell and core is complete the following details shall be submitted to and approved in writing by the Local Planning Authority in conjunction with the Lead Local Flood Authority and all development pursuant to this permission shall be carried out in accordance with the approved details:
  - (a) A Lifetime Maintenance Plan for the SuDS system to include:
  - A full description of how the system would work, it's aims and objectives and the flow control arrangements;
  - A Maintenance Inspection Checklist/Log;
  - A Maintenance Schedule of Work itemising the tasks to be undertaken, such as the frequency required and the costs incurred to maintain the system.

REASON: To improve sustainability, reduce flood risk and reduce water runoff rates in accordance with the following policy of the Local Plan: DM18.1, DM18.2 and DM18.3.

- Prior to the occupation of any part of the building, the land between the existing building lines and the face of the proposed new building shall be brought up to street level, paved and drained in accordance with details to be submitted to and approved in writing by the Local Planning Authority and shall not be fenced or otherwise enclosed or obstructed.
  - REASON: To ensure compliance with building lines and to ensure a satisfactory treatment at ground level in accordance with the following policies of the Local Plan: DM10.1, DM10.8, DM16.2.
- 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 Local Plan: CS15, DM15.1, DM15.2.
- All parts of the ventilation and extraction equipment including the odour control systems installed shall be cleaned, serviced and maintained in accordance with Section 5 of 'Control of Odour & Noise from Commercial Kitchen Extract Systems' dated September 2018 by EMAQ+ (or any subsequent updated version). A record of all such cleaning, servicing and maintenance shall be maintained and kept on site and upon request provided to the Local Planning Authority to demonstrate compliance.
  - REASON: To protect the occupiers of existing and adjoining premises and public amenity in accordance with Policies DM 10.1, DM 15.7 and DM 21.3
- The threshold of all vehicular access points shall be at the same level as the rear of the adjoining footway.

  REASON: To maintain a level passage for pedestrians in accordance with the following policies of the Local Plan: DM10.8, DM16.2.
- 44 Unless otherwise approved by the LPA no plant or telecommunications equipment shall be installed on the exterior of the building, including any plant or telecommunications equipment permitted by the Town & Country Planning (General Permitted Development) Order 2015 or in any provisions in any statutory instrument revoking and re-enacting that Order with or without modification.

  REASON: To ensure a satisfactory external appearance in accordance with the following policy of the Local Plan: DM10.1.
- The pass door shown adjacent to or near to the main entrance on the drawings hereby approved shall remain unlocked and available for use at all times when the adjacent revolving doors are unlocked. REASON: In order to ensure that people with mobility disabilities are not discriminated against and to comply with the following policy of the Local Plan: DM10.8.
- The development shall be designed to allow for the retro-fit of heat exchanger rooms to connect into a district heating network if this becomes available during the lifetime of the development.

  REASON: To minimise carbon emissions by enabling the building to be connected to a district heating and cooling network if one becomes available during the life of the building in accordance with the following policies of the Local Plan: DM15.1, DM15.2, DM15.3, DM15.3, DM15.4.
- 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 policy of the Local Plan: DM17.1.

- A clear unobstructed headroom of 5m must be maintained for the life of the buildings in the refuse skip collection area and a clear unobstructed headroom of 4.5m must be provided and maintained in all other areas (including access ways) to be used for loading and unloading.

  REASON: To ensure satisfactory servicing facilities in accordance with the following policy of the Local Plan: DM16.5.
- At all times when not being used for cleaning or maintenance the window cleaning gantries, cradles and other similar equipment shall be garaged within the enclosure(s) shown on the approved drawings.

  REASON: To ensure a satisfactory external appearance in accordance with the following policy of the Local Plan: DM10.1.
- 50 Except as may be approved in writing by the Local Planning Authority the loading and unloading areas must remain ancillary to the use of the building and shall be available at all times for that purpose for the occupiers thereof and visitors thereto.

  REASON: To ensure that satisfactory servicing is maintained in accordance with the following policy of the Local Plan: DM16.5.
- Goods, including fuel, delivered or collected by vehicles arriving at or departing from the building shall not be accepted or dispatched unless the vehicles are unloaded or loaded within the curtilage of 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 Local Plan: DM16.1, DM16.5, DM21.3.
- 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 1248 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 following policy of the Local Plan: DM16.3.
- Unless otherwise agreed in writing by the Local Planning Authority a minimum of 125 showers and 1248 lockers 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 Local Plan: DM16.4.

- The loading bay doors shall be kept shut when not in use.

  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 policy of the Local Plan: DM10.1.
- The internal floorspace at level 10 shall be retained as retail (Class A1/A3/A4) for the life of the development.

  REASON: To ensure that there is no further loss of retail in accordance with the following policies of the Local Plan: CS20 and DM20.2.
- The development shall provide:
  - 88,064 sq.m of office floorspace (Class B1);
  - 289 sq.m of retail floorspace (Class A1/A2/A3 at ground floor);
  - 550 sq.m of retail floorspace (Class A1/A3/A4 at level 10);
  - 4,789 sq.m of floorspace associated with the Clothworkers' Hall (sui generis);
  - 1,283 sq.m of publicly accessible roof garden (sui generis);
  - 430 sq.m of publicly accessible winter garden (sui generis); and
  - 214 sq.m of floorspace associated with the Lambe's Chapel Crypt (sui generis).

REASON: To ensure the development is carried out in accordance with the approved plans.

57 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: dwg nos. EPA-HIS-05-1-047 Rev P00, EPA-HIS-05-1-048 Rev P00, EPA-HIS-05-1-049 Rev P00, EPA-HIS-05-1-070 Rev P00, EPA-HIS-05-2-050 Rev P00, EPA-HIS-05-2-051 Rev P00, EPA-HIS-05-2-052 Rev P00, EPA-HIS-05-2-053 Rev P00, EPA-HIS-05-2-070 Rev P00, EPA-HIS-05-3-070 Rev P00, EPA-HIS-05-3-071 Rev P00, EPA-HIS-05-1-348 Rev P00, EPA-HIS-05-1-349 Rev P00, EPA-HIS-05-1-370 Rev P00, EPA-HIS-05-1-351 Rev P00, EPA-HIS-05-3-370 Rev P01, EPA-HIS-05-3-371 Rev P01, EPA-HIS-05-1-448 Rev P00, EPA-HIS-05-1-449 Rev P00, EPA-HIS-05-1-470 Rev P00, EPA-HIS-05-2-451 Rev P00, EPA-HIS-05-2-453 Rev P00, EPA-HIS-05-2-070 Rev P00, EPA-HIS-05-3-470 Rev P01, EPA-HIS-05-3-471 Rev P01, EPA-HIS-05-1-001 Rev P00, EPA-HIS-05-1-095 Rev P01, EPA-HIS-05-1-096 Rev P00, EPA-HIS-05-1-097 Rev P00, EPA-HIS-05-1-098 Rev P01, EPA-HIS-05-1-099 Rev P01, EPA-HIS-05-1-100 Rev P01, EPA-HIS-05-1-101 Rev P01, EPA-HIS-05-1-102 Rev P01, EPA-HIS-05-1-103 Rev P01, EPA-HIS-05-1-109 Rev P00, EPA-HIS-05-1-110 Rev P02, EPA-HIS-05-1-111 Rev P01, EPA-HIS-05-1-112 Rev P00, EPA-HIS-05-1-114 Rev P00, EPA-HIS-05-1-121 Rev P00, EPA-HIS-05-1-122 Rev P00, EPA-HIS-05-1-123 Rev P00, EPA-HIS-05-1-125 Rev P00, EPA-HIS-05-1-130 Rev P00, EPA-HIS-05-1-131 Rev P00, EPA-HIS-05-1-132 Rev P00, EPA-HIS-05-1-133 Rev P00, EPA-HIS-05-1-134 Rev P00, EPA-HIS-05-1-135 Rev P00, EPA-HIS-05-1-136 Rev P00, EPA-HIS-05-1-137 Rev P00,

EPA-HIS-05-1-200 Rev P00, EPA-HIS-05-2-100 Rev P01, EPA-HIS-05-2-101 Rev P01, EPA-HIS-05-2-102 Rev P00, EPA-HIS-05-2-103 Rev P01, EPA-HIS-05-2-110 Rev P01, EPA-HIS-05-2-113 Rev P00, EPA-HIS-05-2-120 Rev P01. EPA-HIS-05-2-121 Rev P01. EPA-HIS-05-2-122 Rev P00, EPA-HIS-05-2-123 Rev P00, EPA-HIS-05-2-200 Rev P00, EPA-HIS-05-3-100 Rev P00, EPA-HIS-05-3-101 Rev P01, EPA-HIS-05-3-110 Rev P00, EPA-HIS-05-3-111 Rev P00, EPA-HIS-05-5-110 Rev P00, EPA-HIS-05-5-113 Rev P00, EPA-HIS-05-5-130 Rev P00, EPA-HIS-05-5-131 Rev P00, EPA-HIS-05-5-132 Rev P00, EPA-HIS-05-5-140 Rev P00, EPA-HIS-05-5-141 Rev P00, EPA-HIS-05-5-142 Rev P00, EPA-HIS-05-5-011 Rev P00, EPA-HIS-05-1-301 Rev P00. EPA-HIS-05-1-298 Rev P00. EPA-HIS-05-1-200 Rev P01. EPA-HIS-05-1-311 Rev P00, EPA-HIS-05-1-401 Rev P00, EPA-HIS-05-1-399 Rev P01, EPA-HIS-05-1-437 Rev P00, EPA-HIS-05-2-200 Rev P00, EPA-HIS-05-3-410 Rev P00, and EPA-HIS-05-3-411 Rev P00.

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**

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 Local 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.

- A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.
- The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures.

https://developers.thameswater.co.uk/Developing-a-large-site/Planning-yourdevelopment/Working-near-or-diverting-our-pipes.

The Mayor of London has adopted a new charging schedule for Community Infrastructure Levy ("the Mayoral CIL charge or MCIL2") on 1st April 2019.

The Mayoral Community Levy 2 Levy is set at the following differential rates within the central activity zone:

Office £185 sq.m Retail £165 sq.m Hotel £140 sq.m All other uses £80 per sq.m

These rates are applied to "chargeable development" over 100sq.m (GIA) or developments where a new dwelling is created.

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 for all other uses.

The CIL will be recorded on the Register of Local Land Charges as a legal charge upon "chargeable development" when planning permission is granted. The Mayoral CIL will be passed to Transport for London to help fund Crossrail and Crossrail 2. The City CIL will be used to meet the infrastructure needs of the City.

Relevant persons, persons liable to pay and interested parties will be sent a "Liability Notice" that will provide full details of the charges and to whom they have been charged or apportioned. Where a liable party is not identified the owners of the land will be liable to pay the levy. 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).

Prior to commencement of a "chargeable development" the developer is required to submit a "Notice of Commencement" to the City's 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.

- Ventilation for any kitchens will need to be provided to roof level. Planning permission will be required for any ducts, vents or plant that would materially affect the external appearance of the building. It cannot be assumed that ductwork will be permitted on the exterior of the building.
- 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.

- 7 No doors, gates or windows at ground floor level shall open over the public highway.
  - REASON: In the interests of public safety
- The Department of the Built Environment (Transportation & Public Realm Division) 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. Early discussion with the Department of the Built Environment Transportation and Public Realm Division is recommended to ensure the design of the building provides for the inclusion of street lighting.
  - (c) The need for a projection licence for works involving the construction of any retaining wall, foundation, footing, balcony, cornice, canopy, string course, plinth, window sill, 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 licences do not authorise the licensee to trespass on someone else's land. In the case of projections extending above, into or below land not owned by the developer permission will also be required from the land owner. The City Surveyor must be consulted if the City of London Corporation is the land owner. Please contact the Corporate Property Officer, City Surveyor's Department.
  - (d) Bridges over highways
  - (e) Permanent Highway Stopping-Up Orders and dedication of land for highway purposes.
  - (f) Declaration, alteration and discontinuance of City and Riverside Walkways.
  - (g) The provision of City Walkway drainage facilities and maintenance arrangements thereof.
  - (h) Connections to the local sewerage and surface water system.
  - (i) Carriageway crossovers.

(j) Servicing arrangements, which must be in accordance with the City of London Corporation's guide specifying "Standard Highway and Servicing Requirements for Development in the City of London".

Committee:	Date:
Planning and Transportation	14 May 2020
Subject:	Public
Lambe's Chapel Crypt Mark Lane London EC3R 7LQ	
Dismantling, relocation and reconstruction of the Grade II listed Lambe's Chapel Crypt to basement level one including the provision of public access and associated exhibition (Sui Generis).	
Ward: Tower	For Decision
Registered No: 19/01277/LBC	Registered on: 21 January 2020
Conservation Area:	Listed Building: Grade II

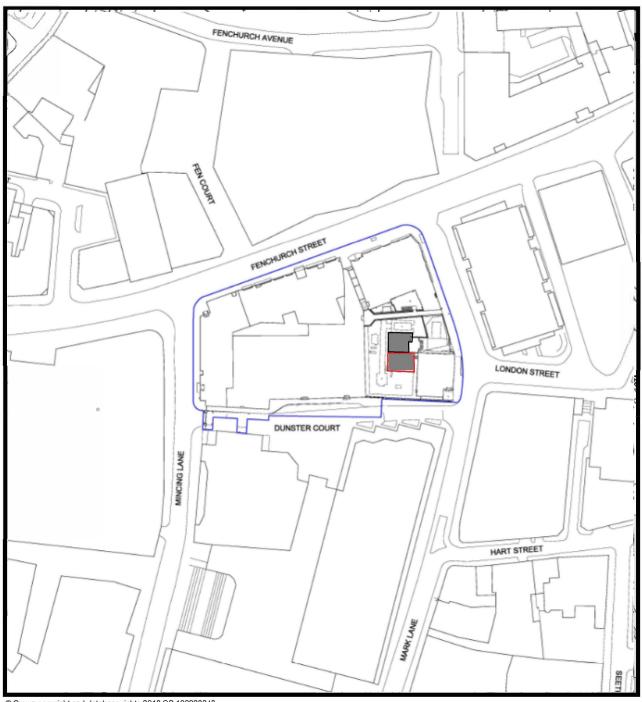
## Summary

Please refer to main report ref: 19/01307/FULEIA

## Recommendation

a) Listed building consent be granted for the works referred to above in accordance with the details set out on the attached schedule.

# **Site Location Plan**



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ADDRESS:

Lambe's Chapel Crypt, Mark Lane, London, EC3R 7LQ

CITY BOUNDARY

SITE LOCATION

LISTED BUILDINGS

CONSERVATION AREA BOUNDARY

CASE No: 19/01277/LBC



DEPARTMENT OF THE BUILT ENVIRONMENT

#### **SCHEDULE**

APPLICATION: 19/01277/LBC

## **Lambe's Chapel Crypt Mark Lane London**

Dismantling, relocation and reconstruction of the Grade II listed Lambe's Chapel Crypt to basement level one including the provision of public access and associated exhibition (Sui Generis).

### CONDITIONS

- 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.
- Geotechnical Site Investigation and archaeological recording shall be carried out in order to compile archaeological records in accordance with a timetable and scheme of such archaeological work submitted to and approved in writing by the Local Planning Authority before any commencement of archaeological evaluation work.

  REASON: To ensure that an opportunity is provided for the archaeology of the site to be considered and recorded in accordance with the following policy of the Local Plan: DM12.4.
- 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 policy of the Local Plan: DM12.4.
- 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 works pursuant to this consent shall be carried out in accordance with the approved details:
  - (a) recording of all areas of the standing structure of Lambe's Chapel Crypt;

- (b) details of a condition survey of Lambe's Chapel Crypt and any proposals arising from the surveys including details of cleaning, conservation and consolidation work identified:
- (c) details of a method statement for demolition of modern structures and safeguarding of archaeological remains adjacent to Lambe's Chapel Crypt;
- (d) details of a method statement for dismantling Lambe's Chapel Crypt, to include recording of dismantling, protection and labelling of individual elements, secure storage and details of materials not to be reused in the reconstruction:
- (e) details of a method statement for the reconstruction of Lambe's Chapel Crypt to include details of materials to be reused, details of materials not to be reused, particulars and samples of any new materials, mortar samples and details of materials of all upper and external surfaces of the reconstruction;
- (f) details of basement level, materials and finishes, interpretation, all floor and wall surfaces in the new exhibition space
- (g) details of the marking out of the footprint and 'lost bays' of Lambe's Chapel Crypt in the new exhibition space of office Basement Level 1
- (h) details of exhibition and display cases to a scale of not less than 1:5, including location, materials and interpretation material, to include the history of Lambe's Chapel Crypt, its relocation from Monkwell Street, its associations with the Clothworker's Company, conservation and interpretation relating to its dismantling and relocation from the site of the Tower and remains of All Hallows Staining Church to the new exhibition space;
- (i) details of interpretation and display, to explain the archaeology, history and context of the site, including Lambe's Chapel Crypt, the Clothworkers Company, the Church, churchyard, parish and burials of All Hallows Staining, to include artefacts, and the results of a programme of archaeological work;
- (j) details of directional signs and information from the highway and public realm to the Lambe's Chapel Crypt and Exhibition space. REASON: To ensure the protection of the significance and setting of the listed building and that the Local Planning Authority may be satisfied with the
- detail of the proposed works and to ensure a satisfactory external appearance in accordance with the following policies of the Local Plan: CS12, DM12.4.
- The works hereby permitted shall not be carried out other than in accordance with the following approved drawings and particulars or as approved under conditions of this consent: Location plan and dwg nos. EPA-HIS-05-1-048 Rev P00, EPA-HIS-05-1-049 Rev P00, EPA-HIS-05-1-070 Rev P00, EPA-HIS-05-2-051 Rev P00, EPA-HIS-05-2-053 Rev P00, EPA-HIS-05-2-070 Rev P00, EPA-HIS-05-3-070 Rev P00, EPA-HIS-05-3-071 Rev P00, EPA-HIS-05-5-1-098 Rev P00, EPA-HIS-05-5-1-200 Rev P00 and EPA-HIS-05-5-3-111 Rev P00.

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.

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Committee:	Date:
Planning and Transportation	14 May 2020
Subject:	Public
Tower of All Hallows Staining Mark Lane London EC3M 3JY	
Alterations to and conservation of the Grade I listed Tower of All Hallows Staining.	
Ward: Tower	For Decision
Registered No: 19/01283/LBC	Registered on: 21 January 2020
Conservation Area:	Listed Building: Grade I

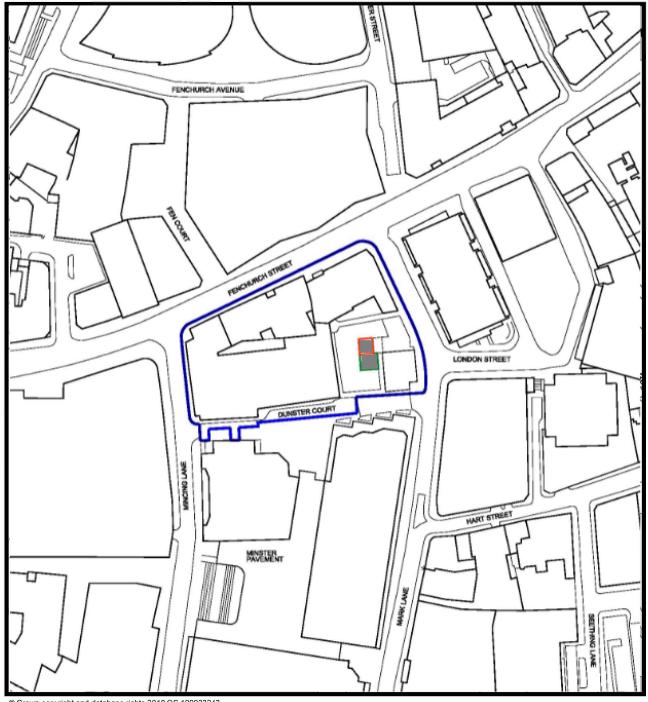
## **Summary**

Please refer to main report ref: 19/01307/FULEIA

## Recommendation

a) Listed building consent be granted for the works referred to above in accordance with the details set out on the attached schedule.

# **Site Location Plan**



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ADDRESS:

Tower of All Hallows Staining, Mark Lane, London, EC2M 3JY



**CITY BOUNDARY** 



SITE LOCATION



LISTED BUILDINGS



**CONSERVATION AREA BOUNDARY** 

CASE No: 19/01283/LBC



DEPARTMENT OF THE BUILT ENVIRONMENT

#### **SCHEDULE**

APPLICATION: 19/01283/LBC

**Tower of All Hallows Staining Mark Lane London** 

Alterations to and conservation of the Grade I listed Tower of All Hallows Staining.

#### CONDITIONS

- 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.
- Geotechnical Site Investigation and archaeological recording shall be carried out in order to compile archaeological records in accordance with a timetable and scheme of such archaeological work submitted to and approved in writing by the Local Planning Authority before any commencement of archaeological evaluation work.

  REASON: To ensure that an opportunity is provided for the archaeology of the site to be considered and recorded in accordance with the following policy of the Local Plan: DM12.4.
- 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 policy of the Local Plan: DM12.4.
- 4 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.

  REASON: To ensure the preservation of archaeological remains following archaeological investigation in accordance with the following policy of the Local Plan: DM12.4.

- 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 works pursuant to this consent shall be carried out in accordance with the approved details:
  - (a) recording of the positions of all grave ledger stones and markers, their dismantling, secure storage and reinstatement in their original locations.
  - (b) the recording and re-siting of grave ledger stones and markers recovered within the site of All Hallows Staining Church and Churchyard

REASON: In the interests of amenity and to maintain the historic and cultural history of the site in accordance with the following policies of the Local Plan: CS12, DM12.4

- 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 works pursuant to this consent shall be carried out in accordance with the approved details:
  - a) recording of the standing structures of the Tower and remains of All Hallows Staining Church;
  - b) details of a condition and structural survey of the Tower and remains of All Hallows Staining Church and any proposals arising from the surveys including details of cleaning, conservation, repair or consolidation work identified:
  - c) details of monitoring equipment, a monitoring regime and programme, including review of results and potential actions identified during monitoring, to be placed on the Tower and remains of All Hallows Staining Church, during the pre-demolition, demolition, temporary and permanent foundation works, construction and post-construction phases of development;
  - (d) details of temporary and permanent structural support, (including scaffolding) of the Tower and remains of All Hallows Staining Church including a programme of work, a method statement and drawings to a scale of not less than 1:20
  - e) details of a method statement for the demolition of modern structures and safeguarding of archaeological remains adjacent to the Tower and remains of All Hallows Staining Church;
  - f) details of protection measures to the Tower and remains of All Hallows Staining Church, including any protective measures to the East and South arches for the duration of the implementation of the scheme;
  - g) details of protection measures to the Tower and remains of All Hallows Staining Church including any protective measures to the East and South Tower arches following completion of the development;
  - (h) details of the marking out of the footprint of the Church and Churchyard of All Hallows Staining in the open space adjacent to Mark Lane and Dunster Court;
  - (i) details of interpretation and display of the results of a programme of archaeological work to explain the archaeology, history and context of the site, including the Clothworkers Company, the Church, churchyard,

parish and burials of All Hallows Staining, Lambe's Chapel Crypt;

(j) details of directional signs, information panels and interpretation of the Church and Churchyard of All Hallows Staining, its history and the history of the site.

REASON: To ensure the protection of the significance and setting of the listed building and that the Local Planning Authority may be satisfied with the

detail of the proposed works and to ensure a satisfactory external appearance in accordance with the following policies of the Local Plan: CS12, DM12.4.

The works hereby permitted shall not be carried out other than in accordance with the following approved drawings and particulars or as approved under conditions of this consent: Location plan and dwg now. EPA-HIS-05-1-448 Rev P00, EPA-HIS-05-1-449 Rev P00, EPA-HIS-05-1-470 Rev P00, EPA-HIS-05-2-451 Rev P00, EPA-HIS-05-2-453 Rev P00, EPA-HIS-05-2-070 Rev P00, EPA-HIS-05-3-470 Rev P00, EPA-HIS-05-3-471 Rev P00, EPA-HIS-05-1-401 Rev P00, EPA-HIS-05-1-399 Rev P00, EPA-HIS-05-1-437 Rev P00, EPA-HIS-05-2-200 Rev P00, EPA-HIS-05-3-410 Rev P00 and EPA-HIS-05-3-411 Rev P00.

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.

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## **Background Papers:**

### Internal

Email, City Surveyors, 6th January 2020

Memo, Air Quality Officer, 17th January 2020

Memo, Environmental Health Officer, Department of Markets and Consumer Protection, 11<sup>th</sup> February 2020

## External

Email, NATS Safeguarding, 3rd January 2020

Letter, City of Westminster, 7<sup>th</sup> January 2020

Letter, Rev'd Arani Sen, Rector St Olave's Hart Street, 13th January 2020

Letter, Georgina Graham, Archdeaconry of London, 13th January 2020

Email, Richard Bennett, 14th January 2020

Letter, Environment Agency, 16th January 2020

Letter, Natural England, 20th January 2020

Email, Heathrow, 21st January 2020

Letter, London City Airport, 22<sup>nd</sup> January 2020

Letter, Network Rail, 23rd January 2020

Letter, City Heritage Society, 27<sup>th</sup> January 2020

Letter, Historic Royal Palaces, 27th January 2020

Letter, London Borough of Southwark, 27th January 2020

Email, Thames Water, 31st January 2020

Email, Ministry of Housing, Communities, and Local Government, 4th February 2020

Letter, London Borough of Tower Hamlets, 10<sup>th</sup> February 2020

Letter, Historic England, 13<sup>th</sup> February 2020

Letter, Transport for London, 18<sup>th</sup> February 2020

Letter, Tim Orchard, The Drapers' Company, 24th February 2020

Letter, Generali, 28th February 2020

Letter, Historic England, 28th February 2020

Letter, Historic England, 28th February 2020

Letter, Nicholas Hunter Jones, Merchant Taylors' Company, 3rd March 2020 Letter,

Carpenters' Company, 6th March 2020

Letter, Mark Aspinall, The Mercers' Company, 6th March 2020

From: **NATS Safeguarding** PLN - Comments To: **NATS Safeguarding** Cc:

RE: Planning Application Consultation: 19/01307/FULEIA [SG29172] Subject:

Date: 03 January 2020 08:40:34

Attachments:



The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

However, please be aware that this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application. This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains your responsibility to ensure that all the appropriate consultees are properly consulted.

If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.

Yours Faithfully



**NATS Safeguarding** 

D: 01489 444687

E: natssafeguarding@nats.co.uk

4000 Parkway, Whiteley, Fareham, Hants PO15 7FL www.nats.co.uk









From: PLNComments@cityoflondon.gov.uk < PLNComments@cityoflondon.gov.uk >

**Sent:** 02 January 2020 15:17

To: NATS Safeguarding

Subject: Planning Application Consultation: 19/01307/FULEIA

Mimecast Attachment Protection has deemed this file to be safe, but always exercise caution when opening files.

Dear Sir/Madam

Please see attached consultation for 50 Fenchurch Street London EC3M 3JY. Reply with your comments to <a href="mailto:PLNComments@cityoflondon.gov.uk">PLNComments@cityoflondon.gov.uk</a>.

Kind Regards

Planning Administration

On behalf of

Catherine Evans
Department of the Built Environment
City of London

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Redhill, RH1 9FL



Your ref: 19/01307/FULEIA My ref: 20/00016/OBS Please reply to:
Tel No:
020 7641 2681

Email: southplanningteam@westminster.gov.uk

Catherine Evans City of London City Of London PO Box 270 Guildhall London

**Development Planning**Westminster City Council

PO Box 732 Redhill, RH1 9FL

7 January 2020

Dear Sir/Madam

EC2P 2EJ

TOWN AND COUNTRY PLANNING ACT 1990

The City Council has considered the proposals described below and has decided it DOES NOT WISH TO COMMENT ON THE PROPOSAL(S).

#### **SCHEDULE**

**Application No.:** 20/00016/OBS **Application Date:** 

**Date Received:** 02.01.2020 **Date Amended:** 02.01.2020

Plan Nos:

Address: Fenchurch Street, City Of London, London, EC3M 6DE

Proposal:

i) Demolition of 41-43 Mincing Lane, 40-54 Fenchurch Street, former church hall and the Clothworkers' Hall and its redevelopment to provide a new building comprising four levels of basement (including a basement mezzanine level), ground, mezzanine, plus part 9, 31 and 35 storeys plus plant containing offices (B1) and flexible shop/financial and professional services/cafe and restaurant uses (A1/A2/A3) at ground floor level; and flexible shop/cafe and restaurant/drinking establishment uses (A1/A3/A4) at levels 10 and 11, including winter garden (Sui Generis); ii) Reprovision of the Clothworkers' accommodation (Sui Generis) within part ground, part first, part second and part third floors and four levels of basement (including a basement mezzanine level); iii) Creation of ground level public access to level 10 roof garden and basement level 1 to Grade II Listed crypt; iv) Dismantling, relocation and reconstruction of the Lambe's Chapel Crypt to basement level 1 and associated exhibition accommodation (Sui Generis) (listed Grade II); v) Alterations to and conservation of the Grade I Listed Tower of All Hallows Staining; vi) Provision of new hard and soft

landscaping and other associated works. (The total proposed floor area of the new building is 94,336 sq.m GIA, comprising 88,064 sq.m of office floorspace, 289 sq.m of flexible retail floorspace (A1/A2/A3), 550 sq.m of flexible retail floorspace (A1/A3/A4),789sq.m of livery hall floorspace, 214sq.m of crypt floorspace and 430sq.m of winter garden floorspace). The building would rise to a maximum height of 149.6m when measured from the lowest office ground floor level, 165.1m AOD).

Yours faithfully



**Deirdra Armsby Director of Place Shaping and Town Planning** 

- Note:

  The Plain English Crystal Mark applies to those conditions, reasons and informatives in this letter which have an associated reference number with the prefix C, R, X or I.
- The terms 'you' and 'your' include anyone who owns or occupies the land or is involved with the development.
- The terms 'us' and 'we' refer to the Council as local planning authority.





## REV'D ARANI SEN RECTOR, ST OLAVE'S HART STREET

St Olave Church 8 Hart Street London EC3R 7NB

Catherine Evans
Development Division
Department of the Built Environment
City of London
Po Box 270
Guildhall
London EC2P 2EJ

Monday 13<sup>th</sup> January 2020

Dear Ms Evans

#### Ref: 19/01307/FULEIA

Thank you for the notice regarding the proposed development of the site located at 50 Fenchurch Street London EC<sub>3</sub>M <sub>3</sub>JY.

We respond to the application on behalf of the Parochial Church Council of St Olave Hart Street.

We are supportive of the planned development of the above-named site. The Clothworkers' Company have been extremely diligent in working together with the Diocese and ourselves as the Parish of St Olave Hart Street with All Hallows Staining and St Catherine Coleman to understand the impact of the proposed development on the Parish and surrounding areas. Although the existing hall will be demolished, because of the collaboration between the Parish and the Clothworkers, resources can be accessed to promote the mission of the parish. As a parish the PCC is very keen to continue and develop its strong historic relationship with the Clothworkers' Company and the Rector acting as their chaplain.

With respect to the project, we are pleased to note that consideration has been given to public access to the open spaces within the build, such as the roof garden to be situated at level 10, the historic Crypt and the Tower of All Hallows Staining, which is very much part of the heritage of this parish. As a PCC we think it is important that there are community hall facilities for people living in more deprived parts of the City and in this respect we are pleased that St Botolph-without-Aldgate community hall will be developed.

We always hope that such a project will take into account the responsibility to ensure London Living Wage is paid to all workers and that the benefits that come from this scheme are spread through all socio-economic groups.

We do not object to the development and welcome the opportunity for social enterprise and local flourishing that this project promises to deliver.

Yours sincerely

The Rev'd Arani Sen Rector Mr Graham Mundy Church Warden

LONDON EC3R 7NB
Page 142

8 Hart STREET



Catherine Evans
Development Division
Department of the Built Environment
City of London
Po Box 270
Guildhall
London EC2P 2EJ

Monday 13th January 2020

Dear Ms Evans

#### Ref: 19/01307/FULEIA

Thank you for the notice regarding the proposed development of the site located at 50 Fenchurch Street London EC3M 3JY, to which I am pleased to respond.

In principle we are supportive of the planned development of the above-named site. The Clothworkers' Company ("the Clothworkers") have been extremely diligent in working together with the Diocese and the Parish of St Olave Hart Street with All Hallows Staining and St Catherine Coleman ("St Olave's") to understand the impact of the proposed development on the Parish and surrounding areas. Although the existing hall will be demolished, because of the collaboration between the Parish and the Clothworkers, St Olave's will be able to increase its missional endeavours. Additionally, the Clothworkers have played a pivotal role in the redevelopment of the church hall located within the Parish of St Botolph-without-Aldgate with Holy Trinity Minories ("St Botolph's") which will facilitate more community space and become the nexus between the local parishes which serve the more deprived areas of the City.

With respect to the project, we are pleased to note that consideration has been given to public access to the open spaces within the build, such as the roof garden to be situated at level 10, the historic Crypt and the Tower. Recognising that the continued development of very tall buildings is sensitive, particularly as we work to preserve the protected sight-lines of St Paul's Cathedral and other historic buildings, we note that the vertical greening will assist in the reduction of urban heat and air pollution – at this critical time when climate change impacts our poorest and most vulnerable 'neighbours' most severely.

We always hope that such a project will take into account the responsibility to ensure London Living Wage is paid to all workers and that the benefits that come from this scheme are spread through all socio-economic groups.

In this case, we do not object to the development and welcome the opportunity for social enterprise and local flourishing that this project promises to deliver.

Yours sincerely



Georgina Graham Operations Manager Archdeaconry of London

The Office of the Archdeacon
The Old Deanery, Dean's Court, London EC4V 5AA

From: Richard Bennett
To: PLN - Comments
Subject: Clothworkers Hall
Date: 14 January 2020 08:20:43

I object to the demolition of Clothworkers Hall, an historical part of London to make profit for people who won't even page tax, to ruin the landscape and destroy what is good about London.

**Richard Bennett** 

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#### creating a better place



City of London Your ref: 19/01307/FULEIA

PO Box 270 Guildhall London

EC2P 2EJ Date: 16 January 2020

Dear Catherine,

i) Demolition of 41-43 Mincing Lane, 40-54 Fenchurch Street, former church hall and the Clothworkers' Hall and its redevelopment to provide a new building comprising four levels of basement (including a basement mezzanine level), ground, mezzanine, plus part 9, 31 and 35 storeys plus plant containing offices (B1) and flexible shop/financial and professional services/cafe and restaurant uses (A1/A2/A3) at ground floor level; and flexible shop/cafe and restaurant/drinking establishment uses (A1/A3/A4) at levels 10 and 11, including winter garden (Sui Generis); ii) Reprovision of the Clothworkers' accommodation (Sui Generis) within part ground, part first, part second and part third floors and four levels of basement (including a basement mezzanine level); iii) Creation of ground level public access to level 10 roof garden and basement level 1 to Grade Il Listed crypt; iv) Dismantling, relocation and reconstruction of the Lambe's Chapel Crypt to basement level 1 and associated exhibition accommodation (Sui Generis) (listed Grade II); v) Alterations to and conservation of the Grade I Listed Tower of All Hallows Staining; vi) Provision of new hard and soft landscaping and other associated works. (The total proposed floor area of the new building is 94,336sq.m GIA, comprising 88,064sq.m of office floorspace, 289sq.m of flexible retail floorspace (A1/A2/A3), 550sq.m of flexible retail floorspace (A1/A3/A4),789sq.m of livery hall floorspace, 214sq.m of crypt floorspace and 430sq.m of winter garden floorspace. The building would rise to a maximum height of 149.6m when measured from the lowest office ground floor level, 165.1m AOD.)

Site Bounded By Fenchurch Street, Mark Lane, Dunster Court And Mincing Lane. London EC3M 3JY

Thank you for consulting us on the above application. We are currently operating with a significantly reduced resource in our Groundwater and Contaminated Land Team in Hertfordshire and North London Area. This has regrettably affected our ability to respond to Local Planning Authorities for some planning consultations. We are not providing specific advice on the risks to controlled waters for this site as we need to concentrate our local resources on the highest risk proposals.



We recommend, however, that the requirements of the <u>National Planning Policy Framework</u> and <u>National Planning Policy Guidance</u> (NPPG) are still followed. This means that all risks to groundwater and surface waters from contamination need to be identified so that appropriate remedial action can be taken. This should be in addition to the risk to human health that your Environmental Health Department will be looking at.

We expect reports and Risk Assessments to be prepared in line with our <u>Groundwater Protection</u> guidance (previously covered by the GP3) and CLR11 (Model Procedures for the Management of Land Contamination).

In order to protect groundwater quality from further deterioration:

- No infiltration-based sustainable drainage systems should be constructed on land affected by contamination, as contaminants can remobilise and cause groundwater pollution.
- Piling, or any other foundation designs using penetrative methods, should not cause preferential pathways for contaminants to migrate to groundwater and cause pollution.
- Decommission of investigative boreholes to ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies, in line with paragraph 170 of the National Planning Policy Framework.

The applicant should refer to the following sources of information and advice in dealing with land affected by contamination, especially with respect to protection of the groundwater beneath the site:

- From www.gov.uk:
  - The Environment Agency's approach to groundwater protection (2017)
  - Our <u>Technical Guidance Pages</u>, which includes links to CLR11 (Model Procedures for the Management of Land Contamination) and GPLC (Environment Agency's Guiding Principles for Land Contamination) in the 'overarching documents' section
  - Use <u>MCERTS</u> accredited methods for testing contaminated soils at the site
- From the National Planning Practice Guidance:
  - Land affected by contamination
- <u>British Standards</u> when investigating potentially contaminated sites and groundwater:
  - BS 5930:2015 Code of practice for site investigations;
  - BS 10175:2011+A2:2017 Code of practice for investigation of potentially contaminated sites
  - BS ISO 5667-22:2010 Water quality. Sampling. Guidance on the design and installation of groundwater monitoring points
  - BS ISO 5667-11:2009 Water quality. Sampling. Guidance on sampling of groundwaters (A minimum of 3 groundwater monitoring boreholes are required to establish the groundwater levels, flow patterns and groundwater quality.)

All investigations of land potentially affected by contamination should be carried out by or under the direction of a suitably qualified competent person. The competent person would normally be expected to be a chartered member of an appropriate body (such as

the Institution of Civil Engineers, Geological Society of London, Royal Institution of Chartered Surveyors, Institution of Environmental Management) and also have relevant experience of investigating contaminated sites.

You may wish to consider using the <u>National Quality Mark Scheme for Land Contamination Management</u> which involves the use of competent persons to ensure that land contamination risks are appropriately managed.

Thank you again for consulting us. If you have any queries please get in touch at HNLSustainablePlaces@environment-agency.gov.uk.

Yours sincerely,

## Mr Matthew Pearce Planning Advisor

Telephone: 0207 714 0992

E-mail: <u>HNLSustainablePlaces@environment-agency.gov.uk</u>

Address: Environment Agency, 3<sup>rd</sup> Floor, 2 Marsham Street, London, SW1P 4DF

Date: 20 January 2020

Our ref: 304908

Your ref: 19/01307/FULEIA



Hornbeam House Crewe Business Park Electra Way Crewe Cheshire CW1 6GJ

T 0300 060 3900

Ms C Evans
The Department of the Built Environment
City of London
PO Box 270
Guildhall
London
EC2P 2EJ

#### BY EMAIL ONLY

PLNComments@cityoflondon.gov.uk

Dear Ms Evans,

Planning consultation: i) Demolition of 41-43 Mincing Lane, 40-54 Fenchurch Street, former church hall and the Clothworkers' Hall and its redevelopment to provide a new building comprising four levels of basement (including a basement mezzanine level), ground, mezzanine, plus part 9, 31 and 35 storeys plus plant containing offices (B1) and flexible shop/financial and professional services/cafe and restaurant uses (A1/A2/A3) at ground floor level; and flexible shop/cafe and restaurant/drinking establishment uses (A1/A3/A4) at levels 10 and 11, including winter garden (Sui Generis); ii) Reprovision of the Clothworkers' accommodation (Sui Generis) within part ground, part first, part second and part third floors and four levels of basement (including a basement mezzanine level); iii) Creation of ground level public access to level 10 roof garden and basement level 1 to Grade II Listed crypt; iv) Dismantling, relocation and reconstruction of the Lambe's Chapel Crypt to basement level 1 and associated exhibition accommodation (Sui Generis) (listed Grade II); v) Alterations to and conservation of the Grade I Listed Tower of All Hallows Staining; vi) Provision of new hard and soft landscaping and other associated works. (The total proposed floor area of the new building is 94,336sq.m GIA, comprising 88,064sq.m of office floorspace, 289sq.m of flexible retail floorspace (A1/A2/A3), 550sq.m of flexible retail floorspace (A1/A3/A4), 789sq.m of livery hall floorspace, 214sq.m of crypt floorspace and 430sq.m of winter garden floorspace. The building would rise to a maximum height of 149.6m when measured from the lowest office ground floor level, 165.1m AOD.) This application is accompanied by an Environmental Statement which is available for inspection with the planning application. Copies of a CD containing the Environmental Statement may be obtained from Gerald Eve LLP, 7 Welbeck Street, London, W1G 0AY.

Location: 50 Fenchurch Street London EC3M 3JY

Thank you for your consultation on the above, dated and received by Natural England on 02 January 2020.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

#### SUMMARY OF NATURAL ENGLAND'S ADVICE

#### **NO OBJECTION**

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Natural England's generic advice on other natural environment issues is set out at Annex A.

#### Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the data.gov.uk website.

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries regarding this letter, for new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely,

Elizabeth Ball Consultations Team

#### Annex - Generic advice on natural environment impacts and opportunities

#### **Sites of Special Scientific Interest (SSSIs)**

Local authorities have responsibilities for the conservation of SSSIs under <a href="mailto:s28G">s28G</a> of the Wildlife & Countryside Act 1981 (as amended). The National Planning Policy Framework (paragraph 175c) states that development likely to have an adverse effect on SSSIs should not normally be permitted. Natural England's SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the <a href="Matural England Open Data Geoportal">Natural England Open Data Geoportal</a>. Our initial screening indicates that one or more Impact Risk Zones have been triggered by the proposed development, indicating that impacts to SSSIs are possible and further assessment is required. You should request sufficient information from the developer to assess the impacts likely to arise and consider any mitigation measures that may be necessary.

#### **Biodiversity duty**

Your authority has a <u>duty</u> to have regard to conserving biodiversity as part of your decision making. Conserving biodiversity can also include restoration or enhancement to a population or habitat. Further information is available here.

#### **Protected Species**

Natural England has produced <u>standing advice</u><sup>1</sup> to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.

#### Local sites and priority habitats and species

You should consider the impacts of the proposed development on any local wildlife or geodiversity sites, in line with paragraphs 171 and174 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geoconservation groups or recording societies.

Priority habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. The list of priority habitats and species can be found <a href="https://example.com/here">here</a>. Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found <a href="https://example.com/here">here.</a>

#### Ancient woodland, ancient and veteran trees

You should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 175 of the NPPF. Natural England maintains the Ancient Woodland <u>Inventory</u> which can help identify ancient woodland. Natural England and the Forestry Commission have produced <u>standing advice</u> for planning authorities in relation to ancient woodland and ancient and veteran trees. It should be taken into account by planning authorities when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a SSSI or in exceptional circumstances.

<sup>&</sup>lt;sup>1</sup> https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals

<sup>&</sup>lt;sup>2</sup>http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx</sup>

#### **Protected landscapes**

For developments within or within the setting of a National Park or Area or Outstanding Natural Beauty (AONB), we advise you to apply national and local policies, together with local landscape expertise and information to determine the proposal. The National Planning Policy Framework (NPPF) (paragraph 172) provides the highest status of protection for the landscape and scenic beauty of National Parks and AONBs. It also sets out a 'major developments test' to determine whether major developments should be exceptionally be permitted within the designated landscape. We advise you to consult the relevant AONB Partnership or Conservation Board or relevant National Park landscape or other advisor who will have local knowledge and information to assist in the determination of the proposal. The statutory management plan and any local landscape character assessments may also provide valuable information.

Public bodies have a duty to have regard to the statutory purposes of designation in carrying out their functions (under (section 11 A(2) of the National Parks and Access to the Countryside Act 1949 (as amended) for National Parks and S85 of the Countryside and Rights of Way Act, 2000 for AONBs). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

Heritage Coasts are protected under paragraph 173 of the NPPF. Development should be consistent the special character of Heritage Coasts and the importance of its conservation.

#### Landscape

Paragraph 170 of the NPPF highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland or dry stone walls) could be incorporated into the development in order to respect and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape & Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the <a href="Landscape Institute">Landscape Institute</a> Guidelines for Landscape and Visual Impact Assessment for further guidance.

#### Best and most versatile agricultural land and soils

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 170 and 171). This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Further information is contained in <u>GOV.UK guidance</u>. Agricultural Land Classification information is available on the <u>Magic</u> website on the <u>Data.Gov.uk</u> website. If you consider the proposal has significant implications for further loss of 'best and most versatile' agricultural land, we would be pleased to discuss the matter further.

Guidance on soil protection is available in the Defra <u>Construction Code of Practice for the Sustainable Use of Soils on Construction Sites</u>, and we recommend its use in the design and construction of development, including any planning conditions. Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

#### **Access and Recreation**

Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways should be considered. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be delivered where appropriate.

#### Rights of Way, Access land, Coastal access and National Trails

Paragraphs 98 and 170 of the NPPF highlights the important of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way, coastal access routes and coastal margin in the vicinity of the development and the scope to mitigate any adverse impacts. Consideration should also be given to the potential impacts on any nearby National Trails, including the England Coast Path. The National Trails website <a href="www.nationaltrail.co.uk">www.nationaltrail.co.uk</a> provides information including contact details for the National Trail Officer.

#### **Environmental enhancement**

Development provides opportunities to secure net gains for biodiversity and wider environmental gains, as outlined in the NPPF (paragraphs 8, 72, 102, 118, 170, 171, 174 and 175). We advise you to follow the mitigation hierarchy as set out in paragraph 175 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where onsite measures are not possible, you should consider off site measures. Opportunities for enhancement might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Designing lighting to encourage wildlife.
- Adding a green roof to new buildings.

You could also consider how the proposed development can contribute to the wider environment and help implement elements of any Landscape, Green Infrastructure or Biodiversity Strategy in place in your area. For example:

- Links to existing greenspace and/or opportunities to enhance and improve access.
- Identifying opportunities for new greenspace and managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips)
- Planting additional street trees.
- Identifying any improvements to the existing public right of way network or using the opportunity of new development to extend the network to create missing links.
  - Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition or clearing away an eyesore).

From: Connor Gladwin < Connor.Gladwin@heathrow.com > on behalf of DD - Airport

Safeguarding/BAA <safeguarding@heathrow.com>

**Sent:** 21 January 2020 16:21 **To:** PLN - Comments

**Subject:** RE: Planning Application Consultation: 19/01307/FULEIA

#### Good Afternoon

We have now assessed the above application against safeguarding criteria and can confirm that we have no safeguarding objections to the proposed development.

Kind regards,

#### **Connor Gladwin**

Aerodrome Compliance Support Manager Airside Safety & Assurance Airside Operations



Airside Operations Facility, Building 16887 Heathrow Airport Hounslow, Middlesex, TW6 2GW

m: 07834623372 I e: connor.gladwin@heathrow.com

w: <u>heathrow.com</u> t: <u>twitter.com/heathrowairport</u> I a: <u>heathrow.com/apps</u> i: <u>instagram.com/heathrow\_airport</u> I I: <u>linkedin.com/company/heathrow-airport</u>

#### ----Original Message-----

From: PLNComments@cityoflondon.gov.uk < PLNComments@cityoflondon.gov.uk >

Sent: 02 January 2020 15:17

To: DD - Airport Safeguarding/BAA <safeguarding@heathrow.com> Subject: Planning Application Consultation: 19/01307/FULEIA

Caution: external email. Unless you recognise the sender and know the content is safe, do not click links or open attachments.

#### Dear Sir/Madam

Please see attached consultation for 50 Fenchurch Street London EC3M 3JY . Reply with your comments to PLNComments@cityoflondon.gov.uk.

Kind Regards

**Planning Administration** 

On behalf of

Catherine Evans

Department of the Built Environment
City of London



LPA Ref: 19/01307/FULEIA

London City Airport Ref: 2020/LCY/001

Date: 22/01/2020

Dear Catherine Evans,

#### **RE: 19/01307/FULEIA**

Thank you for consulting London City Airport. This proposal has been assessed from an aerodrome safeguarding perspective. Accordingly, it was found not to conflict with London City Airport's current safeguarding criteria.

LPA	Refe	rence
Prop	osal	

#### 19/01307/FULEIA

Demolition of 41-43 Mincing Lane, 40-54 Fenchurch Street, former church hall and the Clothworkers' Hall and its redevelopment to provide a new building comprising four levels of basement (including a basement mezzanine level), ground, mezzanine, plus part 9, 31 and 35 storeys plus plant containing offices (B1) and flexible shop/financial and professional services/cafe and restaurant uses (A1/A2/A3) at ground floor level; and flexible shop/cafe and restaurant/drinking establishment uses (A1/A3/A4) at levels 10 and 11, including winter garden (Sui Generis); ii) Reprovision of the Clothworkers' accommodation (Sui Generis) within part ground, part first, part second and part third floors and four levels of basement (including a basement mezzanine level); iii) Creation of ground level public access to level 10 roof garden and basement level 1 to Grade II Listed crypt; iv) Dismantling, relocation and

	reconstruction of the Lambe's Chapel Crypt to basement level 1 and associated exhibition accommodation (Sui Generis) (listed Grade II); v) Alterations to and conservation of the Grade I Listed Tower of All Hallows Staining; vi) Provision of new hard and soft landscaping and other associated works.
Location	50 Fenchurch Street London EC3M 3JY
Borough	City of London
Case Officer	Catherine Evans
Absolute maximum height (mAOD)	165m AOD

London City Airport suggests the following condition/s are added to this application. London City Airport's response must change to an objection unless these conditions are applied to this planning permission:

#### 1. Cranes:

No cranes or scaffolding shall be erected on the site unless and until construction methodology and diagrams clearly presenting the location, maximum operating height, radius and start/finish dates for the use of cranes and if it is deemed necessary these are assessed against LCY's Instrument Flight procedures (IFPs) by a CAA approved procedure designer. These then has to be submitted to the Local Planning Authority for approval in writing having consulted with London City Airport.

Reason: The use of cranes or tall equipment in this area has the potential to impact LCY operations, therefore they must be assessed before construction.

#### 2. Landscaping and bird hazard management

No Construction Works in respect of any Building shall be carried out unless and until a detailed scheme for green and/or brown roofs and associated aggressive bird management strategy has been submitted to and approved by the Local Planning Authority, the Local Planning Authority having consulted London City Airport. All green and/or brown roofs should be designed to make them unattractive to birds so as not to have an adverse effect on the safety of operations at London City Airport by encouraging bird roosting and creating sources of food for birds, and thereby presenting a bird strike threat to aircraft operating at the Airport.

Reason: This site's location is within London City Airport's area of concern with respect to bird strikes. Details provided have given insufficient certainty that there will be no elevated risk to aircraft through birdstrike.

#### 3. Photovoltaic panels:

No photovoltaic panels shall be sited on any Building or structure within the Development unless and until the full details of the proposed location and manufacturers specification(s), for each complete installation has been submitted to and approved by Local Planning Authority, the Local Planning Authority having consulted London City Airport.

#### 4. RADAR assessment:

Construction shall not commence until an assessment has been carried out on the impact of this development on the RADAR coverage. This needs to be authorised by the Local Planning Authority having consulted with London City Airport and NATS En Route Limited.

#### 5. Lighting condition:

No Building shall be Occupied unless and until full details of any proposed external lighting (the External Lighting Scheme) for the relevant Building has been submitted to and approved by the Local Planning Authority, the Local Planning Authority having consulted London City Airport. Each External Lighting Scheme shall include details of the appearance and technical details/specifications, intensity, orientation and screening of lamps, siting and the timing of installation and each External Lighting Scheme is to be constructed and / or installed prior to Occupation of the relevant Building and shall be retained and maintained for so long as the Building shall exist.

#### 6. Antenna and plant condition:

No satellite antenna, apparatus or plant of any sort (including structures or plant in connection with the use of telecommunication systems or any electronic communications apparatus) shall be erected on the roof of any Buildings unless and until details of their size and location have previously been submitted to and approved by the Local Planning Authority in consultation with London City Airport.

Where a Local Planning Authority proposes to grant permission against the advice of London City Airport Limited, or not to attach conditions which London City Airport Limited has advised, it shall notify London City Airport Limited, and the Civil Aviation Authority as specified in the Town & Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosive Storage Areas) Direction 2002.

This response represents the view of London City Airport Ltd as of the date of this letter and applies solely to the above stated application. This letter does not provide any indication of the position of any other party, whether they are an airport, airspace user or otherwise. It remains your responsibility to ensure that all the appropriate consultees are properly consulted.

If any changes are proposed to the information supplied to London City Airport in regard to this application which become the basis of a revised, amended or further application for approval,

then as a statutory consultee London City Airport Ltd requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.

If you need guidance, templates, documents or have any queries please contact: safeguarding@londoncityairport.com

Kind regards,

Szilvia Turcsik Technical Operations Coordinator



Nicholas Donoghue

1 Eversholt Street,

London,

NW1 2DN

Nicholas.Donoghue@networkrail.co.uk

23<sup>rd</sup> January 2020

City of London,

PO Box 270,

Guildhall, London

EC2P 2EJ

Network Rail Consultation Response – Planning Application 19/01307/FULEIA

Dear Sir/Madam,

I am writing to provide you with Network Rail's formal comments in relation to the planning application 19/01307/FULEIA.

The proposed part 9, 31 and 35 storeys office mixed-use development is located within close proximity to Fenchurch Railway Station. As stated within the Transport Statement, the proposed development will generate 1394 rail trips both in the AM and PM peak travel time.

Given the large number of trips expected, Network Rail's Station Capacity team are currently carrying out a full assessment of the development and its potential impact on the operational usage of the station. This will enable Network Rail to identify if any mitigation would be required.

Network Rail will keep the council updated on the outcome of this assessment. In the mean time if the council or applicant have any question in the relation to this letter, please do not hesitate to contact me.

Kind Regards,

### Nicholas Donoghue

Town Planning Technician | Property
Network Rail

1 Eversholt St | London | NW1 2DN

M 07732 639934

E Nicholas.Donoghue@networkrail.co.uk

E Nicholas.Donoghue@networkrail.co.u www.networkrail.co.uk/property



## City Heritage Society

Please reply to: -

35 Eagle Court, Hermon Hill, London E11 1PD Tel.

27 01 2020

City of London, Department of Planning & Transportation, The Guildhall, London EC2 P2EJ

Dear Sirs,

### Site Bounded by Fenchurch Street, Mark Lane, Dunster Court, & Mincing Lane London EC3M 3JV

Having examined the proposed plans and visited the site we conclude that the buildings to be demolished are not of architectural or historic value though it is hoped that some of the sculptural elements of the present Clothworkers Hall, such as the coat of arms, might be rescued and incorporated into either the new Hall or located in the revamped public space.

It seems that the crypt has already been relocated in the past so we can see no reason to object to its being moved again.

We commend the opening up to views from Fenchurch St of the mediaeval church tower and its improved setting and public access. We also commend the clarity of the design the new building in making the Clothworkers' Hall element so distinctive and the lower floors being treated as a podium to the tower which we feel reduces the impact of the proposed tall building on Fenchurch Street.

Yours faithfully

Peter Luscombe

[CHS Chairman]

27 January 2020

Director of the Built Environment Development Division City of London PO Box 270 Guildhall London EC2P 2EJ

For the attention of Catherine Evans, Case Officer



Historic Royal Palaces is the charity that looks after:

Tower of London
Hampton Court Palace
Banqueting House
Kensington Palace
Kew Palace
Hillsborough Castle

We help everyone explore the story of how monarchs and people have shaped society, in some of the greatest palaces ever built.

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By email to: PLNcomments@cityoflondon.gov.uk

Dear Madam

# 50 Fenchurch Street, London EC3M 3JY - Redevelopment Planning Application Ref: 19/01307/FULEIA

Thank you for your letter of 02 January 2020 notifying Historic Royal Palaces of the City's receipt of this planning application from the Clothworkers' Company relating to the redevelopment of their Clothworkers' Hall site.

Historic Royal Palaces was unaware that development proposals were being drawn up during 2019 and discussed with officers from the City and Historic England until we were invited by the Clothworkers' Company to a presentation about the proposals in November of last year: it then became apparent that the scheme was already at an advanced stage. We were told that a public consultation exercise was about to be launched and that a formal planning application would follow shortly afterwards. Historic Royal Palaces subsequently wrote to the Clothworkers' Company on 06 December 2019, setting out our pre-application response to the proposed development. The letter was copied to the City Corporation and to Historic England, but a further copy is attached, for ease of reference.

As guardians of the Tower of London World Heritage Site (WHS), Historic Royal Palaces considers that the development as proposed would have a damaging effect on aspects of the 'Outstanding Universal Value' of the Tower WHS. We summarise below our key concerns about and objections to the proposal as set out in greater detail in our pre-application response.

Location – the proposed development is a 'tall building' in terms of City planning policy (being over 70m AOD) and comparable in height to 20 Fenchurch Street, but it is located *outside* the identified City Cluster area of tall buildings, both as existing in the adopted City Local Plan 2015 and as revised in the Draft City Plan 2036. The application site is located on the south-eastern side of the City Cluster, at the point where its boundary is closest to the Tower of London WHS and it

would encroach into the remaining relatively-open space separating the Tower from the eastern side of the Cluster. Historic Royal Palaces considers that it is vitally important for this space to remain free of tall buildings, which could have a highly damaging effect on the setting of the WHS and puts its World Heritage inscription at risk.

Proximity - the proposed development would be very close to the Tower WHS and its visual dominance of approaches to, and views from within, the Tower, particularly from the main entrance and the publiclyaccessible Wall Walks, would be greatly exacerbated by the proximity of the proposed building. The photographic images included in the visual impact study by MillerHare submitted with the application, although of course technically accurate, are two-dimensional. The human eye sees three-dimensionally and focuses first on, and is drawn to, what is nearest. The outward views experienced by the 3 millionplus visitors who enter and walk around the Tower every year, in addition to the millions who enjoy the public space around the Tower without entering it, would thus, in Historic Royal Palaces' opinion, be detrimentally affected by the closeness of the proposed building, which would dominate many outward views. The impact will be even greater in winter when the trees shown in the views are not in leaf and the lights are on.

Scale – whilst the tall, bulky development proposed would appear against the 'silhouette' of existing and consented buildings in the Cluster in the London View Management Framework (LVMF) views 25A. 1-3 from the Queen's Walk and 10A.1 from Tower Bridge, it would be highly intrusive in many local views from the Tower because of its height and size. In particular, in sequential views eastwards along the North Wall Walks, the proposed building would move south-westwards into the important open sky-space between 20 Fenchurch Street and the City Cluster, appearing to link the two.

Given the very significant concerns we set out in our letter of 06 December 2019 to the Clothworkers' Company and have summarised above, Historic Royal Palaces would urge the City to refuse the application in its present form and to ask the applicant to reconsider both the quantum and height of the proposed development, in order to mitigate the harmful visual impact we believe the current scheme would have on the Tower itself and on the setting of the Tower of London WHS and its Outstanding Universal Value.

I am copying this letter to Duncan Wilson, Chief Executive, Historic England and Tom Foxall, Head of Region, London and South-East, Historic England, for their information.

Yours faithfully

Adrian Phillips
Palaces & Collections Director

020 3166 6380 adrian.phillips@hrp.org.uk

Copy: Duncan Wilson, Historic England

Tom Foxall, Historic England

6 December 2019

Clothworkers' Hall **Dunster Court** Mincing Lane London EC3R 7AH

FAO: Jocelyn Stuart-Grumbar



Historic Royal Palaces is the charity that looks after:

Tower of London **Hampton Court Palace Banqueting House Kensington Palace Kew Palace** Hillsborough Castle

We help everyone explore the story of how monarchs and people have shaped society, in some of the greatest palaces ever built.

We raise all our own funds and depend on the support of our visitors, members, donors, sponsors and volunteers.

Dear Jocelyn

#### Proposed Development at 50 Fenchurch Street, London

Thank you for arranging for us to be sent a comprehensive package of information about the development you are proposing at 50 Fenchurch Street, following the presentation of the scheme to us last month at the Clothworkers' Hall.

As you will know, Historic Royal Palaces is an independent charity charged with the upkeep and protection of the Tower of London World Heritage Site (WHS) and a key aspect of our role is seeking to ensure that new development within the setting of the WHS does not have a damaging effect on its 'Outstanding Universal Value' (OUV). In the wider context, the conservation of London's heritage is so important of course to the city and to the values of one of the world's most historic and attractive cities, which we are sure you will be mindful of.

Our principal concern regarding the development at 50 Fenchurch Street is the potential visual impact the proposal might have on the Tower itself and the north-eastern setting of the WHS.

The detailed information provided, particularly the accurate visual representations (AVRs) prepared by MillerHare, has been helpful in enabling us to make a considered assessment of the scheme. We recognise the carefully considered approach to, and quality of, the design of the proposed building by Eric Parry Architects and the various public benefits that the development would offer: unfortunately, these do not serve to mitigate the considerable concerns that Historic Royal Palaces has about the scheme. These relate to the location of the development outside the City Cluster of tall buildings; its proximity to the Tower of London WHS; and its very significant scale, both height and bulk.

#### Location

At a height of 165.5m AOD, the proposed development falls within the City's definition of a 'tall building' (anything of 70m AOD or more). 50 Fenchurch Street is not, however, located within the City Cluster policy area, either as it is currently defined in the adopted City Local Plan 2015, or as revised in the Draft City Plan 2036. The development site lies outside



the south-eastern boundary of the Cluster area, which runs along Fenchurch Street: it would thus stand in the 'neutral' zone between the Tower of London and the existing and consented tall buildings in Cluster.

The development would, in Historic Royal Palaces' view, therefore set a further damaging precedent for the ongoing increase of the Cluster area and its continuing encroachment into the vital remaining space separating it visually from the WHS. The proposed new tall building would be comparable in height to 20 Fenchurch Street (the Walkie Talkie), which was granted planning consent at a called-in inquiry and was originally regarded by the City as an 'outlier', separate from the Cluster. Historic Royal Palaces was repeatedly assured that the space between the two would not be infilled. However, the Draft City Plan 2036 shows the boundary of the Cluster area extended to include 20 Fenchurch Street (which we have objected to in our consultation response), opening up the possibility, in principle at least, of the two being joined by a line of further tall buildings. If the proposed development at 50 Fenchurch Street were to be permitted, how soon would the boundary of the Cluster area be revised again to include it, allowing very tall buildings to creep eastwards, ever closer to the Tower of London WHS?

#### Proximity

The proposed development at 50 Fenchurch Street would be extremely close to the Tower of London WHS. MillerHare's visual impact study shows that, in the London View Management Framework Views 25A.1-3 (from the Queen's Walk on the South Bank) and 10A.1 (from Tower Bridge, North Bastion), the proposed development would be seen against and, to an extent, appear to blend into, the tall buildings of the Cluster, as existing and consented. In the local views from within the WHS and the Tower itself, which have helpfully been provided, the picture is very different.

The viewpoints for these local views are identified in the *Tower of London Local Setting Study* 2010. This study, commissioned by Historic Royal Palaces on behalf of the Tower WHS Consultative Committee, was prepared to meet an objective identified in the Tower of London WHS Management Plan (2008), '...to act in partnership with statutory authorities and others as appropriate to preserve and enhance the local setting of the WHS'. The Management Plan itself is, of course, a material consideration in the determination of applications affecting the WHS and its setting. The Study provides a detailed assessment of the Tower's local setting, identifies key views of and from the Tower and suggests management guidelines for the local setting. The Study has been commended by UNESCO's World Heritage Committee as an exemplar of its type and the relevant local planning authorities' local plans refer to it as guidance which developers should take into account when considering proposals likely to affect the setting of the WHS.

In these important local views, which will be experienced by the Tower's 3m annual paying visitors, plus the millions more that enjoy the Tower environs, the proposed new building at 50 Fenchurch Street would appear intrusively close, especially in MillerHare's views 12 and 13, from the northern Wall Walk and 14, from the Byward Tower entrance. These visual representations, although technically accurate, nevertheless present a 'flat' photographic image, whereas, in reality, the human eye would be immediately drawn to and focus on what is nearest. In these views, the City Cluster buildings, standing behind 50 Fenchurch Street, would appear

more distant: the proposed development, because of its proximity and scale, would give the impression of being almost adjacent to the Tower, looming over it. The visual impact study views also show trees in full leaf and these have a softening and screening effect, especially in views 10 (from the Inner Ward, looking over the chapel of St Peter ad Vincula) and 16 (from the Inner Ward, south of the White Tower, looking north-west). The over-bearing effect of the proposed development would be intensified for at least six months of the year, when the trees are without leaves.

#### Scale

In Historic Royal Palaces' view, the significant height and bulk of the proposed tall building contributes to its visual intrusiveness in views from the Tower. This is evident in all the MillerHare local views, but particularly in views 12 and 13 (from the northern Wall Walks of the Tower), where, due to the angle of the views, the proposed development would appear in the sky space between the west side of the Cluster and 20 Fenchurch Street. This effect is evident also in views 10 and 16. In all of these views, the articulation of the building as two conjoined blocks does little to disguise its overall bulk and the placing of the taller element on the western side unfortunately appears to extend the western 'shoulder' of the City Cluster towards 20 Fenchurch Street,

In conclusion, given the very significant concerns we have set out above, Historic Royal Palaces would ask your Company as a matter of urgency to reconsider both the quantum of development proposed on this site and the current articulation of the tall commercial element in order to mitigate the harmful visual impact we believe the current scheme would have on the setting of the Tower of London WHS and therefore on its Outstanding Universal Value.

I am copying this letter to Annie Hampson, Chief Planning Officer and Development Director at the City Corporation, Duncan Wilson, Chief Executive, Historic England and Mike Dunn, Principal Inspector for Historic Buildings and Areas in London, Historic England, for their information.

Yours sincerely

Adrian Phillips

Palaces & Collections Director

Copy: Annie Hampson, City of London Corporation

Duncan Wilson, Historic England Michael Dunn, Historic England

#### FORMAL COMMENTS TO ADJOINING BOROUGH

LBS Registered Number: 20/OB/0001

Date of issue of this decision: 27/01/2020



www.southwark.gov.uk

Your Ref No.:

Applicant Catherine Evans

City of London

#### NO COMMENTS made in reference to your consultation on the following development:

Request for observations from City of London for i) Demolition of 41-43 Mincing Lane, 40-54 Fenchurch Street, former church hall and the Clothworkers' Hall and its redevelopment to provide a new building comprising four levels of basement (including a basement mezzanine level), ground, mezzanine, plus part 9, 31 and 35 storeys plus plant containing offices (B1) and flexible shop/financial and professional services/cafe and restaurant uses (A1/A2/A3) at ground floor level; and flexible shop/cafe and restaurant/drinking establishment uses (A1/A3/A4) at levels 10 and 11, including winter garden (Sui Generis); ii) Reprovision of the Clothworkers' accommodation (Sui Generis) within part ground, part first, part second and part third floors and four levels of basement

(including a basement mezzanine level); iii) Creation of ground level public access to level 10 roof garden and basement level 1 to Grade II Listed crypt; iv) Dismantling, relocation and reconstruction of the Lambe's Chapel Crypt to basement level 1 and associated exhibition

accommodation (Sui Generis) (listed Grade II); v) Alterations to and conservation of the Grade I Listed Tower of All Hallows Staining; vi) Provision of new hard and soft landscaping and other associated works.

At 50 Fenchurch Street London EC3M 3JY

In accordance with your letter received on 3 January 2020 and supporting documents.

Signed: Simon Bevan Director of Planning

Site address: 50 Fenchurch Street London EC3M 3JY

Reference: 20/OB/0001

.

From: <u>Contact Centre</u>

To: Pln - CC - Development Dc

Subject: FW: PLN FW: 19/01307/FULEIA - SITE BOUNDED BY, FENCHURCH STREET, LONDON, EC3M 3JY

COL:05095190

**Date:** 03 February 2020 10:36:53

Attachments: image001.png

image002.png

From: Devcon Team <devcon.team@thameswater.co.uk>

**Sent:** 31 January 2020 15:55

To: Planning Queue <PlanningQueue@cityoflondon.gov.uk>

**Subject:** 19/01307/FULEIA - SITE BOUNDED BY, FENCHURCH STREET, LONDON, EC3M 3JY Corporation of London Department of Planning & Transportation PO Box 270 Guildhall London

EC2P 2EJ

31 January 2020

Our DTS Ref: 62994 Your Ref: 19/01307/FULEIA

Dear Sir/Madam

Re: SITE BOUNDED BY, FENCHURCH STREET, LONDON, EC3M 3JY

#### **Waste Comments**

Thames Water would advise that with regard to the COMBINED WASTE WATER network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

The proposed development is located within 15 metres of a strategic sewer. Thames Water requests the following condition to be added to any planning permission. "No 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 significantly impact / cause failure of local underground sewerage utility infrastructure. Please read our guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures.https://developers.thameswater.co.uk/Developing-a-large-site/Planning-yourdevelopment/Working-near-or-diverting-our-pipes. Should you require further information please contact Thames Water. Email: <a href="mailto:developer.services@thameswater.co.uk">developer.services@thameswater.co.uk</a> Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB

As you are redeveloping a site, there may be public sewers crossing or close to your development. If you discover a sewer, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. https://developers.thameswater.co.uk/Developing-a-large-

#### site/Planning-your-development/Working-near-or-diverting-our-pipes.

We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing <a href="www.thameswater.co.uk">www.thameswater.co.uk</a>. Application forms should be completed on line via <a href="www.thameswater.co.uk">www.thameswater.co.uk</a>. Please refer to the Wholsesale; Business customers; Groundwater discharges section.

#### **Water Comments**

Following initial investigations, Thames Water has identified an inability of the existing water network infrastructure to accommodate the needs of this development proposal. Thames Water have contacted the developer in an attempt to agree a position on water networks but have been unable to do so in the time available and as such Thames Water request that the following condition be added to any planning permission. No properties shall be occupied until confirmation has been provided that either:- all water network upgrades required to accommodate the additional flows to serve the development have been completed; or - a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan. Reason - The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development" The developer can request information to support the discharge of this condition by visiting the Thames Water website at thameswater.co.uk/preplanning. Should the Local Planning Authority consider the above recommendation inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Planning Department (telephone 0203 577 9998) prior to the planning application approval. The proposed development is located within 5m of a strategic water main. Thames Water do NOT permit the building over or construction within 5m, of strategic water mains. Thames Water request that the following condition be added to any planning permission. No construction shall take place within 5m of the water main. Information detailing how the developer intends to divert the asset / align the development, so as to prevent the potential for damage to subsurface potable water infrastructure, must be submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any construction must be undertaken in accordance with the terms of the approved information. Unrestricted access must be available at all times for the maintenance and repair of the asset during and after the construction works. Reason: The proposed works will be in close proximity to underground strategic water main, utility infrastructure. The works has the potential to impact on local underground water utility infrastructure. Please read our guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near

our pipes or other structures. https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes Should you require further information please contact Thames Water. Email:

developer.services@thameswater.co.uk.

The proposed development is located within 15m of a strategic water main. Thames Water request that the following condition be added to any planning permission. No 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 water 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 water utility infrastructure. Piling has the potential to impact on local underground water utility infrastructure. Please read our guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures.

https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes. Should you require further information please contact Thames Water. Email:developer.services@thameswater.co.uk

There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes

The proposed development is located within 15m of our underground water assets and as such we would like the following informative attached to any approval granted. The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <a href="https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes">https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes</a>. Should you require further information please contact Thames Water. Email: <a href="mailto:developer.services@thameswater.co.uk">developer.services@thameswater.co.uk</a> Yours faithfully,

**Development Planning** 

Landline 020 3577 9998

devcon.team@thameswater.co.uk

Maple Lodge STW, Denham Way, Rickmansworth, WD3 9SQ

Find us online at developers.thameswater.co.uk



Visit us online <a href="www.thameswater.co.uk">www.thameswater.co.uk</a>, follow us on twitter <a href="www.twitter.com/thameswater">www.twitter.com/thameswater</a> or find us on <a href="www.facebook.com/thameswater">www.facebook.com/thameswater</a>. We're happy to help you 24/7.

From: Marc Bernstein < Marc.Bernstein@communities.gov.uk>

Sent: 04 February 2020 14:44

To: PLN - Comments

**Subject:** RE: Planning Application EIA Notification: 19/01307/FULEIA

Dear Ms Evans

I acknowledge receipt of the environmental statement relating to the above proposal.

I confirm that we have no comments to make on the environmental statement.

Regards,

#### Marc Bernstein

Corporate & Casework Team Support Officer Planning Casework Unit (PCU) SE Quarter, Third Floor, Fry Building, 2 Marsham Street, London SW1P 4DF marc.bernstein@communities.gov.uk T: 0303 44 41325

----Original Message-----

From: PLNComments@cityoflondon.gov.uk < PLNComments@cityoflondon.gov.uk >

Sent: 03 January 2020 14:06

To: PCU < PCU@communities.gov.uk >

Subject: Planning Application EIA Notification: 19/01307/FULEIA

Dear Sir/Madam

Please see attached notification for 50 Fenchurch Street London EC3M 3JY .

Please send any response to PLNComments@cityoflondon.gov.uk.

Kind Regards

**Planning Administration** 

On behalf of

Catherine Evans

Department of the Built Environment

City of London

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https://gbr01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.cityoflondon.gov.uk&data=01%7C01%7C%7Cda4b760431b5424ceefa08d7a980b9e1%7C9fe658cdb3cd405685193222ffa96be8%7C1&sdata=6iS06P77ysqKmt%2BqpirlooDbVNsr9sCu2fojU5vbi4k%3D&reserved=0



**Director of the Built Environment** 

Development Division City of London PO Box 270 Guildhall London EC2P 2EJ **Place Directorate** 

London Borough of Tower Hamlets 2nd Floor, Town Hall Mulberry Place 5 Clove Crescent London E14 2BG www.towerhamlets.gov.uk

Contact: Adam Garcia

**Tel:** 020 7364 3026

**Email:** adam.garcia@towerhamlets.gov.uk

#### **SENT BY EMAIL**

10 February 2020

Dear Ms Evans

City of London Ref: 19/01307/FULEIA

Tower Hamlets Ref: PA/20/00015

Address: 50 Fenchurch Street, London, EC3M 3JY

Proposal: Observation requested by City of London request for i) Demolition of 41-43 Mincing Lane, 40-54 Fenchurch Street, former church hall and the Clothworkers' Hall and its redevelopment to provide a new building comprising four levels of basement (including a basement mezzanine level), ground, mezzanine, plus part 9, 31 and 35 storeys plus plant containing offices (B1) and flexible shop/financial and professional services/cafe and restaurant uses (A1/A2/A3) at ground floor level; and flexible shop/cafe and restaurant/drinking establishment uses (A1/A3/A4) at levels 10 and 11, including winter garden (Sui Generis); ii) Reprovision of the Clothworkers' accommodation (Sui Generis) within part ground, part first, part second and part third floors and four levels of basement (including a basement mezzanine level); iii) Creation of ground level public access to level 10 roof garden and basement level 1 to Grade II Listed crypt; iv) Dismantling, relocation and reconstruction of the Lambe's Chapel Crypt to basement level 1 and associated exhibition accommodation (Sui Generis) (listed Grade II); v) Alterations to and conservation of the Grade I Listed Tower of All Hallows Staining; vi) Provision of new hard and soft landscaping and other associated works.

(The total proposed floor area of the new building is 94,336 sq.m GIA, comprising 88,064 sq.m of office floorspace , 289 sq.m of flexible retail floorspace (A1/A2/A3), 550 sq.m of flexible retail floorspace (A1/A3/A4),789sq.m of livery hall floorspace, 214sq.m of crypt floorspace and 430sq.m of winter garden floorspace) . The building would rise to a maximum height of 149.6m when measured from the lowest office ground floor level, 165.1m AOD)

#### INTRODUCTION

Thank you for your letter of 02 January 2020 notifying the London Borough of Tower Hamlets of the City of London's receipt of the above mentioned planning application.

On 03 December 2019, the London Borough of Tower Hamlets provided observations following a request from the City of London for an Environmental Impact Assessment Scoping Opinion on the proposed development in question. The Borough raised significant concerns regarding the proposed assessment of aspect chapters and matters within construction, existence, and operation phases as shown in Table 1 of the Scoping Report. Of particular concern were the following:

- Adverse effects from noise and air quality during construction;
- Adverse effects from increases in traffic on LBTH road network once operational (including associated effects on noise and air quality);
- Adverse effects on public transport which could affect LBTH;
- Adverse effects on views and townscape from and within LBTH;
- Adverse effects on heritage assets;
- Adverse cumulative effects with other developments.

The London Borough of Tower Hamlets is very concerned to learn that Historic Royal Palaces, as guardians of the Tower of London World Heritage Site, were unaware that development proposals were being drawn up until they were invited by the Clothworker's Company to a presentation in November 2019. As with any development proposal of this scale, it can only be presumed that between this time and the validation of the planning application in early 2020, that the design proposals were at their most advanced stage, and as such any consultation with HRP would have been tokenistic. In addition to this, the London Borough of Tower Hamlets were notified of the development only by way of the above mentioned observation request for an EIA Scoping Opinion, and no request for a meeting with officers was ever made.

The advice contained within this letter sets out the Council's assessment and conclusions which will inform the response to the request for observations. The proposed development's height would have a significant adverse impact on the Grade I listed Tower of London World Heritage Site (WHS) including its setting and townscape views.

#### PROPOSED DEVELOPMENT

The proposed development is for the demolition of the existing building at 41-43 Mincing Lane, 40-54 Fenchurch Street, former church hall and Clothworker's Hall and the erection of a 35 storey (165.1m AOD) building.

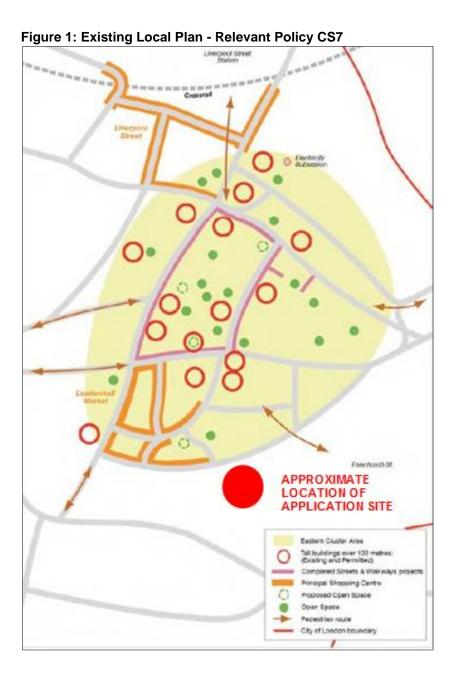
The demolition of the existing buildings on the site does not cause concern for the London Borough of Tower Hamlets and as such comments are provided on the basis of the proposed building.

#### **HERITAGE**

#### Location

The application site is located to the north-west of the Tower of London, which is a World Heritage Site containing a number of listed buildings as well as being located within Tower Hill Conservation Area. The Outstanding Universal Value of the World Heritage Site is based on, amongst other things, a demonstration and symbol of Norman power, reflecting the last military conquest of England. The strategic location of the site in its prominence is the townscape is a key component of this value.

The introduction of the proposed development raises serious concerns about the degree of visual separation between the eastern cluster and the Tower of London, which would be harmful to the significance of the World Heritage Site. The proposed development is a tall building in terms of the City of London's planning policy (in excess of 70m AOD). The Planning Statement submitted in support of the application (document ref: 2.01 Planning Statement, Gerald Eve, December 2019) makes a disingenuous claim that the site is "located on the southern perimeter of the City Cluster", firstly in paragraph 2.19 and then throughout the document. This is misleading; the site is located outside of the identified City Cluster area of tall buildings, both within the adopted City Local Plan 2015 and within the Draft City Plan 2036. The application site is located on the south-eastern side of the City Cluster, in a location that would encroach into a space separating the Tower from the eastern side of the City Cluster. Figures 1 and 2 below sets out the approximate location of the building overlaid onto the City of London's existing and emerging plans.



Tall Buildings - Completed **Liverpool Street** Tall Buildings - Pipeline Key Open Spaces Principal Shopping Centre Retail Links Pedestrian Priority Areas Key pedestrian routes / potential improvement National Rail Underground Elizabeth Line Regeneration Opportunity Sir John Cass School

Market

Figure 2: Emerging Local Plan - Relevant Policy S21

As noted above, existing and emerging local policy provide support for the principle of tall buildings within the Eastern Cluster. It is noted in the reasoned justification for Policy S21 of the Draft City of London Plan 2036 (supporting text 7.6.4) that the spatial extent and redevelopment potential of the cluster has been informed by a 3D modelling process undertaken by the City of London. This planled approach to modelling impacts of future tall building proposals accords with Policy 7.7A of the London Plan (2016) which states that tall and large buildings should be part of a plan-led approach and Para' 15 of the NPPF (2019) which states that the planning system should be genuinely plan-

APPROXIMATE = LOCATION Offichurch Street APPLICATION SITE

The imposition of the proposed development in this location would therefore undermine the plan-led approach to the development of the eastern cluster, contrary to Policy 7.7A of the London Plan (2016) and the plan-led approach advocated by the NPPF (2019).

#### **Proximity to the Tower of London World Heritage Site**

With respect to heritage assets, Policy 7.8 of the London Plan (2016) and Policy HC1 of the Draft London Plan require that developments affecting the setting of heritage assets, including conservation areas, listed buildings, scheduled monuments and World Heritage Sites, should conserve their significance. Additionally, Policy 7.10 of the London Plan (2016) and Policy HC2 of the Draft London Plan state that development should not cause adverse impacts on WHS or their settings, and, in particular, should not compromise the ability to appreciate Outstanding Universal Value (OUV), integrity, authenticity or significance.

The existing and emerging context of the City Cluster as defined in local policy is of utmost importance and has been highlighted in the Mayor of London's decision to refuse permission for a 305.3m AOD tall building (serving as a visitor attraction) at the land adjacent to 20 Bury Street in the City of London (GLA/4868/02 and City of London ref: 18/01213/FULEIA). This building was proposed in the City Cluster however the Mayor found that "The proposed development would be detrimental to the setting of the Tower of London World Heritage Site by reason of its height, form, design and materiality, along with the proximity and prominence which would adversely affect the following attributes of the Outstanding Universal Value of the Tower; the physical prominence of the White Tower; the site's strategic and landmark setting; and the site's status as an internationally famous monument".

The application in question is no doubt lower in height than that at the land adjacent to 20 Bury Street however it is nevertheless a tall building located *outside* of the policy area for tall buildings. The International Council on Monuments and Sites (ICOMOS) advised in their consultation response to the above mentioned application (dated March 2019)

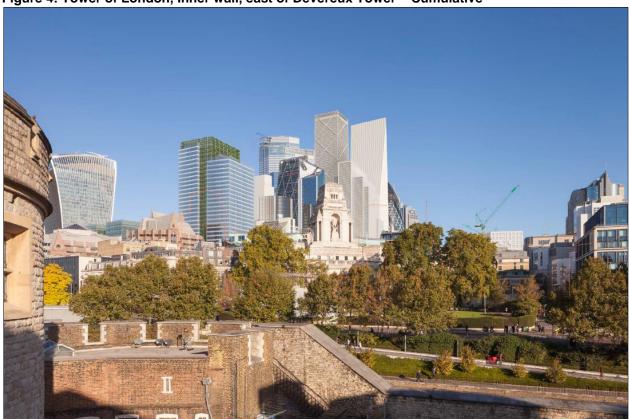
"That the cumulative effect of new developments, in relation to the possible negative visual impact on the integrity of the property in question, should not be diminished. The integrity of the World Heritage property the Tower of London has already reached its limit in terms of visual impact, and it is clear from the visual project documentation that there is no room for additional challenges to it. Neither is it an acceptable approach to allow further negative visual impact on the property's integrity when it is already threatened".

The London Borough of Tower Hamlets concurs with the assertion that the Tower of London World Heritage Site has already reached its limit in terms of visual impact. It is also important to note that this assessment was made on the grounds of a building within the City Cluster policy area.



Figure 3: Tower of London, Inner wall, east of Devereux Tower - Existing

Figure 4: Tower of London, Inner wall, east of Devereux Tower - Cumulative



As demonstrated in the submitted Townscape, Built Heritage and Visual Impact Assessment (document ref: 3.01 ES Volume 02 Townscape, Built Heritage and Visual Impact Assessment dated December 2019) many of the outward views would be detrimentally affected by the proximity of the proposed building as it would dominate the gap which exists in this area (see figures 3 and 4). The assertion in paragraph 6.12 of the document that "Development would ensure that it appears part of the Eastern Cluster" is not justified and it can only be assumed that this statement could be substantiated by the building's partial coalescence with those which have been built or are planned for sites within the City Cluster. The consented buildings at 1 Undershaft and 100 Leadenhall Street would also intrude into this view when complete; however, the harm arising from the proposal must be considered in isolation as well as cumulatively. The location of the building, outside of the City Cluster, combined with its significant height, mass and bulk would draw increased attention to modern development when looking out of the North Wall Walks. This impact will be greater in the winter when the trees shown in the view on not in leaf.

The prominence of the proposal would also draw increased attention to modern development outside of the Inner Ward affecting the sense of intended enclosure at the centre of the concentric defences which culminate in the White Tower. As before, this impact will be increased in the winter months when the trees are not in leaf and the impact would be experienced through a greater expanse of the Inner Ward (see page 87 of the THVIA).

It is evident from the views provided (namely those on pages 84-99 of the THVIA) that the building is located significantly further away from the City Cluster and closer to the WHS. As a consequence, this has the visual imposition of stepping forward towards the boundary of the WHS. It is this proximity that would exacerbate the building's visual dominance and would result in harm to the setting and thereby significance of the Tower of London WHS and would adversely affect the following attributes of the physical prominence of the White Tower; the concentric defences and; the site's strategic and landmark setting.

#### **Strategic Views**

The proposed development is also considered to detract from Strategic Views, as set out in the London View Management Framework SPG (2012). The London View Management Framework (LVMF) is a key part of the Mayor's strategy to preserve London's character and built heritage. Policies 7.11, 7.12 of the London Plan (2016) and the LVMF SPG outline the views of strategic importance to London, and detail how these views should be managed.

LVMF View 10A.1 is a River Prospect, looking upstream, and originates from the North Bastion of Tower Bridge, a Grade I listed building of national significance. The elevated view enables the fine detail and layers of history of the Tower of London WHS to be readily understood. The significance of this viewing place is also highlighted within the World Heritage Site Management Plan Setting Study as being one of the best places from which to view the WHS.

The proposed building would appear to the left-hand side of the Leadenhall Building and 22 Bishopsgate, infilling a significant portion of open sky set behind much lower buildings within the City and behind the WHS. The cumulative effect of existing and consented developments from this view is already severe. The proposed development would pose an additional challenge to this backdrop compromising the integrity of the view even further. The building's significant bulk would be in direct contrast to the emerging form of the tall building cluster and to the architecture of the Tower of London. This would serve to challenge the dominance of the Tower of London as a key feature in the view, altering the composition of the view and fail to give appropriate context to the Tower of London, harming the viewers' ability to appreciate this important aesthetic and cultural landmark.

#### **CONCLUSIONS**

The London Borough of Tower Hamlets is of the view that the proposals would result in a significance adverse impact on the Grade I listed Tower of London WHS including its setting and townscape views.

The proposals would diminish the ability to appreciate the OUV of the Tower of London WHS. As illustrated in LVMF views 10A.1 and views from within the Inner ward and North Wall Walk, the height, mass and bulk of the proposals, along with its proximity to the Tower of London WHS are considered to adversely affect the following attributes of the OUV; the physical prominence of the White Tower; the concentric defences; the site's strategic and landmark setting; and the site's status as an internationally famous monument.

Yours sincerely,

#### **Adam Garcia**

Senior Planning Officer (West Area Team)

For and on behalf of the Divisional Director for Planning and Building Control, London Borough of Tower Hamlets





Ms Catherine Evans
City of London Corporation
PO Box 270
Guildhall
London
EC2P 2EJ

Our ref: P01149022

13 February 2020

Dear Ms Evans

T&CP (Development Management Procedure) (England) Order 2015 & Planning (Listed Buildings & Conservation Areas) Regulations 1990

50 FENCHURCH STREET LONDON EC3M 3JY Application No. 19/01307/FULEIA

Thank you for your letter of 2 January 2020 regarding the above application for planning permission. Further to our advice at pre-application stage, and on the basis of the information available to date, we offer the following advice to assist your authority in determining the application.

### Summary

Due to its location to the south and east of the City Cluster, the proposed commercial tower would increase the cumulative impact of the Cluster on the setting of the Tower of London World Heritage Site. Although the scheme would be set against the backdrop of the Cluster in some key views, it further increases the relative prominence of the City from other locations, and will as a result cause some harm to the significance of the Tower.

Historic England welcomes the proposed conservation and representation of the tower of All Hallows Staining and Lambe's Chapel Crypt. The removal of the clutter that currently surrounds these and their representation within the context of a positive public realm proposal should enhance the ability to appreciate their heritage significance.

#### **Historic England Advice**

Heritage impacts within the site

The site contains the Grade I listed (12<sup>th</sup> or 13<sup>th</sup> century onwards) tower that formed part of the demolished church of All Hallows Staining, and the 12<sup>th</sup> century Grade II listed Lambe's Chapel Crypt, which was relocated to this site in the late 19<sup>th</sup> century. There is a Certificate of Immunity from listing for the Clothworkers' Hall, which is a competent neo-Georgian design by a noted architect, albeit a typical, rather than a particularly notable, example of a rebuilt post war Livery Hall.





The site is located within 500m of the Tower of London World Heritage Site and is not located in a conservation area. It is not within the City's Eastern Cluster where tall buildings are encouraged on suitable sites. Nevertheless, it is not in a location identified as inappropriate in principle for tall buildings (City Plan 2015).

The proposed scheme involves the demolition of all buildings on the site except the listed church tower, which will be underpinned and built under, and the excavation of the associated parish burial ground. In their place a new Clothworkers' hall will be constructed, along with a 35 storey, plus plant (149.6m), tall building providing commercial office space. The Crypt will be re-integrated within the new building, and new public realm is proposed across the site.

Historic England welcomes the conservation and representation of the listed buildings and the removal of the clutter in their immediate setting. While the new commercial building is significantly larger than the existing structures that form much of the setting of the listed church tower, we do not consider that the additional contrast in scale causes any further harm to the significance of the listed building. This is because the tower's setting currently makes a very limited contribution to the ability to understand and appreciate its significance. Furthermore, the proposal to make the ground floor plan of the church legible in the public realm, and the opening up of views and access between the church tower and Fenchurch Street, will increase the public's ability to appreciate and interact with the tower. Similarly, the integration of Lambe's Chapel Crypt within the new Clothworkers' Hall will allow it to be conserved in a scholarly manner and allow more people to enjoy its heritage significance.

Given the multi-phase construction history of the tower of All Hallows Staining, and the fragile nature of medieval structures generally, if you are minded to grant permission we strongly encourage you to require the final engineering details and the sequence of activities related to the underpinning for approval prior to this part of the scheme being implemented. These will need to be designed by an engineer with relevant experience working on historic buildings as well as requiring input from the main works contractor when appointed. We also suggest the same level of specialist oversight for the relocation of the listed Lambe's Chapel Crypt, the details of which should also be secured by condition of any permission.

We also note that the proposal involves the loss of an entire parish burial ground. While we do not wish to comment on this aspect of the scheme, Historic England, along with the Church of England and Ministry of Justice, has published Guidance for Best Practice for the treatment of human remains excavated from Christian Burial Grounds in England (APABE, 2017). You may find paragraphs 1, 14, 172, 173, 206, 216, and 217 helpful.

## Heritage impacts beyond the site

Due to its height and bulk the proposed tall building will have impacts on heritage assets beyond the site boundary. The most notable of these is the Tower of London, inscribed as a UNESCO World Heritage Site and designated as a scheduled monument and a series of listed buildings, as well as being located within The Tower Conservation Area. This is a heritage asset of the highest significance, which is

internationally recognised to be of Outstanding Universal Value (OUV). The NPPF (para. 184) states that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance.

We have carefully reviewed the impacts on the Tower of London, visited the Tower and considered the Heritage Impact Assessment (HIA).

In our view the attribute of the World Heritage Site's OUV that is affected by this development in its setting is the 'landmark siting, for both protection and control of the City of London... a crucial demarcation point between the power of the developing City of London, and the power of the monarchy...'. The Tower of London World Heritage Site Management Plan provides further detail on this dynamic relationship, notably in paragraphs 7.3.16 and 7.3.18.

The Management Plan also highlights the importance of views of and from the Tower that may be sensitive to development in the City when visible in the background of the Tower, particularly in the vicinity of the White Tower. Paragraphs 7.3.17 and 7.3.27 highlight the importance of the silhouette and relative scale of the Tower, and the importance of decision makers considering the cumulative impacts of development in the City affecting the ability to recognise, understand and appreciate the OUV of the World Heritage Site. The relative prominence and status of the Tower and the City, in relation to one another, is therefore an important element to consider when assessing the likely impact on the ability to appreciate the OUV. Further details on the views considered important to appreciating the OUV are contained in the London Views Management Framework (2012) and the Tower of London Local Setting Study (2010).

These important elements of the OUV of the World Heritage Site are applicable also to the significance of the Tower's scheduled monument and listed buildings. While, for the sake of clarity, we focus here on OUV, you will nonetheless need to take into account all statutory duties relating to other designations in making your decision.

The ability to appreciate the OUV of the Tower is tested in the Townscape Heritage Visual Impact Assessment and the HIA. We do not agree with the consultants' conclusion that impacts of the proposal on almost all views relating to the World Heritage Site will be positive, but we consider that in the most important views for understanding and appreciating the OUV, notably from the Queen's Walk (LVMF view 25A.1-3) and from the North Bastion of Tower Bridge (LVMF view 10A.1), the impacts will be neutral. This is because the new tall building will be seen as part of, and against the backdrop of, the established City Cluster, and will not act as either a distracting presence or affect the relative status of the Tower and the City. In these views we do not consider that there are any additional cumulative impacts, and the ability to appreciate the OUV does not change.

However, in views from within the World Heritage Site, notably from the southern Wall Walks and the Inner Ward, the proposed tall building begins to expand the envelope of the City Cluster and will increase its overall mass. From the Inner Ward

<sup>&</sup>lt;sup>1</sup> Statement of Outstanding Universal Value for the Tower of London World Heritage Site: <a href="https://whc.unesco.org/en/decisions/1544/">https://whc.unesco.org/en/decisions/1544/</a>

the most prominent buildings will remain those in the foreground, notably the White Tower, imposingly built in solid masonry with architectural detailing designed to draw the eye and visually dominate. Tall buildings within the City Cluster already appear in these views, but each addition to the mass of the Cluster makes it more of a distracting presence. From these locations the additional cumulative impacts will be relatively minor.

From the northern Wall Walks, the impact of the proposal will be greater. Here visitors look out over the Outer Wall and Ditch to the Liberties and City beyond. From these views the City Cluster will appear appreciably larger, with the proposed tall building closer to the World Heritage Site and its constituent scheduled monument and listed buildings. This will increase the prominence of the City Cluster relative to those parts of the Tower experienced from the Wall Walks. In our view this would cause some harm to the scheduled monument, listed buildings and to the attribute of the OUV relating to the Tower's landmark siting, as it will further change the relationship between the City and the Tower, cumulatively increasing the relative status of the former.

The powerful masonry towers both of the Inner and Outer Walls will remain the dominant features in the foreground, so in our view the harm identified is relatively low, but this is nonetheless one of a number of changes within the Tower's setting which cumulatively increase the prominence of the City. The relevant policy test here is therefore whether this additional impact compromises a viewer's ability to appreciate the World Heritage Site's OUV, integrity, authenticity or significance (7.10B London Plan). Because this scheme does not affect those views where the attributes of OUV can best be appreciated, we think that this ability is only marginally affected, but you will need also to consider the effects of changes which, on a cumulative basis, could have a more significant effect (NPPG, Paragraph: 032 Reference ID: 18a-032-20190723). Because of the exceptional significance afforded to World Heritage Sites, no harm should be permitted unless demonstrably outweighed by public benefits. Paragraphs 193, 194 and 196 of the NPPF are the key paragraphs for decision makers to consider in order to ensure that these impacts are correctly weighed in the planning balance.

#### Recommendation

We recommend that you weigh the harm to heritage significance identified in this letter against the public benefits of the scheme, as required by paragraph 196 of the NPPF. Heritage benefits described above to the tower of All Hallows Staining may be treated as a public benefit for these purposes, but should not be seen as mitigation for the harm caused to the OUV of the Tower of London WHS.

As with all proposals with the potential to harm the Outstanding Universal Value of World Heritage Sites, we also encourage you to notify the State Party (DCMS) of this proposal. DCMS will then make a decision on whether to notify the World Heritage Centre.

Yours sincerely,



# **David English**

Development Advice Team Leader: London and the South East E-mail: david.english@HistoricEngland.org.uk
Direct Dial: 020 7973 3747

# **Transport for London**



To: Catherine Evans From: Max Faulkner

Phone: 020 7126 2562

Date: 18/02/20

Transport for London City Planning

5 Endeavour Square Westfield Avenue Stratford London E20 IJN

Phone 020 7222 5600 www.tfl.gov.uk

TfL Spatial Planning Reference: City/20/2

Borough Reference: 19/01307/FULEIA

Location: 50 Fenchurch Street

Proposal: i) Demolition of 41-43 Mincing Lane, 40-54 Fenchurch Street, former church hall and the Clothworkers' Hall and its redevelopment to provide a new building comprising four levels of basement (including a basement mezzanine level), ground, mezzanine, plus part 9, 31 and 35 storeys plus plant containing offices (B1) and flexible shop/financial and professional services/cafe and restaurant uses (A1/A2/A3) at ground floor level; and flexible shop/cafe and restaurant/drinking establishment uses (A1/A3/A4) at levels 10 and 11, including winter garden (Sui Generis); ii) Reprovision of the Clothworkers' accommodation (Sui Generis) within part ground, part first, part second and part third floors and four levels of basement (including a basement mezzanine level); iii) Creation of ground level public access to level 10 roof garden and basement level 1 to Grade II Listed crypt; iv) Dismantling, relocation and reconstruction of the Lambe's Chapel Crypt to basement level 1 and associated exhibition accommodation (Sui Generis) (listed Grade II); v) Alterations to and conservation of the Grade I Listed Tower of All Hallows Staining; vi) Provision of new hard and soft landscaping and other associated works. (The total proposed floor area of the new building is 94,336sq.m GIA, comprising 88,064sq.m of office floorspace, 289sq.m of flexible retail floorspace (A1/A2/A3), 550sq.m of flexible retail floorspace (A1/A3/A4),789sq.m of livery hall floorspace, 214sq.m of crypt floorspace and 430sq.m of winter garden floorspace. The building would rise to a maximum height of 149.6m when measured from the lowest office ground floor level, 165.1m AOD.)

Many thanks for consulting TfL on the above application. TfL offer the following comments:

The site is located at 40-54 Fenchurch Street, approximately 300 metres from Gracechurch Street, which forms part of the Transport for London Road Network (TLRN). TfL is the highway authority for the TLRN and is therefore concerned about

any proposal that may affect the safety and movement of traffic and pedestrians on the TLRN.

The Intend to Publish London Plan sets out an integrated economic, environmental, transport and social framework for the development of London over the next 20-25 years. It is expected that all planning decisions within London should follow London Plan policies. As such, TfL now expects all new planning applications to be compliant with the policies in the new London Plan.

#### General

TfL welcomes that the applicant has produced the Transport Assessment (TA) in a Healthy Streets format in line with TfL's updated guidance. TfL also welcomes that an Active Travel Zone (ATZ) assessment has been produced. TfL is supportive of the City of London securing funding from the applicant towards the improvements identified within the ATZ assessment.

### **Trip generation**

TfL requests the applicant outlines their justification for increasing the mode share extracted from census data for cycling from 2% to 16% within the TA. This reduces London Underground (LU) and train mode share significantly. It is requested that this justification is shared with TfL to ensure the effect of the development on London Underground and trains is not being underestimated.

In table 21, 23, 24 and 25 of the submitted TA, TfL would expect LU to be split out appropriately by station, line and direction. Docklands Light Railway (DLR) and London Overground (LO) should also be appropriately split out.

The (TA) has not assessed the impact of additional demand on any stations. TfL therefore requests the applicant assesses key/pinch point areas using publicly available data as a basis from which the developer should be able to follow the station planning standards to calculate the impact on station elements of additional demand.

TfL requests the applicant confirm how a train capacity figure has been identified when the Metropolitan, Circle/District/Hammersmith and City, Waterloo and City and Central Lines all have different rolling stocks.

#### **Public realm and Healthy Streets**

TfL is supportive in principle of wider footways on Fenchurch Street in line with policy T2 (Healthy Streets) of the new London Plan. However the southern footway of Fenchurch Street will be in shadow for much of the day. Furthermore the additional space offered is within the colonnade of the new building proposed. It would therefore add little in terms of footway capacity to cope with high pedestrian flows.

As it is a narrow street, we would question whether it is appropriate to have tall buildings, without any stepping back, on both sides of Fenchurch Street. This is reflected in the lower Pedestrian Comfort Level (PCL) scores achieved at footway locations 29A and 29B in Table 31 of the TA.

The TA also acknowledges in Tables 34, 35 and 36 that levels of crowding and comfort at key pedestrian crossings immediately adjacent to the proposed development, which are clearly likely to be used by workers and visitors there, are expected to worsen significantly. The PCL classification of E is considered unacceptable and is well below the recommended minimums in TfL guidance unless public realm improvements including new crossings, which have been proposed in the City of London's City Cluster Vision, are delivered before the proposed development opens. The minimum PCL classifications recommended by TfL for different urban contexts are included at Appendix A of this response.

As a result of the expected PCLs and potentially dangerous pedestrian crowding at key local crossings, TfL requests confirmation that these impacts will be mitigated or prevented prior to being supportive of the application.

TfL is supportive of the increase in public realm space within the footprint of the site. However, TfL requests confirmation that all new privately managed public realm proposed will be permanently publicly accessible in compliance with policy D8 (Public realm) of the new London Plan. This is especially important given the proposed loss of public access to Star Alley.

Section 7.2.2 of the TA argues that the City Cluster Vision will alleviate pedestrian congestion, specifically crossing Fenchurch Street from the proposed development, to an acceptable level. TfL requests the applicant justifies the methodology behind this conclusion.

Finally whilst TfL appreciates the increase in public realm space and trees, it seems likely this will be outweighed by the negative environmental implications of demolishing and rebuilding and therefore the application may not comply with policy SI 7 (Reducing waste and supporting the circular economy) of the new London Plan.

#### Car Parking

The proposed development is car free which is supported in line with policy T6.2 (Office parking) of the new London Plan. However, no disabled parking is proposed as part of the development. Section 4.6.1 of the Transport Assessment (TA) identifies blue badge on street parking provision in close proximity of the site. This may be acceptable. However TfL seeks confirmation that the journey between the local on street blue badge parking and the site is totally step-free and suitable for wheelchair users.

Furthermore between Monday and Friday the maximum stay is four hours. If this solution for disabled parking is deemed acceptable by the City of London, TfL would recommend increasing/extending the hours available on weekdays for local on-street blue badge parking, in case it needs to be used by employees at the new development. This would comply with policy T6.5 (Non-residential disabled persons parking) of the new London Plan.

### **Deliveries, servicing and Vision Zero**

TfL is satisfied in principle with the swept path analysis drawings submitted for the loading bays proposed. However the location of the cycle parking entrance in relation to the loading bay could potentially lead to conflicts between delivery vehicles and cyclists accessing the cycle entrance from Mincing Lane. This risk should be minimised by strong and proactive management of deliveries on site to ensure they take place outside of cycling arrival and departure peaks.

The outline Delivery and Servicing Plan (DSP) estimates the proposed development will generate 115 daily delivery and servicing trips, including 8 during peak hours. TfL is supportive of the commitment for deliveries to be scheduled to avoid the 0700-1000, 1200-1400 and 1600-1900 as explained above. However it appears that the TA still predicts 8 servicing trips in those peak hours (see Section 6.6).

TfL therefore requests further clarification on how servicing trips will be managed and scheduled to avoid peak hours, to ensure the proposed development supports Policy 3 (Vison Zero) of the Mayor's Transport Strategy (MTS).

TfL requests a full DSP is secured by condition and discharged in consultation with TfL prior to the development becoming operational.

#### Cycle parking

The development proposes 1,175 long stay cycle parking spaces for the office use and 42 short stay cycle parking spaces located in the public realm.

The level of long stay cycle parking proposed for the office use complies with the minimum standards set out in policy T5 (Cycling) of the new London Plan.

Long stay cycle parking is proposed in basement levels 1 and 3 and includes provision for 5% oversized/adapted cycles. The provision of end of journey facilities is strongly supported and complies with policy T5 (Cycling) of the new London Plan.

As per draft London Plan Policy T5 AA, cycle parking should be designed and laid out in accordance with the guidance contained in the London Cycling Design Standards (LCDS). The LCDS can be found in TfL's online Streets Toolkit at: <a href="https://tfl.gov.uk/corporate/publications-and-reports/streets-toolkit#on-this-page-2">https://tfl.gov.uk/corporate/publications-and-reports/streets-toolkit#on-this-page-2</a>.

TfL requests the applicant confirms all cycle parking will comply with the LCDS. Specifically that:

- A minimum aisle width of 2500mm beyond the lowered frame is provided for the proposed two tier racks.
- The dimension of the cycle parking lift is clarified. The lift should have minimum dimensions of 1.2m by 2.3m.
- The external door widths exceed the minimum of 2 metres and that any doors to the cycle parking area is automated, push button or pressure pad operated.

The amount of short stay cycling parking proposed does not comply fully with policy T5 (Cycling) of the new London Plan. Subject to the applicant exploring the availability of space on level 1 for short stay cycle parking, TfL accepts a flexible approach to short stay cycle parking may need to be applied in this specific case given space constraints in the local public realm.

#### Construction

TfL requests a full Construction Logistics Plan is secured by condition and discharged in consultation with TfL prior to construction commencing.

TfL reminds the applicant that to further support the Mayor's Vision Zero objective from October 26 2020 all Heavy Goods Vehicles (HGVs) more than 12 tonnes entering or operating in Greater London will need to hold a valid HGV safety permit, granted if the vehicle meets the minimum Direct Vision Standard (DVS) star rating.

We would also strongly recommend that the CLP commits to all large construction vehicles involved in the proposed development's construction will have a minimum Silver Fleet Operator Recognition Scheme (FORS) accreditation and complies with Construction Logistics and Community Safety (CLOCS) standards.

Overall, TfL requests greater work is undertaken to identify the trip generation impact on TfL infrastructure and appropriately mitigate the unacceptable pedestrian comfort level impacts of the proposed development prior to being supportive of this application. The applicant should also confirm the accessibility of blue badge parking to the site and cycle parking compliance with LCDS guidance.

If you have any gueries regarding this response please do not hesitate to contact me.

Many thanks,

Max

## Appendix A

Comfortable

A+ <3ppmm < 3% Restricted Movement



3 to 5 ppmm 13% Restricted Movement



6 to 8 ppmm 22% Restricted Movement

The pedestrian environment is very comfortable at PCLA+ to A- with plenty of space for people to walk at the speed and the route that they choose.

#### PCL B

#### B+ RECOMMENDED MINIMUM FOR ALL AREAS



B+ 9 to 11ppmm 31% Restricted Movement



B 12 to 14ppmm 41% Restricted Movement



B- 15 to 17 ppmm 50% Restricted Movement

PCL B+ is the recommended level of comfort for all area types. This level provides enough space for normal walking speed and some choice in routes taken.

At PCL B and PCL B- normal walking speed is still possible but conflicts are becoming more frequent and, in retail areas, people start to consider avoiding the area.



C+ 18 to 20ppmm 59% Restricted Movement



C 21 to 23 ppmm 69% Restricted Movement



C- 24 to 26 ppmm 78% Restricted Movement

The pedestrian environment is becoming increasingly uncomfortable, with the majority of people experiencing conflict or closeness with other pedestrians and bi-directional movement becoming difficult.

### PCL D or E

Uncomfortable

27 to 35ppmm 100% Restricted Movement



E >35 Page 188 100% Restricted Movement 100% Restrict

At PCL D walking speeds are restricted and reduced and there are difficulties in bypassing slower pedestrians or moving in reverse flows.

At PCL E people have very little personal space and speed and movement is very restricted. Extreme difficulties are experienced if moving in reverse flows.

#### Guidance on applying Pedestrian Comfort Levels in different area types

Figure 9 summarises which Pedestrian Comfort Level is suitable for different area types for use in the peak hour, and for the Average Maximum Activity level. This table informs the comments generated by the spreadsheet.

	HIGH STREET		OFFICE AND RETAIL		RESIDENTIAL		TOURIST ATTRACTION		TRANSPORT INTERCHANGE	
	Peak Ave		Peak	Ave of Max	Peak	Ave of Max	Peak	Ave of Max	Peak	Ave of Max
A B+	COMFORTABLE		COMFORTABLE		COMFORTABLE		COMFORTABLE		COMFORTABLE	
B B-	ACCEPTABLE AT RISK		ACCEPTABLE		ACCEPTABLE		ACCEPTABLE AT RISK		ACCEPTABLE	
C+ C- D	UNACCEPTAB UNCOMFORTA		AT RISK	AT RISK		AT RISK		EPTABLE/ FORTABLE	AT RISK	AT RISK
E	Peak and Aver of Maximum Activity levels have similar guidance as people visiting retail areas stated they were particula sensitive to crowding,	3	The "at risk" level is set at a lower PCL during the Average of Maximum Activity than peak flows. This is because of the greater number of single travellers and the short duration of maximum activity.		The "at risk" level is set at a lower PCL than peak flows in Residential Areas to reflect the short time this is likely to occur. A site visit to Residential sites is particularly important to check if there is school activity or a bus stand in the area.		Peak and Average of Maximum Activity levels have similar guidance as people visiting tourist areas are likely to be particularly sensitive to crowding		The "at risk" level is set at a lower PCL during the Average of Maximum Activity than peak flows. This is because of the greater number of single travellers and the short duration of maximum activity.	

Figure 9 Guidance for different area types

FROM THE MASTER TELEPHONE:



DRAPERS' HALL LONDON EC2N 2DQ

Mr Tim Orchard

Ms Catherine Evans
City of London Corporation
PO Box 270
Guildhall
London
EC2P 2EJ

24 February 2020

Dear Ms Evans

#### Ref: 19/01307/FULEIA

I am writing in response to your request for comments on the proposed redevelopment at Clothworkers' Hall, since the Drapers' Company has an interest in the area, as it is the freeholder of 70 Mark Lane, an office building adjacent to the site at 50 Fenchurch Street.

Having considered the scheme in detail, we are in favour of it being granted permission to proceed. We feel that the proposed scheme improves and enhances the area by:

- providing additional public spaces in the shape of roof and 'winter' gardens;
- improving the accessibility to the Tower of All Hallows Staining and Lambe's Chapel Crypt;
- creating a considerably improved Livery Hall for the Clothworkers' Company;
- generating additional floorspace for 6,500 people to work in what is a vibrant part of the insurance district; and
- raising the quality of the built environment by replacing some very average architecture with a coherent and pleasing design; and

In summary, we feel that this sort of scheme perfectly chimes with what is required in the City at this time, as it blends the modern with the traditional whilst enabling the provision of more commercial space in a balance manner with an enhanced public realm.

Yours sincerely

Mr Tim Orchard Master



Development Division
Attn. Director of the Built Environment
Guildhall
EC2P 2EJ LONDON
UK

Amsterdam, 28 February 2020

Saxon Land B.V. De Entree 91 1101 BH Amsterdam The Netherlands

Subject: Planning Application Ref. 19/01307/FULEIA
Site Bounded By Fenchurch Street, Mark Lane, Dunster Court and Mincing Lane,
London EC3M 3JY

Dear Sirs.

We refer to the above planning application and wish to register our strong objection to the proposed development. We have fully reviewed the planning application documents that have been submitted.

In broad terms, we understand that the proposed development comprises the demolition of the existing buildings at 41-43 Mincing Lane, 40-534 Fenchurch Street, the former Church Hall and Clothworker's Hall ("the Site") and the redevelopment of the Site for a 35 storey building (165.1m AOD). As such, we understand that the proposed development includes the redevelopment of the Site for a "tall building", as defined in planning policy.

This objection is submitted on behalf of Saxon Land B.V., long leaseholder of the building known as Fen Court at 120 Fenchurch Street and 10 Fenchurch Avenue. The roof garden at 120 Fenchurch Street is on the 15<sup>th</sup> floor of the building (known as "The Garden at 120")

The roof garden at 120 Fenchurch Street is on the 15<sup>th</sup> floor of the building and is a fully accessible garden open to the public and provides a valuable amenity space for office workers, members of the public and visitors to The City.

The reasons for our objection are based on the following issues which raise significant concerns, which are fully explained below:

- The wholly inappropriate location for a tall building of the height and scale proposed:
- The significant impact the proposed development will cause on the amenity and enjoyment of a significant area of public open space.

#### Site Location - "The Eastern Cluster"

The planning application refers to the location of the Site as being on the "southern perimeter of the City Cluster" (para 2.19 of the Planning Statement). The term "City Cluster" does not appear anywhere in the adopted Local Plan (2015). As such, the applicant's justification for a tall building within the "City Cluster", as a defined term within the adopted Local Plan is wholly misguided.

As referred to in para 7.98 of the Planning Statement, the "Eastern Cluster" under Policy CS7 of the adopted Local Plan is identified as a location where tall buildings form a distinctive element in the skyline. The Local Plan advises that the 'Eastern Cluster' "has the highest density of business activity in the City and contains a cluster of tall buildings. New buildings are expected to be clustered in this area." (P.22). The key part of the policy being that tall buildings are expected to be located "in this area". However, the Site is located outside of the defined 'Eastern Cluster Area' in the adopted Local Plan and the Draft City Plan 2036. The fact that the Site is located outside of the tall building policy area is acknowledged in the planning application by the assertion that the Site is on the "perimeter" – therefore outside of where tall buildings should be located.

The planning application also makes reference to Policy S21 in the Draft Local Plan which relates to the 'City Cluster'. The policy advises that this is a 'City Cluster Key Area of Change' that will deliver "tall buildings on appropriate sites". However, similar to adopted Local Plan policy, the proposed development is for a tall building on a Site that is clearly located **outside** of this policy area for tall buildings. Therefore, this is not an appropriate site or a suitable location for a tall building and there is no policy justification in adopted or emerging Local Plan policy for the height and scale of development proposed on the Site.

If the Site was considered appropriate for a tall building, the Draft Local Plan would propose to expand the adopted 'Eastern Cluster Area' to include sites such as the application Site on the "perimeter" to within the boundary of the 'City Cluster'. The Draft Local Plan does not do so because the perimeter of the 'Eastern Cluster' is not considered an acceptable location for a tall building. The principle for the siting of tall buildings should only be within the identified 'City Cluster'.

Therefore, given the Site is located outside of the defined 'Eastern Cluster Area' and the emerging 'City Cluster' policy area, the principle of a tall building on this Site outside of this location is not justified and is considered to be unacceptable.

#### **Tall Buildings Policy**

Core Strategic Policy CS14: Tall Buildings seeks to allow tall buildings in suitable locations and to ensure that they take account of the character of their surroundings. An assessment of the relevant criteria of the Policy is set out below:

"1. Permitting tall buildings on suitable sites within the City's Eastern Cluster.

As set out above, the Site is not within the City's Eastern Cluster. This is not a suitable site for a tall building.

2. Refusing planning permission for tall buildings within inappropriate areas, comprising: conservation areas; the St. Paul's Heights area; St. Paul's protected vista viewing corridors; and Monument views and setting, as defined on the Policies Map.

It is recognised that the Site is not located within the St. Paul's Heights area, the Monument views restriction or any LVMF Protected Vistas as defined on the Policies Map. However, the Site is located to the north-west of the Tower of London, which is a World Heritage Site containing a number of listed buildings. The Site lies within close proximity to a number of conservation areas, such as Fenchurch Street Station, Lloyds Avenue, Trinity Square, Eastcheap and Leadenhall Market. There are also two listed buildings on the Site – the Grade I listed 'Tower of All Hallows Staining' and the Grade II listed 'Lambe's Chapter Sypt'.

Therefore, the Site is a very sensitive location for new development, in terms of the effect on the setting of listed buildings and conservation areas.

3. Elsewhere in the City, permitting proposals for tall buildings only on those sites which are considered suitable having regard to: the potential effect on the City skyline; the character and amenity of their surroundings, including the relationship with existing tall buildings; the significance of heritage assets and their settings; and the effect on historic skyline features." [our emphasis]

Notwithstanding the above, due to the location of the Site and the scale of the proposed development, the proposals will appear in a number of LVMF designated views, as set out in Table 7.1 of the London Plan.

The views included within Volume 2 of the accompanying Environmental Statement clearly show that in townscape terms, the proposed development will have an adverse impact on the City skyline and be detrimental to the setting of the Tower of London World Heritage Site.

The townscape views demonstrate the significant harm to the setting of the World Heritage Site, both as a result of views to and from the Tower, which are particularly evident from the main entrance and public Wall Walks. The proximity of the Site to the Tower of London World Heritage Site and the scale of development proposed would appear overly dominant and highly intrusive in many views from the Tower of London. Development on this Site of the height and scale proposed would encroach into a space currently separating the Tower of London from the eastern side of the 'City Cluster'. Therefore, due to the location of the Site and the scale of development proposed, it would clearly cause significant adverse harm to the setting of the Tower of London World Heritage Site.

In terms of impact on amenity, the proposed development does not have due regard to or has assessed the overshadowing of the Garden at 120 Fenchurch Street, in accordance with the BRE recommendations. Further detail on this particular issue is discussed later.

As can be seen above, the proposed development would therefore be contrary to Policy CS14 of the Local Plan.

The Draft Local Plan includes Policy S12 'Tall Buildings' which, inter alia, advises that:

- "2. Tall buildings of world class architecture and sustainable and accessible design will be permitted on suitable sites, having regard to:
  - the potential effect on the City skyline, the wider London skyline and historic skyline features:
  - the character and amenity of their surroundings, including the relationship with existing tall buildings;
  - · the significance of heritage assets and their settings;
  - the provision of a high-quality public realm at street level; and the environmental impact the tall building may have on the surrounding area, including the capacity of the City's streets and spaces to accommodate the development.
  - 3. Where tall buildings are acceptable in principle, their design must ensure safe and comfortable levels of wind, daylight and sunlight, solar glare and solar convergence within nearby buildings and the public realm within the vicinity of the building. Tall buildings should not interfere with telecommunications and provide appropriate mitigation where this is not feasible. Consideration should be given to how the design of tall buildings can assist with the dispersal of air pollutants. [our emphasis]
  - 6. New tall buildings will be refused in inappropriate areas, comprising conservation areas; the Straul's Heights area; St Paul's protected vista viewing corridors; and Monument views and setting, as defined on the Policies Map."

Therefore, the comments made in respect of the unacceptability of the proposed development in respect of adopted Local Plan policy on tall buildings is also valid for the above policy in the draft Local Plan. <u>As such, the proposed development is also contrary to Policy S12 of the draft Local Plan.</u>

The draft Local Plan, under criterion 3 above, also refers to the impact of tall buildings on the surrounding environment – including daylight and sunlight impacts within nearby buildings and the public realm. The tone of this criterion is proposed to be strengthened from that set out in the adopted Local Plan. As previously set out, notwithstanding the principle of a tall building in this location is not accepted, the particular issue of amenity to public realm is of key importance and is discussed below.

#### Overshadowing of Public Realm and Amenity Space

The Garden at 120 Fenchurch Street is a new, award winning, significant area of high quality public realm and open space within The City. The area provides a 360 degree viewing platform of London and is free to visit, with no booking required. The space is extremely popular to visitors who comment positively about the view from this public space in the roof garden.

In 2019, the garden welcomed 219 520 visitors, averaging 915 per day.

The Garden is open during the following times:

- Summer: 1<sup>st</sup> April 30<sup>th</sup> September (Monday to Friday 10:00hrs 21:00hrs)
- Winter Times: 1<sup>st</sup> October 31<sup>st</sup> March (Monday to Friday 10:00hrs 18:30hrs)

The view from the roof garden will be destroyed by the proposed development, which is a key reason for visiting members of the public to use the space. As such, the proposed development will totally undermine the function of this space as a viewing gallery towards the rest of London. In addition there will also be significant overshadowing of the roof garden during opening times.

A true assessment of the impact the proposed development will have on the amenity of the Roof Garden can be seen on the simulation.

#### https://vimeo.com/384544511

We note from the planning application that the overshadowing of the Garden at 120 Fenchurch Street has been assessed. The application states that "there would be no change as a result of the Proposed Development to the roof terrace of 120 Fenchurch Street…" (para 7.184 of the Planning Statement).

Paragraph 7.185 of the Planning Statement advises that, "In terms of transient overshadowing, although the Proposed Development will cast a much larger shadow than the existing development, this will cause minimal impacts during the year. Additional shadowing sweeping over the public amenity spaces would occur between 10:00am and 2:00pm in March and September. Overall, the effect of the Proposed Development in terms of overshadowing to the public amenity spaces throughout the year is considered to be minor adverse and therefore not significant..."

The BRE recommends that a space should receive 2 hours of direct light to 50% of the area on the 21<sup>st</sup> March. Where there are changes as a result of a new development, if these exceed 20%, it is likely to be noticeable. The BRE also notes that "if a particular space is only used at certain times of day or year (e.g. café, outdoor performance area or school playground) it is instructive to plot shadows for those specific times." Therefore, in this case, given the roof garden is a public space that is only open during certain hours of the day, an assessment should be carried out on the overshadowing of the space during the hours of operation.

An assessment of the overshadowing of the roof garden during opening hours has not been carried out in the planning application. It is therefore requested this assessment is undertaken and the impact is considered as part of the determination of the planning application, in accordance with the BRE recommendations.

#### Overshadowing Analysis

Given the lack of an assessment in the planning application, an assessment to inform our concerns has been undertaken.

As shown on the enclosed overshadowing diagrams, an assessment has been carried out in respect of the overshadowing of the roof garden. The BRE analysis during opening hours shows that there would be a c50% change in the area that received direct sunlight. Therefore, as a result of the proposed development, BRE compliance in respect of the overshadowing of the roof garden would not be met.

#### Summary

In summary, we strongly object to the redevelopment of the Site for a 35 storey building, for the reasons set out above and request that planning permission is refused. The proposed development is contrary to polices CS7 and CS14 of the adopted Local Plan and policies S21 and S12 of the draft Local Plan.

The proposed development of a tall building on this Site is wholly inappropriate in terms of its location – outside of the identified policy area for tall buildings and would result in significant harm to the setting of the Tower of London World Heritage Site. There is no justification in policy terms for the siting of a building of the height and scale proposed in this location.

Furthermore, the planning application has failed to assess the impact of overshadowing during opening hours on the Garden at 120 Fenchurch Street. Taking into account the BRE guidance, as demonstrated, the proposed development will cause significant overshadowing to the Roof Garden at 120 Fenchurch Street with a c50% change in the area that will receive direct during the opening hours. This will be in breach of the BRE guidance and will cause a significant detrimental impact to the amenity of this public amenity space.

We trust that the above comments are taken into full consideration in the determination of the planning application.

Yours sincerely

G.K. Nolles

Director

R.N. Drielinger
COO and General Counsel



Ms Catherine Evans
City of London Corporation
PO Box 270
Guildhall
London
London
EC2P 2EJ

Direct Dial: 020 7973 3091

Our ref: L01172051

28 February 2020

Dear Ms Evans

**Arrangements for Handling Heritage Applications Direction 2015** 

# LAMBE'S CHAPEL CRYPT MARK LANE LONDON EC3R 7LQ Application No. 19/01277/LBC

Thank you for your letter of 4 February 2020 regarding the above application for listed building consent. On the basis of the information available to date, we offer the following advice to assist your authority in determining the application.

### **Historic England Advice**

Historic England has commented separately on the associated planning application for the development proposals on the site. This advice relates to the proposed dismantling and relocation of Lambe's Chapel Crypt. Historic England is supportive of this element of the scheme, which would see a scholarly reconstruction of the listed building in a location better suited to its interpretation and the provision of public access.

Lambe's Chapel Crypt originally formed part of a chapel belonging to the Cripplegate Hermitage, which was constructed in the mid-twelfth century against the inner side of the London Wall on Monkwell Street. The chapel was purchased by William Lambe, Master of the Clothworkers Company 1569-70, who left it to the company upon his death in 1580. The chapel was demolished in the early nineteenth century, and the Clotherworkers Company reconstructed part of the crypt at its present location adjoining the tower of All Hallows Staining in 1872-4. Detailed research and investigation suggests that this reconstruction was not entirely faithful and was not carried out particularly successfully. Only half of the crypt was rebuilt and original fabric is somewhat limited, with extensive historic replacement stonework and modern fabric forming part of the existing structure. It is Grade II listed and has strong architectural and historic interest as the remains of a Norman crypt, albeit fragmentary and no longer in-situ.

The proposed dismantling, relocation and reconstruction is considered to be well







justified, and enables a number of benefits. Its current location makes a limited contribution to significance and this is largely drawn from its long association with the Clothworkers Company, which would be maintained as the crypt would remain on the site. The connection with the tower of All Hallows Staining may be considered misleading in implying an earlier relationship between the two. The principle of relocating the crypt is therefore considered acceptable. In doing so, the inaccuracies and inappropriate materials of the present reconstruction can be rectified; a more coherent re-presentation of the original crypt with inclusive public access would also be achieved.

Should you be minded to grant consent, we recommend that you secure the final specification and schedule of works for the dismantling and reconstruction of the crypt by condition, in consultation your specialist conservation adviser.

We recommend that you also contact Historic England's listing team following the reconstruction of the crypt, as the List entry will likely need to be updated. Aidan Misselbrook (Aidan.Misselbrook@HistoricEngland.org.uk) in the listing team would be happy to advise you on this.

#### Recommendation

In determining this application you should bear in mind the statutory duty of section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

Your Authority should take these representations in account and determine the application in accordance with national and local planning policy and in consultation with your specialist conservation advice. We have drafted the necessary letter of authorisation for your Authority to determine the application as you see fit and have referred this to the National Planning Casework Unit (NPCU) (copy attached). You will be able to issue a formal decision once the NPCU have returned the letter of authorisation to you, unless the Secretary of State directs the application to be referred to them.

This response relates to designated heritage assets only. If the proposals meet the Greater London Archaeological Advisory Service's published consultation criteria we recommend that you seek their view as specialist archaeological adviser to the local planning authority.

The full GLAAS consultation criteria are on our webpage at the following link:

https://www.historicengland.org.uk/services-skills/our-planning-services/greater-







## london-archaeology-advisory-service/our-advice/

Yours sincerely

# **Alexander Bowring**

Inspector of Historic Buildings and Areas E-mail: Alexander.Bowring@historicengland.org.uk

cc Aidan Misselbrook, Historic England Kathryn Stubbs, City of London







Ms Catherine Evans
City of London Corporation
PO Box 270
Guildhall
London
London
EC2P 2EJ

Direct Dial: 020 7973 3091

Our ref: L01169671

28 February 2020

Dear Ms Evans

**Arrangements for Handling Heritage Applications Direction 2015** 

# TOWER OF ALL HALLOWS STAINING MARK LANE LONDON EC3M 3JY Application No. 19/01283/LBC

Thank you for your letter of 30 January 2020 regarding the above application for listed building consent. On the basis of the information available to date, we offer the following advice to assist your authority in determining the application.

# **Historic England Advice**

Historic England has commented separately on the associated planning application for the development proposals on the site. This advice relates to the proposed works to the tower of All Hallows Staining. Historic England is supportive of this element of the scheme, which should enable the long-term conservation of the listed building, including the enhancement of its significance.

The Church of All Hallows Staining was founded in the late-twelfth century and lasted until the parish was combined with that of St Olave Hart Street in c.1870. At this point the church was demolished, leaving only the tower, which is known to contain fabric dating from at least the early-fourteenth century. It is Grade I listed, reflecting its high historic and architectural interest. In the 1950s various works were undertaken to the tower, including the raising of the levels of the churchyard, infilling of openings and the use of unsympathetic materials. These works have had a detrimental impact on both significance and the condition of the historic fabric over time.

Historic England welcomes the proposed conservation and repair works, which are considered to be well-informed and should prevent further loss or decay of historic fabric. Important architectural features and detailing would be better revealed following the removal of later fabric, such as the infill to the Reigate stone arches and heavy masonry shelter coats. The reduction in level of the churchyard as part of a new public realm scheme should also alleviate the damp issues causing stonework to deteriorate,







and enable a better appreciation of the listed building in a more sympathetic immediate setting.

Should you be minded to grant consent, we recommend that you secure the detailed specification for materials and methodologies for the conservation and repairs works (which should correspond with the submitted scope of proposed conservation works), by condition. We note that there is an increasingly pressing need for the identified essential conservation and repair works, and it has been recommended that the phasing of the wider development should enable them to be undertaken at the earliest opportunity.

The development also involves the underpinning of the listed church tower, and given its multi-phase construction history, and the potentially fragile nature of medieval structures, we have already recommended that you secure the final engineering details and the sequence of activities related to the underpinning for approval, prior to this part of the scheme being implemented. We encourage you to consider attaching such a condition to the listed building consent in addition to the planning permission.

#### Recommendation

In determining this application you should bear in mind the statutory duty of section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

Your Authority should take these representations in account and determine the application in accordance with national and local planning policy and in consultation with your specialist conservation advice. We have drafted the necessary letter of authorisation for your Authority to determine the application as you see fit and have referred this to the National Planning Casework Unit (NPCU) (copy attached). You will be able to issue a formal decision once the NPCU have returned the letter of authorisation to you, unless the Secretary of State directs the application to be referred to them.

This response relates to designated heritage assets only. If the proposals meet the Greater London Archaeological Advisory Service's published consultation criteria we recommend that you seek their view as specialist archaeological adviser to the local planning authority.

The full GLAAS consultation criteria are on our webpage at the following link:

https://www.historicengland.org.uk/services-skills/our-planning-services/greater-







# london-archaeology-advisory-service/our-advice/

Yours sincerely

# **Alexander Bowring**

Inspector of Historic Buildings and Areas E-mail: Alexander.Bowring@historicengland.org.uk

cc Kathryn Stubbs, City of London







PLN 0 9 MAR 2020

# MERCHANT TAYLORS' COMPANY

# FROM THE MASTER

Ms Catherine Evans City of London Corporation PO Box 270 Guildhall London EC2P 2EJ

March 3rd 2020

Dear Ms Evans

# ref 19/01307/FULEIA - 50 FENCHURCH STREET

I am writing in support of the above planning application.

On urban planning grounds, the proposed scheme will be a great improvement to the present street scene, which is characterised by the undistinguished current buildings surrounding and masking the wonderful mediaeval Tower of All Hallows Staining.

The CGIs show an attractive and accessible plaza showcasing the ancient Tower, and giving the public the ability to visit both the new roof gardens and the ancient Lambe's chapel crypt.

The office block design is to be applauded for satisfying many important sustainability objectives , and will fit in unobtrusively into the eastern cluster of tall buildings .

Replacement of a 62 year old building will benefit the City's commercial offering; and though I think its outside planning considerations, the fact that the additional office space created by the proposed scheme will allow capital to be unlocked to help endow the great charitable enterprise that is the Clothworkers Foundation, is an added benefit for both The City, and London as a whole.

Yours sincerely,

Nicholas Hunter Jones

# CARPENTERS' COMPANY

ALL LETTERS TO SE ADDRESSED TO "THE CLERK"



FROM THE MASTER

CARPENTERS' HALL
THROGMORTON AVENUE,
LONDON, EC2N 2JJ

PLN 1 0 MAR 2020

Ms Catherine Evans
City of London Corporation
PO Box 270
Guildhall
London
EC2P 2EI

6 March 2020

Clothworkers' Development Proposal

Downs Evans

I write as the Master of a Livery Company, the Worshipful Company of Carpenters, with an enduring interest in and commitment to the development of the City of London over many centuries – and I write in order to express our strong support for the planning application submitted by the Clothworkers' Company for their development of 50 Fenchurch Street.

The Clothworkers' Company is renowned for its enduring commitment to charitable endeavours and we have no doubt that their development will add significantly to both the aesthetics and public benefit of the City. From our perspective, the main benefits provided by their scheme are as follows:

- Significant and exciting new public spaces a roof garden designed to complement the garden at 10 Fen Court, a double height high level winter garden and extensive ground floor public realm. This totals over 3,000 sq m of space, representing a 30 fold increase over existing public space in a part of the City where there is limited public space
- - Heritage assets improving two currently inaccessible listed buildings on site and the opening of these to the public.

# CARPENTERS' COMPANY

ALL LETTERS TO BE ADDRESSED TO "THE CLERK"



CARPENTERS' HALL
THROGMORTON AVENUE,
LONDON, EC2N 2JJ

### FROM THE MASTER

- - Livery Hall a fit for purpose new Livery Hall and associated accommodation, remaining on the site and being the Clothworkers' seventh Hall in this location.
- - Architecture high quality architecture (by Eric Parry) providing a substantial improvement on the existing office buildings
- - Urban greening and Sustainability pioneering and extensive urban greening, designed to meet the stringent sustainability targets for new buildings
- - Employment new office building accommodating 6,500 people helping to meet the City's targets for new space
- - Charitable the overriding rationale for the scheme is that it will allow capital to be unlocked from these assets to help endow the Clothworkers' Foundation for generations.

We very much hope that you will give consent to this ambitious and admirable scheme.

Yours sincerely





Ms Catherine Evans
City of London Corporation
PO Box 270
Guildhall
London
EC2P 2EJ

6 March 2020

Dear Ms Evans,

Ref: 19/01307/FULEIA

Having reviewed the Development Proposal of the Clothworkers' Company regarding their proposed new development I would like to offer the Company's support and set out our views below.

- The proposal boasts exciting new public spaces including a roof garden designed to complement the garden at 10 Fen Court, a double height high level winter garden and extensive ground floor public realm. This totals over 3,000 sq m of space, representing a 30 fold increase over existing public space in a part of the City where there is limited public space.
- It supports City heritage assets improving two currently inaccessible listed buildings on site and the opening of these to the public.
- It will provide a fit for purpose new Livery Hall for the Clothworkers' Company enabling it to remain on site from its charter date of 1528.
- The high quality architecture (by Eric Parry) provides a substantial improvement on the existing office buildings and is fitting for the surrounding area.
- It pioneers extensive urban greening, and meets the sustainability targets for new buildings.
- The new office building will accommodate 6,500 people thereby helping to meet the City's targets for new space.
- It will allow capital to be unlocked to help endow the Clothworkers' Foundation and their important work.

Yours sincerely,

Mark Aspinall Master Mercer This page is intentionally left blank

# Agenda Item 5

Committee:	Date:		
Planning and Transportation	14 May 2020		
Subject: Addendum report	Public		
61-65 Holborn Viaduct London EC1A 2FD			
Demolition of existing building structure and erection of a mixed-use building comprising four basement levels, lower ground, ground and ten upper storeys for (i) hotel use (Class C1) at part basement levels one to four, part lower ground, part ground and part first, and second to tenth floors levels; (ii) restaurant / bar use (Class A3/A4) at part tenth floor level; (iii) office workspace use (Class B1) at part basement levels one to three, part lower ground and part first floor levels; (iv) flexible hotel / cafe / workspace (Sui Generis) at part ground floor level; (v) a publicly accessible terrace at roof level and; (vi) ancillary plant and servicing, hard and soft landscaping and associated enabling works.			
Ward: Farringdon Within	For Decision		
Registered No: 19/01038/FULMAJ	Registered on: 30 September 2019		
Conservation Area:	Listed Building: No		

#### Summary

The proposed redevelopment of the site was considered by Members at the Planning and Transportation Committee on 28th January 2020. At the Committee it was resolved that the application be approved subject to Planning obligations and other agreements being entered into under section 106 of the Town & Country Planning Act 1990 and Section 278 of the Highways Act 1980 and the decision notice not being issued until the Section 106 obligations have been executed.

The City Corporation subsequently received a Strategic Planning Application Stage 1 referral response letter and planning report on 6<sup>th</sup> April 2020 from the Greater London Authority (GLA), in which the GLA advised that whilst the principle of the development is strongly supported there were issues that need to be addressed to ensure that the scheme complies with the London Plan.

The issues raised relate to the provision of affordable workspace, urban design and heritage, sustainable development and transport. These have

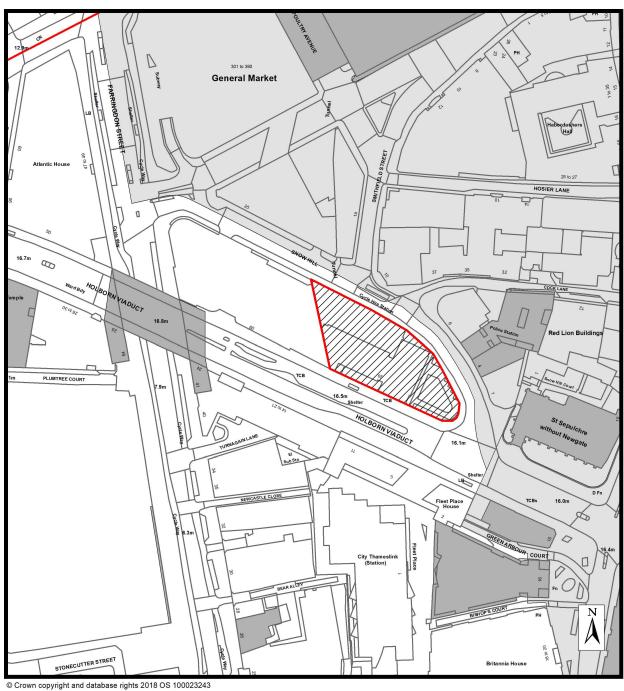
been be addressed through conditions (both existing and new), new and updated application details and obligation clauses within the Section 106 Agreement. As a result, the development is considered to comply with the London Plan and to accord with the development plan as a whole.

#### Recommendation

That planning permission be granted for the above proposal in accordance with the details set out in the attached schedule, subject to:

- (a) the Mayor of London being given 14 days to decide whether to allow the Corporation to grant planning permission as recommended, or to direct refusal, or to determine the application himself in accordance with Article 5(1)(a) of the Town & Country Planning (Mayor of London) Order 2008;
- (b) planning obligations and other agreements being entered into under Section 106 of the Town & Country Planning Act 1990 and Section 278 of the Highway Act 1980 in respect of those matters set out in this report and the original Committee Report dated 28 January 2020, the decision notice not to be issued until the Section 106 obligations have been executed.

# **Site Location Plan**



ADDRESS:

61 - 65 Holborn Viaduct

CITY BOUNDARY

SITE LOCATION

LISTED BUILDINGS

CONSERVATION AREA BOUNDARY

CASE No.

19/01038/FULMAJ

DEPARTMENT OF THE BUILT ENVIRONMENT

#### **Main Report**

#### **Background**

- 1. At the 28<sup>th</sup> January Planning and Transportation Committee meeting a planning application was considered by Members in relation to 61-65 Holborn Viaduct for:
  - (i) Demolition of the existing building structure and the erection of a mixed-use building comprising four basement levels, lower ground, ground and ten upper storeys for (i) hotel use (Class C1) at part basement levels one to four, part lower ground, part ground and part first, and second to tenth floors levels;
  - (ii) restaurant / bar use (Class A3/A4) at part tenth floor level;
  - (iii) office workspace use (Class B1) at part basement levels one to three, part lower ground and part first floor levels;
  - (iv) flexible hotel / cafe / workspace (Sui Generis) at part ground floor level:
  - (v) a publicly accessible terrace at roof level; and
  - (vi) ancillary plant and servicing, hard and soft landscaping and associated enabling works.
- 2. A copy of the original committee report is appended to this report.
- 3. Following consideration of the merits of the proposed development and the representations made, Committee members unanimously voted that the planning application be approved (18 in favour, 0 against, 0 abstentions), subject to Planning obligations and other agreements being entered into under section 106 of the Town & Country Planning Act 1990 and Section 278 of the Highways Act 1980 and the decision notice not being issued until the Section 106 obligations have been executed.
- 4. On 6<sup>th</sup> April 2020 the City Corporation received a Strategic Planning Application Stage 1 referral response letter and planning report from the Greater London Authority (GLA). A copy of the letter and planning report is appended to this report.
- 5. In their letter and report the GLA has advised that whilst the principle of the development is strongly supported there are a number of issues that should be addressed to ensure that the scheme complies with the London Plan. The issues raised by the GLA are set out below along with the City Corporation's response to ensure compliance. The majority of issues raised had already been dealt with in the original committee report through proposed conditions and planning obligations, where necessary additional conditions and planning obligations are now proposed.

### **Provision of Affordable Workspace**

- 6. The scheme would provide 3,741sq.m of office floorspace that would be managed by an officer provider, providing space for start-ups and SMEs, including an element of affordable workspace. The GLA have requested that the provision and management of the affordable workspace must be secured in the Section 106 agreement.
- 7. As set out in the original committee report for the development, it has been the City Corporation's intention that affordable workspace will be secured through the Section 106 Agreement. A SME space plan will be required to be submitted and approved prior to the first occupation of the building, including the provision of an incubator space for start-ups / qualifying occupiers at a reduced charge or an initial three month charge free period.

## **Urban Design and Heritage**

- 8. The GLA were consulted on the application in October 2019 on the grounds that the proposed development would breach the consultation threshold of a number of designated views within the GLA's London View Management Framework (LVMF).
- 9. In respect of the designated views, the GLA have advised that the form and massing approach of the development is supported and aligns with the scale and block pattern of the site's context.
- 10. The GLA have requested that a historic impact assessment is prepared by a suitably qualified heritage consultant and submitted prior to determination of the application. City officers consider that this aspect of the proposal was adequately addressed in the original submission, however a Heritage Assessment has subsequently been submitted by the applicants, which concludes that the proposed development would have a positive effect on the site, its immediate context and nearby heritage assets.
- 11. The GLA have advised that the form, massing, layout and design quality of the scheme is broadly supported, but that the applicant should investigate further options to reduce the impact of service yard frontage onto Snow Hill, which they feel could be achieved by integrating its frontage into the architecture of the upper floors.
- 12. The location and size of the service yard has been determined by City of London servicing standards and the load capacity of the network rail line underneath the site. Details of the loading bay doors, ground floor elevations and green wall planting would be secured by condition (see condition 39).
- 13. Policies 5.10 of the London Plan and G1 and G5 of the of the intend to publish London Plan require applicants to embed urban greening as a fundamental part of the design of development. The GLA have acknowledged that in this respect the proposal is an exemplar scheme

- that has sought to maximise the quality and quantity of urban greening proposed and is therefore strongly supported.
- 14. They have advised that the applicant should set out how the planting and irrigation strategy for the Green Wall will address micro-climate factors, and that key details on the construction methods, irrigation and long-term maintenance of the green wall should be provided and secured by conditions of approval. Details of the construction, planting irrigation and maintenance regime for the proposed green wall(s)/roof(s) will be secured by condition (see condition 30).

## **Sustainable Development**

- 15. The GLA have advised that further revisions and information are required in respect of energy use and that the carbon dioxide savings put forward by the applicant must be verified before the energy proposals can be considered compliant with Policy 5.2 of the London Plan and Policy SI2 of the draft London Plan. In this regard, the applicant is required to maximise the on-site savings from renewable energy technologies (such as photovoltaics) regardless of the London Plan energy saving targets having been met.
- 16. A condition has been included requiring that before any construction works are begun a detailed assessment of further measures to improve carbon dioxide emissions savings is submitted and approved (see condition 13). The details submitted pursuant to this condition will be expected to take account of the London Plan's energy hierarchy, including exploring on-site savings from renewable energy technologies (including photovoltaics).
- 17. The GLA has requested that the development must provide a commitment to ensure that the development is designed to allow future connection to a district heating network. This would be secured by condition (see condition 31).
- 18. An amended drainage strategy has been requested to ensure that the development complies with Policy 5.13 of the London Plan and Policy SI13 of the draft London Plan. Fully detailed design and layout drawings for the proposed sustainable urban drainage (SuDs) components of the development are required, by condition, to be submitted and approved before any construction works are begun (see condition 12).

## **Transport**

- 19. The GLA has requested that the applicant prepare and submit a Healthy Streets Transport Assessment in accordance with Policy T2 of the intend to publish London Plan, and undertake a Stage 1 Road Safety Audit and Designer's Response. Both documents would be secured through the Section 106 Agreement.
- 20. The GLA has suggested the applicant should explore with the City Corporation whether the existing staggered adjacent pedestrian crossing

- on Holborn Viaduct could be replaced with a straight-across crossing. This will be explored as part of any highway improvement works in this area.
- 21. An Amended Travel Plan, Delivery Servicing Plan and Construction Logistics Plan have been requested. These documents would be secured through the Section 106 Agreement and by condition (see condition 8).
- 22. The GLA have advised that an electric vehicle charging point should be provided for the disabled car parking space proposed within the development's service area. This will be secured through the submission of an amended lower ground floor plan.
- 23. The GLA has requested that cycle parking compliant with minimum standards of the intend to publish London Plan be secured by condition. The scheme currently provides 109 long-stay cycle parking spaces and 27 short-stay cycle parking spaces (total 136). The applicant has provided 12 additional long-stay cycle parking spaces in lieu of short-stay cycle parking, pointing out that 20% of the people who eat at the proposed restaurant are expected to be hotel guests. During negotiations, the applicant increased its short-stay cycle parking spaces offer by a further 13 resulting in the 27 outlined and this was addressed in the original report to this Committee. This is considered to maintain an appropriate balance between cycling parking provision and an exceptional public realm for the development.

## **Conclusion**

24. The development continues to be regarded as acceptable in land-use terms and a progressive and exciting response to an increase in urban greening appropriate to its location. The GLA has confirmed that the principle of the development is strongly supported. The issues identified as needing to be resolved to ensure that the scheme complies with the London Plan have been addressed through conditions (both existing and new), new and updated application details and obligation clauses within the Section 106 Agreement. As a result, the development is considered to comply with the London Plan and to accord with the development plan as a whole.

# **Background papers**

Report to the Planning and Transportation Committee 28 January 2020
Letter 06 April 2020 Greater London Authority
Planning Report GLA/5323/01 06 April 2020 Greater London Authority
Heritage Assessment April 2020 Peter Stewart Consultancy

Liam Hart
Development Division
City of London Corporation
PO Box 270
Guildhall
London
EC2P 2EJ

Our ref: GLA/5323/01/AJR Your ref: 19/01038/FULMAJ

**Date:** 6 April 2020

Dear Liam

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008.

61-65 Holborn Viaduct, London, EC1A 2FD Local planning authority reference: 19/01038/FULMAJ

I refer to the copy of the above planning application, which was received 17 October 2019. On 6 April 2020, Jules Pipe, Deputy Mayor for Planning, Regeneration and Skills, acting under delegated authority, considered a report on this proposal, reference GLA/5323/01. A copy of the report is attached, in full. This letter comprises the statement that the Mayor is required to provide under Article 4(2) of the Order.

The Deputy Mayor considers that the application does not comply with the London Plan and intend to publish London Plan, for the reasons set out in paragraph 66 of the above report. However, the resolution of those issues could lead to the application becoming compliant with the London Plan and intend to publish London Plan.

If your Council subsequently resolves to make a draft decision on the application, it must consult the Mayor again under Article 5 of the Order and allow him fourteen days to decide whether to allow the draft decision to proceed unchanged, or direct the Council under Article 6 to refuse the application. You should therefore send me a copy of any representations made in respect of the application, and a copy of any officer's report, together with a statement of the decision your authority proposes to make, and (if it proposed to grant permission) a statement of any conditions the authority proposes to impose and a draft of any planning obligation it proposes to enter into and details of any proposed planning contribution.

Please note that the Transport for London case officer for this application is Max Faulkner, e-mail v\_MaxFaulkner@tfl.gov.uk.

Yours sincerely

# John Finlayson

Head of Development Management

cc Unmesh Desai, London Assembly Constituency Member Andrew Boff, Chair of London Assembly Planning Committee National Planning Casework Unit, DCLG Lucinda Turner, TfL

# **GREATERLONDONAUTHORITY**

planning report GLA/5323/01 6 April 2020

61-65 Holborn

in the City of London Corporation planning application no. 19/01038/FULMAJ

# Strategic planning application stage 1 referral

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008.

# The proposal

Demolition of existing building structure and erection of an 11 storey mixed-use building, comprising hotel use (Class C1, 382 rooms - 19,179sq.m) at part basement levels one to four, part lower ground, part ground and part first to tenth floors levels; restaurant / bar use (Class A3/A4 - 514sq.m) at part tenth floor level; office workspace use (Class B1 - 3,741sq.m) at part basement levels one to three, part lower ground and part first floor levels; flexible hotel / cafe / workspace (Sui Generis - 1,014sq.m) at part ground floor level; a publicly accessible terrace at roof level (540sq.m); ancillary plant, servicing, landscaping and associated enabling works (total floorspace 24,988sq.m).

## The applicant

The applicants are **Dominvs Project Company 16 Limited** and the architect is **Shepard Robson**.

## Strategic issues summary

**Principle:** The principle of developing the site in the Central Activities Zone to provide a new 382 bed hotel and mixed commercial uses is strongly supported. (paragraphs 14-21).

**Urban design:** A Historic Impact Assessment is required prior to determination. The form, massing, layout and design quality of the scheme is supported. The applicant should investigate further options to reduce the impact of service yard frontage onto Snow Hill. The applicant should set out how the planting and irrigation strategy will address micro-climate factors, with key details on construction methods, irrigation and long-term maintenance of the green wall to be provided and secured by conditions of approval. (paragraphs 22-31).

**Sustainable Development:** Further revisions and information are required, and the carbon dioxide savings verified before the energy proposals can be considered compliant with London Plan draft London Plan policy. An amended drainage strategy is required. (paragraphs 32-44).

**Transport:** The applicant must prepare and submit a Healthy Streets Transport Assessment and undertake a Stage 1 Road Safety Audit and Design Response. Electric Vehicle Charging Points must be secured for Blue Badge spaces. Cycle parking compliant with intend to publish London Plan requirements and London Cycle Design Standards to be secured by condition. Amended Travel Plan, Delivery Servicing Plan and Construction Logistics Plan to be provided and secured. (paragraphs 45-62).

#### Recommendation

That The City of London Corporation be advised that the scheme does not currently comply with the London Plan for the reasons set out in paragraph 66 of this report, but that the possible remedies set out in that paragraph could address these deficiencies.

#### Context

- On 17 October 2019, the Mayor of London received documents from The City of London Corporation notifying him of a planning application of potential strategic importance to develop the above site for the above uses. Under the provisions of The Town & Country Planning (Mayor of London) Order 2008, the Mayor will provide the Corporation with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. The Mayor may also provide other comments. This report sets out information for the Mayor's use in deciding what decision to make.
- The application is referable under Category 4 of the Schedule to the 2008 Order:
  - 4(1): "Development in respect of which the local planning authority is required to consult the Mayor by virtue of a direction given by the Secretary of State under article 10(3) of the GDPO."; as;

The development affects the following protected vistas identified in the London View Management Framework SPG, which are subject to directions by the Secretary of State under articles 16(4) and 39 of the Town and Country Planning (Development Management Procedure) Order 2010, these directions supersede those previously given under article 10(3) of the GPDO.

- Protected vista 2A.1: Parliament Hill summit to St Paul's Cathedral above 52.1 metres AOD
- Protected Vista 6A.1: Blackheath Point to St Paul's Cathedral Within threshold plane
- Protected Vista 5A.2: Greenwich Park Wolfe statue to St Paul's Cathedral –
   Within the he background wider setting consultation area.
- Protected Vista 3A.1: Kenwood viewing gazebo to St Paul's Cathedral above
   52.1 metres AOD
- Protected Vista 4A.1: Primrose Hill summit to St Paul's Cathedral above 52.1 metres AOD
- Protected Vista 5A.2: Greenwich Park Wolfe statue to Tower Bridge Within background wider setting consultation area.
- Once The City of London Corporation has resolved to determine the application, it is required to refer it back to the Mayor for his decision as to whether to direct refusalor allow the Corporation to determine it itself.
- 4 The Mayor of London's statement on this case will be made available on the GLA website www.london.gov.uk.

### Site description

The site constitutes an area of approximately 0.2 hectares which adjoins Holborn Viaduct along its southern boundary, Snow Hill on its northern and eastern boundaries, and the 9 storey 'Bath House' office building on its western boundary. The site is situated in the Central Activities

Zone, and situated directly adjacent the Smithfield Conservation Area to the north. The Grade 1 listed church of the Holy Sepulchre is situated adjacent the site across Snow Hill to the east. The site presently contains a 9-storey office building, which is currently being demolished under a prior approval consent granted in April 2019.

The site has an excellent Public Transport Accessibility (PTAL) of 6b on a scale of 0-6b, where 6b is the highest. The nearest part of the Transport for London Road Network (TLRN) is the A201 Farringdon Street, approximately 100m west, linked from Snow Hill. The nearest station is City Thameslink on the opposite side of Holborn Viaduct, which is served by Thameslink National Rail services. The nearest London Underground stations are St Paul's station (480 metres east) and Chancery Lane station (500 metres west), both on the Central line. Farringdon Station is also located approximately 500 metres north of the site and is served by the Metropolitan, Circle and Hammersmith & City lines and Thameslink National Rail services. Farringdon station will be served by the Elizabeth Line in the future. Nearby bus stops on Farringdon Street and Holborn Viaduct provide access to 8 routes.

## **Details of the proposal**

- 7 The proposal involves the demolition of the existing building on the site, and the construction of a new 11 storey building which contains:
  - A 382 room hotel (C1 use);
  - 514 sq.m restaurant/bar (A3/A4 use)
  - 741 sq.m office (B1 use)
  - 1,014 sq.m flexible hotel/café/workspace (Sui Generis);
  - Publicly accessible roof terrace;
  - Ancillary plant, landscaping, associated and enabling works.

### Case history

- 8 The scheme has not been subject to pre-application advice with the GLA.
- 9 Prior approval was granted 5 April 2019 for the demolition of the existing building on the site (ref. 19/00178/DPAR).
- 10 Planning consent was granted on 30 June 2014 for the demolition of the existing building and the erection of a new mixed-use building office (Class B1) and hotel floorspace (C1) (ref. 12/00105/FULMAJ). This consent was never implemented and has since expired.

### Strategic planning issues and relevant policies and guidance

- For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan in force for the area is the City of London Local Plan 2015 and the London Plan 2016 (consolidated with alterations since 2011).
- 12 The following are relevant material considerations:
  - The National Planning Policy Framework;
  - National Planning Practice Guidance;

- Mayor's Intend to Publish London Plan (December 2019), which should be taken into account on the basis set out in the NPPF; and
- On the 13th March 2020 the Secretary of State issued a set of Directions under Section 337 of the Greater London Authority Act 1999 (as amended) and, to the extent that they are relevant to this particular application, have been taken into account by the Mayor as a material consideration when considering this report and the officer's recommendation.
- London View Management Framework SPG

13 The relevant issues and corresponding policies are as follows:

• Principle of development London Plan;

Urban Design
 London Plan; Shaping Neighbourhoods: Character and

Context SPG; Accessible London: Achieving an Inclusive Environment SPG; London View Management Framework

SPG;

Sustainable Development London Plan; Sustainable Design & Construction SPG;

Mayor's Environment Strategy;

• Transport London Plan; Mayor's Transport Strategy.

## **Principle of development**

- The site is located in the Central Activities Zone (CAZ). Policies 2.10 and 2.11 of the London Plan and policies SD4 and SD5 of the intend to publish London Plan seek to strengthen the CAZ's nationally and internationally significant office functions, and the vitality and viability of its retail clusters.
- The incorporation of a mixture of land uses including a restaurant, bar, café and publicly accessible rooftop is considered to provide improved activation of the new building in support of surrounding retail and office land uses. Furthermore, Policy 4.5 of the London Plan and E10 of the intend to publish London Plan support the expansion of London's visitor economy, seeking improvement to the capacity, range and quality of visitor infrastructure. In this regard, the provision of new visitor accommodation in the Central Activities Zone is strongly encouraged.

#### Loss of office space

- Policy E1 of the intent to publish London Plan seeks improvements to the quality, flexibility and adaptability of office space of different sizes in the Central Activities Zone, along with increases in the amount of Office Stock available. In this respect the existing building on the site previously contained 7,977 sq.m of office floorspace (B1 use) and, by contrast, the proposal contains only 747 sq.m of office floorspace which represents a significant deficit in terms of reprovision.
- Notwithstanding the above, it is noted that the existing office building has been vacant since 2010, which the applicant attributes to the inefficient layout and poor quality of the existing office building design creating difficulties in attracting and securing tenants. The exiting building is purportedly in a poor state of repair and unfit for occupation, and currently under demolition as approved in a separate prior approval application in 2019.

- Notwithstanding the reduction in the overall quantum of office floorspace proposed, the applicant has detailed that the newly provided office space has been designed to accommodate approximately 380 full time employees. This is comparable to the employment capacity of the last use of the existing office building on the site, noting again the inefficient layout and design constraints of the existing building. The new office space has also been designed to better accommodate flexible floorplates in support of Small and Medium Enterprises (SMEs) in comparison to the existing building.
- In the above respect, the proposed loss of office floorspace and its replacement with a smaller quantum of office floorspace offering greater employment density and flexibility for SME's is supported by Policy E1(I) of the intend to publish London Plan; which states that the redevelopment, intensification and change of use of surplus office space to other uses is supported, subject to exploration of providing a range of suitable work space.

## Affordable workspace

- Policy E3 of the intend to publish London Plan requires commercial developments to incorporate the provision of affordable workspace in the Central Activites Zone, where cost pressures are likely to lead to the loss of affordable or low-cost workspace for micro, small and medium-sized enterprises.
- The office component of the scheme proposes a 'flexible office model' which includes provision of an 'incubator hub' as well as number of small format offices footprints in support of offering affordable workspace to SME's. The flexible office model will be managed by a central management company, and the applicant has demonstrated significant affordability benefits to office affordability for small and medium businesses which occupy the space. The model for the delivery of affordable workspace is supported, and details of affordability and management criteria must be secured in the s106 agreement.

### **Urban Design and heritage**

- The design principles of chapter seven in the London Plan and chapter three of the draft London Plan outline that all developments should achieve a high standard of design which responds to local character, enhances the public realm and provides architecture of the highest quality. In particular, Policy 7.5 of the London Plan and Policies D1 & D2 of the draft London Plan require architecture to make a positive contribution to a coherent public realm, streetscape and wider cityscape, incorporating the highest quality materials and design appropriate to the surrounding context.
- The layout is well conceived, with the proposed building aligning with established building frontages and re-establishing the prominent corner. The creation of a pocket public space at the corner of Holborn/snow hill is welcomed and this will benefit from south light as well as being a valuable addition to the wider network of public realm.
- The height of the colonnade appears sufficient to provide a welcoming and open ground frontage onto Holborn and the organic form of ground frontages creates defined entrances to the lobby areas.
- 25 The snow hill frontage is less successful and appears unresolved. It is noted that the

building would have two public facing edges with no obvious 'back of house' zone, however, the applicant should work to reduce the impact of service yard frontage onto Snow Hill. This can be achieved by integrating its frontage into the architecture of the upper floors so it appears less stark. The view of the service yard on the approach from the north along Smithfield St will be particularly prominent. Regard should also be given to the proposals for the neighbouring Museum of London scheme (former Smithfield's Market) in terms of public realm treatment and relationship with its ground frontages/entrances.

- Owing to it's location, the development will be situated within the following protected Vista's outlined in the London View Management Framework SPG:
  - Protected vista 2A.1: Parliament Hill summit to St Paul's Cathedral above 52.1 metre AOD
  - Protected Vista 6A.1: Blackheath Point to St Paul's Cathedral Within threshold plane
  - Protected Vista 5A.2: Greenwich Park Wolfe statue to St Paul's Cathedral Within the he background wider setting consultation area.
  - Protected Vista 3A.1: Kenwood viewing gazebo to St Paul's Cathedral above 52.1 metres
     AOD
  - Protected Vista 4A.1: Primrose Hill summit to St Paul's Cathedral above 52.1 metres AOD
  - Protected Vista 5A.2: Greenwich Park Wolfe statue to Tower Bridge Within background wider setting consultation area.
- In respect of the above vistas, the form and massing approach is supported and aligns with the scale and block pattern of the site's context. The key views analysis suggests the building will enhance and improve on the existing condition which is welcomed. It will also improve on the immediate setting of neighbouring Conservation Areas and heritage assets.
- 28 Key to the acceptability of the extensive green walling will be the ability to secure as much detail as possible on key construction details, irrigation methods, and long-term maintenance strategies as part of any planning consent. It is noted that the Snow Hill façade is north facing and the ability to achieve substantial plant growth may be compromised. The applicant should set out how the planting and irrigation strategy will address micro-climate factors in general.

### **Heritage**

- The application site is not situated within a Conservation Area and does not contain any listed buildings or buildings of notable architectural character. Notwithstanding this, the site is immediately adjacent the Smithfield Conservation Area (situated to the north) and Newgate Street Conservation Areas (to the east) across Snow Hill. The site is also situated in close proximity to a number of listed buildings, including:
  - Grade I Listed Church of St Sepulchre located adjacent Snow Hill to the east.
  - Grade II Listed 1-3 Snow Hill located adjacent Snow Hill to the east.
  - Grade II Listed 4 Snow Hill located adjacent Snow Hill to the east.
  - Grade II Listed Snow Hill Police Station located adjacent Snow Hill to the east.
  - Grade II Listed 2-8 Holborn Viaduct located adjacent the A40 to the south.

- Grade II Listed Central Criminal Court located approximately 100 metres south-west.
- 30 The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the statutory duties for dealing with heritage assets in planning decisions. In relation to listed buildings, all planning decisions should 'should 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'. The NPPF states that when considering the impact of the proposal on the significance of the designated heritage asset, great weight should be given to the assets conservation. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Significance is the value of the heritage asset because of its heritage interest, which may be archaeological, architectural, artistic or historic, and may derive from a heritage asset's physical presence or its setting. Where a proposed development will lead to 'substantial harm' to or total loss of the significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Where a development will lead to 'less than substantial harm', the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. Policy HC1 of the intend to publish London Plan, as well as London Plan Policy 7.8, states that development should conserve heritage assets and avoid harm, which also applies to non-designated heritage assets. Case law outlines that a finding of harm to the setting of a listed building is a consideration to which the decision maker must give considerable importance and weight.
- The tested views submitted in the Townscape and Visual Impact Assessment (TVIA) confirm that the proposals would retain a consistent building parapet with neighbouring development, and the green wall treatment would substantially soften the impact of the building in the surrounding street scene. Notwithstanding this, there is currently insufficient information provided to make a full assessment of the impact of the proposed building on the surrounding historic buildings and adjacent Conservation Areas. Prior to determination, the applicant must submit a Historic Impact Assessment prepared by a suitably qualified heritage consultant, which quantifies the level of harm on all surrounding heritage assets and conservation areas, to enable a measured assessment of any subsequent harm to inform the assessment of the application in accordance with the tests outlined in the NPPF, Policies 7.8 of the London Plan and HC1 of the draft London Plan.

### **Sustainable Development**

## **Energy**

- 32 The Energy Hierarchy has been followed and the proposed energy strategy is broadly supported; however, further revisions and information are required before the proposals can be considered acceptable to comply with Policies 5.2 and 5.13 of the London Plan as well as Policies SI2 and SI13 of the draft London Plan. Detailed comments have been forwarded to the LPA and the applicant under separate cover in this regard.
- Non-domestic carbon dioxide savings exceed the targets within Policy 5.2 of the London Plan. However, the proposed strategy is not in accordance with GLA guidance and should therefore be reviewed further. Revised carbon emissions should be submitted for all stages of the energy hierarchy.

- The applicant has determined that no existing or planned district heat network opportunities exist, and evidence must be provided to support this position. Irrespective of this, the development must provide a commitment to ensure that the development is designed to allow future connection to a district heating network, and drawings demonstrating how the site is to be future-proofed for a connection to a district heating network must be provided.
- The applicant is required to maximise the on-site savings from renewable energy technologies, regardless of the London Plan targets having been met. No PhotoVoltaic (PV) installation is proposed which is unacceptable. A detailed roof layout must be provided demonstrating that the roof's potential for a PV installation has been maximised.

## Flooding, drainage and green infrastructure

- Detailed comments regarding flood risk and drainage have been forwarded to the City Corporation and the applicant under separate cover. Review of the submitted information has confirmed that the approach to flood risk management for the proposed development complies with Policy 5.12 of the London Plan and Policy SI.12 of the intend to publish London Plan.
- The applicant appears to be committed to a high-quality architectural and landscape design and this same high-quality approach should be extended to drainage and water consumption. The Applicant should provide a clear strategy for irrigation using rainwater harvesting and reuse. This strategy should be coordinated across landscaping, drainage and MEP/sustainability proposals, including considering combined rainwater harvesting and attenuation storage using a smart control system, and the use of harvested water to supply building services such as toilets.
- The surface water drainage strategy for the proposed development does not comply with London Plan policy 5.13 and policy SI.13 of the intend to publish London Plan, as it does not give appropriate regard to the drainage hierarchy. The Applicant should include rainwater harvesting in the drainage strategy and seek to combine rainwater harvesting and attenuation storage systems using a smart control system. Blue roof systems on roof terraces should be considered as part of any rainwater harvesting and/or attenuation system proposed.
- 39 The proposed development does not meet the requirements of London Plan policy 5.15 intend to publish London Plan policy SI.5, with respect to water efficiency, and should be amended accordingly.

### Green infrastructure

- 40 Policies 5.10 of the London Plan and G1 and G5 of the of the intend to publish London Plan require applicants to embed urban greening as a fundamental part of the design of development.
- In this respect the proposal is an exemplar scheme that has sought to maximise the quality and quantity of urban greening proposed, and is strongly supported. The ground level includes green walls, 9 street trees and planters with herbaceous vegetation. The roof includes a biodiverse roof and planting on the public rooftop terrace. The green wall wraps around the building, including approximately 400,000 plants. This is strongly supported and would set a new standard for urban greening in dense urban situations.
- 42 The Urban Greening Factor (UGF) has been calculated to be 1.37, vastly exceeding the

target score of 0.3 for commercial development. This is hugely positive and demonstrates what is achievable when urban greening is embedded as a fundamental element of site design.

- The applicant has recognised the multifunctional nature of green infrastructure, explaining that the green wall would improve air quality, increase biodiversity and contribute to sound insulation; as well as protect the structure, have a positive social impact, regulate temperature and create a pleasing aesthetic.
- Some minor technical clarifications are sought regarding the calculation of the UGF, and these have been forwarded both to the City Corporation and the applicant under separate cover.

### **Transport**

The development proposal will increase public realm space available at street level, in accordance with policy 7.5 of the London Plan and policies T2 and D7 of the intend to publish London Plan.

### **Healthy Streets**

- The applicant must prepare and submit a Healthy Streets Transport Assessment in accordance with Policy T2 of the intend to publish London Plan. This must specifically be supported by an Active travel Zone (ATZ) Assessment that considers how the development will respond to the Mayor's Healthy Streets and Vision Zero agendas. An ATZ assessment should examine barriers to active travel as well as measures to overcome them.
- The adjacent pedestrian crossing on Holborn Viaduct has a reverse-stagger island with a pedestrian railing "sheep-pen". The applicant should explore with the City Corporation whether the installation of a straight-across pedestrian crossing would be feasible in this location. This would increase pedestrian convenience for users of and visitors to the proposed development, who would directly benefit. It would also reduce the likelihood of pedestrians crossing informally to access the proposed development, which may put them at risk of conflicts with motorised vehicles and cyclists.
- All bus stops in the vicinity of the site should accord with TfL Accessible Bus Stop Design Guidance and comply with the Disabilities Discrimination Act (2010).

### **Access and Vision Zero**

- The proposed development would be accessed by vehicles from Snow Hill away from the strategic road network which is welcome. However, the close proximity of the cycling and vehicle access points may give rise to conflicts between service vehicles and vulnerable road users, including users of the adjacent Cycle Hire docking station. Concern is also held regarding potential conflicts between servicing vehicles and vehicles using the Blue Badge space proposed within the internal servicing yard. The applicant should undertake a Stage 1 Road Safety Audit and Designer's Response prior to determination for the vehicular access arrangement proposed.
- A dropped kerb into the proposed Snow Hill cycling access should be used to improve the continuity of cycling journeys from the carriageway into the building. This would support Policy T5 of the intend to publish London Plan.

#### Car parking

- The development would be 'car free', apart from one accessible disabled bay, which is strongly supported in accordance with policies T6.2 and T6.4 of the intend to publish London Plan.
- The applicant advises that the accessible parking bay proposed within the lower ground floor loading area will be managed through a valet service. Further details on how exactly this service will be managed and run are required, prior to determination, in order to confirm support for this arrangement.
- An electric vehicle charging point should be provided for the disabled car parking space proposed. Provision of one active electric vehicle charging point for the blue badge bay should therefore be secured by condition.

### Cycling

- The development proposes a total of 107 long stay cycle spaces and 14 short stay spaces in the public realm. The applicant proposes for 25% of the short stay cycle parking to be located within the private cycle store, which would not comply with policy T5 of the intend to publish London Plan. Further justification should be provided why all 47 short stay cycle parking spaces required by London Plan policy cannot be located in the public realm in accordance with the London Cycling Design Standards (LCDS).
- The applicant should investigate the possibility of providing short stay cycle parking adjacent to the main building entrance, as short stay cycle parking should have step free access and be located within 15 metres of the main entrance wherever possible. In any respect, provision of cycle parking compliant with minimum standards of the intend to publish London Plan and LCDS should be secured by condition.
- Snow Hill Cycle Hire docking station is located opposite the site, is in the top 17% for usage across London, and currently running over capacity. The active travel assessment should therefore review walking routes from this site to other nearby docking stations at Farringdon Street and Stonecutter Street. Dependent on the outcome of this assessment, a financial contribution secured in the section 106 may be required, towards an extension to one of the local docking stations depending on local street conditions and available space, in accordance with Policy T5 of the intend to publish London Plan.

#### **Trip Generation**

- The Trip Generation tables within the TA aggregate multiple LU and rail stations into 'Rail/LU'. To understand the proposed development's expected impact on the public transport network, LU trip generation must be split up by station, line and direction.
- From the trip generation tables no prediction or discussion is offered considering the potential impact on the TfL network. Despite this, the trip generation figures from this development are low and seem unlikely to require funding contributions to mitigate impact on LU or buses.
- 59 The outline Delivery and Servicing Plan (DSP) submitted states there will be 16 daily

delivery and servicing trips associated with the hotel and office uses. TfL is supportive of trips being undertaken by bicycle couriers rather than by vehicles in line with policy T7 (Deliveries, servicing and construction) of the draft London Plan and policy 6.14 (Freight) of the current London Plan. This should be encouraged and actively facilitated within a full DSP.

Overall, the trip generation assessment is acceptable and on that basis, the proposed development is unlikely to have a significant negative impact on the capacity of London's strategic walking, cycling, and highway networks.

#### Construction and infrastructure protection

- A draft Construction Logistics Plan (CLP) and Delivery and Servicing Plan have been submitted. A full Delivery and Servicing Plan (DSP) and Construction Logistics Plan (CLP), both produced in accordance with best practice guidance, should be secured by condition for approval. The CLP should be in place before construction commences and the DSP prior to occupation.
- Given the close proximity of the Central line and Thameslink tunnels, planning permission should be subject to a number of infrastructure protection conditions, the details of which will be specified by the City Corporation in consultation with TfL.

## Local planning authority's position

Officer's from the City of London Corporation are broadly supportive of the proposal. It is not yet known when the proposal is intended to be presented to The City Corporation's Committee.

## **Legal considerations**

Under the arrangements set out in Article 4 of the Town and Country Planning (Mayor of London) Order 2008, the Mayor is required to provide the local planning authority with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. Unless notified otherwise by the Mayor, the City Corporation must consult the Mayor again under Article 5 of the Order if it subsequently resolves to make a draft decision on the application, in order that the Mayor may decide whether to allow the draft decision to proceed unchanged or direct the City Corporation under Article 6 of the Order to refuse the application . There is no obligation at this present stage for the Mayor to indicate his intentions regarding a possible direction, and no such decision should be inferred from the Mayor's statement and comments.

#### Financial considerations

There are no financial considerations at this stage.

#### Conclusion

London Plan policies regarding principle, urban design, sustainable development and transport are relevant to this application. The below issues must be addressed to ensure the proposal complies with the London Plan:

- Principle: The principle of developing the site in the Central Activities Zone to provide a
  new 382 bed hotel and mixed ancillary commercial uses is strongly supported in
  accordance with Policy 4.5 of the London Plan and Policy E10 of the draft London Plan.
  Provision and management of Affordable Workspace must be secured in the s106
  agreement.
- Urban design: A Historic Impact Assessment prepared by a suitably qualified heritage consultant is required prior to determination. The form, massing, layout and design quality of the scheme is broadly supported. The applicant should investigate further options to reduce the impact of service yard frontage onto Snow Hill. The applicant should set out how the planting and irrigation strategy will address micro-climate factors, with key details on construction methods, irrigation and long-term maintenance of the green wall to be provided and secured by conditions of approval.
- Sustainable Development: Further revisions and information are required, and the carbon dioxide savings verified before the energy proposals can be considered compliant with Policy 5.2 of the London Plan and Policy SI2 of the draft London Plan. An amended drainage strategy is required to comply with Policy 5.13 of the London Plan and Policy SI13 of the draft London Plan. The Urban Greening Factor (UGF) is calculated to be 1.37, vastly exceeding the target score of 0.3 for commercial development and strongly supported in accordance with Policy 5.10 of the London Plan and Policies G1 and G5 of the draft London Plan.
- Transport: The applicant must prepare and submit a Healthy Streets Transport Assessment in accordance with Policy T2 of the intend to publish London Plan, and undertake a Stage 1 Road Safety Audit and Designer's Response. Electric vehicle charging point should be provided for the disabled car parking space. Cycle parking compliant with minimum standards of the intend to publish London Plan and LCDS should be secured by condition. Amended Travel Plan, Delivery Servicing Plan and Construction Logistics Plan shall be provided for assessment and secured by condition.

for further information, contact GLA Planning Unit (Development & Projects Team):

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#### SCHEDULE

APPLICATION: 19/01038/FULMAJ

#### 61-65 Holborn Viaduct London EC1A 2FD

Demolition of existing building structure and erection of a mixed-use building comprising four basement levels, lower ground, ground and ten upper storeys for (i) hotel use (Class C1) at part basement levels one to four, part lower ground, part ground and part first, and second to tenth floors levels; (ii) restaurant / bar use (Class A3/A4) at part tenth floor level; (iii) office workspace use (Class B1) at part basement levels one to three, part lower ground and part first floor levels; (iv) flexible hotel / cafe / workspace (Sui Generis) at part ground floor level; (v) a publicly accessible terrace at roof level and; (vi) ancillary plant and servicing, hard and soft landscaping and associated enabling works.

#### CONDITIONS

- 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.
- Prior to the commencement of development the developer/construction contractor shall sign up to the Non-Road Mobile Machinery Register. The development shall be carried out in accordance with the NRMM Regulations and the inventory of all NRMM used on site shall be maintained and provided to the Local Planning Authority upon request to demonstrate compliance with the regulations. REASON: To reduce the emissions of construction and demolition in accordance with the Mayor of London Control of Dust and Emissions during Construction and Demolition SPG July 2014. Compliance is required to be prior to commencement due to the potential impact at the beginning of the construction
- Demolition works shall not begin until a Deconstruction Logistics Plan to manage all freight vehicle movements to and from the site during deconstruction of the existing building(s) has been submitted to and approved in writing by the Local Planning Authority. The Deconstruction Logistics Plan shall be completed in accordance with the Mayor of London's Construction Logistics Plan Guidance dated July 2017, and shall specifically address the safety of vulnerable road users through compliance with the Construction Logistics and Community Safety (CLOCS) Standard. The Plan must demonstrate how Work Related Road Risk is to be managed. The demolition shall not be carried out otherwise than in accordance with the approved Deconstruction Logistics Plan or any approved amendments thereto as may be agreed in writing by the Local Planning Authority.

REASON: To ensure that demolition works do not have an adverse impact on public safety and the transport network in accordance with London Plan Policy 6.14 and the following policies of the Local Plan: DM15.6, DM16.1. These details are required prior to demolition work commencing in order that the impact on the transport network is minimised from the time that demolition starts.

- The development hereby permitted shall not be commenced until detailed design and method statements (in consultation with London Underground) have been submitted to and approved in writing by the local planning authority which:
  - (i) provide details on all structures;
  - (ii) written approval from London Underground prior to works commencing;
  - (iii) accommodate the location of the existing London Underground structures and tunnels; and
  - (iv) accommodate ground movement arising from the construction thereof.

Reason: To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with London Plan 2015 Table 6.1 and 'Land for Industry and Transport' Supplementary Planning Guidance 20

No work except demolition to basement slab level shall take place until an investigation and risk assessment has been undertaken to establish if the site is contaminated and to determine the potential for pollution 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 by removing unacceptable risks to human health, buildings and other property and to the natural and historical environment 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 are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the Local Plan DM15.8. These details are required prior to commencement in order that any changes to satisfy this condition are incorporated into the development before the design is too advanced to make changes.

- 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
- No groundworks 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 policy of the Local Plan: DM12.4.

exist in accordance with the following policy of the Local Plan: DM12.4.

Construction works shall not begin until a Construction Logistics Plan to manage all freight vehicle movements to and from the site during construction of the development has been submitted to and approved in writing by the Local Planning Authority. The Construction Logistics Plan shall be completed in accordance with the Mayor of London's Construction Logistics Plan Guidance dated July 2017, and shall specifically address the safety of vulnerable road users through compliance with the Construction Logistics and Community Safety (CLOCS) Standard. The Plan must demonstrate how Work Related Road Risk is to be managed. The development shall not be carried out otherwise than in accordance with the approved Construction Logistics Plan or any approved amendments thereto as may be agreed in writing by the Local Planning Authority.

REASON: To ensure that construction works do not have an adverse impact on public safety and the transport network in accordance with London Plan Policy 6.14 and the following policies of the Local Plan: DM15.6, DM16.1. These details are required prior to construction work commencing in order that the impact on the transport network is minimised from the time that construction starts.

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 policy of the Local Plan: DM10.1. These details are required prior to piling or construction work commencing in order that any changes to satisfy this condition are incorporated into the development before the design is too advanced to make changes.

Before any works including demolition are begun a site survey and survey of highway and other land at the perimeter of the site 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 Ordnance Datum levels of the adjoining streets and open spaces. The development shall be carried out in accordance with the approved survey unless otherwise agreed in writing by the local planning authority.

REASON: To ensure continuity between the level of existing streets and the finished floor levels in the proposed building and to ensure a satisfactory treatment at ground level in accordance with the following policies of the Local Plan: DM10.8, DM16.2. These details are required prior to commencement in order that a record is made of the conditions prior to changes caused by the development and that any changes to satisfy this condition are incorporated into the development before the design is too advanced to make changes.

11 There shall be no construction or excavation on the site until a scheme for protecting nearby residents and commercial occupiers from noise, dust and other environmental effects has been submitted to and approved in writing by the Local Planning Authority. 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 and monitoring (including any agreed monitoring contribution) 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 (including payment of any agreed monitoring contribution)

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 policies of the Local Plan: DM15.6, DM15.7, DM21.3. These details are required prior to demolition in order that the impact on amenities is minimised from the time that development starts.

- Before any construction works hereby permitted are begun the following details shall be submitted to and approved in writing by the Local Planning Authority in conjunction with the Lead Local Flood Authority and all development pursuant to this permission shall be carried out in accordance with the approved details:
  - (a) Fully detailed design and layout drawings for the proposed SuDS components including but not limited to: attenuation systems, rainwater pipework, pumps, green roof, design for system exceedance, design for ongoing maintenance,; surface water flow rates shall be restricted to no greater than 2 l/s from one outfall, provision should be made for an attenuation volume capacity capable of achieving this, which should be no less than 150m3:
  - (b) Full details of measures to be taken to prevent flooding (of the site or caused by the site) during the course of the construction works REASON: To improve sustainability, reduce flood risk and reduce water runoff rates in accordance with the following policy of the Local Plan: DM18.1, DM18.2 and DM18.3.
- Before any construction works hereby permitted are begun a detailed assessment of further measures to improve carbon dioxide emissions savings and the BREEAM rating shall be submitted to and approved in writing by the local planning authority.

  REASON: To minimise carbon emissions and provide a sustainable development in accordance with the following policy of the Local Plan: DM15.1, DM15.3. These details are required prior to construction work commencing in order that any changes to satisfy this condition are incorporated into the development before the design is too advanced to make changes.
- All unbuilt surfaces shall be treated in accordance with a landscaping scheme to be submitted to and approved in writing by the Local Planning Authority before any landscaping works are commenced. All hard and soft landscaping works shall be carried out in accordance with the approved details not later than the end of the first planting season following completion of the development. Trees and shrubs which die or are removed, uprooted or destroyed or become in the opinion of the Local Planning Authority seriously damaged or defective within 5 years of completion of the development shall be replaced with trees and shrubs of similar size and species to those originally approved, or such alternatives as may be agreed in writing by the Local Planning Authority.
  - REASON: In the interests of visual amenity in accordance with the following policies of the Local Plan: DM10.1, DM19.2.
- Prior to any plant being commissioned and installed in or on the building an Air Quality Report shall be submitted to and approved in writing by the Local Planning Authority. The report shall detail how the finished development will minimise emissions and exposure to air pollution during its operational phase and will comply with the City of London Air Quality Supplementary Planning Document and any

submitted and approved Air Quality Assessment. The measures detailed in the report shall thereafter be maintained in accordance with the approved report(s) for the life of the installation on the building. REASONS: In order to ensure the proposed development does not have a detrimental impact on air quality, reduces exposure to poor air quality and in accordance with the following policies: Local Plan policy DM15.6 and London Plan policy 7.14B.

- Refuse storage and collection facilities shall:(a) be provided within the curtilage of the site to serve each part of the development in accordance with details which must be submitted to and approved in writing by the Local Planning Authority prior to work commencing; and(b) thereafter be maintained as approved throughout the life of the building.
  - REASON: To ensure the satisfactory servicing of the building in accordance with the following policy of the Local Plan: DM17.1. These details are required prior to commencement in order that any changes to satisfy this condition are incorporated into the development before the design is too advanced to make changes.
- The roof terraces on levels 10 & 11 hereby permitted shall only be used or accessed between the hours of 08:00 and 23:00 on Monday to Saturday and between 0800 and 2100 on Sundays and Bank Holidays other than in the case of emergency.

  REASON: To safeguard the amenity of the adjoining premises and the area
  - generally in accordance with the following policies of the Local Plan: DM15.7,DM21.3.
- No amplified or other music shall be played on the roof terraces. REASON: To safeguard the amenity of the adjoining premises and the area generally in accordance with the following policies of the Local Plan: DM15.7, DM21.3.
- Unless otherwise approved by the LPA no plant or telecommunications equipment shall be installed on the exterior of the building, including any plant or telecommunications equipment permitted by the Town & Country Planning (General Permitted Development) Order 2015 or in any provisions in any statutory instrument revoking and re-enacting that Order with or without modification.
  - REASON: To ensure a satisfactory external appearance in accordance with the following policy of the Local Plan: DM10.1.
- No cooking shall take place within any Class A1, A3, A4 or A5 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. Flues must terminate at roof level or an agreed high level location which will not give rise to nuisance to other occupiers of the building or adjacent buildings. 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 Local Plan: DM15.6, DM21.3.

21 Unless otherwise approved by the LPA there must be no building, roof structures or plant above the top storey, including any building, structures or plant permitted by the Town & Country Planning (General Permitted Development) Order 2015 or in any provisions in any statutory instrument revoking and re-enacting that Order with or without modification.

REASON: To ensure protection of the view of St Paul's Cathedral and to ensure a satisfactory external appearance in accordance with the following policies of the Local Plan: CS14, DM10.1 DM12.1.

All parts of the ventilation and extraction equipment including the odour control systems installed shall be cleaned, serviced and maintained in accordance with Section 5 of 'Control of Odour & Noise from Commercial Kitchen Extract Systems' dated September 2018 by EMAQ+ (or any subsequent updated version). A record of all such cleaning, servicing and maintenance shall be maintained and kept on site and upon request provided to the Local Planning Authority to demonstrate compliance.

REASON: To protect the occupiers of existing and adjoining premises and public amenity in accordance with Policies DM 10.1, DM 15.7 and DM 21.3

Unless otherwise approved in writing by the Local Planning Authority, before any works thereby affected are begun, details of the provision to be made in the building's design to enable the discreet installation of street lighting on the development, including details of the location of light fittings, cable runs and other necessary apparatus, shall be submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

REASON: To ensure provision for street lighting is discreetly integrated into the design of the building in accordance with the following policy of the City of London Local Plan: DM10.1.

- 24 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 Local Plan: DM15.7.
- 25 (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 window of the nearest noise

- sensitive premises. The background noise level shall be expressed as the lowest LA90 (10 minutes) during which plant is or may be in operation.
- (b) 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.
- (c) 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 Local Plan: DM15.7, DM21.3.
- The development shall not be occupied until confirmation has been provided that either:- 1. Capacity exists off site to serve the development, or 2. A housing and infrastructure phasing plan has been agreed with Thames Water. Where a housing and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan, or 3. All wastewater network upgrades required to accommodate the additional flows from the development have been completed. Reason: Network reinforcement works may be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents.
- 27 The development shall not be occupied until confirmation has been provided that either:- all water network upgrades required to accommodate the additional flows from the development have been completed; or a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.

  Reason: The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development.
- No construction shall take place within 5m of the water main unless information detailing how the developer intends to divert the asset / align the development, so as to prevent the potential for damage to subsurface potable water infrastructure, has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any construction must be undertaken in accordance with the terms of the approved information. Unrestricted access must be available at all times for the maintenance and repair of the asset during and after the construction works.

Reason: The proposed works will be in close proximity to underground strategic water main, utility infrastructure. The works has the potential to impact on local underground water utility infrastructure.

- No 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 water 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 water utility infrastructure.
- Details of the construction, planting irrigation and maintenance regime for the proposed green wall(s)/roof(s) 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 Local Plan: DM18.2, DM19.2.

- The development shall be designed to allow for the retro-fit of heat exchanger rooms to connect into a district heating network if this becomes available during the lifetime of the development.

  REASON: To minimise carbon emissions by enabling the building to be connected to a district heating and cooling network if one becomes available during the life of the building in accordance with the following policies of the Local Plan: DM15.1, DM15.2, DM15.3, DM15.3, DM15.4.
- 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 Local Plan: CS15, DM15.1, DM15.2.
- Goods, including fuel, delivered or collected by vehicles arriving at or departing from the building shall not be accepted or dispatched unless the vehicles are unloaded or loaded within the curtilage of 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 Local Plan: DM16.1, DM16.5, DM21.3.

- The whole of the development shall only be serviced by vehicles of up to 7.5tonnes for the life of the building.

  REASON: To ensure that all delivery vehicles can enter the loading bay and service off-street in accordance with the following policies of the Local Plan: DM16.1, DM21.3.
- No doors, gates or windows at ground floor level shall open over the public highway.

  REASON: In the interests of public safety
- The proposed development shall provide 19,179 sq m of Class C1 hotel floorspace (382 rooms), 3,741 sq m of B1 office floorspace, 1,014 of flexible hotel/cafe/workspace (sui generis), 514 sq m of Class A3/A4 restaurant/bar and 514 sq m of publicly accessible roof terrace. Reason: to ensure the development is carried out in accordance with the approved plans.
- 37 Before the shell and core is complete the following details shall be submitted to and approved in writing by the Local Planning Authority in conjunction with the Lead Local Flood Authority and all development pursuant to this permission shall be carried out in accordance with the approved details:
  - (a) A Lifetime Maintenance Plan for the SuDS system to include:
  - A full description of how the system would work, it's aims and objectives and the flow control arrangements;
  - A Maintenance Inspection Checklist/Log:
  - A Maintenance Schedule of Work itemising the tasks to be undertaken, such as the frequency required and the costs incurred to maintain the system. REASON: To improve sustainability, reduce flood risk and reduce water runoff rates in accordance with the following policy of the Local Plan: DM18.1, DM18.2 and DM18.3.
- Permanently installed pedal cycle storage shall be provided and maintained on the site throughout the life of the building sufficient to accommodate a minimum of 109 Long Stay pedal cycles (5% of which should be for larger/adapted cycles) and 27 short-stay 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. A minimum of 11 showers and 109 lockers shall be provided and maintained. 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

- reducing demand for public cycle parking in accordance with the following policy of the Local Plan: DM16.3.
- Before any works thereby affected are begun the following details shall be submitted to and approved in writing by the Local Planning Authority and all development pursuant to this permission shall be carried out in accordance with the approved details:
  - (a) particulars and samples of the materials to be used on all external faces of the building including external ground and upper level surfaces;
  - (b) details of the proposed new facade(s) including typical details of the fenestration and entrances;
  - (c) details of loading bay doors;
  - (d) details of ground floor elevations;
  - (e) details of the green wall planting
  - (f) details of windows and external joinery;
  - (g) details of soffits, hand rails and balustrades;
  - (h) details of external terraces including planting and biodiversity measures e.g. bird boxes:
  - (i) details of junctions with adjoining premises;
  - (j) details of the integration of window cleaning equipment, cradles and the garaging thereof, plant, flues, fire escapes, solar panels and other excrescences at roof level
  - (k) details of plant, plant enclosures and ductwork;
  - (I) details of ventilation and air-conditioning for the A3, A4 and sui generis uses.
  - (m) details of external lighting
  - (n) an advertisement strategy
  - 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 Local Plan: DM3.2, DM10.1, DM10.5, DM12.2.
- A minimum of 10% of the hotel bedrooms shall be wheelchair accessible, comprising 9% designed for independent use and 1% for assisted use as set out in the Access Statement.

  Reason: To ensure the hotel provides a fully accessible and inclusive facility in accordance with Policy DM10.8
- Prior to first occupation of the hotel an Accessibility Management Plan shall be submitted to and approved by the Local Planning Authority. The hotel shall only be operated in accordance with the approved management plan.

  Reason: To ensure the hotel provides a fully accessible and inclusive

facility in accordance with Policy DM10.8

No servicing of the premises shall be carried out between the hours of: 07:00hrs and 09:00hrs, 12:00hrs and 1400hrs, 16:00hrs and 19:00hrs, Mondays to Fridays.

Servicing includes the loading and unloading of goods from vehicles and putting rubbish outside the building.

REASON: To manage traffic, avoid congestion and manage the safe and convenient movement of pedestrians and cyclists in the area and to reduce air and noise pollution, in accordance with the following policies of the Local Plan: DM15.7, DM15.7, DM16.1, and DM16.

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:

6174-20-195; 6174-20-196; 6174-20-197A; 6174-20-198A; 6174-20-199A; 6174-20-200A; 6174-20-201B; 6174-20-202; 6174-20-203; 6174-20-204; 6174-20-205; 6174-20-206; 6174-20-207; 6174-20-208; 6174-20-209; 210A; 6174-20-211; 6174-20-300; 6174-20-301; 6174-20-400; 6174-20-401; 6174-20-402; 6174-SK-120 REV A

#### **INFORMATIVES**

- Given the proximity of the proposed development to Network Rail's land and the risk this poses to Network Rail's railway tunnels, Network Rail requests the developer contacts
  AssetProtectionLondonSouthEast@networkrail.co.uk prior to any works commencing on site, and also to agree an Asset Protection Agreement with them to enable approval of detailed works. The design will need to satisfy Network Rail's Asset Protection team that the proposed developed will have minimal impact and interface with the tunnel and the railway infrastructure within.
- The Mayor of London has adopted a new charging schedule for Community Infrastructure Levy ("the Mayoral CIL charge or MCIL2") on 1st April 2019.

The Mayoral Community Levy 2 Levy is set at the following differential rates within the central activity zone:

Office £185 sq.m Retail £165 sq.m Hotel 3140 sq.m All other uses £80 per sq.m

These rates are applied to "chargeable development" over 100sq.m (GIA) or developments where a new dwelling is created.

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 for all other uses.

The CIL will be recorded on the Register of Local Land Charges as a legal charge upon "chargeable development" when planning

permission is granted. The Mayoral CIL will be passed to Transport for London to help fund Crossrail and Crossrail 2. The City CIL will be used to meet the infrastructure needs of the City.

Relevant persons, persons liable to pay and interested parties will be sent a "Liability Notice" that will provide full details of the charges and to whom they have been charged or apportioned. Where a liable party is not identified the owners of the land will be liable to pay the levy. 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).

Prior to commencement of a "chargeable development" the developer is required to submit a "Notice of Commencement" to the City's 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.

- The investigation and risk assessment referred to in condition \*\*\*\* must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme must be submitted to and approved in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report must be submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:
  - (i) a survey of the extent, scale and nature of contamination;
  - (ii) an assessment of the potential risks to:
  - human health,
  - property (existing or proposed) including buildings, open spaces, service lines and pipes,
  - adjoining land,
  - groundwaters and surface waters,
  - ecological systems,
  - archaeological sites and ancient monuments;
  - (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This investigation and risk assessment must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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

#### Noise and Dust

(a)

The construction/project management company concerned with the development must contact the Department of Markets and Consumer Protection and provide a working document detailing steps they propose to take to minimise noise and air pollution for the duration of the works at least 28 days prior to commencement of the work. Restrictions on working hours will normally be enforced following discussions with relevant parties to establish hours of work for noisy operations.

- (b) Demolition and construction work shall be carried out in accordance with the City of London Code of Practice for Deconstruction and Construction. The code details good site practice so as to minimise disturbance to nearby residents and commercial occupiers from noise, dust etc. The code can be accessed through the City of London internet site, www.cityoflondon.gov.uk, via the a-z index under Pollution Control-City in the section referring to noise, and is also available from the Markets and Consumer Protection Department.
- (c)
  Failure to notify the Markets and Consumer Protection Department of the start of the works or to provide the working documents will result in the service of a notice under section 60 of the Control of Pollution Act 1974 (which will dictate the permitted hours of work including noisy operations) and under Section 80 of the Environmental Protection Act 1990 relating to the control of dust and other air borne particles. The restrictions on working hours will normally be enforced following discussions with relevant parties to establish hours of work for noisy operations.
- (d)
  Deconstruction or Construction work shall not begin until a scheme for protecting nearby residents and commercial occupiers from noise from the site has been submitted to and approved by the Markets and Consumer Protection Department including payment of any agreed monitoring contribution.

### Air Quality

(e)

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

(f)

The City is an Air Quality Management Area with high levels of nitrogen dioxide. All gas boilers should therefore meet a dry NOx emission rate of <40mg/kWh in accordance with the City of London Air Quality Strategy 2015.

- (g)
  All gas Combined Heat and Power plant should be low NOX
  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 2015.
- (h) 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.
- 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

(i)

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.

(k)
There is a potential for standby generators to give out dark smoke on start up and to cause noise nuisance. Guidance is available from the Department of Markets and Consumer Protection on measures to avoid this.

## **Cooling Towers**

(I)

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

# Noise Affecting Residential Properties

(m)

The proposed residential flats are close to busy roads and are in an existing commercial area which operates 24 hours a day. The scheme should include effective sound proofing of the windows and the provision of air conditioning or silent ventilation units to enable the occupants to keep their windows closed to benefit from the sound insulation provided. This may need additional planning permission.

(n)
The proposed residential units are located in a busy City area that operates 24 hours a day and there are existing road sweeping, deliveries, ventilation plant and refuse collection activities that go on through the night. The units need to be designed and constructed to minimize noise disturbance to the residents. This should include acoustic treatment to prevent noise and vibration transmission from all sources. Sound insulation treatment needs to be provided to the windows and either air conditioning provided or silent ventilation provided to enable the windows to be kept closed yet maintain comfortable conditions within the rooms of the flat. This may need additional planning permission.

#### Ventilation of Sewer Gases

(0)

The sewers in the City historically vent at low level in the road. The area containing the site of the development has suffered smell problems from sewer smells entering buildings. A number of these ventilation grills have been blocked up by Thames Water Utilities. These have now reached a point where no further blocking up can be carried out. It is therefore paramount that no low level ventilation intakes or entrances are adjacent to these vents. The Director of Markets and Consumer Protection strongly recommends that a sewer vent pipe be installed in the building terminating at a safe outlet at roof level atmosphere. This would benefit the development and the surrounding areas by providing any venting of the sewers at high level away from air intakes and building entrances, thus allowing possible closing off of low level ventilation grills in any problem areas.

## Food Hygiene and Safety

(p)

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. (q)
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.

- From the 1 July 2007, the Health Act 2006 and associated Regulations prohibited the smoking of tobacco products in all enclosed or partially enclosed premises used as workplaces or to which the public have access. All such premises are required to provide signs prescribed by Regulations. Internal rooms provided for smoking in such premises are no longer permitted. More detailed guidance is available from the Markets and Consumer Protection Department (020 7332 3630) and from the Smoke Free England website: www.smokefreeengland.co.uk.
- The Director of Markets and Consumer Protection states that any building proposal that will include catering facilities will be required to be constructed with adequate grease traps to the satisfaction of the Sewerage Undertaker, Thames Water Utilities Ltd, or their contractors.
- 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 Local 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.
- 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.
- Consent may be needed from the City Corporation for the display of advertisements on site during construction works. The display of an advertisement without consent is an offence. The City's policy is to restrain advertisements in terms of size, location, materials and illumination in order to safeguard the City's environment. In particular, banners at a high level on buildings or scaffolding are not normally acceptable. The Built Environment (Development Division) should be consulted on the requirement for Express Consent under the Town & Country Planning (Display of Advertisements) (England) Regulations 2007.
- 9 The Department of the Built Environment (Transportation & Public Realm Division) 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. Early discussion with the Department of the Built Environment Transportation and Public Realm Division is recommended to ensure the design of the building provides for the inclusion of street lighting.
  - (c) The need for a projection licence for works involving the construction of any retaining wall, foundation, footing, balcony, cornice, canopy, string course, plinth, window sill, 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 licences do not authorise the licensee to trespass on someone else's land. In the case of projections extending above, into or below land not owned by the developer permission will also be required from the land owner. The City Surveyor must be consulted if the City of London Corporation is the land owner.

Please contact the Corporate Property Officer, City Surveyor's Department.

- (d) Bridges over highways
- (e) Permanent Highway Stopping-Up Orders and dedication of land for highway purposes.
- (f) Declaration, alteration and discontinuance of City and Riverside Walkways.
- (g) The provision of City Walkway drainage facilities and maintenance arrangements thereof.
- (h) Connections to the local sewerage and surface water system.
- (i) Carriageway crossovers.
- (j) Servicing arrangements, which must be in accordance with the City of London Corporation's guide specifying "Standard Highway and Servicing Requirements for Development in the City of London".

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Committee:	Date:
Planning and Transportation	28 January 2020
Subject:	Public
61-65 Holborn Viaduct London EC1A 2FD	
Demolition of existing building structure and erection of a mixed-use building comprising four basement levels, lower ground, ground and ten upper storeys for (i) hotel use (Class C1) at part basement levels one to four, part lower ground, part ground and part first, and second to tenth floors levels; (ii) restaurant / bar use (Class A3/A4) at part tenth floor level; (iii) office workspace use (Class B1) at part basement levels one to three, part lower ground and part first floor levels; (iv) flexible hotel / cafe / workspace (Sui Generis) at part ground floor level; (v) a publicly accessible terrace at roof level and; (vi) ancillary plant and servicing, hard and soft landscaping and associated enabling works.	
Ward: Farringdon Within	For Decision
Registered No: 19/01038/FULMAJ	Registered on: 30 September 2019
Conservation Area:	Listed Building: No

# Summary

The above scheme proposes a mixed-use scheme that provides:

- 3,741 sq.m of offices
- 1. An hotel with 382 bedrooms and suites
- 2. A flexible hotel, café and workspace at ground level
- 3. A restaurant bar at the 10th floor level and a public terrace at the 11th floor level with a dedicated access route.

The building will be faced with an extensive green wall, making it the greenest building proposed in the City to date. It is appropriate in design terms both in its local context, in its impact on the setting of listed buildings and on the LVMF Views.

The proposed hotel will support the business City and the Culture Mile and is well located in relation to public transport.

The proposed offices are geared to the requirements of the City and would support start-ups, SMEs and small businesses. The reduction in office area, whilst contrary to policy, is warranted in this case by the nature of the provision and the delivery of an hotel in this highly accessible location at an entrance to the Culture Mile.

The buildings is capable of satisfactory servicing.

The scheme has attracted a number of comments which are capable of being dealt with by condition or obligation clauses. One objection has been received on behalf of the Holy Sepulchre Church Newgate Street. negotiations in this regard are continuing.

On balance, the development is regarded as acceptable in land-use terms and is a progressive and exciting response to an increase in urban greening appropriate to this location.

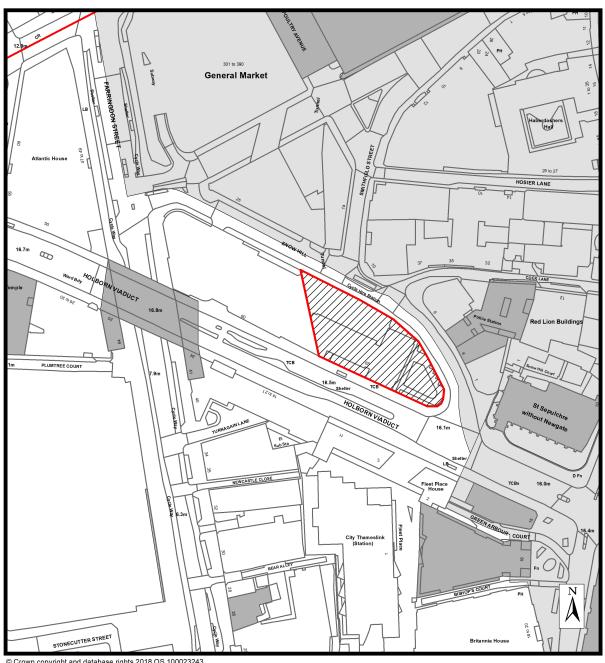
#### Recommendation

It is recommended that planning permission be granted for the above proposal in accordance with the details set out in the attached schedule subject to:

Planning obligations and other agreements being entered into under section 06 of the Town & Country Planning Act 1990 and Section 278 of the Highways Act 1980 in respect of those matters set out in the report, the decision notice not to be issued until the Section 106 obligations have been executed.

That your Officers be instructed to negotiate and execute obligations in respect of those matters set out in 'Planning Obligations' under Section 106 and any necessary agreements under Section278 of the Highways Act 1980.

# **Site Location Plan**



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ADDRESS: CASE No. 61 - 65 Holborn Viaduct 19/01038/FULMAJ **CITY BOUNDARY** SITE LOCATION LISTED BUILDINGS LONDON **CONSERVATION AREA BOUNDARY** DEPARTMENT OF THE BUILT ENVIRONMENT





### Main Report

# Site

- 1. 61-65 Holborn Viaduct is located on the north side of the street at the junction with Snow Hill.
- 2. The site is occupied by a vacant 1950's T-shaped office building with an area of 7,977 sq. m. serviced from Snow Hill. The building varies in height from 50.3 to 67.1m and features a small walled private open space at the junction.
- 3. To the east is the Grade 1 listed Church of Holy Sepulchre without Newgate with further listed buildings surrounding the site. The Smithfield Conservation Area lies to the north. The site is within the Newgate Conservation Area to the south and East and is within the Culture Mile area which is a key strategy area in the Draft 2036 Local Plan.

Thameslink Station lines run to the south of the site and the railway tunnels run beneath the site.

# **Planning history**

- 4. Before 2014 minor alterations were approved to the existing building. In June 2014 planning permission was granted for the demolition of the building and its redevelopment to provide a building in two parts. One part provided a basement, lower ground floor, ground and 8 upper floors of offices, with an area of 10,800 sq. m. and the other part, a 246-bedroom hotel with 10 upper floors and an area of 9,033 sq.m.
- 5. This scheme created a building with two identifiable parts and retained a green space at the eastern end of the site.
- 6. This permission lapsed on 30 June 2019. A separate prior approval was granted in 2019 to facilitate the demolition of the building in order to enable works on the site to commence earlier than would otherwise have been possible and was subject to conditions in the event of the works not commencing immediately.

# The proposed scheme

- 7. The proposed scheme provides a mixed hotel and office scheme located across four basements, ground and 10 upper floors. Level 10 will provide a skybar associated with the hotel and Level 11 will provide a separate public viewing terrace to which there will be a dedicated lift and a biodiverse roof. The scheme will retain an open space area at the eastern end, albeit of a reduced area and in part oversailed by the building, which will be available to the public.
- 8. The hotel will provide 382 bedrooms and suites and will support both the Business City and the Culture Mile and the emerging 7-day a week City.
- 9. The office workspace, with an area of 3,741 sq. m. has been designed to be flexible and could accommodate small start-ups and larger companies of 25-50 people.

- 10. The lower levels are designed as a co-working space with communal break-out spaces and shared meeting rooms.
- 11. The ground floor is designed as public informal meeting space and will provide a food and beverage offer to the wider public whilst providing a reception for the hotel. There is a separate entrance to the office area and a separate entrance for the public rooftop area.
- 12. The building is designed with a substantial coverage of greening and would be the greenest building in the City.

# **Consultations**

- 13. Following receipt of the application the application has been advertised and consulted on. Copies of all the letters and emails received are attached.
- 14. Views of other City of London Corporation departments have been taken into account in the preparation of this scheme and some detailed matters are addressed by the proposed conditions and the terms of the S106 agreement. These include matters such as noise, fume extraction and ventilation, construction and security.
- 15. Natural England has no comments.
- 16. The London Borough of Lewisham and Tower Hamlets have no comments in relation to the Views.
- 17. Thames Water has requested a condition in respect of wastewater infrastructure and has advised of the proximity of the development to a strategic water main and the requirement for the surface water to be addressed in accordance with the London Plan. The condition has been included.
- 18. Transport for London does not object but has requested the imposition of a condition which has been included in the schedule.
- 19. Network Rail has no significant objection provided the developer complies with the requirements of its Asset Protection Team and an informative is attached dealing with this matter.
- 20. The Rev'd David Ingall of Holy Sepulchre without Newgate has raised a number of concerns in relation to the impact of the development on daylight and sunlight, the height of the building and the impact on residential amenity from noise and from construction. He has requested that his comments are taken as a 'holding objection' which may be removed following negotiations which he describes as positive.
- 21. Policy Context
- 22. The development plan consists of the London Plan and the City of London Local Plan.
- 23. The Mayor of London and the City of London have prepared draft plans which are material considerations to be taken into account.
- 24. The London Plan and Local Plan policies that are most relevant to the consideration of this case are set out in Appendix B to this report.

- 25. The Draft London Plan is at an advanced stage and it is anticipated that it will be adopted by the Mayor of London in February 2020. It takes forward many of the policy positions of the existing plan whilst strengthening and adding to others.
- 26. In relation to this scheme the Draft Plan continues to support a mixed use, hotel and office scheme in CAZ and within Culture Mile. The changes that are most relevant to this scheme are those that encourage good growth, enhance climate change, good design and sustainability requirements and further support requirements for public access and routes through sites.
- 27. Government Guidance is contained in the National Planning Policy Framework (NPPF) February 2019 and the Planning Practice Guidance (PPG).
- 28. There is relevant supplementary planning guidance in respect of; Accessible London: Achieving an Inclusive Environment SPG (GLA, October 2014), Control of Dust and Emissions during Construction and Demolition SPG (GLA, September 2014), Sustainable Design and Construction (GLA, September 2014), Culture and Night-Time Economy SPG (GLA, November 2017), London Environment Strategy (GLA, May 2018), London View Management Framework SPG (GLA, March 2012), Mayoral CIL 2 Charging Schedule (April 2019), Air Quality SPD (CoL, July 2017), Archaeology and Development Guidance SPD (CoL, July 2017), City Lighting Strategy (CoL, October 2018) City Transport Strategy (CoL, May 2019), City Waste Strategy 2013-2020 (CoL, January 2014, Protected Views SPD (CoL, January 2012), City of London's Wind Microclimate Guidelines (CoL, 2019), Planning Obligations SPD (CoL, July 2014). Newgate Conservation Area Character Summary (1999) and Smithfield Conservation Area SPD (2012).

### Planning considerations

- 29. The Corporation, in determining the planning application has the following main statutory duties to perform:
- 30. To have regard to the provisions of the development plan, so far as material to the application, to any local finance considerations, so far as material to the application, and to any other material considerations

(Section 70 Town & Country Planning Act 1990);

- 31. 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);
- 32. 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). When, as in this case, harm is caused to the significance of a listed building by reason of development within its setting, considerable importance and weight should be given to the desirability of preserving

- the setting of the listed building/s when carrying out the exercise of balancing public benefits and harm to significance.
- 33. The NPPF states at paragraph 2 that "Planning Law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise".
- 34. Paragraph 10 states that "at the heart of the Framework is a presumption in favour of sustainable development. That presumption is set out at paragraph 11
- 35. For decision-taking this means:
- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 36. It states at paragraph 8 that achieving sustainable development has three overarching objectives, being economic, social and environmental.
- 37. Paragraph 131 of the NPPF states "In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings."
- 38. Paragraph 190 of the NPPF advises that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
- 39. The principal issues in considering this application: -
  - The extent to which the proposals comply with the relevant policies of the London Plan and the Local Plan
  - The proposed use of the site
  - The design approach
  - The impact of the proposal on the setting of adjoining listed buildings and conservation areas.

- The impact on the LVMF
- The impact on transportation and highways including the impact on pedestrians and vehicle movement.
- Planning obligations and CIL

# **Proposed uses**

#### Office use

- 40. The proposed office area of 3,741 sq. m. represents a reduction of 4,236 sq. m. of B1 office floor space over the existing on the site.
- 41. The office is located over four levels and provides:
  - An incubator hub at Basement 2
  - A small format office centre at Basement 1
  - Self-contained offices at the Lower Level
  - Larger self-contained offices at the first floor (for over 20 employees)
- 42. The offices will be managed by an officer provider, providing space for start-ups and SMEs.
- 43. It is anticipated that the office area will be occupied at a density of one desk per eight sq.m. providing approximately 380 desks, which is not dissimilar to the occupation of the previous building. The ground floor sui generis use with an area of 1,1014 sq.m. could provide opportunities for flexible working and meetings.
- 44. Local Plan Core Strategic Policy CS1 seeks to ensure that the City provides additional office accommodation to meet demand from long term employment growth and Policy DM1.1 seeks to protect office accommodation. A loss of office floorspace is considered inappropriate where it would:
  - Prejudice the primary business function of the City
  - Jeopardise the future assembly and delivery of large office development sites
  - Remove existing stock for which there is demand in the office market or long-term viable need
  - Introduce uses that adversely affect the existing beneficial mix of commercial uses.
- 45. The previous office building on this site has been vacant for more than 10 years and permission was previously granted (but since expired) for a mixed-use office and hotel scheme on the site. The planning statement states that the previous office floorplates did not meet modern day working or the demands of the future growth sectors for agile flexible workspaces. The loss of the previous space equates to 0.08% of the existing office stock of the City and the proposal will provide a similar number of desks at a higher density to the existing.
- 46. Policy DM 1.1 resists the loss of existing B1 office stock if there is a demand for such space or a long-term viable need. No viability evidence

has been provided to demonstrate that office use would not be viable in the longer term, as required by Policy DM1.1 and the Office Use SPD. Exceptionally, as set out in paragraph 3.1.8 of the Local Plan, the loss of an individual office development to other commercial uses may be acceptable where the proposed alternative use meets the wider objectives of the Plan. The applicant has sought to demonstrate that the reduced quantum of office floorspace provides higher quality accommodation better suited to the City's future office needs and that the hotel use addresses the City's aspirations for the North of the City, in particular, its aspirations for Culture Mile, and other policy priorities, including delivering a high quality of design, active frontages and urban greening.

- 47. The proposed office floorspace is flexible to meet the needs of a diverse range of high growth companies and small - medium sized enterprises, with space for start-ups and space for move-on accommodation for growing SMEs. The planning statement suggests that the proposed ground floor flexible workspace will be used for informal meetings and business socialising.
- 48. The incubator hub at Basement 2 has no natural light and the small format office centre at Basement 1 is lit from a lightwell so somewhat limiting its attractiveness. In recognition of this a reduced charge or an initial 3 month charge free period will be sought as part of the S106 Agreement.
- 49. The proposed level of provision of 3,741 sq.m. GIA of B1 accommodation, providing modern, flexible space for start-ups and SMEs would enhance the City's office accommodation offer, broadly replicate the number of office desks in the previous building and address the needs of growing sectors of the economy in line with Local Plan ambitions.
- 50. Policy DM1.5 encourages a mix of commercial uses within office developments which provide support services for its businesses, worker and residents. The uses proposed would complement the business City and contribute to the diversity of the City office market with the provision of co-working space.

# Hotel use

- 51. Policy CS11 allows new hotel development where it supports the City's business or cultural role and resists hotels where they would compromise the City's business function. DM 11.3 advises that new hotel accommodation will only be permitted where it does not prejudice the primary business function of the City and is not contrary to policy DM1.1.
- 52. A mixed-use hotel and office development on this site (12/00105/FULMAJ) was previously approved. The site lies within the City's Culture Mile, which has been identified as a Strategic Cultural Area in the draft London Plan and where the City Corporation is seeking to enhance the City's and the wider London cultural offer. Draft Local

- Plan Policy S24 indicates that additional hotel provision will be encouraged on appropriate sites within the Culture Mile area.
- 53. The proposed hotel development would support the further development of the City's Culture Mile and contribute towards meeting the aims of the London Plan. The accompanying market report submitted by the applicant indicates that midscale hotel supply is lower per net office space and per employee than the rest of central London. It also indicates that the north-west of the square mile has the lowest number of hotel rooms within convenient walking distance. The site is adjacent to the City Thameslink station and close to the new Crossrail Station at Farringdon.

#### Retail use

54. The site is not within a designated Principal Shopping Centre (PSC) but is located on a Retail Link as defined in Local Plan policy DM20.2; Whilst no separate retail uses are proposed the proposed restaurant, bars and café/ meeting space will support the retail link, provide an active frontage, provide amenity to City workers, residents and visitors and enhance vibrancy.

# Open Space, Public Realm

- 55. Local Plan Policy DM 10.3 (Roof gardens and terraces) encourages high quality roof gardens and terraces where they do not overlook residential premises. Local Plan Policies DM10.2 (Design of green roofs and walls) and DM19.2 (Biodiversity and Urban Greening) encourage the inclusion of green roofs and walls. Policy CS19 protects existing open space, ensuring that it is replaced on redevelopment by space of equal or improved quantity and quality.
- 56. The existing private green space at ground floor would be replaced by a new publicly accessible open space on the corner of Holborn Viaduct and Snow Hill. The public realm along Holborn Viaduct would be improved with the inclusion of the public pocket plaza with an urban garden in front of the hotel entrance which would include high quality landscaping, stone seats/benches and table and three reflective pools. Along Holborn Viaduct ten large planters with sit-able edges and ornamental grasses are proposed together with living walls, seven multistem trees, six public bench seats and 16 stone plinth seats.
- 57. In addition to the publicly accessible open space at ground floor, the proposal provides a free, publicly accessible roof-top garden and, terrace which includes high quality hard and soft landscaping (540sq.m). An extensive green roof (361sq.m) would be located on the north side of the roof. Green roofs are important not only for their aesthetic value when viewed from surrounding taller buildings, but for their contributions to biodiversity, reduction in rainwater run-off, insulation and urban cooling. Planting on the green roof should be appropriate to the location

- and height of the roof. Conditions have been applied requiring details of the green roof, the planting and requirements for bird boxes as well as rainwater attenuation and harvesting for irrigation.
- 58. The nature of this green buildings will require additional irrigation and highway cleansing. In order to ensure that the irrigation of the green wall does not impact negatively on the highway a detailed irrigation strategy is required. A condition is set out in the schedule as well as a drainage condition.
- 59. The public terrace would be free for members of the public (no booking required) who would arrive via a set of dedicated lifts from ground floor level. The area would be planted with a 'wildflower meadow', shrub planting, ornamental shade-tolerant trees and two reflective pools at the centre of the space and intimate raised garden 'rooms' with hedge planting and seating facing Holborn Viaduct. Beneath the terrace it is proposed there would be a restaurant/bar use (Class A3/A4) (514sq.m) at part tenth floor level (Skybar) and include a terrace overlooking the City, including views of St. Paul's Cathedral and nearby St Sepulchre without Newgate Church. There are residential properties on Cock Lane (28 flats) at No's 32 and 37 slightly further north at No 10 Hosier Lane (124 flats). Environmental Health have suggested time and day restrictions on the use of the proposed roof terrace to safeguard amenity of adjoining premises in accordance with Policy DM15.7 and DM21.3.

# <u>Urban Greening</u>

- 60. The building would be covered in a substantial green wall covering 3,700sq.m with a mix of plants (in the region of 400,000) of ecological value which would act as a green link for wildlife. It would collect rainwater as the soil would absorb water slowing down run-off and reducing the risk of flooding.
- 61. Living green walls have numerous environmental benefits. Information supporting the application sets out that the proposed green wall will generate 7 tonnes of oxygen in a year; extract 9 tonnes of C02 annually; filtering 483kg of particulate air-borne pollution; absorbing nitrogen dioxide and other volatile organic compounds; positively influencing the heat island effect by lowering the temperature 3 degrees C around the building and biodiversity benefits of green living walls. In addition, green walls are considered to be beneficial for sound absorption as well as having a positive impact on physical and mental well-being.
- 62. An Urban Greening Factor (UGF) calculation based on the draft London Plan Policy G5 has been submitted with the application. The red line planning application boundary includes the following surface cover types as set out in the table below.

Surface Cover Type	Area (sq.m)	UGF (Draft London Plan)	Score	
Living walls	3985	0.6	2391	
Biodiverse roof garden (extensive 150mm depth)	620	0.7	434	
Permeable paving (roof garden)	500	0.1	50	
Trees (x9 – 5m dia/15sq.m area)	135	0.6	81	
Water feature	21	0.2	4.2	
Flower rich perennial planting (in planters)	12	0.7	8.4	
Flower rich perennial planting (outside planters)	7	0.7	4.9	
Total	5280	-	2974	
Calculating UGF Score				
Site Area (sq.m)	2163			
UGF Calculation (sq.m)	2974/2163			
UGF Score Total	1.37			

63. The UGF for this application at 1.37 substantially exceeds the Mayor of London's draft London Plan UGF target score of 0.3 for commercial development and the UGF requirements in the emerging City of London draft Local Plan.

### Design

**Bulk and Massing** 

- 64. The scheme's height at 11 storeys (55m AOD) is considered appropriate both in terms of local townscape and views of St Paul's from a number of key Protected Vistas in the London Views Management Framework.
- 65. The height relates to the townscape character of Holborn Viaduct and is appropriately scaled in relation to other buildings on the north side and creates an appropriate statement on a prominent bookend corner site of townscape importance.
- 66. The existing building, by reason of its staggered building line and incongruous form provides a poor definition to the Snow Hill and Holborn Viaduct street frontages and when compared to the previous 1880's building on the site, fails to adequately denote or celebrate this important bookend corner site. The bulk, height, building line and massing of the

proposed building provides a cleaner and denser urban grain in a more coherent and convincing manner.

# Design Approach

- 67. The design approach of a wholly living green walled building facade framing recessed windows wrapping around both Holborn Viaduct and Snow Hill, is eye-catching and radical. The green walled facade mirrors the diagonal structural bracing of the building cantilevering over the subterranean railway tracks. It appears as a latticed pattern of horizontal and diagonal lines enclosing angled window openings, providing an architectural honesty and coherence in the approach to the green facade. The proposal represents an exemplar of "Green Living / Botanical architecture" which is a new genre of architecture to address climatic and environmental challenges.
- 68. Living green walls have numerous environmental benefits. Information supporting the application sets out that the proposed green wall will generate 7 tonnes of oxygen in a year; extract 9 tonnes of C02 annually; filtering 483kg of particulate air-borne pollution; absorbing nitrogen dioxide and other volatile organic compounds; positively influencing the heat island effect by lowering the temperature 3 degrees C around the building and biodiversity benefits of green living walls. In addition, green walls are considered to be beneficial for sound absorption as well as having a positive impact on physical and mental well-being.
- 69. The Urban Greening Factor has been calculated as 1.37 and would to date be the greenest building in London in terms of the Urban Greening Factor and in terms of the living green wall is likely to be the largest in Europe.
- 70. The green wall would include some 400,000 plants (average of 100 plants per m2) consisting of native and ornamental grasses, shrubs and herbaceous perennial plants. The green wall would be curated to create a changing palette of colour, texture and shadows and will remain green throughout the year. The living wall system comprises of vertical planting trays made from 100% recycled material incorporating an organically grown medium and a fully automatic irrigation system to enable every area of the wall to have the correct amount of water. The maintenance regime would ensure adequate moisture level, the wellbeing of the plants and the application of feed and nutrients.
- 71. The fire safety aspects of the green wall has been assessed by the City's District Surveyor and found to be acceptable subject to maintenance conditions and obligations. The proposal comprises a noncombustible green wall construction with a built-in irrigation system which is connected to a fire alarm system so it can act as a drencher system in the event of a fire. The District Surveyor will be consulted on the maintenance plan required under condition.
- 72. Although such a genre of living wall architecture may not be architecturally appropriate everywhere in the City, especially in sensitive areas with a more unified or specific townscape character, it is

considered an appropriate architectural response at this location. In particular, the green living walled building will create an appropriate backdrop and foreground to Holy Sepulchre Church alongside the green landscaped churchyard and mature canopy of the London Plane trees. The expansive green façade will contribute positively in softening the currently somewhat hard townscape of Holborn Viaduct. Holborn Viaduct consists of a diverse and eclectic architectural ensemble with robust stone, brick, metal framed and glazed facades. Within this townscape setting there is considered to be an opportunity for a radical green walled architectural statement.

- 73. In oblique views the generous planting will relate satisfactorily to the dark brown metal (such as weathered Corten steel) of the window reveals which will have a complementary natural, quality and colour. The depth of reveals of the window openings and their dynamic angular shapes will enhance the depth of modelling and vibrancy of the elevations, especially in oblique views.
- 74. The curved corner facing east makes a convincing and dynamic statement on this corner site. The manner in which the curved façade on the corner angles outwards gives the impression of a prow to the building, an appropriate response given the townscape importance of this corner without over-dominating the Church to the east.
- 75. The building's proportions are considered convincing with a double height recessed base visually supporting the upper storeys and providing an appropriate ground / streel level presence on an important thoroughfare. The recessed corner with its cantilevered form over the pocket park assists in emphasizing the entrance to the public roof terrace in wayfinding terms.
- 76. In comparison with the inactive, inward looking office facades of the existing building, the scheme provides active frontages on all elevations enlivening the public realm and creating vibrancy which will transform the area and substantially enhance the public realm.
- 77. The ground floor facades have an undulating curvaceous quality providing modelling and visual interest in oblique views and areas of shelter for seating underneath the cantilevered upper storeys on Holborn Viaduct and the corner plaza. This will be complemented by circular masonry seating and water features and the facades will include projecting metal fins to emphasise the undulating facades of the lower storeys.
- 78. The building is visually terminated by a recessive final storey set back generously from the building frontage, relating satisfactorily with the recessed roof storeys of other buildings on the north side of Holborn.
- 79. A pocket plaza is provided on the south east corner of the site underneath the cantilevered eastern corner of the building. This public space will face south and east and include informal seating and water features encouraging the public to dwell and would be sheltered from inclement weather or shaded in the height of summer. It has the

- potential to be a successful dwell space for groups given its proximity to the proposed Museum of London and Thameslink station.
- 80. The pocket park will have an appropriate generosity of space with a double height of 7m between the ground floor and the soffit of the cantilevered upper storeys. Entrance to the public viewing terrace would be via a generously scaled dedicated entrance from this public space.
- 81. The roof level terrace at Level 11 will provide exceptional views of the City including St Paul's Cathedral, the Old Bailey, the City Cluster, Smithfield Market as well as Holy Sepulchre. From a height of 50 metres the views from this public terrace will have a dynamic three-dimensional quality with landmarks appreciated against open sky. The terrace will receive copious sunlight throughout the year. The terrace will include generous soft landscaping and seating set back from the perimeter to provides contemplative areas for quiet dwelling. The balustrade will be 1.8m. in height.
- 82. The northern part of the roof will include a non-accessible green roof/wildflower garden to prevent overlooking to residential properties to the north and provide biodiverse habitats. The roof plant is enclosed by a screen and therefore concealed from public viewpoints.
- 83. A draft lighting strategy is submitted which indicates a restrained and appropriate lighting approach in accordance with the City's Lighting Strategy which would be subject to a condition.
- 84. The building is capable of accommodating street lights in accordance with the City requirements and their exact location and fixing will be subject to a condition.

### Wind

- 85. A pedestrian level wind assessment of the proposed Citicape development was undertaken using Computational Fluid Dynamics (CFD) simulations, looking at the Existing site with Existing Surrounding Buildings and the proposed development with Existing Surrounding Buildings.
- 86. The existing site has wind conditions suitable for sitting to standing use during the windiest season. These wind conditions are expected of a low to medium rise urban area such as this part of London where the majority of the surrounding buildings are of a similar height to each other. During the summer season, wind conditions are generally one category calmer.
- 87. Wind conditions around the Site would remain similar to the existing when the Proposed Development is completed as it is similar in height to the surrounding buildings and therefore would not change the local aerodynamics. All areas of the Proposed Development would be suitable for the intended use, including the ground level amenity space at the south-east corner of the Site and at the Level 10 terrace. All thoroughfare and entrance locations at ground level would be suitable for the intended use.

88. Overall, all areas in and around the Proposed Development would be suitable for the intended use with no occurrences of strong wind exceedances and no mitigation measures are necessary.

# **London Views Management Framework**

89. The London View Management Framework (LVMF) is a key part of the Mayor's strategy to preserve London's character and built heritage. It explains the policy framework for managing the impact of development on key panoramas, river prospects and townscape views. The LVMF provides Mayoral Supplementary Planning Guidance (SPG) on the management of 27 strategically important views designated in the London Plan. It elaborates on the policy approach set out in London Plan policies 7.10, 7.11 and 7.12 and came into effect on 16 March 2012. London Plan requires that new development should not harm and where possible should make a positive contribution to the characteristics and composition of strategic views and their landmark elements.

# View 3A.1 – Kenwood

90. The site lies within the landmark viewing corridor of the Kenwood Protected Vista (London Panorama). The proposal does not breach the threshold height of the landmark viewing corridor which rises from 55.437 m to 56.125 m across the site and will not harm the appreciation of St Pauls Cathedral from this view.

# View 2A.1 – Parliament Hill

91. The site lies within the landmark viewing corridor of the Parliament Hill Protected Vista (London Panorama) focussing on St Paul's Cathedral. The proposed development does not breach the threshold height of the landmark viewing corridor which rises from 55.115m to 55.735m across the site. The visual demonstrates ensure that St Paul's Cathedral and its western towers remain recognisable in accordance with LVMF guidance.

# View 4A.1 – Primrose Hill

92. The site lies within the Wider Setting Consultation Area of the Primrose Hill Protected Vista (London Panorama) focussing on St Paul's Cathedral. The consultation threshold is a constant plane of 52.1m AOD at this point as the site lies within the vista foreground. The proposal breaches this height by some 1.48m. However, the scheme is located some distance to the east of the Cathedral and to the left of a taller building in the foreground (outside the City) and will not harm the appreciation or views of St Paul's Cathedral or other landmarks identified in this LVMF view.

# View 5A.2 – Greenwich Park

93. The site lies within the Wider Setting Consultation Area (background) of the Greenwich Park Protected Vista (London Panorama). The proposal breaches the consultation threshold height by some 1.48m. However, the scheme is located some distance to the east of the Cathedral and will not harm the appreciation or views of St Paul's Cathedral or other landmarks identified in this LVMF view.

### View 6A.1 – Blackheath Point

94. The site lies within the Wider Setting Consultation Area (left lateral) of the Blackheath Point Protected Vista (London Panorama). The proposal breaches the consultation threshold height by some 2.62 m. However, the scheme is located some distance to the north east of the Cathedral and will not harm the appreciation or views of St Paul's Cathedral or other landmarks identified in this LVMF view.

# Impact on significance and setting of listed buildings

A number of listed buildings are located in close proximity of the site.

# Holy Sepulchre Without Newgate Church

95. The proposal will appear as an eye-catching neighbour to this Grade 1 listed Church but not in a manner which harms its setting or significance. The Church, on Holborn Viaduct, is characterized by the mature canopy and greenery of the imposing London Plane trees and its grassed churchyard. The green walled facades of the proposed building will relate comfortably with this landscaped setting enabling the robust stone Church and its tower to be read against a foreground and background of greenery. The height and scale of the proposed building on this key townscape book end site is considered appropriate and is located at a sufficient distance from the Church so as not to over-dominate. In this respect the proposal is not considered to harm the setting or significance of the listed Church or the ancillary buildings to its rear.

# 4 and 5 Snow Hill

96. These Grade 2 listed buildings (which includes Snow Hill Police Station) are located at mid-terrace in the tight urban block on the north side of Snow Hill. The dynamic green façade of the proposed development will appear as a strong and eye-catching element in views along Snow Hill and Holborn Viaduct in the foreground in views of the listed buildings. There will be a dynamic contrast between the robust masonry and the dynamic softer green facades of the new development which is considered appropriate and an interesting juxtaposition. The setting and significance of these listed buildings will not be harmed.

# Holborn Viaduct

97. The Grade 2 listed bridge and its associated Gatehouses are a distinctive Victorian landmark in this part of the City. The proposed development will be viewed in the foreground and background of the bridge where it will appear as an eye-catching green façade contrasting with the stone and glazed façades on Holborn Viaduct but merging in a convincing manner with the mature tree canopy of the London Plane trees on the south side of Holy Sepulchre Church. The setting and significance of the listed Viaduct and gatehouses will not be harmed.

#### 1-8 Holborn Viaduct

### 15 Old Bailey

98. The Grade 2 listed building, built originally as a hotel, stands to the south east of the site. The proposed development will appear as a green walled façade in the foreground and background of the listed building in views along Holborn Viaduct and Snow Hill. The green facades will contrast with the robust stone facades of the listed building in a convincing manner, in particular, in views along Snow Hill, where the living green façade will relate attractively with the mature London Plane trees framing views of the listed building. The setting and significance of the listed building will not be harmed.

# Smithfield Market (West Market and Poultry Market)

99. These Grade 2\* and Grade 2 listed buildings stand to the north of the site. In views along West Smithfield and West Poultry Avenue, the green walled facades of the proposed development will appear as an eyecatching backdrop looking south west but not in a manner which harms the setting or significance of either listed building.

# The Old Bailey (Central Criminal Court)

100. This Grade 2\* listed building is located to the south east of the development. In views west, in particular along Newgate Street, the proposal will appear as a green walled prow behind the mature London Plane trees of Holy Sepulchre churchyard which will contribute positively in creating a green backdrop in views of the north elevation of the Old Bailey. Furthermore, the public roof terrace which forms part of the proposal will offer exceptional new elevated public views of the cupola of the Old Bailey, a significant public benefit. The development is not considered to harm the setting or significance of this important listed building.

# The Viaduct Tavern (126 Newgate Street)

101. This Grade 2 listed corner public house is located to the east of the site. In views westwards along Newgate Street the green walled facades and corner prow of the proposal will appear alongside the London Plane trees in St Sepulchre's churchyard contributing positively to the green backdrop to the listed pub. The setting or significance of the listed building will not be harmed

### St Paul's Cathedral

102. Although some distance away to the south east, the impact of the proposal on London wide views of St Paul's is discussed in the assessment of LVMF views. The free to visit public roof terrace which forms part of the proposal will offer high quality elevated public views of St Paul's which is considered to be a significant public benefit.

# Impact on the significance of conservation areas

The site is adjacent to or in close proximity to two conservation areas, Newgate and Smithfield.

### **Smithfield Conservation Area**

103. This Conservation Area is located to the north and east of the site. The proposed development marks a major approach to the Conservation Area and will appear as an eye catching green walled façade in views along Snow Hill and Smithfield. The proposal will not harm the setting, character and appearance of these views and will appear as a convincing frontage, re-introducing the tight grain and definition of Snow Hill as was the case in the 1880's building destroyed in the war as well as providing a softer green backdrop in these views.

# Newgate Street Conservation Area

104. This Conservation Area is located to the south and east of the site and includes Holy Sepulchre's Church. The principal impact of the proposal in these views is the appearance of the green walled prow of the development merging with the mature canopy of the London Plane trees in churchyard in views westwards. This impact is considered to be a positive one which complements the listed Church's setting. The setting, significance, character and appearance of the Conservation Area is not harmed.

# **Non-designated Heritage Assets**

105. The proposed development would not impact on the significance of any non-designated heritage assets in its vicinity.

# **Inclusive Design**

- 106. The proposed scheme has been designed to be inclusive and stepfree access to all parts of the building and roof terraces is secured.
- 107. It provides a designated wheelchair accessible parking space and including charging and mobility scooter charging.
- 108. 5% of the cycle spaces are capable of accommodating larger/adapted cycles and with a suitable shower and WC is provided adjacent.
- 109. 10% of the hotel bedrooms are wheelchair accessible, 9% of which are designed for independent use and 1% for assisted use with the provision of a fixed ceiling track hoist and peninsular layout toilet en-suite.
- 110. In addition, an accessible baby changing facility and a changing places toilet is to be provided in the reception area.
- 111. At least one lift is to be designed so that it can be used as part of the evacuation strategy.
- 112. The Access Officer welcomes the comprehensive Access Statement and seeks the preparation of an Accessibility Management Plan in accordance with the London Plan. However, she has a number of details comments in relation to positioning and width of doors, access width, width of ramps, materials and manifestations and seating provisions.
- 113. Details of these will be required by Condition as well as the provision of an Access Management Plan.

# **Transport implications**

Servicing

- 114. The building is serviced from a loading bay located to the north of the site accessed from Snow Hill. It provides space for a single disabled parking bay and bays and for two service vehicles at any one time.
- 115. The loading area is located above the railway tunnels' slab and due to structural constraints can only accommodate vehicles up to 7.5tonnes.
- 116. This requires the site to be serviced by smaller vehicles which the developer has indicated is feasible (and this will be the subject of a condition) except for the refuse vehicles which will require refuse to be collected from the street. A bin store is located to the rear of the loading bay and the bins will be brought out in accordance with a management strategy, to be agreed so that they are not left in the street. A S278 agreement will be required to mitigate any impact on cycling as Snow Hill is part of the future cycling programme.
- 117. The applicant has predicted that there will be 16 deliveries per day to service both the offices and the hotel.
- 118. The scheme would be subject to the requirement for a Delivery and Servicing Plan to be agreed that would restrict the number of vehicles and require that there would be no deliveries between the hours of 7am-10am, 12noon-2pm and 4pm-7m.
- 119. A booking system would be required for all deliveries as well as a Consolidation Strategy which would be secured through the hotel group's other two hotels located within 1.5 miles of the site.
- 120. A legal agreement would require the developer to strengthen the pipe subway next to the entrance to the loading bay at the developer's expense in order to enable 7.5 tonne vehicle movements to cross it.

#### Cycle parking

- 121. The scheme provides 109 long-stay cycle parking spaces and 27 short-stay cycle parking spaces (total 136).
- 122. The Draft London Plan would require a minimum of 97 long-stay and 48 short-stay cycle parking spaces (total 145) in order to be compliant.
- 123. The proposals for the long-stay cycling parking exceed the Draft London Plan, although the short-stay cycle parking is not compliant.
- 124. The applicant has provided 12 additional long-stay cycle parking spaces in lieu of short-stay cycle parking, pointing out that 20% of the people who eat at the restaurant are expected to be hotel guests. The applicant argues that providing additional cycle parking spaces would amount to double counting. During negotiations the applicant increased its short-stay cycle parking spaces offer by a further 13 resulting in the 27 outlined. This is considered to maintain an appropriate balance between cycling parking provision and an exceptional public realm
- 125. There should be a minimum of 11 showers and locker provision for 109 respectively (1 shower per 10 cycle parking spaces, and one locker per

- cycle parking space and this would be subject to a condition. For information the showers are located in two places: lower ground (7 showers) for the office and retail uses and at Basement 3 (4 showers) for hotel workers.
- 126. The developer has agreed to enter discussions around a S278 agreement which may provide some public cycle parking, in addition to that proposed as well as more spaces on their private land.

# Coach parking

127. The hotel will not attract coaches and the applicant has accepted a Section 106 clause limiting their use by restricting group bookings.

# **Public Transport**

- 128. The site has the highest level of public transport provision with a PTAL of 6B. the site is opposite Holborn Viaduct Thameslink station, close to Farringdon Underground the Elizabeth Line station and the underground stations for St Paul's and Chancery Lane are in close proximity. The site is close to a large number of bus routes running past the site or close by. This high level of provision is likely to reduce the demand for taxis.
- 129. The building is anticipated to attract 3,552 persons per day. The pavements adjoining the site are of a generous width and with the set-backs along the southern edge and the accessible public space at the corner will result in an acceptable impact on the public realm.

# **Projections**

130. There are no projections proposed over the public highway. The planting system is within the red line ownership boundary and without any containers projecting into the public highway.

### Security

- 131. The scheme has been designed taking into account Secure by Design principle as well as recognising the nature of the proposed uses, the public terrace and the proximity of the site to other sensitive site users.
- 132. CCTV is to be incorporated and access would be controlled to non-public parts of the building.
- 133. The high-level terrace will be managed through security checks and CCTV and the enclosing glazed balustrade will be 1.8m. high to limit the potential risk of suicides.

# **Energy and sustainability**

134. BREEAM: The Energy Statement and Sustainability Strategy prepared by the Applicant indicates that this development has been designed to achieve a BREEAM rating of "Excellent" for both the hotel and the office areas. For the City's priority credits the BREEAM pre assessment shows that high credits have been achieved for Energy and Materials with lower scores for Water and Pollution. The City is an Air Quality Management

- Area and an area of water stress therefore every effort should be made to improve the water and pollution BREEAM credits.
- 135. A post construction BREEAM assessment is required by condition with the aim of maximising BREEAM credits for the City's priorities: Energy, Materials, Water and Pollution.
- 136. Energy Strategy: The Energy Statement shows that this development has been designed to achieve a carbon reduction of 37.16% compared to a Building Regulations compliant building. This has been achieved through energy efficiency measures, the use of Aerothermal heat pumps and high efficiency gas boilers.
- 137. Although no carbon offsetting contribution is required a S106 carbon offsetting agreement is required in case the final development fails to meet carbon targets
- 138. This development has been designed to comply with London Plan targets for major development. The new London Plan target is anticipated to require all new development to be zero carbon, and the City has an aspiration to be combustion free, therefore any further improvement to carbon performance should be sought

### Archaeology

- 139. The site is an area of archaeological potential situated to the west of the Roman and medieval walled City, to the north of a major Roman road and on the eastern edge of the Fleet River valley. There is potential for Roman remains including burials, and features associated with or adjacent to the Roman road and 19th century remains. An Historic Environment Assessment and an Archaeological Evaluation Report has been submitted with the application.
- 140. The archaeological reports set out the archaeological potential and impact of the existing building. There would be no remains surviving where the rail tunnel crosses the west part of the site or the southern edge which is adjacent to Holborn Viaduct. The results of the archaeological evaluation have shown that the archaeological potential is limited and only cut features such as pits and wells are likely to have survived. There is potential for Roman remains to have survived.
- 141. Conditions are recommended to cover a programme of archaeological work and foundation design to record archaeological remains affected by the proposed development.

# **CIL and Planning Obligations**

142. The proposed development would require planning obligations to be secured in a Section 106 agreement to mitigate the impact of the development to make it acceptable in planning terms. Contributions would be used to improve the City's environment and facilities. The proposal would also result in payment of the Community Infrastructure Levy (CIL) to help fund the provision of infrastructure in the City of London.

- 143. These contributions would be in accordance with Supplementary Planning Documents (SPDs) adopted by the Mayor of London and the City.
- 144. From 1 April 2019 Mayoral CIL 2 (MCIL2) supersedes the Mayor of London's CIL and associated section 106 planning obligations charging schedule. This change removes the Mayor's planning obligations for Crossrail contributions. Therefore, the Mayor will be collecting funding for Crossrail 1 and Crossrail 2 under the provisions of the Community Infrastructure Levy regulations 2010 (as amended).
- 145. CIL contributions and City of London Planning obligations are set out below.

# MCIL2

Liability in accordance with the Mayor of	Contribution	Forwarded to the Mayor	City's charge for administration and
London's policies			monitoring
MCIL2 payable	£3,461,955	£3,323,477	£138,478

City CIL and S106 Planning Obligations

Liability in accordance with the City of London's policies	Contribution	Available for allocation	Retained for administration and monitoring
City CIL	£1,833,600	£1,741,920	£91,680
City Planning Obligation Affordable Housing	£488,960	£484,070	£4,8902
City Planning Obligation Local, Training, Skills and Job Brokerage	£73,344	£72,611	£733
Carbon Reduction Shortfall (as designed)	£380,214	£380,214	£0
Section 278 Design and Evaluation	£	£	£0
City Planning Obligation	£1,750	£0	£J1750
Monitoring Charge			
Total liability in accordance with the City of London's policies			£99,053

# **City's Planning Obligations**

- 146. The obligations set out below are required in accordance with the City's SPD. They are 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 tests in the CIL Regulations and government policy.
  - Highway Reparation and other Highways obligations
  - Delivery and Servicing Management Plan to include consolidation
  - Travel Plan/cycling promotion plan
  - · Restriction of coaches
  - Local Training, Skills and Job Brokerage Strategy (Construction)
  - Local Procurement
  - Carbon Offsetting
  - Section 278 Agreement
  - Reinforcement of the pipe subway prior to commencement
  - Free public access to the roof terrace
  - Incubator space for start-ups at a reduced charge or an initial 3 month charge free period to be subject to further negotiation.
- 147. I request that I be given delegated authority to continue to negotiate and agree the terms of the proposed obligations as necessary.

Monitoring and Administrative Costs

- 148. A 10-year repayment period would be required whereby any unallocated sums would be returned to the developer 10 years after practical completion of the development. Some funds may be set aside for future maintenance purposes.
- 149. The applicant will pay the City of London's legal costs and the City Planning Officer's administration costs incurred in the negotiation, execution and monitoring of the legal agreement and strategies.

Site Specific Mitigation

150. The City will use CIL to mitigate the impact of development and provide the infrastructure necessary for the area. In some circumstances, it may be necessary additionally to seek site specific mitigation to ensure that a development is acceptable in planning terms. Other matters requiring mitigation are yet to be fully scoped.

### **Residential Amenity**

- 151. With the exception of the residential unit in the tower of Holy Sepulchre without Newgate Church there are no residential units which adjoin the site. However, there are 28 residential units in 32 and 37 Cock Lane and 124 residential units in 10 Hosier Lane, 6 residential units at 8-9 Giltspur Street and one unit in the Watch Tower, Giltspur Street.
- 152. There is potential that noise emanating from the terrace could result in disturbance to adjoining residents.

- 153. A condition will be imposed requiring no amplified, live or other music to be played on the terrace.
- 154. Environmental Health have requested that there be no use of the terrace at Levels 10 and 11 between 11pm-8am and at no time on Sunday or Bank holidays.
- 155. In that there this is in conjunction with an hotel and a public terrace it is considered that this is overly restrictive and that Sunday and Bank holiday opening should be allowed with a closing time of 9pm.

# Noise

156. Conditions have been imposed to mitigate the noise impact from the operation of plant and mechanical systems including extraction systems for ventilation and fumes.

# **Demolition and Construction**

- 157. Demolition to slab level ?? is being undertaken in accordance with the previously approved prior approval.
- 158. Construction and any outstanding demolition will be subject to conditions in accordance with the normal practice to safeguard the amenity of adjoining occupants and residents.

### Conclusion

159. The development is regarded as acceptable in land-use terms and is a progressive and exciting response to an increase in urban greening appropriate to this location subject to compliance with the recommended conditions and the conclusion of the Section 106 agreement which would include S278 requirements.

# **Background papers**

The Revd David Ingall Letter 21 October 2019

Network Rail email 31 October 2019

Transport for London letter 17 October 2019

Thames Water email 29 October 2019

London Borough of Lewisham email 6 November 2019

London Borough of Tower Hamlets letter 30 October 2019

Natural England email 14 November 2019



Rev'd David Ingall, Holy Sepulchre London, Holborn Viaduct, London, EC1A 2DQ



21 October 2019 6156.01

L Hart Esq Case Officer City of London, Planning Department PO Box 270 Guildhall London EC2P 2EJ

Dear Mr Hart

Your ref: 19/01038/FULMAJ - 61-65 Holborn Viaduct, London EC1A 2FD By email [PLNComments@cityoflondon.gov.uk] and post

I am writing as the Rector of Holy Sepulchre London (also known as St. Sepulchre-without-Newgate) and on behalf of the Parochial Church Council, in regard to the application referenced above for a planning consent under consideration by your Department.

### In particular:

- 1. There are Daylight and sunlight implications for the church, and these have not yet been addressed
- 2. The proposed development has implications for the setting of the Grade I Listed building. In particular, the height of the new building will be increased if the scheme is constructed as shown on the application, and the green walling for the façade whist striking will have a material impact both aesthetically and possibly in relation to wind borne abrasion, etc.
- 3. There appear to be a number of roof terraces on the proposed development at differing levels in close proximity to the church and in particular, the residential accommodation within the southwest porch of the church. This has the potential to cause significant overlooking and noise.
- 4. There are concerns about the impact that demolition and construction related dust, noise, vibration and structural movement could have on the church, both as a physical Heritage Asset, and a Place of Worship / community use building.

The Church has had initial discussions with the agent for the proposed Developer. These discussions have been very positive, and we are hoping to agree suitable mitigation measures in order to address the issues detailed above, which would enable us to support the application. However, the discussions

are on-going and likely to continue to be so for some time. Until such time as suitable mitigation measures have been agreed, please could the Corporation of London Planning Department take this emailed letter as a means of lodging a 'holding objection' to the proposed scheme, as submitted?

Yours sincerely



David Ingall

(Rector, and Chair of the PCC, Holy Sepulchre London)

# Appendix A

# London Plan Policies

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

Policy 2.10 Enhance and promote the unique international, national and London wide roles of the Central Activities Zone (CAZ) and as a strategically important, globally oriented financial and business services centre.

Policy 2.18 Protect, promote, expand and manage the extent and quality of and access to London's network of green infrastructure.

Policy 3.2 New developments should be designed, constructed and managed in ways that improve health and promote healthy lifestyles to help to reduce health inequalities.

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 4.5 Support London's visitor economy and stimulate its growth, taking into account the needs of business as well as leisure visitors and seeking to improve the range and quality of provision.

Policy 4.6 Support the continued success of London's diverse range of arts, cultural, professional, sporting and entertainment enterprises and the cultural, social and economic benefits that they offer to its residents, workers and visitors.

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 SPG

Policy 5.9 Reduce the impact of the urban heat island effect in London and encourage the design of places and spaces to avoid overheating and excessive heat generation, and to reduce overheating due to the impacts of climate change and the urban heat island effect on an area wide basis.

Policy 5.10 Promote and support urban greening, such as new planting in the public realm (including streets, squares and plazas) and multifunctional green infrastructure, to contribute to the adaptation to, and reduction of, the effects of climate change.

Policy 5.11 Major development proposals should be designed to include roof, wall and site planting, especially green roofs and walls where feasible.

Policy 5.12 Development proposals must comply with the flood risk assessment and management requirements set out in PPS25 and address flood resilient design and emergency planning; development adjacent to flood defences will be required to protect the integrity of existing flood defences and wherever possible be set back from those defences to allow their management, maintenance and upgrading to be undertaken in a sustainable and cost effective way.

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

Policy 5.15 (Water Use and Supplies) sets out a series of ways to achieve the objective "to protect and conserve water supplies and resources". This includes supporting schemes which incorporate water saving measures.

Policy 5.17 (Waste Capacity) states that development proposals should seek to reduce waste production and also encourage reuse and recycling, through on-site facilities and space.

Policy 5.18 Encourage development waste management facilities and removal by water or rail transport.

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 6.10 (Walking) encourages new developments to "ensure high quality pedestrian environments and emphasise the quality of the pedestrian and street space."

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

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. does 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 7.10 Development in World Heritage Sites and their settings, including any buffer zones, should conserve, promote, make sustainable use of and enhance their authenticity, integrity and significance and Outstanding Universal Value.

Policy 7.11 (London View Management Framework) Manage the impact of development on key panoramas, river prospects and townscape views.

Policy 7.12 New development should not harm and where possible should make a positive contribution to the characteristics and composition of the strategic views and their landmark elements identified in the London View Management Framework. It should also, where possible, preserve viewers' ability to recognise and to appreciate Strategically Important Landmarks in these views and, where appropriate, protect the silhouette of landmark elements of World Heritage Sites as seen from designated Viewing Places.

Policy 7.13 Development proposals should contribute to the minimisation of potential physical risks, including those arising as a result of fire, flood and related hazards.

Policy 7.14 Implement Air Quality and Transport strategies to achieve reductions in pollutant emissions and minimise public exposure to pollution.

Policy 7.15 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.

Policy 7.19 Development proposals should, wherever possible, make a positive contribution to the protection, enhancement, creation and management of biodiversity.

### Relevant Local Plan 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.

#### DM1.1 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:

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

#### DM1.3 Small and medium business units

To promote small and medium sized businesses in the City by encouraging:

- a) new accommodation suitable for small and medium sized businesses or occupiers;
- b) office designs which are flexible and adaptable to allow for subdivision to create small and medium sized business units;
- c) continued use of existing small and medium sized units which meet occupier needs.

#### DM1.5 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.

# 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.

# DM3.2 Security measures

To ensure that security measures are included in new developments, applied to existing buildings and their curtilage, by requiring:

- a) building-related security measures, including those related to the servicing of the building, to be located within the development's boundaries:
- b) measures to be integrated with those of adjacent buildings and the public realm;
- c) that security is considered at the concept design or early developed design phases of all development proposals to avoid the need to retro-fit measures that impact on the public realm;
- d) developers to seek recommendations from the City of London Police Architectural Liaison Officer at the design stage. New development should meet Secured by Design principles;
- e) the provision of service management plans for all large development, demonstrating that vehicles seeking access to the building can do so without waiting on the public highway; f)an assessment of the environmental impact of security measures, particularly addressing visual impact and impact on pedestrian flows.

### DM3.5 Night-time entertainment

- 1) Proposals for new night-time entertainment and related uses and the extension of existing premises will only be permitted where it can be demonstrated that, either individually or cumulatively, there is no unacceptable impact on:
- a) the amenity of residents and other noise-sensitive uses;
- b) environmental amenity, taking account of the potential for noise, disturbance and odours arising from the operation of the premises, customers arriving at and leaving the premises and the servicing of the premises.
- 2) Applicants will be required to submit Management Statements detailing how these issues will be addressed during the operation of the premises.

### CS4 Seek planning contributions

To manage the impact of development, seeking appropriate developer contributions.

# CS5 Meet challenges facing North of City

To ensure that the City benefits from the substantial public transport improvements planned in the north of the City, realising the potential for rejuvenation and "eco design" to complement the sustainable transport infrastructure.

# 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.

# DM10.1 New development

To require all developments, including alterations and extensions to existing buildings, to be of a high standard of design and to avoid harm to the townscape and public realm, by ensuring that:

- a) the bulk and massing of schemes are appropriate in relation to their surroundings and have due regard to the general scale, height, building lines, character, historic interest and significance, urban grain and materials of the locality and relate well to the character of streets, squares, lanes, alleys and passageways;
- b) all development is of a high standard of design and architectural detail with elevations that have an appropriate depth and quality of modelling;
- c) appropriate, high quality and durable materials are used;
- d) the design and materials avoid unacceptable wind impacts at street level or intrusive solar glare impacts on the surrounding townscape and public realm;
- e) development has attractive and visually interesting street level elevations, providing active frontages wherever possible to maintain or enhance the vitality of the City's streets;
- f)the design of the roof is visually integrated into the overall design of the building when seen from both street level views and higher level viewpoints;
- g) plant and building services equipment are fully screened from view and integrated in to the design of the building. Installations that would adversely affect the character, appearance or amenities of the buildings or area will be resisted;
- h) servicing entrances are designed to minimise their effects on the appearance of the building and street scene and are fully integrated into the building's design;
- i)there is provision of appropriate hard and soft landscaping, including appropriate boundary treatments;
- j)the external illumination of buildings is carefully designed to ensure visual sensitivity, minimal energy use and light pollution, and the discreet integration of light fittings into the building design;
- k) there is provision of amenity space, where appropriate;

I) there is the highest standard of accessible and inclusive design.

# DM10.2 Design of green roofs and walls

- 1) To encourage the installation of green roofs on all appropriate developments. On each building the maximum practicable coverage of green roof should be achieved. Extensive green roofs are preferred and their design should aim to maximise the roof's environmental benefits, including biodiversity, run-off attenuation and building insulation.
- 2) To encourage the installation of green walls in appropriate locations, and to ensure that they are satisfactorily maintained.

# DM10.3 Roof gardens and terraces

- 1) To encourage high quality roof gardens and terraces where they do not:
- a) immediately overlook residential premises;
- b) adversely affect rooflines or roof profiles;
- c) result in the loss of historic or locally distinctive roof forms, features or coverings;
- d) impact on identified views.
- 2) Public access will be sought where feasible in new development.

#### DM10.4 Environmental enhancement

The City Corporation will work in partnership with developers, Transport for London and other organisations to design and implement schemes for the enhancement of highways, the public realm and other spaces. Enhancement schemes should be of a high standard of design, sustainability, surface treatment and landscaping, having regard to:

- a) the predominant use of the space, surrounding buildings and adjacent spaces;
- b) connections between spaces and the provision of pleasant walking routes;
- c) the use of natural materials, avoiding an excessive range and harmonising with the surroundings of the scheme and materials used throughout the City;
- d) the inclusion of trees and soft landscaping and the promotion of biodiversity, where feasible linking up existing green spaces and routes to provide green corridors;
- e) the City's heritage, retaining and identifying features that contribute positively to the character and appearance of the City; f)sustainable drainage, where feasible, co-ordinating the design with adjacent buildings in order to implement rainwater recycling;
- g) the need to provide accessible and inclusive design, ensuring that streets and walkways remain uncluttered;

- h) the need for pedestrian priority and enhanced permeability, minimising the conflict between pedestrians and cyclists;
- i)the need to resist the loss of routes and spaces that enhance the City's function, character and historic interest;
- j)the use of high quality street furniture to enhance and delineate the public realm;
- k) lighting which should be sensitively co-ordinated with the design of the scheme.

# DM10.7 Daylight and sunlight

- 1) To resist development which would reduce noticeably the daylight and sunlight available to nearby dwellings and open spaces to unacceptable levels, taking account of the Building Research Establishment's guidelines.
- 2) The design of new developments should allow for the lighting needs of intended occupiers and provide acceptable levels of daylight and sunlight.

# DM10.8 Access and inclusive design

To achieve an environment that meets the highest standards of accessibility and inclusive design in all developments (both new and refurbished), open spaces and streets, ensuring that the City of London is:

- a) inclusive and safe for of all who wish to use it, regardless of disability, age, gender, ethnicity, faith or economic circumstance;
- b) convenient and welcoming with no disabling barriers, ensuring that everyone can experience independence without undue effort, separation or special treatment;
- c) responsive to the needs of all users who visit, work or live in the City, whilst recognising that one solution might not work for all.

#### CS11 Allow hotels in suitable locations

To maintain and enhance the City's contribution to London's world-class cultural status and to enable the City's communities to access a range of arts, heritage and cultural experiences, in accordance with the City Corporation's Destination Strategy by (inter alia) allowing hotels that support the primary business or cultural role and refusing hotels where they would compromise the City's business function.

#### DM11.3 Hotels

Proposals for new hotel and apart-hotel accommodation will only be permitted where they:

a) do not prejudice the primary business function of the City;

- b) are not contrary to policy DM1.1;
- c) contribute to the balance and mix of uses in the immediate locality;
- d) do not result in adverse impacts on the amenity of neighbouring occupiers, including cumulative impacts;
- e) provide satisfactory arrangements for pick-up/drop-off, service delivery vehicles and coaches, appropriate to the size and nature of the hotel or apart-hotel;
- f)are inclusive, providing at least 10% of hotel rooms to wheelchair-accessible standards:
- g) ensure continuing beneficial use for historic buildings, where appropriate.

#### 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.

# DM12.1 Change affecting heritage assets

- 1. To sustain and enhance heritage assets, their settings and significance.
- 2. Development proposals, including proposals for telecommunications infrastructure, that have an effect upon heritage assets, including their settings, should be accompanied by supporting information to assess and evaluate the significance of heritage assets and the degree of impact caused by the development.
- 3. The loss of routes and spaces that contribute to the character and historic interest of the City will be resisted.
- 4. Development will be required to respect the significance, character, scale and amenities of surrounding heritage assets and spaces and their settings.
- 5. Proposals for sustainable development, including the incorporation of climate change adaptation measures, must be sensitive to heritage assets.

#### DM12.3 Listed buildings

- 1. To resist the demolition of listed buildings.
- 2. To grant consent for the alteration or change of use of a listed building only where this would not detract from its special architectural or historic interest, character and significance or its setting.

#### DM12.4 Archaeology

- 1. To require planning applications which involve excavation or ground works on sites of archaeological potential to be accompanied by an archaeological assessment and evaluation of the site, including the impact of the proposed development.
- 2. To preserve, protect, safeguard and enhance archaeological monuments, remains and their settings in development, and to seek a public display and interpretation, where appropriate.
- 3. To require proper investigation and recording of archaeological remains as an integral part of a development programme, and publication and archiving of results to advance understanding.

#### CS13 Protect/enhance significant views

To protect and enhance significant City and London views of important buildings, townscape and skylines, making a substantial contribution to protecting the overall heritage of the City's landmarks.

#### CS15 Creation of sustainable development

To enable City businesses and residents to make sustainable choices in their daily activities creating a more sustainable City, adapted to the changing climate.

#### DM15.3 Low and zero carbon technologies

- 1. For development with a peak heat demand of 100 kilowatts or more developers should investigate the feasibility and viability of connecting to existing decentralised energy networks. This should include investigation of the potential for extensions of existing heating and cooling networks to serve the development and development of new networks where existing networks are not available. Connection routes should be designed into the development where feasible and connection infrastructure should be incorporated wherever it is viable.
- 2. Where connection to offsite decentralised energy networks is not feasible, installation of on-site CCHP and the potential to create new localised decentralised energy infrastructure through the export of excess heat must be considered
- 3. Where connection is not feasible or viable, all development with a peak heat demand of 100 kilowatts or more should be designed to enable connection to potential future decentralised energy networks.
- 4. Other low and zero carbon technologies must be evaluated. Non combustion based technologies should be prioritised in order to avoid adverse impacts on air quality.

# DM15.4 Offsetting carbon emissions

- 1. All feasible and viable on-site or near-site options for carbon emission reduction must be applied before consideration of offsetting. Any remaining carbon emissions calculated for the lifetime of the building that cannot be mitigated on-site will need to be offset using "allowable solutions".
- 2. Where carbon targets cannot be met on-site the City Corporation will require carbon abatement elsewhere or a financial contribution, negotiated through a S106 planning obligation to be made to an approved carbon offsetting scheme.
- 3. Offsetting may also be applied to other resources including water resources and rainwater run-off to meet sustainability targets offsite where on-site compliance is not feasible.

#### DM15.5 Climate change resilience

- 1. Developers will be required to demonstrate through Sustainability Statements that all major developments are resilient to the predicted climate conditions during the building's lifetime.
- 2. Building designs should minimise any contribution to the urban heat island effect caused by heat retention and waste heat expulsion in the built environment.

# DM15.6 Air quality

- 1. Developers will be required to consider the impact of their proposals on air quality and, where appropriate, provide an Air Quality Impact Assessment.
- 2. Development that would result in deterioration of the City's nitrogen dioxide or PM10 pollution levels will be resisted.
- 3. Major developments will be required to maximise credits for the pollution section of the BREEAM or Code for Sustainable Homes assessment relating to on-site emissions of oxides of nitrogen (NOx).
- 4. Developers will be encouraged to install non-combustion low and zero carbon energy technology. A detailed air quality impact assessment will be required for combustion based low and zero carbon technologies, such as CHP plant and biomass or biofuel boilers, and necessary mitigation must be approved by the City Corporation.
- 5. Construction and deconstruction and the transport of construction materials and waste must be carried out in such a way as to minimise air quality impacts.

6. Air intake points should be located away from existing and potential pollution sources (e.g. busy roads and combustion flues). All combustion flues should terminate above the roof height of the tallest building in the development in order to ensure maximum dispersion of pollutants.

# DM15.7 Noise and light pollution

- 1. Developers will be required to consider the impact of their developments on the noise environment and where appropriate provide a noise assessment. The layout, orientation, design and use of buildings should ensure that operational noise does not adversely affect neighbours, particularly noise-sensitive land uses such as housing, hospitals, schools and quiet open spaces.
- 2. Any potential noise conflict between existing activities and new development should be minimised. Where the avoidance of noise conflicts is impractical, mitigation measures such as noise attenuation and restrictions on operating hours will be implemented through appropriate planning conditions.
- 3. Noise and vibration from deconstruction and construction activities must be minimised and mitigation measures put in place to limit noise disturbance in the vicinity of the development.
- 4. Developers will be required to demonstrate that there will be no increase in background noise levels associated with new plant and equipment.
- 5. Internal and external lighting should be designed to reduce energy consumption, avoid spillage of light beyond where it is needed and protect the amenity of light-sensitive uses such as housing, hospitals and areas of importance for nature conservation.

# DM16.1 Transport impacts of development

- 1. Development proposals that are likely to have effects on transport must be accompanied by an assessment of the transport implications during both construction and operation, in particular addressing impacts on:
- a) road dangers;
- b) pedestrian environment and movement;
- c) cycling infrastructure provision;
- d) public transport;
- e) the street network.

2. Transport Assessments and Travel Plans should be used to demonstrate adherence to the City Corporation's transportation standards.

#### DM16.3 Cycle parking

- 1. On-site cycle parking must be provided in accordance with the local standards set out in Table 16.2 or, for other land uses, with the standards of the London Plan. Applicants will be encouraged to exceed the standards set out in Table 16.2.
- 2. On-street cycle parking in suitable locations will be encouraged to meet the needs of cyclists.

# DM16.4 Encouraging active travel

- 1. Ancillary facilities must be provided within new and refurbished buildings to support active transport modes such as walking, cycling and running. All commercial development should make sufficient provision for showers, changing areas and lockers/storage to cater for employees wishing to engage in active travel.
- 2. Where facilities are to be shared with a number of activities they should be conveniently located to serve all proposed activities.

# DM16.5 Parking and servicing standards

- 1. Developments in the City should be car-free except for designated Blue Badge spaces. Where other car parking is exceptionally provided it must not exceed London Plan's standards.
- 2. Designated parking must be provided for Blue Badge holders within developments in conformity with London Plan requirements and must be marked out and reserved at all times for their use. Disabled parking spaces must be at least 2.4m wide and at least 4.8m long and with reserved areas at least 1.2m wide, marked out between the parking spaces and at the rear of the parking spaces.
- 3. Except for dwelling houses (use class C3), whenever any car parking spaces (other than designated Blue Badge parking) are provided, motor cycle parking must be provided at a ratio of 10 motor cycle parking spaces per 1 car parking space. At least 50% of motor cycle parking spaces must be at least 2.3m long and at least 0.9m wide and all motor cycle parking spaces must be at least 2.0m long and at least 0.8m wide.
- 4. On site servicing areas should be provided to allow all goods and refuse collection vehicles likely to service the development at the same time to be conveniently loaded and unloaded. Such servicing areas should provide sufficient space or facilities for all vehicles to enter

and exit the site in a forward gear. Headroom of at least 5m where skips are to be lifted and 4.75m for all other vehicle circulation areas should be provided.

- 5. Coach parking facilities for hotels (use class C1) will not be permitted.
- 6. All off-street car parking spaces and servicing areas must be equipped with the facility to conveniently recharge electric vehicles.
- 7. Taxi ranks are encouraged at key locations, such as stations, hotels and shopping centres. The provision of taxi ranks should be designed to occupy the minimum practicable space, using a combined entry and exit point to avoid obstruction to other transport modes.

#### CS18 Minimise flood risk

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

# DM18.1 Development in Flood Risk Area

- 1. Where development is proposed within the City Flood Risk Area evidence must be presented to demonstrate that:
- a) the site is suitable for the intended use (see table 18.1), in accordance with Environment Agency and Lead Local Flood Authority advice:
- b) the benefits of the development outweigh the flood risk to future occupants:
- c) the development will be safe for occupants and visitors and will not compromise the safety of other premises or increase the risk of flooding elsewhere.
- 2. Development proposals, including change of use, must be accompanied by a site-specific flood risk assessment for:
- a) all sites within the City Flood Risk Area as shown on the Policies Map; and
- b) all major development elsewhere in the City.
- 3. Site specific flood risk assessments must address the risk of flooding from all sources and take account of the City of London Strategic Flood Risk Assessment. Necessary mitigation measures must be designed into and integrated with the development and may be required to provide protection from flooding for properties beyond the site boundaries, where feasible and viable.
- 4. Where development is within the City Flood Risk Area, the most vulnerable uses must be located in those parts of the development which are at least risk. Safe access and egress routes must be identified.

- 5. For minor development outside the City Flood Risk Area, an appropriate flood risk statement may be included in the Design and Access Statement.
- 6. Flood resistant and resilient designs which reduce the impact of flooding and enable efficient recovery and business continuity will be encouraged.

#### DM18.2 Sustainable drainage systems

- 1. The design of the surface water drainage system should be integrated into the design of proposed buildings or landscaping, where feasible and practical, and should follow the SuDS management train (Fig T) and London Plan drainage hierarchy.
- 2. SuDS designs must take account of the City's archaeological heritage, complex underground utilities, transport infrastructure and other underground structures, incorporating suitable SuDS elements for the City's high density urban situation.
- 3. SuDS should be designed, where possible, to maximise contributions to water resource efficiency, biodiversity enhancement and the provision of multifunctional open spaces.

#### DM18.3 Flood protection and climate

- 1. Development must protect the integrity and effectiveness of structures intended to minimise flood risk and, where appropriate, enhance their effectiveness.
- 2. Wherever practicable, development should contribute to an overall reduction in flood risk within and beyond the site boundaries, incorporating flood alleviation measures for the public realm, where feasible.

#### CS19 Improve open space and biodiversity

To encourage healthy lifestyles for all the City's communities through improved access to open space and facilities, increasing the amount and quality of open spaces and green infrastructure, while enhancing biodiversity.

# DM19.1 Additional open space

1. Major commercial and residential developments should provide new and enhanced open space where possible. Where on-site provision is not feasible, new or enhanced open space should be provided near the site, or elsewhere in the City.

- 2. New open space should:
- a) be publicly accessible where feasible; this may be achieved through a legal agreement;
- b) provide a high quality environment;
- c) incorporate soft landscaping and Sustainable Drainage Systems, where practicable;
- d) have regard to biodiversity and the creation of green corridors;
- e) have regard to acoustic design to minimise noise and create tranquil spaces.
- 3. The use of vacant development sites to provide open space for a temporary period will be encouraged where feasible and appropriate.

# DM19.2 Biodiversity and urban greening

Developments should promote biodiversity and contribute to urban greening by incorporating:

- a) green roofs and walls, soft landscaping and trees;
- b) features for wildlife, such as nesting boxes and beehives;
- c) a planting mix which encourages biodiversity;
- d) planting which will be resilient to a range of climate conditions;
- e) maintenance of habitats within Sites of Importance for Nature Conservation.

#### DM20.2 Retail links

To encourage the provision and resist the loss of retail frontage and floorspace within the Retail Links. A mix of shops and other retail uses will be encouraged in the Links, ensuring that the location and balance of uses does not adversely affect the function of the Link, any nearby PSC or their surrounding areas.

#### CS21 Protect and provide housing

To protect existing housing and amenity and provide additional housing in the City, concentrated in or near identified residential areas, as shown in Figure X, to meet the City's needs, securing suitable, accessible and affordable housing and supported housing.

#### DM21.3 Residential environment

- 1. The amenity of existing residents within identified residential areas will be protected by:
- a) resisting other uses which would cause undue noise disturbance, fumes and smells and vehicle or pedestrian movements likely to cause disturbance;

- b) requiring new development near existing dwellings to demonstrate adequate mitigation measures to address detrimental impact.
- 2. Noise-generating uses should be sited away from residential uses, where possible. Where residential and other uses are located within the same development or area, adequate noise mitigation measures must be provided and, where required, planning conditions will be imposed to protect residential amenity.
- 3. All development proposals should be designed to avoid overlooking and seek to protect the privacy, day lighting and sun lighting levels to adjacent residential accommodation.
- 4. All new residential development proposals must demonstrate how potential adverse noise impacts on and between dwellings will be mitigated by housing layout, design and materials.
- 5. The cumulative impact of individual developments on the amenity of existing residents will be considered.

#### **SCHEDULE**

APPLICATION: 19/01038/FULMAJ

#### 61-65 Holborn Viaduct London EC1A 2FD

Demolition of existing building structure and erection of a mixed-use building comprising four basement levels, lower ground, ground and ten upper storeys for (i) hotel use (Class C1) at part basement levels one to four, part lower ground, part ground and part first, and second to tenth floors levels; (ii) restaurant / bar use (Class A3/A4) at part tenth floor level; (iii) office workspace use (Class B1) at part basement levels one to three, part lower ground and part first floor levels; (iv) flexible hotel / cafe / workspace (Sui Generis) at part ground floor level; (v) a publicly accessible terrace at roof level and; (vi) ancillary plant and servicing, hard and soft landscaping and associated enabling works.

#### CONDITIONS

- 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.
- Prior to the commencement of development the developer/construction contractor shall sign up to the Non-Road Mobile Machinery Register. The development shall be carried out in accordance with the NRMM Regulations and the inventory of all NRMM used on site shall be maintained and provided to the Local Planning Authority upon request to demonstrate compliance with the regulations. REASON: To reduce the emissions of construction and demolition in accordance with the Mayor of London Control of Dust and Emissions during Construction and Demolition SPG July 2014. Compliance is required to be prior to commencement due to the potential impact at the beginning of the construction
- Demolition works shall not begin until a Deconstruction Logistics Plan to manage all freight vehicle movements to and from the site during deconstruction of the existing building(s) has been submitted to and approved in writing by the Local Planning Authority. The Deconstruction Logistics Plan shall be completed in accordance with the Mayor of London's Construction Logistics Plan Guidance dated July 2017, and shall specifically address the safety of vulnerable road users through compliance with the Construction Logistics and Community Safety (CLOCS) Standard. The Plan must demonstrate how Work Related Road Risk is to be managed. The demolition shall not be carried out otherwise than in accordance with the approved

Deconstruction Logistics Plan or any approved amendments thereto as may be agreed in writing by the Local Planning Authority.

REASON: To ensure that demolition works do not have an adverse impact on public safety and the transport network in accordance with London Plan Policy 6.14 and the following policies of the Local Plan: DM15.6, DM16.1. These details are required prior to demolition work commencing in order that the impact on the transport network is minimised from the time that demolition starts.

Construction works shall not begin until a Construction Logistics Plan to manage all freight vehicle movements to and from the site during construction of the development has been submitted to and approved in writing by the Local Planning Authority. The Construction Logistics Plan shall be completed in accordance with the Mayor of London's Construction Logistics Plan Guidance dated July 2017, and shall specifically address the safety of vulnerable road users through compliance with the Construction Logistics and Community Safety (CLOCS) Standard. The Plan must demonstrate how Work Related Road Risk is to be managed. The development shall not be carried out otherwise than in accordance with the approved Construction Logistics Plan or any approved amendments thereto as may be agreed in writing by the Local Planning Authority.

REASON: To ensure that construction works do not have an adverse impact on public safety and the transport network in accordance with London Plan Policy 6.14 and the following policies of the Local Plan: DM15.6, DM16.1. These details are required prior to construction work commencing in order that the impact on the transport network is minimised from the time that construction starts.

- Sefore 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 policy of the Local Plan: DM10.1. These details are required prior to piling or construction work commencing in order that any changes to satisfy this condition are incorporated into the development before the design is too advanced to make changes.
- No work except demolition to basement slab level shall take place until an investigation and risk assessment has been undertaken to establish if the site is contaminated and to determine the potential for pollution 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 by removing unacceptable risks to human health, buildings and other property and to the natural and historical environment 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 are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the Local Plan DM15.8. These details are required prior to commencement in order that any changes to satisfy this condition are incorporated into the development before the design is too advanced to make changes.

- Before any works including demolition are begun a site survey and survey of highway and other land at the perimeter of the site 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 Ordnance Datum levels of the adjoining streets and open spaces. The development shall be carried out in accordance with the approved survey unless otherwise agreed in writing by the local planning authority.
  - REASON: To ensure continuity between the level of existing streets and the finished floor levels in the proposed building and to ensure a satisfactory treatment at ground level in accordance with the following policies of the Local Plan: DM10.8, DM16.2. These details are required prior to commencement in order that a record is made of the conditions prior to changes caused by the development and that any changes to satisfy this condition are incorporated into the development before the design is too advanced to make changes.
- There shall be no construction or excavation on the site until a scheme for protecting nearby residents and commercial occupiers from noise, dust and other environmental effects has been submitted to and approved in writing by the Local Planning Authority. 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 and monitoring (including any agreed monitoring contribution) 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 (including payment of any agreed monitoring contribution)

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 policies of the Local Plan: DM15.6, DM15.7, DM21.3. These details are required prior to demolition in order that the impact on amenities is minimised from the time that development starts.

- Before any construction works hereby permitted are begun the following details shall be submitted to and approved in writing by the Local Planning Authority in conjunction with the Lead Local Flood Authority and all development pursuant to this permission shall be carried out in accordance with the approved details:
  - (a) Fully detailed design and layout drawings for the proposed SuDS components including but not limited to: attenuation systems, rainwater pipework, pumps, green roof, design for system exceedance, design for ongoing maintenance,; surface water flow rates shall be restricted to no greater than 2 l/s from one outfall, provision should be made for an attenuation volume capacity capable of achieving this, which should be no less than 150m3;
  - (b) Full details of measures to be taken to prevent flooding (of the site or caused by the site) during the course of the construction works REASON: To improve sustainability, reduce flood risk and reduce water runoff rates in accordance with the following policy of the Local Plan: DM18.1, DM18.2 and DM18.3.
- 10 The development hereby permitted shall not be commenced until detailed

design and method statements (in consultation with London Underground) have

been submitted to and approved in writing by the local planning authority which:

- (i) provide details on all structures
- (ii) written approval from London Underground prior to works commencing
- (iii) accommodate the location of the existing London Underground structures and tunnels
- (iv) accommodate ground movement arising from the construction thereof.

Reason: To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with London Plan 2015 Table 6.1 and 'Land for Industry and Transport' Supplementary Planning Guidance 20

All unbuilt surfaces shall be treated in accordance with a landscaping scheme to be submitted to and approved in writing by the Local Planning Authority before any landscaping works are commenced. All hard and soft landscaping works shall be carried out in accordance with the approved details not later than the end of the first planting season following completion of the development. Trees and shrubs which die or are removed, uprooted or destroyed or become in the opinion of the Local Planning Authority seriously damaged or defective within 5 years of completion of the development shall be replaced with trees and shrubs of similar size and species to those originally approved, or such alternatives as may be agreed in writing by the Local Planning Authority.

REASON: In the interests of visual amenity in accordance with the following policies of the Local Plan: DM10.1, DM19.2.

- Prior to any plant being commissioned and installed in or on the building an Air Quality Report shall be submitted to and approved in writing by the Local Planning Authority. The report shall detail how the finished development will minimise emissions and exposure to air pollution during its operational phase and will comply with the City of London Air Quality Supplementary Planning Document and any submitted and approved Air Quality Assessment. The measures detailed in the report shall thereafter be maintained in accordance with the approved report(s) for the life of the installation on the building. REASONS: In order to ensure the proposed development does not have a detrimental impact on air quality, reduces exposure to poor air quality and in accordance with the following policies: Local Plan policy DM15.6 and London Plan policy 7.14B.
- Refuse storage and collection facilities shall:(a) be provided within the curtilage of the site to serve each part of the development in accordance with details which must be submitted to and approved in writing by the Local Planning Authority prior to work commencing; and(b) thereafter be maintained as approved throughout the life of the building.
  - REASON: To ensure the satisfactory servicing of the building in accordance with the following policy of the Local Plan: DM17.1. These details are required prior to commencement in order that any changes to satisfy this condition are incorporated into the development before the design is too advanced to make changes.
- 14 The roof terraces on levels 10 & 11 hereby permitted shall only be used or accessed between the hours of 08:00 and 23:00 on Monday to Saturday and between 0800 and 2100 on Sundays and Bank Holidays other than in the case of emergency.

REASON: To safeguard the amenity of the adjoining premises and the area

generally in accordance with the following policies of the Local Plan: DM15.7,DM21.3.

- No amplified or other music shall be played on the roof terraces. REASON: To safeguard the amenity of the adjoining premises and the area generally in accordance with the following policies of the Local Plan: DM15.7, DM21.3.
- Unless otherwise approved by the LPA no plant or telecommunications equipment shall be installed on the exterior of the building, including any plant or telecommunications equipment permitted by the Town & Country Planning (General Permitted Development) Order 2015 or in any provisions in any statutory instrument revoking and re-enacting that Order with or without modification.

  REASON: To ensure a satisfactory external appearance in accordance with the following policy of the Local Plan: DM10.1.
- No cooking shall take place within any Class A1, A3, A4 or A5 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. Flues must terminate at roof level or an agreed high level location which will not give rise to nuisance to other occupiers of the building or adjacent buildings. 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 Local Plan: DM15.6, DM21.3.
- Unless otherwise approved by the LPA there must be no building, roof structures or plant above the top storey, including any building, structures or plant permitted by the Town & Country Planning (General Permitted Development) Order 2015 or in any provisions in any statutory instrument revoking and re-enacting that Order with or without modification.
  - REASON: To ensure protection of the view of St Paul's Cathedral and to ensure a satisfactory external appearance in accordance with the following policies of the Local Plan: CS14, DM10.1 DM12.1.
- All parts of the ventilation and extraction equipment including the odour control systems installed shall be cleaned, serviced and maintained in accordance with Section 5 of 'Control of Odour & Noise from Commercial Kitchen Extract Systems' dated September 2018 by EMAQ+ (or any subsequent updated version). A record of all such cleaning, servicing and maintenance shall be maintained and kept on site and upon request provided to the Local Planning Authority to demonstrate compliance.
  - REASON: To protect the occupiers of existing and adjoining premises and public amenity in accordance with Policies DM 10.1, DM 15.7 and DM 21.3

Unless otherwise approved in writing by the Local Planning Authority, before any works thereby affected are begun, details of the provision to be made in the building's design to enable the discreet installation of street lighting on the development, including details of the location of light fittings, cable runs and other necessary apparatus, shall be submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

REASON: To ensure provision for street lighting is discreetly integrated into the design of the building in accordance with the following policy of the City of London Local Plan: DM10.1.

- 21 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 Local Plan: DM15.7.
- 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 policy of the Local Plan: DM12.4.

- (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 window of the nearest noise sensitive premises. The background noise level shall be expressed as the lowest LA90 (10 minutes) during which plant is or may be in operation.
  - (b) 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.
  - (c) 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 Local Plan: DM15.7, DM21.3.
- No works except demolition to basement slab level shall take place 24 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 policy of the Local Plan: DM12.4.
- 25 The development shall not be occupied until confirmation has been provided that either:- 1. Capacity exists off site to serve the development, or 2. A housing and infrastructure phasing plan has been agreed with Thames Water. Where a housing and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan, or 3. All wastewater network upgrades required to accommodate the additional flows from the development have been completed. Reason: Network reinforcement works may be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents.
- 26 The development shall not be occupied until confirmation has been provided that either:- all water network upgrades required to accommodate the additional flows from the development have been completed; or - a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan. Reason: The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development.
- 27 No construction shall take place within 5m of the water main unless information detailing how the developer intends to divert the asset / align the development, so as to prevent the potential for damage to subsurface potable water infrastructure, has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any construction must be undertaken in accordance with the terms of the approved information. Unrestricted access must be available at all times for the maintenance and repair of the asset during and after the construction works.

Reason: The proposed works will be in close proximity to underground strategic water main, utility infrastructure. The works has the potential to impact on local underground water utility infrastructure.

No 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 water 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 water utility infrastructure.

Details of the construction, planting irrigation and maintenance regime for the proposed green wall(s)/roof(s) 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 Local Plan: DM18.2, DM19.2.

- 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 Local Plan: CS15, DM15.1, DM15.2.
- Goods, including fuel, delivered or collected by vehicles arriving at or departing from the building shall not be accepted or dispatched unless the vehicles are unloaded or loaded within the curtilage of 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 Local Plan: DM16.1, DM16.5, DM21.3.

- The whole of the development shall only be serviced by vehicles of up to 7.5tonnes for the life of the building.

  REASON: To ensure that all delivery vehicles can enter the loading bay and service off-street in accordance with the following policies of the Local Plan: DM16.1, DM21.3.
- No doors, gates or windows at ground floor level shall open over the public highway.

  REASON: In the interests of public safety
- The proposed development shall provide 19,179 sq. m of Class C1 hotel floorspace (382 rooms), 3,741 sq. m of B1 office floorspace, 1,014 of flexible hotel/cafe/workspace (sui generis), 514 sq. m of Class A3/A4 restaurant/bar and 514 sq. m of publicly accessible roof terrace.
  - Reason: to ensure the development is carried out in accordance with the approved plans.
- 35 Before the shell and core is complete the following details shall be submitted to and approved in writing by the Local Planning Authority in conjunction with the Lead Local Flood Authority and all development pursuant to this permission shall be carried out in accordance with the approved details:
  - (a) A Lifetime Maintenance Plan for the SuDS system to include:
  - A full description of how the system would work, it's aims and objectives and the flow control arrangements;
  - A Maintenance Inspection Checklist/Log;
  - A Maintenance Schedule of Work itemising the tasks to be undertaken, such as the frequency required and the costs incurred to maintain the system. REASON: To improve sustainability, reduce flood risk and reduce water runoff rates in accordance with the following policy of the Local Plan: DM18.1, DM18.2 and DM18.3.
- Permanently installed pedal cycle storage shall be provided and maintained on the site throughout the life of the building sufficient to accommodate a minimum of 109 Long Stay pedal cycles (5% of which should be for larger/adapted cycles) and 27 short-stay 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. A minimum of 11 showers and 109 lockers shall be provided and maintained. 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 following policy of the Local Plan: DM16.3.

- Before any works thereby affected are begun the following details shall be submitted to and approved in writing by the Local Planning Authority and all development pursuant to this permission shall be carried out in accordance with the approved details:
  - (a) particulars and samples of the materials to be used on all external faces of the building including external ground and upper level surfaces:
  - (b) details of the proposed new facade(s) including typical details of the

#### fenestration and entrances:

- (c) details of loading bay doors;
- (d) details of ground floor elevations;
- (e) details of the green wall planting
- (f) details of windows and external joinery;
- (g) details of soffits, hand rails and balustrades;
- (h) details of external terraces including planting and biodiversity measures e.g. bird boxes:
- (i) details of junctions with adjoining premises;
- (j) details of the integration of window cleaning equipment, cradles and the garaging thereof, plant, flues, fire escapes, solar panels and other excrescences at roof level
- (k) details of plant, plant enclosures and ductwork;
- (I) details of ventilation and air-conditioning for the A3, A4 and sui generis uses.
- (m) details of external lighting
- (n) an advertisement strategy

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 Local Plan: DM3.2, DM10.1, DM10.5, DM12.2.

- A minimum of 10% of the hotel bedrooms shall be wheelchair accessible, comprising 9% designed for independent use and 1% for assisted use as set out in the Access Statement.

  Reason: To ensure the hotel provides a fully accessible and inclusive facility in accordance with Policy DM10.8
- 39 Prior to first occupation of the hotel an Accessibility Management Plan shall be su

40 No servicing of the premises shall be carried out between the hours of:

07:00hrs and 09:00hrs, 12:00hrs and 1400hrs, 16:00hrs and 19:00hrs, Mondays to Fridays.

Servicing includes the loading and unloading of goods from vehicles and putting rubbish outside the building.

REASON: To manage traffic, avoid congestion and manage the safe and convenient movement of pedestrians and cyclists in the area and to reduce air and noise pollution, in accordance with the following policies of the Local Plan: DM15.7, DM15.7, DM16.1, and DM16.

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:

6174-20-195; 6174-20-196; 6174-20-197A; 6174-20-198A; 6174-20-199A; 6174-20-200A; 6174-20-201B; 6174-20-202; 6174-20-203; 6174-20-204; 6174-20-205; 6174-20-206; 6174-20-207; 6174-20-208; 6174-20-209; 210A; 6174-20-211; 6174-20-300; 6174-20-301; 6174-20-400; 6174-20-401; 6174-20-402; 6174-SK-120 REV A

#### **INFORMATIVES**

- Given the proximity of the proposed development to Network Rail's land and the risk this poses to Network Rail's railway tunnels, Network Rail requests the developer contacts
  AssetProtectionLondonSouthEast@networkrail.co.uk prior to any works commencing on site, and also to agree an Asset Protection Agreement with them to enable approval of detailed works. The design will need to satisfy Network Rail's Asset Protection team that the proposed developed will have minimal impact and interface with the tunnel and the railway infrastructure within.
- The Mayor of London has adopted a new charging schedule for Community Infrastructure Levy ("the Mayoral CIL charge or MCIL2") on 1st April 2019.

The Mayoral Community Levy 2 Levy is set at the following differential rates within the central activity zone:

Office J185 sq.m Retail J165 sq.m Hotel J140 sq.m All other uses J80 per sq.m

These rates are applied to "chargeable development" over 100sq.m (GIA) or developments where a new dwelling is created.

The City of London Community Infrastructure Levy is set at a rate of J75 per sq.m for offices, J150 per sq.m for Riverside Residential, J95 per sq.m for Rest of City Residential and J75 for all other uses.

The CIL will be recorded on the Register of Local Land Charges as a legal charge upon "chargeable development" when planning permission is granted. The Mayoral CIL will be passed to Transport for London to help fund Crossrail and Crossrail 2. The City CIL will be used to meet the infrastructure needs of the City.

Relevant persons, persons liable to pay and interested parties will be sent a "Liability Notice" that will provide full details of the charges and to whom they have been charged or apportioned. Where a liable party is not identified the owners of the land will be liable to pay the levy. 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).

Prior to commencement of a "chargeable development" the developer is required to submit a "Notice of Commencement" to the City's 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.

- The investigation and risk assessment referred to in condition \*\*\*\* must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme must be submitted to and approved in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report must be submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:
  - (i) a survey of the extent, scale and nature of contamination;
  - (ii) an assessment of the potential risks to:
  - human health.
  - property (existing or proposed) including buildings, open spaces, service lines and pipes,
  - adjoining land,
  - groundwaters and surface waters,
  - ecological systems,
  - archaeological sites and ancient monuments;
  - (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This investigation and risk assessment must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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

Noise and Dust

- (a) The construction/project management company concerned with the development must contact the Department of Markets and Consumer Protection and provide a working document detailing steps they propose to take to minimise noise and air pollution for the duration of the works at least 28 days prior to commencement of the work. Restrictions on working hours will normally be enforced following discussions with relevant parties to establish hours of work for noisy operations.
- (b)
  Demolition and construction work shall be carried out in accordance with the City of London Code of Practice for Deconstruction and Construction. The code details good site practice so as to minimise disturbance to nearby residents and commercial occupiers from noise, dust etc. The code can be accessed through the City of London internet site, www.cityoflondon.gov.uk, via the a-z index under Pollution Control-City in the section referring to noise, and is also available from the Markets and Consumer Protection Department.
- (c)
  Failure to notify the Markets and Consumer Protection Department of the start of the works or to provide the working documents will result in the service of a notice under section 60 of the Control of Pollution Act 1974 (which will dictate the permitted hours of work including noisy operations) and under Section 80 of the Environmental Protection Act 1990 relating to the control of dust and other air borne particles. The restrictions on working hours will normally be enforced following discussions with relevant parties to establish hours of work for noisy operations.
- (d)
  Deconstruction or Construction work shall not begin until a scheme for protecting nearby residents and commercial occupiers from noise from the site has been submitted to and approved by the Markets and Consumer Protection Department including payment of any agreed monitoring contribution.

#### Air Quality

(e)
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

- (f)
  The City is an Air Quality Management Area with high levels of nitrogen dioxide. All gas boilers should therefore meet a dry NOx emission rate of <40mg/kWh in accordance with the City of London Air Quality Strategy 2015.
- (g)
  All gas Combined Heat and Power plant should be low NOX
  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 2015.
- (h) 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.
- (i)
  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

(j)
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.

(k)
There is a potential for standby generators to give out dark smoke on start up and to cause noise nuisance. Guidance is available from the Department of Markets and Consumer Protection on measures to avoid this.

# **Cooling Towers**

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

#### Noise Affecting Residential Properties

(m)
The proposed residential flats are close to busy roads and are in an existing commercial area which operates 24 hours a day. The scheme should include effective sound proofing of the windows and the provision of air conditioning or silent ventilation units to enable the occupants to keep their windows closed to benefit from the sound insulation provided. This may need additional planning permission.

(n)
The proposed residential units are located in a busy City area that operates 24 hours a day and there are existing road sweeping, deliveries, ventilation plant and refuse collection activities that go on through the night. The units need to be designed and constructed to minimize noise disturbance to the residents. This should include acoustic treatment to prevent noise and vibration transmission from all sources. Sound insulation treatment needs to be provided to the windows and either air conditioning provided or silent ventilation provided to enable the windows to be kept closed yet maintain comfortable conditions within the rooms of the flat. This may need additional planning permission.

#### Ventilation of Sewer Gases

(o)
The sewers in the City historically vent at low level in the road. The area containing the site of the development has suffered smell problems from sewer smells entering buildings. A number of these ventilation grills have been blocked up by Thames Water Utilities. These have now reached a point where no further blocking up can be carried out. It is therefore paramount that no low level ventilation intakes or entrances are adjacent to these vents. The Director of Markets and Consumer Protection strongly recommends that a sewer vent pipe be installed in the building terminating at a safe outlet at roof

level atmosphere. This would benefit the development and the surrounding areas by providing any venting of the sewers at high level away from air intakes and building entrances, thus allowing possible closing off of low level ventilation grills in any problem areas.

Food Hygiene and Safety

- (p)
  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.
- (q)
  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.

- (r)
  From the 1 July 2007, the Health Act 2006 and associated Regulations prohibited the smoking of tobacco products in all enclosed or partially enclosed premises used as workplaces or to which the public have access. All such premises are required to provide signs prescribed by Regulations. Internal rooms provided for smoking in such premises are no longer permitted. More detailed guidance is available from the Markets and Consumer Protection Department (020 7332 3630) and from the Smoke Free England website: www.smokefreeengland.co.uk.
- The Director of Markets and Consumer Protection states that any building proposal that will include catering facilities will be required to be constructed with adequate grease traps to the satisfaction of the Sewerage Undertaker, Thames Water Utilities Ltd, or their contractors.

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 Local 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.

- 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.
- Consent may be needed from the City Corporation for the display of advertisements on site during construction works. The display of an advertisement without consent is an offence. The City's policy is to restrain advertisements in terms of size, location, materials and illumination in order to safeguard the City's environment. In particular, banners at a high level on buildings or scaffolding are not normally acceptable. The Built Environment (Development Division) should be consulted on the requirement for Express Consent under the Town & Country Planning (Display of Advertisements) (England) Regulations 2007.
- 9 The Department of the Built Environment (Transportation & Public Realm Division) 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. Early discussion with the Department of the Built Environment Transportation and Public Realm Division is recommended to ensure the design of the building provides for the inclusion of street lighting.

- (c) The need for a projection licence for works involving the construction of any retaining wall, foundation, footing, balcony, cornice, canopy, string course, plinth, window sill, 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 licences do not authorise the licensee to trespass on someone else's land. In the case of projections extending above, into or below land not owned by the developer permission will also be required from the land owner. The City Surveyor must be consulted if the City of London Corporation is the land owner. Please contact the Corporate Property Officer, City Surveyor's Department.
- (d) Bridges over highways
- (e) Permanent Highway Stopping-Up Orders and dedication of land for highway purposes.
- (f) Declaration, alteration and discontinuance of City and Riverside Walkways.
- (g) The provision of City Walkway drainage facilities and maintenance arrangements thereof.
- (h) Connections to the local sewerage and surface water system.
- (i) Carriageway crossovers.
- (j) Servicing arrangements, which must be in accordance with the City of London Corporation's guide specifying "Standard Highway and Servicing Requirements for Development in the City of London".

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Committee(s):	Date(s):
Planning & Transportation	14 May 2020
Subject:	Public
Consultation on an application for a non-material	
amendment to the Thames Tideway Tunnel	
Development Consent Order;	
Delegation of Powers to Officers to respond to	
consultations in respect of applications to the	
Secretaries of State for non-material or minor material	
amendments to Development Consent Orders.	
Report of:	For Decision
Chief Planning Officer and	
Director of the Department of the Built Environment	
Report author:	
Ted Rayment	

# Summary

The Court of Common Council has delegated to Planning and Transportation Committee responsibility for a number of local authority functions including the City's functions as local planning authority relating to town and country planning under the Planning legislation, including the Planning Act 2008 and secondary legislation pursuant to the same, and all functions as local highway, traffic and walkway authority not expressly delegated to another committee.

To facilitate the carrying out and administration of these functions, some of them have been delegated down to Chief Officers as set out in the Scheme of Delegations approved by Court of Common Council on 18 July 2019.

Tideway propose to submit an application to the Secretaries of State for non-material amendments to the Thames Tideway Tunnel Development Consent Order 2014 at the beginning of May 2020. As local authority it is proposed that no objections are raised to the current application; and that in order to ensure that the City's response is provided within the statutory time frame in the event of any subsequent consultations in respect of applications for non-material or minor material amendments to this and other development consent orders, authority be delegated to allow Officers to respond.

#### Recommendation(s)

#### Members are asked to:

- Endorse the recommendation of City officers that no objections are raised in response to the consultation on Tideway's application to the Secretaries of State for non-material amendments to the Thames Tideway Tunnel Development Consent Order 2014.
- Delegate authority to the Director of the Built Environment, and/or the City Planning Officer and Development Director and/or the Assistant Director (Development) and/or the Assistant Director (Planning Development) to

respond to consultations in respect of applications pursuant to the Planning Act 2008 as amended and Regulations thereunder for non-material or minor material amendments to Development Consent Orders.

#### **Main Report**

# Background

- The Court of Common Council has delegated to Planning and Transportation Committee responsibility for a number of local authority functions, including the City's functions as local planning authority relating to town and country planning under the Planning legislation, including the Planning Act 2008 and secondary legislation pursuant to the same, and all functions as local highway, traffic and walkway authority not expressly delegated to another committee.
- 2. To facilitate the carrying out and administration of these functions, some of them have been delegated down to Chief Officers as set out in the Scheme of Delegations approved by Court of Common Council on 18 July 2019.
- 3. Recent proposed changes to the Thames Tideway Tunnel project developed in discussion with City officers have given rise to the need for submission by Tideway of an application to the Secretaries of State pursuant to the Planning Act 2008 for a non-material amendment to the Thames Tideway Tunnel Development Consent Order 2014. Thames Tideway have forwarded a copy of the draft submission for comment and consideration by officers prior to the submission of the application to the Secretaries of State which is expected in May 2020.

# **Changes to the Thames Tideway Tunnel Project**

- 4. In order to facilitate construction of the design proposed, some amendments are required to the approved drawings for the Blackfriars site. The amendments proposed will allow for minor adjustments to the area approved for the location of permanent site structures, amend and slightly increase the area approved for permanent loss of the listed river wall and amend the demolition and site clearance drawings so that they reflect these changes.
- 5. The Tideway overflow weir chamber is to be constructed to divert flow from the Low Level Sewer in a section of this river wall. City officers raised several objections to the original proposals, and the design has been revised as suggested by officers.
- 6. The revised design resolves the key objections noted by the officers which sought to ensure that the interception chamber and the City's reinstated pipe subway will be separate physical structures.
- 7. The design development provides further benefits to the City Corporation over the original design:-.

- a) Improved access arrangement new access point with stair access and separate entry manhole for plant and material access/egress, as well as emergency access/rescue.
- b) Robust structure with 120yr design life requiring little maintenance and providing resilience through improved access to the network.
- c) Increased internal area potentially providing a staging area for future works on surrounding areas of the service subway.
- 8. Approval from the Secretaries of State is required for non-material amendments to the Development Consent Order in order to construct this improved design. These comprise amendments to the DCO approved plans for the Blackfriars Bridge foreshore site, namely:
  - the Site works parameter plan;
  - the Extent of loss of listed river wall plans; and
  - the Demolition and site clearance plans.

# **Materiality of the Proposed Amendment**

- 9. Tideway are seeking consent for these changes under Schedule 6 of the Planning Act 2008, which makes provision for the Secretary of State to grant both material and non-material changes to a DCO. In deciding whether a change is material the Secretary of State must have regard to the effect of the change, together with any previous changes made, on the development consent order as originally made. The 2008 Act and the 2011 Regulations do not, however, provide any definition of a material or non-material change.
- 10. The 'Guidance on Changes to Development Consent Orders' (published by the former DCLG in December 2015) states that, given the range of infrastructure projects that are consented through the 2008 Act, whether a change is material or non-material will depend on the circumstances of the specific case. The guidance does provide examples of four characteristics that might indicate that a change may be more likely to be treated as material. These are noted as examples and provide a starting point for assessing the materiality of any proposed changes.
- 11. Each of the four examples provided in the DCLG Guidance are considered below, and for the reasons set out it is considered that the changes proposed in this application are not material.

#### **Environmental Statement**

12. The DCLG Guidance states that a change should be treated as material if it would require an updated Environmental Statement (from that provided at the time the original Development Consent Order was made) to take account of new or materially different likely significant effects on the environment. In this case, the proposed amendments are localised in nature and will not give rise to any new or materially different environmental effects from those assessed in the

original ES for the consented scheme. No update to the Environmental Statement submitted with the original DCO application is therefore required.

#### Habitats and Protected Species

- 13. The DCLG Guidance indicates that a change is likely to be material if it would invoke a need for a Habitats Regulations Assessment, or the need for a new or additional licence in respect of a protected species.
- 14. The changes do not require a Habitats Regulations Assessment and will not result in the need for any European Protected Species licences.

# **Compulsory Acquisition**

- 15. The DCLG Guidance states that a proposed change should be considered material if it would authorise the compulsory acquisition of any land, or an interest in or rights over land that was not authorised through the existing DCO.
- 16. No additional compulsory acquisition powers are thought necessary or are being sought as part of this amendment application. The extent of City Corporation land required permanently for the scheme was addressed by a written agreement in 2017 with Thames Water Utilities Limited and Bazalgette Tunnel Limited and the agreement anticipates that minor adjustments and fine-tuning of the land descriptions will need to be agreed when the detailed design is finalised.

# Impact on Business and Residents

- 17. The potential impact of the proposed changes on local people will also be a consideration when determining whether a change is material. The DCLG Guidance acknowledges that in some cases these impacts may already have been identified, directly or indirectly, in terms of likely significant effects on the environment. The guidance recognises that there may be other situations where this is not the case such as changes to visual amenity arising from changes to the size or height of buildings; impacts on the natural or historic environment; and impacts arising from additional traffic which were not considered at the time of the original application.
- 18. The proposed amendments are required to provide for minor adjustments to the area within the existing site boundary where works can take place. The works for which these amendments relate are below ground works with no changes required or proposed to any of the surface works or permanent above ground structures at Blackfriars.
- 19. The amendment proposed at Blackfriars would increase the overall area of the listed river wall approved for permanent removal, but this additional loss would not change the significance of the effects assessed in the Environmental Statement. The Heritage Statement submitted with the original DCO application concluded that the main heritage impact of the proposals at Blackfriars related to changes to the setting of the listed buildings, being both the river wall and those listed buildings around the site. The effect of the works was not considered to amount to substantial harm to the setting of the listed buildings. The proposed amendment would affect below ground works only and would not introduce any new visual impacts or changes to the setting of the listed buildings.

20. The changes are limited when considered in the context of the Project overall and are not considered to give rise to any new or materially different environmental or habitat issues and no additional compulsory purchase powers are being sought.

#### **Current Position**

- 21. Delegated authority has been given to the Director of the Built Environment, and/or the City Planning Officer and/or the Assistant Director (Development) to determine applications to discharge requirements and approve details pursuant to the Thames Tideway Tunnel Development Consent Order and other similar Development Consent Orders, and to discharge conditions and approve details pursuant to deemed planning permission granted by Transport and Works Act Orders and statutes in respect of infrastructure projects (subject to the applications being in accordance with policy, not being of broad interest, and there being no more than 4 planning objections).
- 22. The delegations to chief officers do not cover responding to consultations on applications for material or non-material changes to a DCO pursuant to the Planning Act 2008 and Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011; the scope of the above delegation (number 124) only extending to determining applications to discharge requirements and approve details pursuant to the Thames Tideway DCO.
- 23. In response to the current consultation it is recommended that no objections are raised to the application; and in respect of future consultations delegated authority is sought to enable Chief officers to respond where the applications to the Secretaries of State are for non-material or minor material amendments to Development Consent Orders. This will be consistent with the approach taken for planning applications.
- 24. Consultations in respect of non-minor material changes would still be referred to Members for decision.

# **Corporate & Strategic Implications**

25. This proposal links the following themes of the City Together Strategy: is competitive and promotes opportunity; supports our communities; protects, promotes and enhances our environment; is vibrant and culturally rich; is safer and stronger.

#### **Consultees**

26. The Town Clerk, the Chamberlain and the Comptroller & City Solicitor have been consulted in the preparation of this report and their comments have been incorporated.

#### Conclusion

- 27. The proposed amendments to the Development Consent Order are in response to issues raised by officers and will provide benefits to the City in terms of access to the reinstated pipe subway. These changes are considered to be non-material and therefore it is proposed that in response to the formal consultation no objections be raised.
- 28. In order to ensure that the City's response is provided within the statutory time frame it is proposed that authority be delegated to allow Officers to respond to any subsequent applications for non-material or minor material amendments to DCOs.

#### Recommendation

29. That the Committee agrees the recommendations set out in this report.

# **Background Papers:**

Draft Copy of application for Non-Material Amendment Thames Tideway tunnel received 17 April 2020
Thames Tideway Tunnel development Consent Order 2014
Planning Act 2008

#### Contact:

Ted.rayment@cityoflondon.gov.uk Telephone number: 07099235720 This page is intentionally left blank

# Agenda Item 7

Committee(s):	Date(s):
Planning & Transportation Committee	14/05/2020
Subject:	Public
Temporary changes to City Corporation Statement of	
Community Involvement	
Report of:	For Decision
Director of the Built Environment	
Report author:	
Peter Shadbolt, Department of the Built Environment	

#### Summary

The City Corporation adopted a Statement of Community Involvement (SCI) in 2016 setting out how it will consult with its communities in undertaking its planning functions. The consultation methods adopted go beyond statutory minimum requirements for consultation. The SCI arrangements include measures for the provision of physical copies of documents, the physical display of documents, mailouts, an in-person enquiries service and the holding of physical consultation meetings and site visits. These methods of consultation are not deliverable at present due to temporary movement restrictions as a result of the Covid-19 pandemic.

To ensure the planning system can continue to operate (in accordance with government guidance) while also ensuring any potential prejudice to stakeholders (due to adjustments in consultation methods) is addressed, temporary changes to the SCI are proposed. These changes temporarily suspend those aspects of the SCI which require physical meetings, the physical display of documents or the physical provision of documents. These changes would be operational until after the summer recess, following which there would be a review, with the intention to implement the full requirements set out in the SCI as soon as possible once movement restrictions are removed and consistent with Government health guidance. During this period, the City Corporation will continue to provide services electronically or through virtual meetings and meet other statutory requirements for publicity, inspection and consultation, where possible.

#### Recommendation(s)

#### Members are asked to:

- Agree to the temporary suspension of those provisions of the City Corporation's Statement of Community Involvement which require physical meetings, the physical display or the physical provision of documents.
- Delegate authority to the Town Clerk, in consultation with the Chairman and Deputy Chairman:
  - to review this suspension of SCI provisions following the summer recess, extending the suspension for a further temporary period if required;

 agree the reinstatement of SCI provisions earlier than set out above if consistent with Government health guidance.

# **Main Report**

# **Background**

- 1. Section 18 of the Planning & Compulsory Purchase Act 2004 requires that a local planning authority should prepare a Statement of Community Involvement (SCI) setting out how the authority intends to consult the public when preparing planning policies and deciding planning applications. The SCI should be viewed alongside statutory requirements for public consultation set out in primary and secondary legislation, particularly The Town and Country Planning (Development Management Procedure) (England) Order 2015 and The Town and Country Planning (Local Planning) (England) Regulations 2012. The SCI must be reviewed every 5 years from the date of adoption. There is no statutory requirement for consultation on changes to the SCI.
- 2. The City Corporation adopted a SCI in July 2016. The SCI sets out the standards of consultation that the City Corporation aims to achieve in performing its planning function duties. It is intended to provide a clear explanation that allows the community to know how and when they will be involved in the preparation of planning policies and in the determination of planning applications. The SCI sets out the intention that the City Corporation will meet, and where possible exceed, the statutory minimum legal requirements for consultation.

#### **Current Position**

- 3. The City of London Corporation is following the NHS and Public Health England guidance on Covid-19 for activities and public interaction. This has placed temporary limitations on the ability of the City Corporation's Planning Service to fully meet the requirements for consultation on planning applications and planning policy documents set out in the City Corporation's Statement of Community Involvement.
- 4. The Ministry of Housing Communities and Local Government (MHCLG) wrote to Chief Planners in March 2020 to the following effect:

"We understand that some councils are concerned about the implications of COVID-19 for their capacity to process planning applications within statutory timescales. It is important that authorities continue to provide the best service possible in these stretching times and prioritise decision-making to ensure the planning system continues to function, especially where this will support the local economy.

We ask you to take an innovative approach, using all options available to you to continue your service. We recognise that face-to-face events and meetings may have to be cancelled but we encourage you to explore every opportunity to use technology to ensure that discussions and consultations can go ahead. We also encourage you to consider delegating committee decisions where appropriate. The Government has confirmed that it will introduce legislation to allow council committee meetings to be held virtually for a temporary period, which we expect will allow planning committees to continue.

We encourage you to be pragmatic and continue, as much as possible, to work proactively with applicants and others, where necessary agreeing extended periods for making decisions."

# **Proposals**

- 5. The City Corporation has adjusted its procedures to ensure that the statutory minimum standards for public consultation on planning applications and planning policy documents can be adhered to during the restrictions imposed to deal with Covid-19. These measures include the City Corporation's cleansing service staff who are in the City posting site notices for new planning applications and extending the time period for commenting on applications from 21 days to 28 days. For planning policy, the proposed pre-submission consultation on the draft Local Plan has been delayed until after the summer recess in anticipation of it proceeding once movement restrictions are lifted. Further details are set out in Appendix 1.
- 6. The City of London SCI sets out specific standards for consultation the City Corporation aims to achieve, which build on the minimum requirements set out in legislation. These additional standards depend on the consultation subject and the affected stakeholder groups, and can include:
  - Making physical copies of planning application and policy documents available for inspection in the Guildhall and City libraries;
  - Direct mailing of neighbour notification letters, leaflets and policy summary documents to City residents, businesses and property occupiers;
  - Providing public information displays, where appropriate, in the Guildhall and City libraries;
  - Holding public meetings, smaller stakeholder meetings and forums in City locations and/or attending community, amenity group or other representative body meetings in person;
  - Undertaking site visits; and
  - Providing a drop-in service to discuss planning matters at the Built Environment Enquiries Desk at Guildhall.
- 7. Access, movement and operational restrictions in place to deal with the Covid-19 pandemic mean that delivery of these consultation methods in person or through the availability of physical documents in line with the requirements set out in the SCI is not currently possible. Where feasible, planning documents are being made available online and Members and officers are able to undertake virtual meetings via online software packages. Although many consultees will be fully able to engage with the process, there is a risk that the inability to meet SCI standards could reduce opportunities for engagement and this should therefore be addressed.
- 8. In order to aid communication about the changes, it is proposed that those provisions in the SCI which extend beyond the statutory minimum requirements, or which require the display or provision of physical copies of documents or require physical meetings/provision of information, be temporarily suspended. This suspension should run initially from the date of this Committee until the end of the summer recess, or until such time as Covid-19 restrictions allow the

resumption of planning services in person from the Guildhall. During this period, the City Corporation will continue to provide services electronically or through virtual meetings and meet all statutory requirements for consultation. In the event it is not possible to meet all such requirements, alternatives will be put in place and publicised, where possible. To address potential prejudice to stakeholders, the changes, including additional engagement procedures, will also be extensively communicated electronically and through the City Corporation's website.

- 9. To ensure that the suspension is managed in a flexible way and can respond to what could be rapidly changing circumstances over the coming weeks and months, it is recommended that the Town Clerk, in consultation with the Chair and Deputy Chairman of this Committee be authorised to:
  - agree the reinstatement of SCI provisions earlier than set out above if consistent with Government health guidance, or
  - to agree the extension of the suspension of aspects of the SCI for a further period of time, if necessary.

Any such change would be reported back to this Committee for information.

# **Corporate & Strategic Implications**

10. The proposals in this report will enable the City Corporation to continue to offer high quality planning services to City business, developers and residents, meeting the 3 strategic aims of the Corporate Plan 2018-23, contribute to a flourishing society, support the economy and shape outstanding environments.

#### **Implications**

- 11. There are no financial implications arising from this report.
- 12. The proposals outlined in this report will ensure the Planning Service continues in operation in accordance with government expectations, while also ensuring any potential prejudice to stakeholders is addressed.
- 13. Whilst the City Corporation would normally consult on any proposed change to the SCI before introducing these changes, there is no statutory requirement for consultation. The current Covid-19 situation is unprecedented, and changes need to be introduced as soon as possible to enable planning decisions to be taken without the risk of the City Corporation not complying with the SCI. In these circumstances it is considered that there is a justification for introducing these temporary changes without full consultation. Officers will in each circumstance do what they can to ensure that the impact of not being able to comply with certain steps currently set out in the SCI are mitigated so far as possible (see Appendix 1).

#### Conclusion

14. The City Corporation is required to adopt a Statement of Community Involvement (SCI) setting out how it will consult with its communities in undertaking its planning functions. The City's SCI was adopted in 2016 and sets out a range of consultation methods which aim to go beyond statutory minimum requirements for consultation. The SCI standards include measures for the provision of

physical copies of documents, the physical display of documents, mailouts, an inperson enquiries service and the holding of physical consultation meetings and site visits. These methods of consultation are not deliverable due to current movement restrictions as a result of the Covid-19 pandemic.

15. To aid communication and understanding of the position and address any risk of prejudice to stakeholders, it is proposed to amend the engagement processes, supplement alternative methods in lieu of the physical methods that cannot currently be used, and widely publicise the new arrangements. The changes include temporarily suspending those aspects of the SCI which require physical meetings, the display of documents or the physical provision of documents. These changes would be operational until after the summer recess, with delegated authority given to the Town Clerk, in consultation with the Chairman and Deputy Chairman of this Committee, to reinstate SCI provisions or extend the suspension of these provisions in response to the changes in Government guidance on the Covid-19 restrictions.

#### **Appendices**

Appendix 1 – Changes to planning consultation procedures implemented by the City Corporation in response to Covid-19 restrictions.

#### **Background Papers**

City of London Statement of Community Involvement (SCI): <a href="https://www.cityoflondon.gov.uk/services/environment-and-planning/planning-policy/local-plan/Documents/sci-2016-final.pdf">https://www.cityoflondon.gov.uk/services/environment-and-planning/planning-policy/local-plan/Documents/sci-2016-final.pdf</a>

#### **Peter Shadbolt**

Assistant Director (Planning Policy)

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# **Appendix 1:**

Changes to planning consultation procedures implemented by the City Corporation in response to Covid-19 restrictions.

# **Planning Applications**

- Site Notices, Press Notices and Neighbour Letters the wording has been amended to indicate that viewing of applications and plans at the Guildhall is not feasible due to Covid-19 restrictions. Notices and letters indicate that applications and plans are available to view on the City Corporation's website. Officers will consider whether the boundary for neighbour notification letters should be extended in respect of a particular application on a case by case basis.
- Hard Copies of Applications and Plans given that hard copies of documents cannot be made available at the Guildhall, or other locations, if any member of the public has difficulty accessing applications and plans, they are asked to contact the Planning Service and information will be posted to them.
- **Site Notices** City Corporation's cleansing service staff who are in the City, are posting site notices for new planning applications.
- Press Notices press notices are normally placed in City AM. Due to circulation restrictions during the Covid-19 pandemic, press notices will be placed in the Evening Standard, which is continuing to print and distribute physical copies. Nearly 19,000 physical copies are being distributed in the City daily. Distribution spans Aldgate bus station, trollies (Bank etc), Mainline bins (Cannon St etc), TFL bins (Liverpool St etc) and retail (Tesco Cheapside).
- Comments on planning applications the 21 day period to comment on planning applications and submit objections has been extended to 28 days.
- **Website** the City Corporation's website has been updated and will continue to be reviewed and updated on a regular basis to ensure that City communities are kept up to date on planning applications.

#### **Planning Policy Documents**

- Local Plan pre-submission consultation on the draft City Plan was due to take
  place in June and July 2020. The draft Plan will now be made available on the
  City Corporation's website following approval of the draft Plan by Court of
  Common Council on 21 May 2020. Formal consultation on the draft Plan will
  take place following the summer recess, subject to a review of the potential for
  consultation consistent with Government guidance
- Planning Obligations SPD Consultation on a draft review of the City Corporation's Planning Obligations Supplementary Planning Document will similarly be deferred until after the summer recess, timed to coincide with consultation on the draft Local Plan.

# Agenda Item 12

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted

