

Background Papers

Internal

Memo, DBE Transport, 03 December 2020
Memo, Stephanie Hughes (Air Quality), 15 December 2020
Memo, Lead Local Flood Authority, 17 December 2020
Memo, Archaeology, 07 January 2021
Memo, Access Team, 08 January 2021
Memo, Department of Markets and Consumer Protection, 11 January 2021
Memo, Planning Obligations, 11 January 2021
Memo, City Public Realm, 15 January 2021
Email, Patrick Hegarty (Open Spaces), 05 February 2021
Memo, Department of the Built Environment, 09 February 2021

External

E-mail, NATS Safeguarding, 25 November 2020
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Letter, London City Airport, 02 December 2020
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Letter, Greater London Authority, 25 January 2021
Planning report GLA/2020/6825/S1/01, Greater London Authority, 25 January 2021
Letter, Royal Borough of Kensington and Chelsea, 28 January 2021
E-mail, Crossrail Safeguarding, 29 January 2021
Online Comment, Mr Alessio Sancetta, 31 January 2021
E-mail, NATS Safeguarding, 04 February 2021
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Letter, London Borough of Tower Hamlets, 05 February 2021
E-mail, Natural England, 09 February 2021
Letter, London Borough of Southwark, 10 February 2021

Liam Hart
Development Division
City of London
Guildhall
London EC2P 2EJ

Sent by email: PLNComments@cityoflondon.gov.uk

15 December 2020

Our ref: 13 02 07

Dear Liam Hart

20/00869/FULEIA 2-3 Finsbury Avenue, London, EC2M 2PF

The Twentieth Century Society has been notified of the above application which seeks permission to demolish nos. 2-3 Finsbury Avenue and erect a new build arranged over three basement levels, ground and 37 upper floors for office-led mixed use. The Society wrote to object to the issuing of a Certificate of Immunity from Listing (COI, issued in December 2015 and renewed in 2019) and has objected in the past to the proposed demolition of the buildings. We write to strongly object again, for the reasons outlined below.

Background

The Society considers no 2 Finsbury Avenue to be an important Non-Designated Heritage Asset (NDHA), significant for its group value with no 1 Finsbury Avenue and for its own architectural special interest.

No 2 Finsbury Avenue is adjacent to the Grade II listed no 1 Finsbury Avenue on the corner of Wilson Street and Sun Street. It was constructed in 1987-88 by Arup Associates Group 2 under the direction of Peter Foggo. This was the same architectural team as the earlier no 1, which was built in 1982-84. The buildings are linked by glazed walkways. The Wilson Street elevation closely resembles its neighbour and achieves a harmonious development which was designed to be seen as a coherent whole.

While the building's elevations are different, each fits within a carefully composed massing envelope and collection of materials to form a sequence along with no 1 Finsbury Avenue. The arrangement of both buildings also helps to define the planned Finsbury Avenue Square.

Policy

The City of London's Local Plan (2015) outlines that the council will endeavour

To conserve or enhance the significance of the City's heritage assets and their settings (Core Strategic Policy CS12: Historic Environment) and that developments will be required To sustain and enhance heritage assets, their settings and significance. (Policy DM 12.1: Managing change affecting all heritage assets and spaces)

Paragraph 192 of the National Planning Policy Framework (NPPF, 2019) should be noted here

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 (paragraph 192)

Paragraph 197 of the National Planning Policy Framework (NPPF, 2019) relating to developments affecting Non-Designated Heritage Assets should be considered

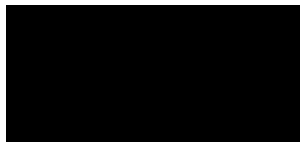
The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset (paragraph 197)

Comments

The Twentieth Century Society considers no 2 Finsbury Avenue to be a high quality building by an important group of architects working within a leading practice. We believe the demolition of no 2 would be a needless waste of a recently constructed, high-quality building which has the potential to be sympathetically adapted and upgraded. We strongly object to the demolition of nos. 2-3 Finsbury Avenue and urge the Local Authority to refuse the application.

I trust that these comments are of use to you. Please do not hesitate to contact me if you have any further queries.

Yours sincerely,



Coco Whittaker

Caseworker

Twentieth Century Society

Remit: The Twentieth Century Society was founded in 1979 and is the national amenity society concerned with the protection, appreciation, and study of post-1914 architecture, townscape and design. The Society is acknowledged in national planning guidance as the key organisation concerned with the modern period and is a constituent member of the Joint Committee of the National Amenity Societies. Under the procedures set out in *ODPM Circular 09/2005*, all English local planning authorities must inform the Twentieth Century Society when an application for listed building consent involving partial or total demolition is received, and they must notify us of the decisions taken on these applications.



Liam Hart
Department of Planning and Transportation
City of London

Your Ref: 20/00869/FULEIA

Our Ref: 35255.6/MJE/VKDC

Direct Line: [REDACTED]

Email: [REDACTED]

By email only: [REDACTED]

Date: 11th January 2021

Dear Mr Hart

2-3 Finsbury Avenue, London, EC2M 2PA ("the Site")
Applicant: Bluebutton Properties UK Limited ("the Applicant")
Corporation reference: 20/00869/FULEIA ("the Application")

1. INTRODUCTION

We act for AMTD London Development Co Limited ("AMTD"), the owners of One Crown Place ("OCP"), immediately to the north of the Site. This is a letter of objection to the Application.

Since obtaining planning permission for the redevelopment of OCP (4 December 2015, London Borough of Hackney reference: 2015/0877), AMTD have retained their team of advisers, including CBRE, Citydesigner (Richard Coleman), KPF, Leading Counsel, ourselves, and others. This letter of objection incorporates comments from all of these experts.

2. BACKGROUND

The OCP scheme includes a range of uses including hotel, offices and retail with two residential towers from Level 7 of the development upwards. The OCP development was implemented in February 2016 with practical completion due in May 2021.

The OCP team held several discussions with the Applicant as part of the previous planning application and permission for the Site (Ref: 16/00149/FULEIA) ("the 2016 Application"). The OCP team did have significant concerns with the previous planning permission and the impact that this scheme would have on the daylight and sunlight of the future residents within the OCP development, as well as severely impacting the outlook and sense of enclosure that the future residents would experience. After discussions with the Applicant, they agreed to amend the scheme to chamfer the corners to the East and West Towers which created an agreed 'gap' between the two towers as suggested by the OCP team. This amendment to the scheme resulted in at least some improvement to the outlook, sense of enclosure and daylight and sunlight impacts on the future residents of OCP. However, there were still severe impacts experienced by the south facing residential units in the South Tower of OCP and this was the maximum impact we felt was acceptable, although there were still very serious transgressions in terms of daylight on sunlight on certain residential units within OCP.



There were also concerns with the 2016 Application and the impacts on the harm to designated heritage assets and townscape as a result of the bulk, scale and massing of the proposal.

As part of the 2016 Application, our Client sent a comprehensive objection letter privately to the Applicant. A holding objection letter was sent to the City of London whilst conversations continued with the Applicant. Subsequently, the Applicant amended the scheme to reflect our Client's concerns as outlined above. Even with such changes, there were still serious failures in daylight and sunlight terms to many of the residential properties at OCP and this chapter within the Environmental Statement ("ES") for the Application notes that the 2016 Application at the Site resulted in 'major adverse' (significant) impacts to both daylight and sunlight for OCP. The overshadowing impact to the relevant amenity spaces tested within OCP were also considered of 'major adverse' significance.

Despite this previous recent history on the Site, we are very disappointed that the Applicant did not approach the OCP team directly to discuss the Application. A flyer was received in the OCP marketing suite which enabled the OCP team to contact the Applicant to arrange a meeting, although it became apparent the scheme was ready for submission and was submitted before a second meeting was arranged with the Applicant. This lack of engagement on behalf of the Applicant is very disappointing, especially due to the concerns raised by the OCP team within the 2016 Application, which directly resulted in the scheme being amended post-submission.

We have significant concerns with the Application and the impacts that will arise from the increased mass, bulk and height of the latest proposals. There are also concerns with the methodology used to undertake the daylight and sunlight assessments within the submitted ES.

We have reviewed both schemes and there is a significant increase in area proposed as a result of the Application as can be seen below:

Table 1 – Comparison of Consented and Proposed Areas (sq m GIA)

Consented	Proposed	Uplift	% Uplift
85,378 sq m GIA	106,615 sq m GIA	21,237 sq m GIA	24.88%

Both schemes have three basement levels and appear to have a comparable level of below ground space. Therefore, it does appear as though this approx. 25% area gain is at least largely if not entirely above ground. Whilst we appreciate some of this area gain will be achieved by more floors within the East Tower with only a minor uplift in height in this tower (approx. 1.5 m increase in height), there is a noticeable uplift in height and bulk on the Western Tower as well as the western podium element of the proposal.

The Western Tower has increased in height from +103.4 m AOD on the consented scheme to +115.3 m AOD on the proposed scheme. We do note that para 4.5 of Chapter 4 Proposed Development of the ES (Volume I) states the height of the West Tower is 144.998 m AOD, although we assume this is an error and the +115.3 m AOD figures have been taken from the elevations. Notwithstanding the increase in heights, it is the increased bulk and width of the Western Tower that is causing significant concern to the amenity of future OCP residents as well as to the townscape and heritage assets in the vicinity. The changes to the massing are emphasised on the images below, which have been prepared by KPF:

Figure 1 – Consented and Proposed Massing Comparison



Source: KPF

Figure 2 – Consented and Proposed Massing Comparison

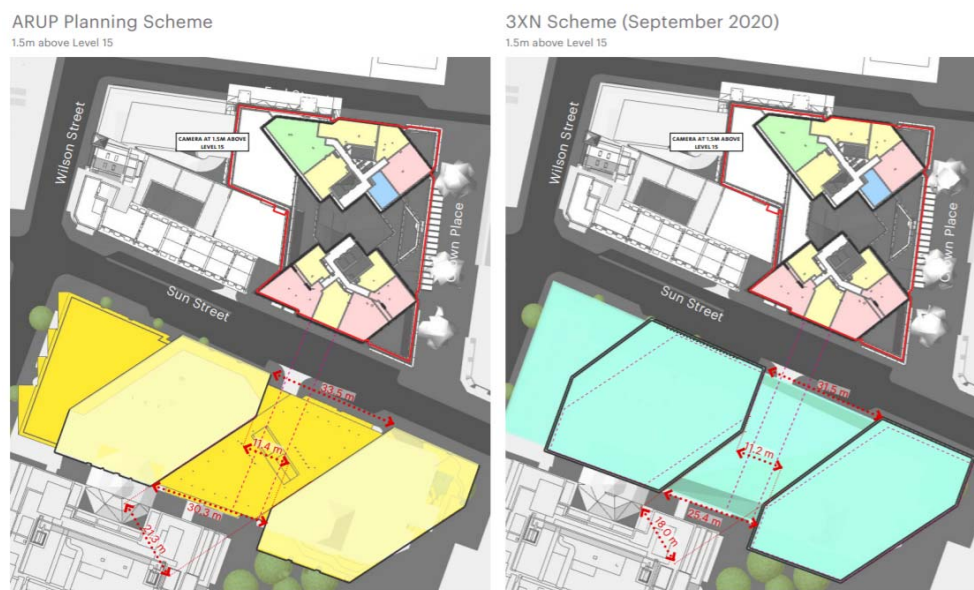


Source: KPF

As you can see from the above, the additional massing and bulk on the Western Tower in particular is very concerning to the amenity of OCP residents opposite.

There also appears to be a reduction in the gap between the Western and Eastern Towers as a result of the proposal, which in turn raises further concerns to the outlook and amenity of the OCP residents. Whilst at some points, between the towers the gap is approximately the same size as that which was consented, the gap does appear to reduce at the northern and southern points of the Site. The layout and changes to the 'gap' between the East and West Tower are identified on Figure 3 overleaf, also prepared by KPF:

Figure 3 – Consented and Proposed Layout and ‘Gap’



Source: KPF

We are particularly concerned by the additional bulk and height of the Western Tower and the additional impact the massing changes will have on the amenity of the OCP development.

This objection is made on two principal grounds:

- (a) deficiencies to the methodology and assessment undertaken within the daylight and sunlight assessment and the severe impacts caused to OCP by the Application and other similar concerns;
- (b) harm to designated heritage assets and townscape as a result of the bulk, scale and massing of the proposal.

3. DAYLIGHT AND SUNLIGHT

3.1 Policy Background

In terms of policy, the adopted London Plan (2016) Policy 7.6 states that buildings and structures should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings in relation to privacy, overshadowing, wind and micro-climate.

Similarly, Part D of Policy 7.7 outlines that tall buildings should not affect their surroundings adversely in terms of microclimate, wind turbulence, overshadowing, noise, reflected glare, aviation, navigation and telecommunication interference.

The Mayor has formally approved a new London Plan, the 'Publication London Plan', which was sent to the Secretary of State for his consideration in December 2020. Policy D9 (Tall Buildings) of the Publication London Plan states development proposals should address various environmental impacts. This policy outlines that wind, daylight, sunlight penetration and temperature conditions around the building(s) and neighbourhood must be carefully considered and not compromise comfort and the enjoyment of open spaces, including water spaces, around the building. The same policy outlines that the cumulative visual, functional and environmental impacts of proposed, consented and planned tall buildings in an area must be considered when assessing tall building proposals and development plans for an area.

Policy DM 10.7 Daylight and Sunlight of the adopted City of London Local Plan seeks 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 - Site Layout Planning for Daylight and Sunlight Guidelines. The design of new developments should allow for the lighting needs of intended occupiers and provide acceptable levels of daylight and sunlight.

Policy DE8 Daylight and Sunlight of the emerging City Plan 2036 states that development proposals will be required to demonstrate that the daylight and sunlight available to nearby dwellings and open spaces is appropriate for its context and provides acceptable living standards, taking account of the Building Research Establishment's guidelines.

The OCP development is located within the City Fringe Opportunity Area where a mix of uses including residential is promoted and the proposal was supported by both the London Borough of Hackney and the Greater London Authority. The Publication London Plan outlines the Opportunity Area has an indicative capacity of 15,500 homes and 50,500 jobs during the plan period emphasising the mixed-use nature of the Opportunity Area. Both determining authorities supported the mix of uses and the introduction of the approved level of residential floorspace in this area of the City Fringe.

The Application should respond to the residential development to the north and seek to minimise amenity impacts on residential units as far as possible. The post-submission amendments to the 2016 Application did this to an extent, although there were still very serious impacts on daylight and sunlight to the residential units. This is outlined within chapter 11 of the ES submitted as part of the Application which confirms the previous permission had a 'major adverse' (significant) impact on both the daylight and sunlight of OCP residents. The Application exacerbates these already significant impacts further by increasing the bulk and mass of the proposal as outlined above and the increased massing and bulk within the new application does not take into consideration the amenity impacts of the residential units within the OCP development.

3.2 Daylight and Sunlight Assessments and Methodology

There are concerns that the methodology used to assess the daylight and sunlight impacts of the Application on OCP is not consistent with the BRE Guidelines. The key concerns with Chapter 11 (Daylight, Sunlight, Overshadowing, Light Pollution and Solar Glare) of the ES are as follows:

- Chapter 11 only assesses the impact on OCP in terms of Average Daylight Factor (ADF) and No Sky Line (NSL), with no Vertical Sky Component (VSC) assessment undertaken; and
- It also principally assesses the difference between the 2016 Application and the Application for the Site, concentrating on what additional effects are caused as opposed to what full effects are caused when comparing the Application against the true existing baseline.

CMS instructed Charles Banner QC on behalf of AMTD to provide a written opinion on these matters and the potential consequences for the Application. The CMS summary and QC written opinion is enclosed with this letter (see Appendix 1) and concludes as follows:

1. It would be an error of law for the Council to determine the New BL Application on the basis that the BRE Guidelines have been applied but with an evidence base that considers ADF alone, and not VSC in respect of the Site. This would be a clear misdirection given the unambiguous wording of the relevant parts of the BRE Guidelines;
2. Whether or not the permission granted pursuant to the 2016 Application has been commenced, it would be legally erroneous for the Council to assess the environmental impacts of the Application on the basis that, as contended in the Environmental Assessment

accompanying that application, the only “meaningful” consideration is an assessment of the difference between the consented scheme and the Application, as opposed to assessment of the difference between the current ‘on the ground’ situation and the development proposed by the Application; and

3. As the ES accompanying the Application does not properly apply the BRE Guidelines, there is, therefore, no evidence currently before the Council to enable it rationally to conclude that there is compliance with relevant planning policies, as cited in the enclosed opinion. The grant of planning permission on the basis that, on the evidence base currently accompanying the Application, these policies have been complied with would be vulnerable to judicial review.

VSC Assessment

The enclosed QC Opinion outlines that a full VSC assessment should have been undertaken as part of the Application, well as the NSL and ADF assessments. This should include details on the extent of the impacts from the baseline position (i.e. the Site in its existing form) and the levels of retained VSC that would be experienced by the OCP residents with the Application scheme built.

AMTD have also received advice from their daylight and sunlight consultants (GIA). GIA advise that the analysis should include an assessment of the impact on all floors of OCP which contain residential accommodation (i.e. 7th floor upwards). The Application only includes the analysis of the impacts on Levels 7-20 of OCP as this was included within the 2016 Application and these floors were assessed within the OCP internal daylight levels assessment previously. However, the proposed massing of the current application is noticeably larger than the 2016 Application and we would expect Levels 20+ to be included within the ES Chapter. GIA have undertaken initial high-level analysis which indicates daylight losses will occur above Level 20 and therefore, the upper levels should be included within the assessment to fully understand the impacts on OCP.

Without full analysis (i.e. VSC, NSL and ADF) on all residential levels, it is not possible to understand the true and full impact of the Application on the daylight potential of OCP. The applicant should provide these additional assessments and information as part of the application to enable the OCP team and indeed the City of London to fully understand the impacts of the proposals. When this information is received in full, we reserve the right to make further comments on the information provided.

Baseline Information

The daylight and sunlight assessment within Chapter 11 of the ES outlines that the 2016 Application had a ‘major adverse’ (significant) impact on the OCP residents facing the development in both daylight and sunlight terms. We would note that the significance of these impacts was not outlined clearly within the 2016 Application ES Chapter.

Chapter 11 of the ES for the Application does provide a summary of the baseline (existing) v proposed impacts and recognises the impact would be major adverse (significant) for both daylight and sunlight for the OCP residents facing the application Site.

However, the ES takes the view that *“given the existence of the Consented Development for the Site, a comparison of the Proposed Development with the baseline condition should not be considered meaningful in understanding the overall acceptability or significance of any daylight impacts on One Crown Place associated with the Proposed Development”* (para 11.131 with a similar comment on sunlight in para 11.144 of the ES).

There is also no information provided within the ES chapter on the extent and severity of such impacts from the existing position and the summary tables and text simply outline the number of pass and fails under some of the required daylight tests (ADF and NSL) and the APSH for sunlight. The severity of the impacts from the existing position should be clearly identified so the OCP team and the City of London can understand fully the severity of the transgressions.

Instead, the focus of ES is very much on the incremental increase in impacts from the 2016 Application as a result of the Application. As such, the daylight impact is categorised as 'negligible' and the sunlight impact as 'minor adverse' (not significant). We are particularly concerned by the sunlight impacts identified within the ES Chapter with a number of additional failings identified on top of the already 'major adverse' (significant) impacts identified from the 2016 Application, the severity of which does not seem to be recognised in any of the text within the chapter

We disagree with the reliance on the 2016 Application scheme to justify the impacts over and above those caused previously by those now caused by the Application. We instead consider that the focus of the assessment should be on the overall total impacts of the Application, which is supported by the QC Opinion appended to this objection. The 2016 Application already identified severe transgressions in both daylight and sunlight terms and the applicant should therefore seek to avoid any further impacts on top of that already consented and should not seek to add further additional impacts to already identified 'major adverse' (significant) impacts.

The enclosed Opinion from Legal Counsel on the baseline position (at paragraphs 35-36) confirms this approach:

It would, in my opinion, be unlawful in this context to fail to have regard to the effects of the new BL Application in combination with the Original BL Permission. To do so would allow incremental increases in environmental impact without consideration of the totality of their effects. That is precisely the kind of salami-slicing that the EIA Directive is designed to prevent. See e.g. Case C-227/01 Commission v Spain [2004] ECR I-8253 at para. 53.

In conclusion, whether or not the Original BL Permission has been commenced, it would in my opinion be legally erroneous for the Council to assess the environmental impacts of the New BL Application on the basis that, as contended in the ES accompanying that application, the only "meaningful" consideration is an assessment of the difference between the Original BL Permission and the New BL Application, as opposed to assessment of the difference between the current 'on the ground' situation and the development proposed by the New BL Application.

Summary

As per the above, the ES as currently drafted does not properly apply the BRE Guidelines. Therefore, there is no evidence currently before the City of London to enable it to rationally conclude that there is compliance with relevant planning policies. Therefore, the grant of planning permission on the basis provided would be vulnerable to judicial review.

Further technical analysis and information is required to undertake a fully robust assessment to enable the City of London and the OCP team to fully understand the true level of impacts caused by the Application. This should include:

- VSC assessments for the proposed development should be included within the ES Chapter. The primary focus should be on the impacts from the existing baseline position rather than

the incremental change from the 2016 Application and should clearly outline the significance of impacts and retained levels of VSC;

- the relevant daylight (VSC, NSL and ADF) and sunlight (APSH) assessments should be provided for all residential levels of OCP (not just Levels 7-20 as currently undertaken);
- the ES should focus the impacts on the overall impact from the baseline existing position and not the incremental change from the 2016 Application. This is the case for both daylight and sunlight assessments;
- the ES should focus on full impact of the Application, i.e. it should look at what daylight, sunlight, overshadowing and light pollution impacts are caused by the Application when assessed against the true existing baseline, which is the Site in its current undeveloped form; and
- the ES should provide discussion on the extent of impacts as a result of the Application when compared to the true existing baseline, for both daylight and sunlight, so the severity and extent of transgressions are clear.

From the indicative VSC analysis undertaken by GIA on behalf of AMTD, there will be a number of windows impacted severely with retained levels of below 15% (and many with below 10% retained VSC) when comparing the proposed scheme against the true existing baseline. This indicative analysis also demonstrates that those windows worst effected, i.e. experiencing greater than 40% VSC losses and retaining VSC levels well below 10%, will increase for the Application compared to the 2016 Application. The applicant should provide such analysis fully as outlined above.

Our client is particularly concerned with the impacts on sunlight as there are a number of additional failings identified within the ES Chapter as a result of the current proposal on top of the already 'major adverse' (significant) effects identified as part of the 2016 Application. From indicative GIA analysis undertaken on behalf of AMTD, we believe there will be a significant increase in the number of windows that are impacted to a significant extent (in excess of 40% loss of APSH) from the baseline than within the 2016 Application. The full assessment against the true existing baseline to be undertaken within the revised ES should clearly specify such impacts as they are not clear from the current ES chapter.

Once the initial assessments and information outlined above are provided, we reserve the right to comment further on the findings of a fully robust assessment.

3.3 Additional comments

Alongside the daylight and sunlight impacts, our client is also concerned with the appearance of a decreased gap between the western and eastern towers (see Figure 3). Whilst we appreciate in parts the 'gap' between the towers is the same or similar to the 2016 Application, in other parts it appears from KPFs analysis that the gap between the towers does reduce. We are concerned that reducing the 'gap' will likely have a further implication on the outlook and sense of enclosure experienced by the residents looking south from the southern residential tower within the OCP scheme. This was a key point within the 2016 Application and the 'gap' between the towers should be retained to protect the amenity of residents.

There are also concerns with the additional overshadowing impacts on OCP terraces and open space. When compared to the baseline, the proposal would result in a 'major adverse' (significant) impact on three of the OCP terraces and a 'minor adverse' (not significant) impact on one area of open space. We appreciate some of the impacts are very similar to the 2016 Application, but one terrace on the western side of the south residential building will experience a much more severe impact

from the Application. The 2016 Application resulted in a loss of 14% of this terrace from baseline receiving at least 2 hours of direct sunlight on March 21st (resulting in 42% of the terrace still receiving adequate sunlight). However, the Application would result in 100% of this terrace failing to receive adequate sunlight on this date resulting in a significant reduction in sunlight from the increased massing of the development (Ref 8 within Annex 5 of the Daylight and Sunlight Appendices). This is a further example of the amenity of residents being eroded by the increased proposals.

For the reasons set out above, AMTD and their expert team consider that the impact of the Application on the OCP residential units immediately adjacent to the Site, will be adverse, and severe. The impacts stemming from the 2016 Application were already significant and the increased massing and height proposed within the Application have only exacerbated these impacts further.

4. HARM TO DESIGNATED HERITAGE ASSETS AND THE TOWNSCAPE

4.1 Site designation

Although the Site is not a listed building or located within a Conservation Area, there are numerous designated heritage assets in proximity of the Site. This includes the Sun Street Conservation Area to the north (within which OCP sits) as well as Finsbury Circus Conservation Area to the south and Bunhill Fields and Finsbury Square Conservation Area to the west across Wilson Street (London Borough of Islington).

The Site is also in proximity to the Grade II listed 1 Finsbury Square building to the south, Grade II listed Flying Horse pub on the corner of Sun Street and Wilson Street as well as the locally listed Georgian terrace (5-15 Sun Street) which is refurbished into a hotel use within the OCP development.

The Site is located within the background of the following two London View Management Framework (LVMF) Protected Vistas:

- 8A.1 from Westminster Pier to St. Paul's Cathedral; and
- 9A.1 from King Henry VIII's Mound in Richmond Park to St Paul's Cathedral.

4.2 Legislative Framework

The Planning (Listed Buildings and Conservation Areas) Act 1990 is the legislative basis for decision-making on applications relating to the historic environment. Sections 66 and 72 of the Act impose a statutory duty upon planning authorities to consider the impact of proposals upon listed buildings and conservation areas and state that new development should preserve or enhance the special architectural or historic interest of listed buildings or their setting, and the character and appearance of Conservation Areas.

Advice in the NPPF concerning the conservation and enhancement of the historic environment provides:

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.

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.¹

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.²

A finding of any harm to a heritage asset within the meaning of the Listed Buildings Act, no matter how insignificant, is not something to which any weight can be attributed. Rather, as a result of the statutory provisions set out above, it is a consideration to which the decision-maker must give "considerable importance and weight"³.

The finding of harm to the setting of a listed building or to a conservation area gives rise to a strong presumption against planning permission being granted. The presumption is a statutory one. It is not irrebuttable. It can be outweighed by material considerations powerful enough to do so. But an authority can only properly strike the balance between harm to a heritage asset on the one hand and planning benefits on the other if it is conscious of the statutory presumption in favour of preservation and if it demonstrably applies that presumption to the proposal it is considering.⁴

4.3 Assessment

Appendix 2 of this letter provides the detailed comments of Richard Coleman of Citydesigner in terms of the impact of the Application on the views of St Paul's Cathedral and also on the various heritage assets in proximity of the Site. The Appendix specifically raises issues with some of the key views of St Paul's Cathedral as well as other heritage asserts.

The proposed development is high density, highly visible and immediately to the south of the Sun Street Conservation Area, creating a large-scale continuous wall with towers extending up from it.

In terms of the impact of St Paul's, the views from Westminster Pier (View 2 within the TVIA) and Richmond Park (View 1 within the TVIA) seem to be pushing unprecedented boundaries where the Application becomes the new definition of 'sky edge' to the right and left of the dome respectively. Whilst the LVMF defines a general protected vista width equal to twice the width of the peristyle, the backdrop is considered qualitative to avoid a 'canyon effect'. For the OCP approved scheme, the effect of the view from Westminster Pier was also tested 7 metres either side of the established viewpoint as requested by the GLA. We consider similar assessment should be provided for the Application so decision-makers can understand the impact outside of the established viewpoint within the LVMF. It is common such kinetic views to be provided and this exercise should be undertaken for the Application to understand the full impact of the proposals.

Citydesigner also outline their concerns of Views 7 and 7T from Waterloo Bridge near the National Theatre and consider the Application causes an unacceptable backdrop to the dome, which would be much more obtrusive than the 2016 Application and the cluster of consented schemes already in the backdrop of this view. Citydesigner's view is that the proposal damages the setting of one of the

¹ NPPF 193-194.

² NPPF 196.

³ *Barnwell Manor Wind Energy Limited v East Northamptonshire District Council, English Heritage, National Trust, The Secretary of State for Communities and Local Government* [2014] EWCA Civ 137, per Sullivan LJ at 22.

⁴ *R. (on the application of The Forge Field Society, Martin Barraud, Robert Rees) v Sevenoaks District Council v West Kent Housing Association, The Right Honourable Philip John Algernon Viscount De L'Isle* [2014] EWHC 1895 (Admin), per Lindblom J (as he then was) at 49.

nation's most important Grade I listed buildings, which equates to 'less than substantial harm' at the highest level and could never be balanced by public benefits.

The Site is immediately adjacent to the Sun Street Conservation Area (London Borough of Hackney), and the Application is viewable from the Finsbury Circus Conservation Area and the Bunhill Fields and Finsbury Square Conservation Area. The Flying Horse pub is grade II listed and is located on the corner of Wilson Street and Sun Street. All these designated heritage assets will be harmed as a result of a very dominant neighbour. This harm must be given considerable importance and weight, and there must be a strong presumption against the grant of planning permission in this instance.

Not only does the increased bulk and massing of the Application have its adverse effect on nearby designated conservation areas as a result of its proximity, height, scale and dominance, but it also creates a continuous street enclosure to Sun Street, of unacceptable and unprecedented proportion.

Please find Citydesigner's full illustrated comment in Appendix 2 of this document.

The effect on locally listed buildings in the London Borough of Hackney, also opposite the Site, will similarly be severe adverse in nature.

5. OTHER MATTERS

We are aware the City has recently introduced Wind Microclimate Guidance (August 2019) and Thermal Comfort Guidance for Developments in the City (December 2020).

The Thermal Comfort document was adopted after the Application was submitted and therefore, there is no reference to this document within the submission material. We trust the Applicant will be providing additional information in this regard and we are keen to understand the impacts on the OCP amenity spaces and reserve the right to respond to any further information submitted.

We are in the process of undertaking a review of the wind information through our client's wind consultants. There are initial concerns that the Application is increasing windiness in certain public locations without providing mitigation measures, and how this adverse impact meets City guidance. This is particularly true in areas along Wilson Street and the thoroughfare between the Site and 5 Broadgate. We are in the process of obtaining a wind flow model to visualize where the flows impact for different wind conditions. We will provide further correspondence on this matter separately.

6. CONCLUSION

Our principal reasons for objecting to the application are set out above. We and Henry Robinson (CBRE) would be happy to discuss these further with you if there is a need for any clarification.

Yours sincerely



Matthew Evans
Counsel

Encls.



Appendix 1 – Opinion from Charles Banner QC dated 6 January 2021 with cover letter



CBRE
St Martin's Court
10 Paternoster Row
London
EC4M 7HP

**CMS Cameron McKenna Nabarro
Olswang LLP**

Cannon Place
78 Cannon Street
London EC4N 6AF

cms.law

6 January 2021

Your ref One Crown Place
Our ref TIST/ASDM/CAP/164399.00002

Email

Dear CBRE

One Crown Place - Daylight and Sunlight Impacts on One Crown Place (the “Property”) from proposed development of a site known as 2-3 Finsbury Avenue EC2M 2PA (the “BL Site”)

We write further to your instructions on behalf of AMTD London Development Co Limited (“AMTD”).

AMTD is developing the Property pursuant to planning permission granted by the London Borough of Hackney dated 4 December 2015 with reference 2015/0877. The Property, once complete, will comprise of a mixed use scheme, but notably including residential development in the upper floors, and therefore is particularly susceptible to daylight and sunlight impacts from neighbouring schemes.

British Land (“BL”), operating through a subsidiary called Blue Button Properties UK Limited, propose to develop the BL Site. Planning permission for development at the BL Site was granted in March 2018 ((the “**Original BL Permission**”). BL have submitted a new planning application for development at the BL Site with reference 20/00869/FULEIA (the “**New BL Application**”) to the City of London (the “**Council**”), which is likely to have a greater daylight and sunlight impact on the Property due to its increased size, massing and proximity to the Property.

The methodology used to assess the daylight and sunlight impacts of the New BL Application scheme on the Property is not consistent with the BRE Guidelines. The Daylight, Sunlight, Overshadowing, Light Pollution and Solar Glare chapter of the Environmental Statement accompanying the New BL Application, in respect of the Property, incorrectly:

1. only assesses Average Daylight Factor, with no Vertical Sky Component assessment; and
2. principally assesses the difference between the Original BL Permission and the New BL Application, not between the current “on the ground” situation and the New BL Application.

UK - 648144377.3

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Accordingly, we instructed Charles Banner QC on your behalf to provide a written opinion on these matters and the potential consequences for the New BL Application. That written opinion is enclosed with this letter, and concludes:

1. it would be an error of law for the Council to determine the New BL Application on the basis that the BRE Guidelines have been applied but with an evidence base that considers ADF alone and not VSC in respect of the Property. This would be a clear misdirection given the unambiguous wording of the relevant parts of the BRE Guidelines, as cited in the enclosed opinion;
2. whether or not the Original BL Permission has been commenced, it would be legally erroneous for the Council to assess the environmental impacts of the New BL Application on the basis that, as contended in the Environmental Assessment accompanying that application, the only “meaningful” consideration is an assessment of the difference between the Original BL Permission and the New BL Application, as opposed to assessment of the difference between the current ‘on the ground’ situation and the development proposed by the New BL Application; and
3. as the Environmental Statement accompanying the New BL Application does not properly apply the BRE Guidelines, there is, therefore, no evidence currently before the Council to enable it rationally to conclude that there is compliance with relevant planning policies, as cited in the enclosed opinion. The grant of planning permission on the basis that, on the evidence base currently accompanying the New BL Application, these policies have been complied with would be vulnerable to judicial review.

We understand you intend to provide this letter and the accompanying written opinion from Charles Banner QC to the Council as part of your response to the consultation on the New BL Application, which should form material considerations in the City of London’s determination of the New BL Application.

Yours faithfully



CMS Cameron McKenna Nabarro Olswang LLP

Enc.

IN THE MATTER OF:
ONE CROWN PLACE, LONDON EC2A

OPINION

I. INTRODUCTION

1. I am instructed by CMS Cameron McKenna Nabarro Olswang LLP to advise AMTD London Development Co Ltd ("**AMTD**") in relation to a proposed development by British Land ("**BL**") at 2-3 Finsbury Avenue, London EC2M 2PA ("**the BL Site**"). AMTD is developing an adjacent site known as One Crown Place pursuant to a planning permission granted by the London Borough of Hackney on 4th December 2015.
2. The One Crown Place development is a mixed use scheme including two towers of 29 and 33 storeys featuring 247 residential units at levels 7 - 33. Residential development is particularly susceptible to reduction in daylight and sunlight from neighbouring development.
3. BL's subsidiary, Blue Button Properties Limited, obtained planning permission from the City of London Council ("**the Council**") for the development of the BL Site on 29th March 2018 ("**the BL Original Permission**") pursuant to an application made in 2016 and referenced 16/00149/FULEIA ("**the BL Original Application**"). That development comprised, amongst other details, of 32 upper floors.
4. AMTD had concerns about various aspects of the BL Original Application. Those concerns included the potential impact of the BL development, as then proposed, on the daylight and sunlight to be enjoyed by residents of the adjacent One Crown Place. I use the term "to be enjoyed" because at the time One Crown Place was under construction and not occupied.

5. AMTD sent a comprehensive objection letter privately to BL, whilst simultaneously in the public domain sending an unspecific holding objection to the City of London.
6. Subsequently, BL amended the BL Original Application in response to AMTD's concerns.
7. The case officer's report to the City of London's Planning Committee ("**the Committee**") for the BL Original Application recommended the grant of planning permission and, at paragraphs 196-226, expressed the view that the daylight and sunlight impacts on One Crown Place were acceptable. Members of the Committee accepted that advice and granted planning permission.
8. It is unclear whether BL has commenced the development authorised by the BL Original Permission.
9. Recently, BL has submitted a new application ("**the New BL Application**") for development at the BL Site for a larger development which, I am instructed, would have a greater impact on daylight and sunlight at One Crown Place than the development approved by the BL Original Permission.
10. The development of One Crown Place is nearly complete and is due to be occupied from May 2021, with around 65% of the units sold so far.
11. The New BL Application is EIA Development, as was the Original BL Application.
12. Chapter 11 of the Environmental Statement accompanying the New BL Application is entitled "*Daylight, Sunlight, Overshadowing, Light Pollution and Solar Glare*". In relation to the daylight and sunlight impact of the proposed development on One Crown Place, the following features are notable:
 - 1) Average Daylight Factor ("**ADF**") is assessed, with no Vertical Sky Component ("**VSC**") assessment; and

- 2) the assessment is principally of the difference between the Original BL Permission and the New BL Application, not between the current 'on the ground' situation and the New BL Application.¹
13. Against this background, I am asked to advise on what grounds, based upon the information available to date, can AMTD object to the New BL Application in respect of daylight and sunlight impacts, taking into account:
- 1) the correct/required methodology for assessing daylight and sunlight impacts arising from the New BL Application on One Crown Place bearing in mind that the latter is almost complete and the flats mostly sold;
 - 2) the required baseline to be adopted for carrying out that assessment; and
 - 3) the acceptability of incremental increases in daylight and sunlight impacts arising from the increases to the size of the BL scheme, in particular by reference to planning policy.
14. I deal with each of these issues in turn below.

II. ANALYSIS

(a) Methodology

15. The terms ADF and VSC derive from what are colloquially known as the "**BRE Guidelines**" (full reference: P. Littlefair, *Site Layout Planning for Daylight and Sunlight*, BRE Trust, 2011).
16. The BRE Guidelines are not law or development plan policy. They are, however, the industry standard framework for assessing the potential

¹ I say "principally", because the ES does include some limited commentary on baseline assessment for One Crown Place for daylight and sunlight against the existing position on the ground (see paragraphs 11.128-11.131 for daylight and 11.142-11.144 for sunlight - both of which outline a "major adverse impact (significant)" - but the text then steers the reader away from this baseline assessment as not being "meaningful".

daylight and sunlight impacts of proposed development. Where, as in the present case, the evidence base in support of an application for planning permission purports to apply the BRE Guidelines, and the decision-maker (here the Council) is invited to determine the application by reference to them, a misinterpretation of them and a consequent error of approach is capable of amounting to an error of law which could render a consequent grant of planning permission vulnerable to judicial review.

17. I do not repeat the definitions in the BRE Guidelines which I assume are familiar to the readers of this Opinion.

18. Section 2.2 of the BRE Guidelines is entitled “Existing Buildings”. It explains that VSC is the principal means of assessing daylight and sunlight impact on such buildings.

19. The first sentence of paragraph 2.1.8 of the BRE Guidelines states:

“Daylight provision in new rooms may be checked using the average daylight factor (ADF).”

20. Paragraph F6 of Appendix F of the BRE Guidelines elaborates on this distinction between “existing buildings” and “new rooms” in the following terms:

“In assessing the loss of light to an existing building the VSC is generally recommended as the appropriate parameter to use. This is because the VSC depends only on obstruction and is therefore a measure of the daylit environment as a whole. The average daylight factor (ADF) (Appendix C) also depends on the room and window dimensions, the reflectances of interior surfaces and the type of glass, as well as the obstructions outside. It is an appropriate measure to use in new buildings because most of these factors are within the developer’s control.”

21. The Glossary on page viii of the BRE Guidelines defines various terms for the purpose of the guidelines, but it does not define this term. Nowhere in the BRE Guidelines is there any express or necessarily implicit indication that, in order to amount to an “existing building” for this purpose” a building must

currently be occupied (let alone in what proportion). It must follow that “existing building” in the context of the BRE Guidelines, including the passages quoted above, should be given its ordinary meaning, namely a building which currently exists, whether or not and to whatever extent it is occupied.

22. This interpretation is also consistent with the rationale of the distinction between “existing buildings” and “new”, i.e. proposed/approved but not yet “existing” buildings, as set out in paragraph F6 of Appendix F. Once a building has been wholly or mainly constructed, as is the case in relation to One Crown Place, then it is no longer “within the developer’s control” to calibrate or recalibrate most or all of “the room and window dimensions, the reflectances of interior surfaces and the type of glass, as well as the obstructions outside”. In relation to a building which has not yet obtained planning permission or which has not yet started construction, most or all of these remain variables as contemplated by paragraph F6.
23. The consequence of this is that it would be an error of law for the Council to determine the New BL Application on the basis that the BRE Guidelines have been applied but with an evidence base that considers ADF alone and not VSC. This would be a clear misdirection given the unambiguous wording of the parts of the BRE Guidelines to which I have referred above.

(b) The baseline

24. Given that the consented and proposed development at 2-3 Finsbury Avenue is EIA Development, I approach this issue by reference to the EIA Directive² and EIA Regulations.³
25. Article 5(1)(b) of the EIA Directive requires, in relation to EIA Development, the ‘Environmental Impact Assessment Report’ (i.e., in the UK context, the

² Directive 2011/92/EU as amended by Directive 2014/52/EU.

³ Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Environmental Statement) to contain:

“a description of the likely significant effects of the project on the environment”.

26. Article 5(1)(f) further requires:

“(f) any additional information specified in Annex IV relevant to the specific characteristics of a particular project or type of project and to the environmental features likely to be affected.”

27. The information referred to in Annex IV includes:

“5. A description of the likely significant effects of the proposed project on the environment resulting from, inter alia:

(e) the cumulation of effects with other existing and/or approved projects, taking into account any existing environmental problems relating to areas of particular environmental importance likely to be affected or the use of natural resources;

28. The final words of paragraph 5 of Annex IV state:

“The description of the likely significant effects on the factors specified in Article 3(1) [*which is the general provision in relation to the scope of EIA*] should cover the direct effects and any indirect, secondary, cumulative, transboundary, short-term, medium-term and long-term, permanent and temporary, positive and negative effects of the project. This description should take into account the environmental protection objectives established at Union or Member State level which are relevant to the project.”

29. These requirements are transposed into English legislation by Regulations 2(1) and 18, and Schedule 4 of the EIA Regulations. As there is no suggestion that the EIA Regulations inaccurately transpose the EIA Directive, I do not quote their equivalent provisions to those of the EIA Directive quoted above.

30. In short, the requirement under the EIA Directive and EIA Regulations is to assess the likely significant environmental effects of the proposed development, including cumulative effects in combination with existing and/or approved projects.

31. In my opinion, if the development approved by the Original BL Permission

has not been commenced, meaning that the Original BL Permission remains unimplemented, then there can be no sensible doubt that the likely significant effects of the development proposed by the New BL Application are the effects of that development compared to the current situation 'on the ground'. That is the current status, both in reality and in planning law, of 2-3 Finsbury Avenue. The effect of the development proposed by the New BL Application would be directly to change that status, without the Original BL Permission ever having been implemented and without that Original BL Permission therefore ever having governed the planning law status of the site.

32. A failure to proceed on the basis outlined in the foregoing paragraph would, in my opinion, amount to an error of law and a valid ground for judicial review.
33. If it is demonstrated that the development permitted by the Original BL Permission has been commenced, then it is arguable that that development represents the baseline for the purposes of EIA assessment since the planning law status of the 2-3 Finsbury Avenue would then be governed by the Original BL Permission. There is a respectable counter-argument that if only relatively minor material operations have been undertaken, which have had the effect of implementing the Original BL Permission but which have not change the on the ground reality at the site, then the environmental effects of the development proposed by the New BL Permission should still be judged by reference to that on the ground reality. However the position is ambiguous and in the event of a judicial review there is a strong prospect that in this situation the High Court would hold that in this context the determination of the appropriate baseline is not a matter of law but a matter of evaluative judgment based upon the relative weight to be given to the implementation of the Original BL Permission on the one hand and the ongoing current on the ground status of the site on the other hand.
34. The onus of proof in this context is on BL to demonstrate that the

development under the Original BL Permission has been commenced. This is in line with the general principle in the civil law context that the person relying on a factual point has the burden of proving that point. It is also consistent with the precautionary principle, which is a general principle of EU law and governs the interpretation of the EIA Directive and thus the EIA Regulations. The precautionary principle requires EIA assessment to be undertaken by reference to the reasonable worst case scenario. Therefore if there is doubt as to whether the Original BL Permission has been commenced, that doubt should be construed against BL and in favour of assessing the impacts by reference to a baseline that excludes the Original BL Permission on a precautionary basis.

35. Even if there was sufficient evidence of the Original BL Permission having been commenced to arguably justify proceeding on the basis that the proper baseline for the purposes of EIA is the development under the Original BL Permission, the requirements under the EIA Directive and Regulations include an assessment of the likely significant cumulative environmental effects of the development in combination with other approved development. It would, in my opinion, be unlawful in this context to fail to have regard to the effects of the new BL Application in combination with the Original BL Permission. To do so would allow incremental increases in environmental impact without consideration of the totality of their effects. That is precisely the kind of salami-slicing that the EIA Directive is designed to prevent. See e.g. Case C-227/01 *Commission v Spain* [2004] ECR I-8253 at para. 53.
36. In conclusion, whether or not the Original BL Permission has been commenced, it would in my opinion be legally erroneous for the Council to assess the environmental impacts of the New BL Application on the basis that, as contended in the ES accompanying that application, the only “meaningful” consideration is an assessment of the difference between the Original BL Permission and the New BL Application, as opposed to assessment of the difference between the current ‘on the ground’ situation

and the development proposed by the New BL Application.

(c) Application of planning policy

37. The Development Plan for the purposes of s.38(6) of the Planning and Compulsory Purchase Act 2004 is, for the relevant area, comprised of the Council's Local Plan and the London Plan.

38. Policy DM10.7 of the Council's Local Plan states:

“Policy DM 10.7 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.”

39. Under this part of the development plan, therefore, it is obligatory to apply the BRE Guidelines to a proposed development.

40. The currently adopted London Plan 2016 provides at Policy 7.6 that buildings should:

“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”.

41. A new London Plan is expected imminently to be published, having been through examination which concluded in the examining Inspectors' report being published in October 2019. Policy 7.7D of the 'Intention to Publish' version of the new London Plan states, in relevant part:

“Tall buildings:

- a) should not affect their surroundings adversely in terms of microclimate, wind turbulence, overshadowing, noise, reflected glare, aviation, navigation and telecommunication interference”.

42. Policy D9 of the same document further states, in relevant part:

“C. Development proposals should address the following impacts:

...

3) environmental impact

- a) wind, daylight, sunlight penetration and temperature conditions around the building(s) and neighbourhood must be carefully considered and not compromise comfort and the enjoyment of open spaces, including water spaces, around the building;

...

4) cumulative impacts

- a) the cumulative visual, functional and environmental impacts of proposed, consented and planned tall buildings in an area must be considered when assessing tall building proposals and when developing plans for an area. Mitigation measures should be identified and designed into the building as integral features from the outset to avoid retro-fitting".

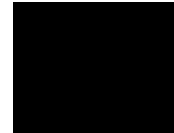
43. Although both versions of the London Plan do not make express reference to the BRE Guidelines, they require consideration of the impacts (including the cumulative impacts) of new development on the daylight and sunlight enjoyed by occupiers of neighbouring properties. Given that the BRE Guidelines are the industry standard framework for assessing such impacts, their application to a proposed development is an obviously material consideration in the context of considering these policies. This has been the consistent approach of the Planning Inspectorate in recent appeal decisions.⁴
44. Accordingly, under both components of the Development Plan – the Council’s Local Plan and the London Plan – it is necessary to apply the BRE Guidelines to the New BL Application in order for a decision to be reached as to whether there is policy compliance.
45. As I have explained above, the Environmental Statement accompanying the New BL Application does not properly apply the BRE Guidelines. There is, therefore, no evidence currently before the Council to enable it rationally to conclude that there is compliance with the policies which I have referred to above. The grant of planning permission on the basis that, on the evidence

⁴ See e.g. 64 Greenwich Park Street (APP/E5330/W/20/3245819; 15th October 2020); Lawrence Wharf, Rotherhithe Street (APP/A5840/W/19/3236753; 18th March 2020); 113-135 Lillie Road (APP/H5390/W/19/3232696; 22nd October 2019)

base currently accompanying the New BL Application, these policies have been complied with would be vulnerable to judicial review.

III. CONCLUSION

46. I have nothing further to advise as currently instructed but would be happy to advise further in due course if so required.



CHARLES BANNER Q.C.

**Keating Chambers
15 Essex Street
London
WC2R 3AA**

6th January 2021

Appendix 2 - Citydesigner's townscape comments on British Land's '3XN Broadgate Proposal'



Citydesigner's townscape comments on British Land's '3XN Broadgate Proposal'

The proposed development is high density, highly visible and immediately to the south of the Sun Street Conservation Area, creating a large scale continuous wall with towers extending up from it. The following sensitive environments are adversely affected. The relevant views are appended to this note.

St Paul's Cathedral

We acknowledge the dexterity with which the British Land team have managed their design in relation to the LVMF views. The views from Westminster Pier and Richmond Park, however, seem to be pushing unprecedented boundaries, where the proposal becomes the new definition of 'sky edge' to the right and left of the dome respectively, very close to replacing the traditional edge, in the case of the former i.e. the Downstream Shell Building (The White House). While the LVMF defines a general protected vista width equal to twice the width of the peristyle, the backdrop is considered qualitative to avoid a 'canyon effect'. In the Richmond Park view, No.1 of the townscape document (LVMF 9A.1), the canyon effect is intensified. In setting the parameters for the recently approved No.1 Crown Place scheme the effect from Westminster Pier was tested on a broader viewing place than the established viewpoint, for 7 metres either side of it. The question arises, how close to the peristyle does the British Land proposal get when the viewer moves 6 meters to the left of the viewpoint? Will it narrow the gap to an increased canyon effect? It should be tested.

A further critical view of St Paul's is from Waterloo Bridge near the National Theatre. It is clear from Views 7 and 7T that it causes an unacceptable backdrop to the dome much more obtrusively to the already constructed group, which stay clear of the dome, and more obtrusively so than the consented scheme for this site.

Sun Street Conservation Area

Sun Street is the boundary between the City and Hackney. The British Land proposal, gives Sun Street a podium height of a 14 storey continuous wall. This is a dramatically changed setting and one which will overwhelm the 19th century Sun Street terrace, which are locally listed buildings, and the listed Flying Horse Pub on the west corner. The approved scheme for the Crown Place site north of Sun Street places high buildings which recede from the Sun Street frontage owing to their triangular plan. The proposed scheme gives a continuous large scale plane directly on the frontage. This is an unacceptable street condition in most townscape environments but, in this case, it is wholly unacceptable opposite a valued heritage townscape. It is best illustrated by Views 28B, 33 and 34. In the first and the latter, the full scale of the street wall looms large over the street.

Even though it is the boundary between the different scales of Hackney and the City, the human experience of the street is currently acceptable, and will continue to be so with the construction of the triangular planned residential tower which offers its edge to the north side of the street.

The consequences of the scheme for people using and wishing to enjoy Sun Street, together with its interesting transitional qualities at the City boundary, are profound. The continuous plane of surface varying in height from 11 to 38 storeys is unprecedented on the frontage of a street such as this. It will be overbearing to users and together with the MAKE UBS building will give the unfortunate sense that the City is to be 'walled in' from Hackney.

While this approach to scale in the City may be acceptable in a large scale street such as Farringdon Road with the new Goldman Sachs building, Sun Street is of a different order in status, width and character. The Goldman Sachs's proposal rises from the back of the pavement of a metropolitan scaled street, but only to 10 storeys, compared to the proposal at a maximum of 38 storeys on a minor road.

Finsbury Circus Conservation Area

From the axial entrance to the Circus from the south side, in winter views, the visibility of the two towers of the No.1 Crown Place site, is acceptable, non-dominating and broken down in scale. The British Land proposal will appear much higher, as can be seen in Views 14W and 15 of the project's TVIA. It is closer to the Circus and of a much larger scale with its overpoweringly large, angular planes. It draws undue attention away from this 'gateway' to the Circus. While it is already the case that tall buildings are visible from various viewpoints around the Circus, none are as formal or as dominant. This is an imposition on the introductory views of the set-piece Circus townscape.

Bunhill Fields and Finsbury Square Conservation Area

In views from Finsbury Square the building will present as a very large lumpen scale, with its west elevation and combination of large triangular forms, cumulatively overpowering the southern half of the Square. While it is recognised as a 'modern' square, the public enjoyment of the space will be diminished by the over bulky and dominant nature of the proposal. View 18 shows the maximum level of dominance and View 17 also applies.

The following Appendix I illustrates these points and their captions emphasize the full effect.

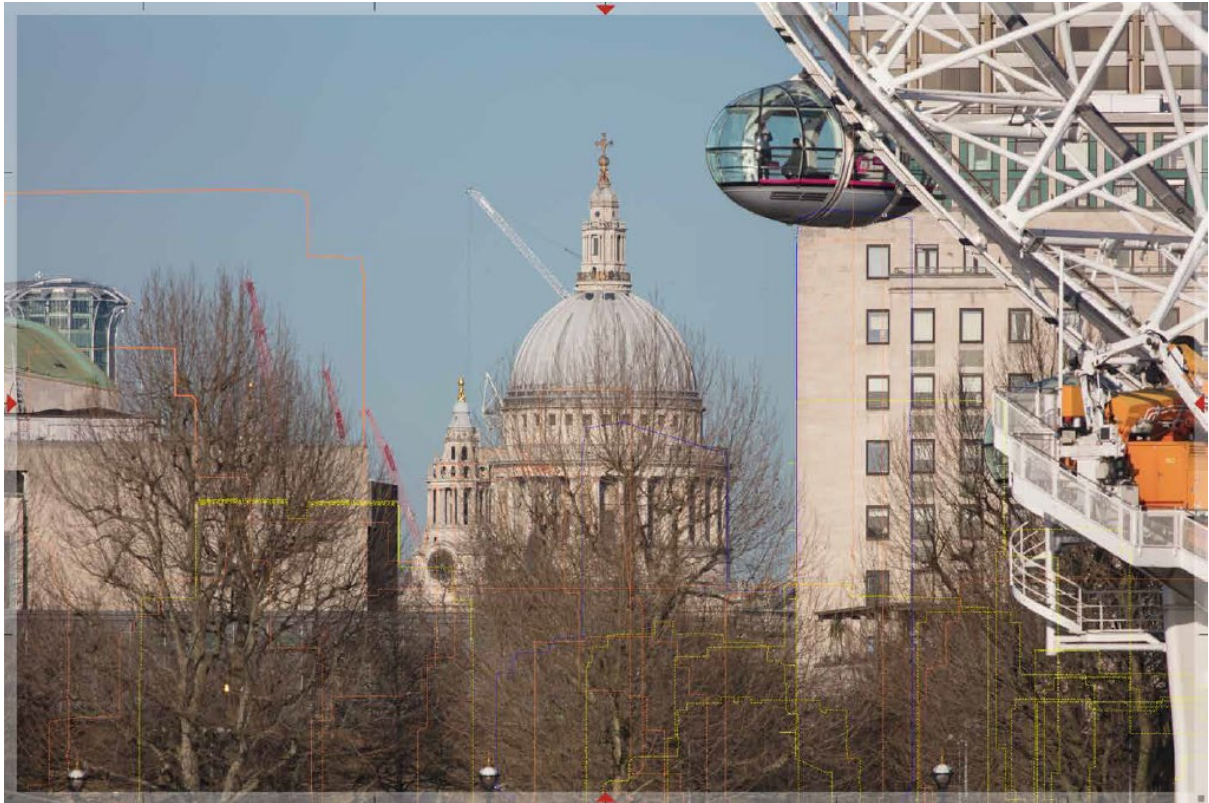
Richard Coleman
21 December 2020

Appendix I: 2 Finsbury Avenue TVIA selected views



View 1: LVMF 9A.1, King Henry VIII's Mound

The view is unique and development has been kept behind trees or at a low level. The Broadgate Tower creates a 'shadow line' behind the trees to the left which is already unfortunate. The proposal will worsen this by appearing as a bigger hard line which is further to the south. It should be remembered that this opening in the trees is managed by regular trimming, each side being trimmed alternately and thus giving rise to a subtle change in the gaps position in relation to the Dome. A degree of caution is thus required to prevent a hard line being visible at certain times in the cycle of trimming. This caution has not been applied, to the detriment of the Cathedral's setting.



View 2: LVMF 8A.1, Westminster Pier – the orientation plaque

While the development is not visible from this specific LVMF view point, movement of the viewer just slightly to the left will reveal it as a new edge to the existing 'canyon'. This should be explored with further views.



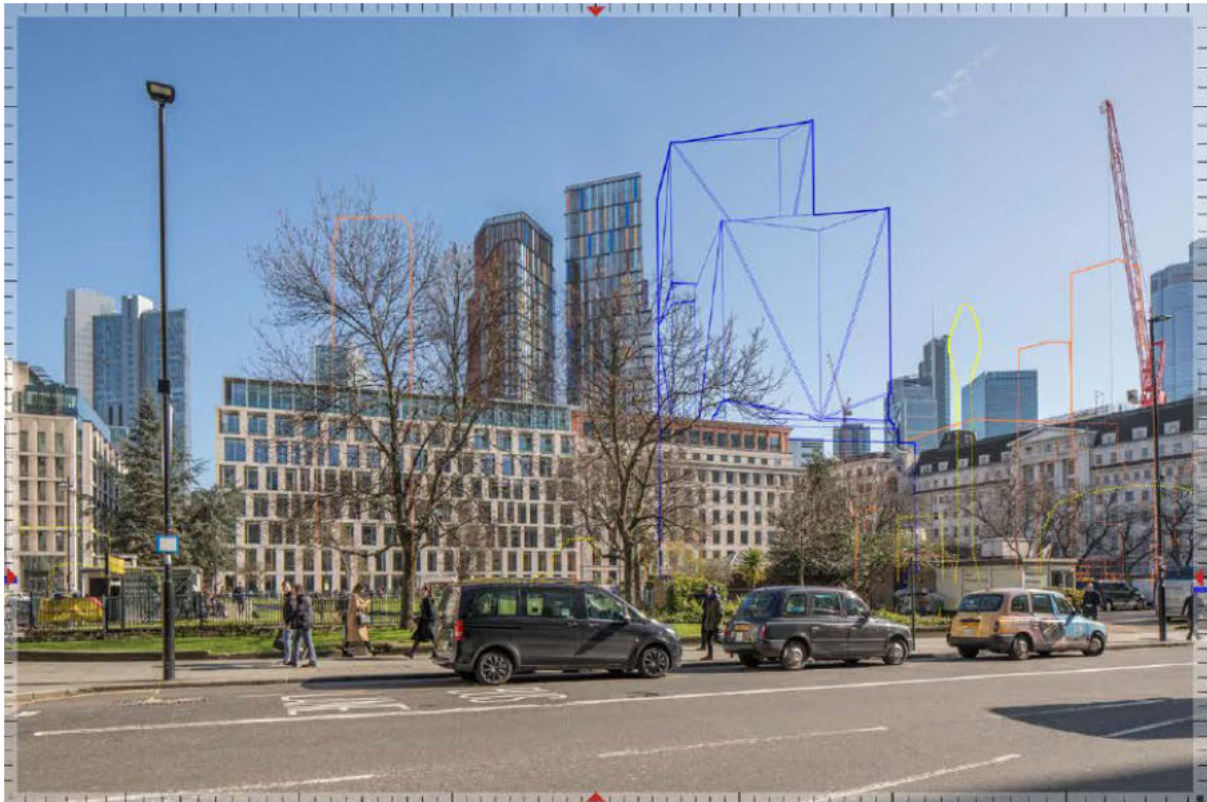
View 7T: Waterloo Bridge: downstream – alongside National Theatre, Telephoto

The view is with a zoom lens. Though not an LVMF view, it is an important informal view of the cathedral. Other permissions have been given which have damaged the appearance of the cathedral. These are generally understood to be mistakes. The proposal makes a massively bigger impact on the cathedral even than the consented scheme and, by implication, must be an even bigger mistake. Not only does it challenge the supremacy of the cathedral's dome, it exacerbates it by its unsympathetic angular planes. This is damage to the setting of one of the nation's most important Grade I listed buildings, which equates to 'less than substantial harm' at the highest level and could never be balanced by public benefits.



Views 14W and 15: Finsbury Circus

This would be the largest imposition on the Circus so far. There is a point at which a backdrop might otherwise be acceptable, but owing to its excessive size and unsympathetic design, it becomes unacceptable. Besides its size, its closeness and dominance in relation to the Circus's buildings introduces a sense of over-bearing.

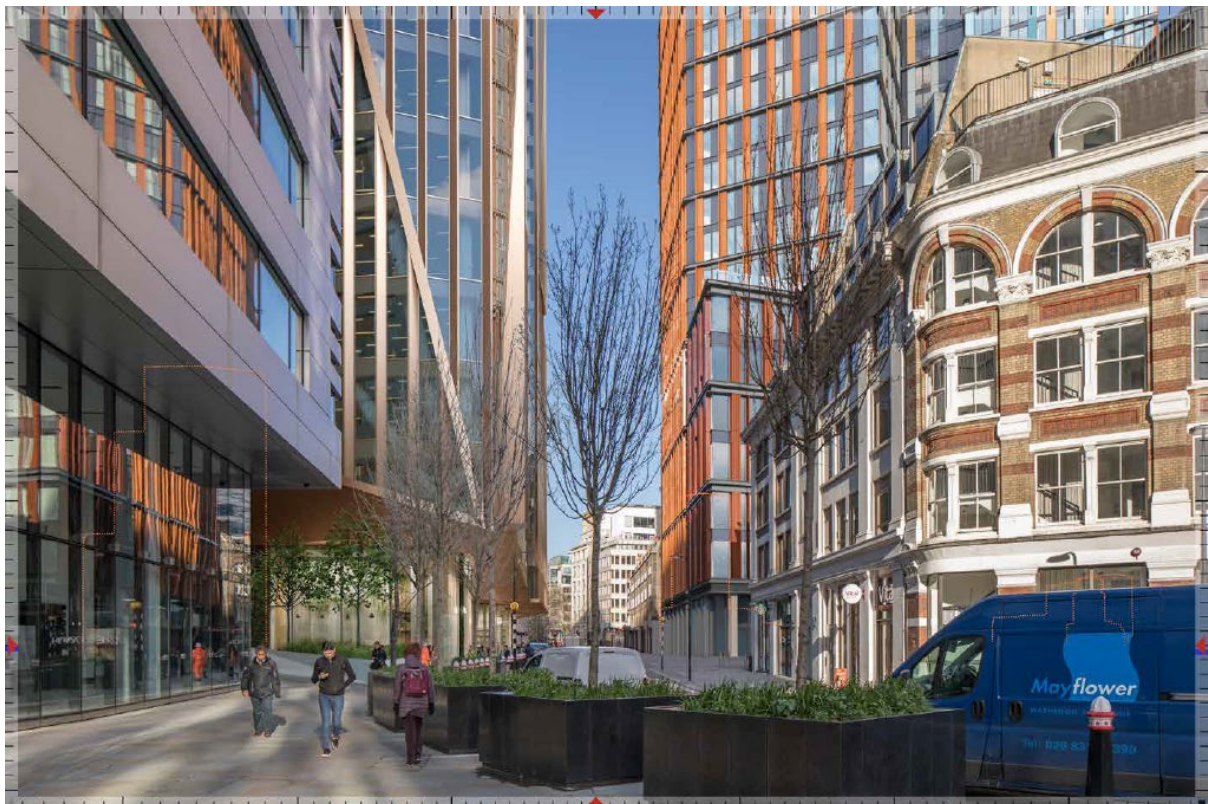


Views 17 and 18: Finsbury Square

Clearly, what is now a modern square, can accept a backdrop of taller elegant buildings. The development, however, has no elegance, is bulky, appears to be falling over and adds an angular phenomenon which is entirely unacceptable.



View 28B: Wilton Street



View 33: Appold Street



View 34: Sun Street

Views 28B, 33 and 34: Sun Street Conservation Area's immediate setting

These views show how together with the UBS building, the development will create an unrelenting high wall to the street which forms the City/Hackney boundary and the setting of the Sun Street Conservation Area. In pure streetscape terms, this will not be a pleasant street for users. The upper level shows the scale of the locally listed Georgian terrace, just beyond the 'orange' tower. The relative scales are incompatible.

Liam Hart

Dear Sir/Madam

Town and Country Planning Act 1990 (as amended)
Town and Country Planning (Development Management Procedure) (England) Order 2015

Application Number: 2020/3831

Site Address: 2-3 Finsbury Avenue, London EC2M 2PF

Development Description: Notification from the City of London of application ref: 20/00869/FULEIA for the demolition of the existing buildings and construction of a new building arranged over three basement levels, ground and 37 upper floors to provide an office-led, mixed use development comprising commercial, business and service uses (Class E), flexible commercial, business and service uses /drinking establishment uses (Class E/Sui Generis); and learning and nonresidential institutions uses (Class F1); creation of a new pedestrian route through the site at ground floor level; hard and soft landscaping works; outdoor seating associated with ground level uses and other works incidental to the development. (The development would provide 85,009sq.m GEA of office floorspace (Class E); 4,397sq.m GEA of commercial, business and service uses (Class E); 1,097sq.m of flexible commercial, business and service uses /drinking establishment uses (Class E/Sui Generis); 2,239 sq.m GEA of learning and non-residential institutions uses (Class F1); and 16,058sq.m of ancillary plant, back of house and storage; total floorspace 108,800sq.m GEA; overall height 170.290m AOD).

Thank you for your recent application for the above address on which a decision has now been made. The decision on your application is attached. Please carefully read all of the information contained in these documents.

Please quote your application reference number in any correspondence with the Council, either by post to the Hackney Planning Service, 2 Hillman Street, London, E8 1FB, by email to planning@hackney.gov.uk, or by phone to 020 8356 8062.

Yours sincerely



Natalie Broughton

Head of Planning and Building Control
Neighbourhoods and Housing

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PLANNING DECISION NOTICE

7Town and Country Planning (Development Management Procedure) (England) Order 2015

Agent: Liam Hart

Applicant:

Part 1- Particulars of the Application	Application No:	2020/3831
	Date of Application:	24-11-2020
	Date Validated:	
	Application Type:	Adjoining Borough Observations

Proposal: Notification from the City of London of application ref: 20/00869/FULEIA for the demolition of the existing buildings and construction of a new building arranged over three basement levels, ground and 37 upper floors to provide an office-led, mixed use development comprising commercial, business and service uses (Class E), flexible commercial, business and service uses /drinking establishment uses (Class E/Sui Generis); and learning and nonresidential institutions uses (Class F1); creation of a new pedestrian route through the site at ground floor level; hard and soft landscaping works; outdoor seating associated with ground level uses and other works incidental to the development. (The development would provide 85,009sq.m GEA of office floorspace (Class E); 4,397sq.m GEA of commercial, business and service uses (Class E); 1,097sq.m of flexible commercial, business and service uses /drinking establishment uses (Class E/Sui Generis); 2,239 sq.m GEA of learning and non-residential institutions uses (Class F1); and 16,058sq.m of ancillary plant, back of house and storage; total floorspace 108,800sq.m GEA; overall height 170.290m AOD).

Location: 2-3 Finsbury Avenue, London EC2M 2PF

Part 2 – Particulars of Decision: **Objection**

The proposed development represents a significant increase in the bulk, height and scale of the proposed building in comparison to that of the previously approved building, which results in significant harm in terms of amenity and townscape/heritage.

Amenity - Since the previous approval the Crown Place development immediately to the North of the site has progressed significantly and is nearing completion. It includes a large number of residential units the occupiers of which would experience significant reductions in daylight, sunlight and outlook as a result of the proposed development in comparison to both the existing situation and the approved development. It is noted that the sunlight and daylight impact analysis does not include calculations for the Vertical Sky Component for the effected residential windows, and in order to fully assess the proposal VSC calculations would be required for the existing situation, the approved scheme and the proposed scheme in order to understand the additional impact of the extra bulk and height of the proposed building.

Townscape/Heritage - The additional bulk, height and scale of the proposed buildings would lead to increased visual dominance over the buildings to the North, and the area in general. This would be particularly harmful to the locally listed buildings at 5-15 Sun Street, the grade II listed Flying Horse PH, and the Sun Street Conservation Area. The proposed development is considered to be visually obtrusive and harmful to the setting of designated and non-designated heritage assets nearby.

Date of Decision: 14-01-2021

Yours sincerely



Natalie Broughton

**Head of Planning and Building Control
Neighbourhoods and Housing**

Liam Hart
Senior Planning Officer
City Planning Officer
Department of Planning and Transportation
The City of London
Guildhall
PO Box 270
London
EC2P 2EJ

DP9 Ltd
100 Pall Mall
London SW1Y 5NQ

Registered No. 05092507

telephone 020 7004 1700

facsimile 020 7004 1790

www.dp9.co.uk

Dear Liam,

2-3 FINSBURY AVENUE – 20/00869/FULEIA

RESPONSE TO OBJECTION OF AMTD LONDON DEVELOPMENT CO LIMITED ('AMTD')

On behalf of our client, Bluebutton Properties UK Limited ('the Applicant'), we wish to respond to the comments made by AMTD in their letter to you dated 11th January 2021.

Engagement/Consultation

We note that AMTD comment they only became aware of our alternative proposals for the development of 2-3 Finsbury Avenue from a flyer advertising the public consultation for the proposed development. We are surprised by this and would note that engagement with advisors acting for AMTD commenced at the end of 2019 at which point it was clear that the Applicant was developing new proposals for the site and engagement continued throughout 2020. The scheme freeze model was issued to AMTD advisors in early September 2020. We would have expected that such engagement would have been made known to AMTD by their advisors at the time.

Daylight & Sunlight Assessment

The Applicant's Daylight & Sunlight consultant, GIA, has undertaken further modelling as requested by AMTD which has been submitted under separate cover pursuant to Regulation 25 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

One of AMTD's concerns relates to the daylight and sunlight assessment within the submitted Environmental Statement primarily being made by way of a comparison to the impacts associated with the extant planning permission for the redevelopment of the site granted in March 2018. The additional environmental information provided under separate cover directly addresses this concern. For the Corporation's information, we can confirm that the March 2018 planning permission remains a lawful planning permission that remains entirely capable of being implemented until March 2024.

It is the Applicant's belief that the revised proposals for the site represent a much-improved approach to the redevelopment of the site, capable of realising far greater economic, social and environmental benefits than that of scheme authorised by the extant planning permission.



Our assessment of the proposed development against the Development Plan in relation to daylight & sunlight matters contained within the Planning Statement (paragraphs 6.188 – 6.202) remains unchanged following the further assessment work undertaken by GIA. We do however note that both the Local Plan and the City's draft City Plan both acknowledge that the City Corporation will apply these methods for assessing daylight and sunlight consistent with BRE and NPPF guidance. *'...that ideal daylight and sunlight conditions may not be practicable in densely developed city-centre locations.'*

In addition to the additional environmental information that has been submitted, a letter prepared by GIA which provides some additional context for the daylight and sunlight impacts that have been reported in the assessments contained within the Environmental Statement is provided at Annex 1 of this letter.

Gap between the towers

The retention of a gap between the towers that is the same approximate width and location as that within the consented scheme formed part of the brief to 3XN when developing initial concepts for the redevelopment of the site. The drawings attached at Annex 2 provide an accurate comparison between the consented scheme and the proposed development. These drawings provide an accurate assessment of the gap because they have both been measured directly from digital models of the buildings. The AMTD letter does not explain how the images shown on page 4 of the letter were produced so it is not possible to verify their accuracy.

As identified by the attached drawings, the gap between the two towers is c.74mm less than that of the consented scheme. This represents a 0.7% difference from that within the consented scheme, which is well within normal measuring and construction tolerances. Such a negligible difference would have no noticeable effect on the outlook or sense of enclosure from the One Crown Place development in comparison to that of the consented development.

Harm to designated heritage assets and townscape

Please refer to Annex 3 of this letter for a response, prepared by the Tavernor Consultancy, to specific comments relating to townscape, heritage and visual impact raised within AMTD's letter.

As concluded by the Tavernor Consultancy, it is not accepted that the Proposed Development would harm LVMF views 8A.1 and 9A.1 in relation to the setting of St Paul's Cathedral, the incidental TVIA view 7 of St Paul's Cathedral, the setting of a listed building and unlisted buildings of merit within the Sun Street Conservation Area, nor views of the Finsbury Circus Conservation Area and the Bunhill Field and Finsbury Square Conservation Area.

We strongly believe that the Proposed Development is a considered and appropriate response to the specific constraints and opportunities of the site and its surroundings, which would be enhanced, and the relevant heritage assets left unharmed.

Thermal Comfort Assessment

A Thermal Comfort Assessment is currently in the process of being prepared and will be submitted to the Corporation in due course. As per the City's guidelines, *'Thermal Comfort Guidelines for Developments in the City of London'* this assessment does not form part of the Environmental



Statement. The results of the assessment will instead be used by the City Corporation to conduct a more holistic review of a building's impact on its surroundings.

We trust these comments are useful. Should you have any queries or wish to discuss then please contact either Tim Holtham or Mike Worthington.

Yours sincerely,

DP9 Ltd
Encs.



ANNEX 1 –

GIA LETTER



By Email

Liam Hart
Department of Planning & Transport
City of London
London

Dear Mr Hart,

Re: 2 Finsbury Avenue, London EC2M 2PA ("the Site")
Applicant: Bluebutton Properties UK Limited ("the Applicant")
Corporation Reference: 20/00869/FULEIA ("the Application")

Following the submission of the October 2020 Daylight, Sunlight, Overshadowing, Solar Glare and Light Pollution ES Chapter, a planning objection was lodged on behalf of the owners of One Crown Place (AMTD London Development Co Limited ("AMTD")). Contained within this objection was a request for additional assessments to be carried out by the Applicant in relation the neighbouring residential development known as 'One Crown Place' ("OCP").

The additional information requested is contained within an Addendum to the October 2020 ES, which has been submitted to the City Corporation today under separate cover. The purpose of this letter is to provide some additional context for the daylight and sunlight impacts that have been reported within the aforementioned document by reference to the following development scenarios (where applicable):

- Existing Baseline
- Existing Vs 'Proposed Development'; and
- Existing Vs '2016 Consented Development' (Planning Ref: 16/00149/FULEIA)

Any technical analysis referred to in this letter is the same technical analysis that is contained within the ES Addendum. In that way, we have not felt the need to re-append the same sizeable technical appendices to this letter.

Daylight***Vertical Sky Component (VSC)***

The ES Addendum contains an assessment of VSC to the neighbouring apertures of OCP. In undertaking our assessments, we considered a total of 1,548 windows relevant for daylighting testing.

'Proposed Development'

When assessed against the 'Proposed Development', 1,052 of the 1,548 windows comply with BRE recommendations. Of the 496 windows that fall short of BRE recommendations, 51 would experience an alteration in VSC between 20-29.9%, 94 windows would experience an alteration between 30-39.9% and the remaining 351 windows would experience an alteration in excess of 40%.

'2016 Consented Development'

Of the 1,548 windows assessed against the Consented Development, 1,120 would meet the recommendations set out within the BRE Guidelines. Of the 428 windows which experience impacts beyond the recommendations, 4 would experience an alteration in VSC between 20-29.9%, 110 would experience alterations between 30-39.9% and the remaining 314 windows would experience alterations in excess of 40%.

Based solely on percentage reductions, the difference between the 'Proposed Development' and the '2016 Consented Development' is that an additional 68 windows will experience further transgressions from the BRE Guidelines.

Given the fact that both the 2FA and OCP sites are located in the Central Activities Zone (a dense Central London urban environment) and that the OCP development is also located within a designated Opportunity Area, there is the potential for such percentage alterations to be disproportionately represented. In consideration of this, weight must also be assigned to the additional VSC reductions that any aperture may experience.

In a central London urban environment (such as that of the 2FA and OCP sites), it is often challenging, if not impossible, to fully adhere to the BRE recommendation of 27% VSC. It is commonly accepted by both the GLA and central London borough councils that to achieve a VSC in the mid-teens should be considered acceptable and that a VSC of 20% or above should be considered good.

The first two (of three) images within Figure 01 below, illustrates a side by side comparison of the retained VSCs against both development scenarios. Both development scenarios clearly demonstrate that from the 23rd floor upwards, all apertures will retain a VSC of at least a mid-teen value or above.

The third image within Figure 01 illustrates the additional VSC reductions to OCP resulting from the Proposed Development beyond those of the '2016 Consented Development'. This image clearly shows that the vast majority of apertures that experience a further reduction, do so marginally with 0-5% VSC change (green & yellow).

Where there are apertures which experience a larger change of +5% VSC (orange & red), these are primarily located on the upper floors (17th Floor and upwards) and on the western position of the site facing elevation. Whilst it is acknowledged that there will be a further reduction in the VSC levels to these windows, it is pertinent to note that the majority of these impacts exist to large corner rooms that have mitigating windows allowing light to enter the room from a second elevation which is largely unobstructed (see Figure 02 below).

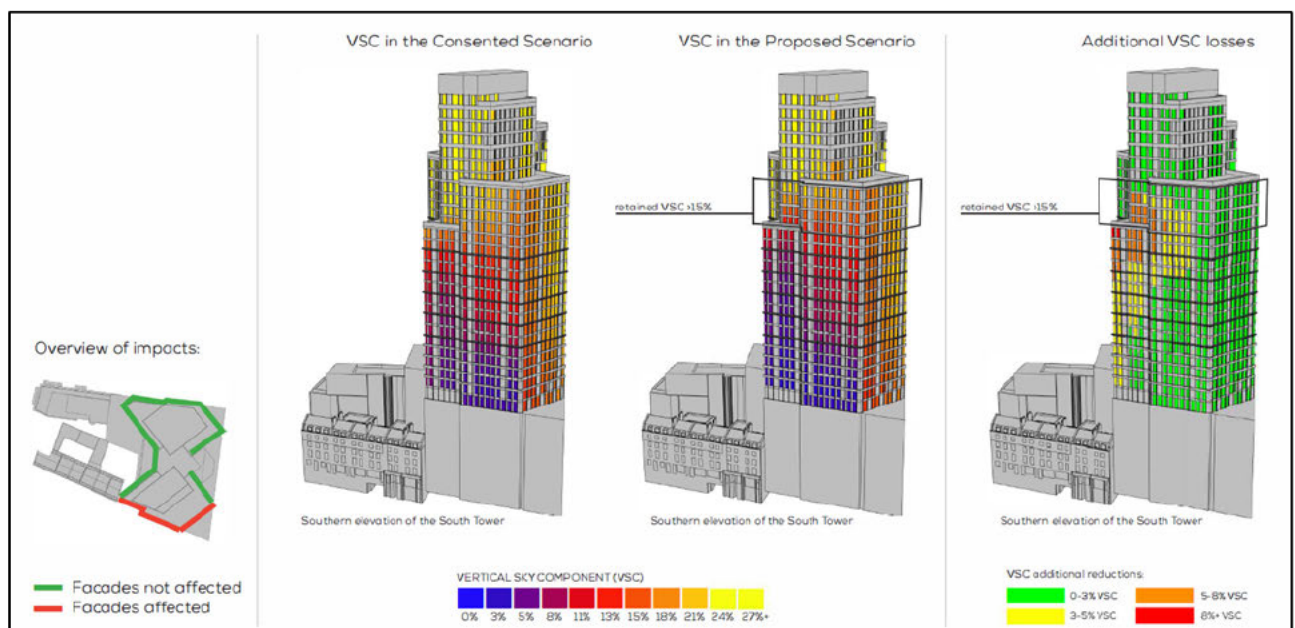


Figure 01 – Retained VSC Comparisons



Figure 02 – Additional VSC losses / Internal Floorplans

No Skyline (NSL)

Proposed Development

When considering the 'Proposed Development' against NSL, GIA have assessed 620 rooms within OCP relevant for assessment. Of these, 563 rooms assessed would meet BRE recommendations. Of the 57 remaining rooms, 4 would experience an alteration in NSL between 20–29.9%, 4 would experience an alteration between 30–39.9% and 49 rooms would experience an alteration in excess of 40%.

'2016 Consented Development'

When the '2016 Consented Development' is assessed using the same daylight methodology, 565 rooms assessed would meet the BRE's criteria. Of the 55 remaining rooms, 5 would experience an alteration in NSL between 20–29.9%, 25 would experience an alteration between 30–39.9% and the remaining 25 rooms would experience an alteration in excess of 40%.

Whilst it is accepted that the 'Proposed Development' will cause further reductions in NSL compared to the '2016 Consented Development', there are only two additional rooms which would experience reductions beyond the BRE Guidelines. Moreover, when these two rooms are examined further, one of the rooms (Room 279) only marginally trips into this category with a 20.4% change (against a 20% BRE target criteria).

Average Daylighting Factor (ADF)

The ADF daylight assessment methodology has been used in the October 2020 ES and the subsequent ES Addendum.

The Environmental Statement submitted in relation to the '2016 Consented Development' also used this daylight assessment methodology because it permitted a 'like for like' assessment in order to understand whether the unoccupied flats within OCP will meet the standards set out within the BRE Guidelines.

Existing Baseline

This is the on-ground today position. In this baseline scenario, 580 of the 620 rooms assessed would meet the recommendations set out within the BRE Guidelines.

Proposed Development

When the 'Proposed Development' is assessed, 499 of the 620 rooms would meet the BRE recommendations.

'2016 Consented Development'

When the '2016 Consented Development' is assessed, 513 of the 620 rooms would meet the BRE Guidelines.

Given that 2 Finsbury Avenue has an extant planning permission in place that is capable of being implemented up until 2024, it is reasonable to compare the effects of the 'Proposed Development' with the effects of the '2016 Consented Development' in addition to the current 'Baseline Condition'. When the 'Proposed Development' is assessed against the '2016 Consented Development', a further 14 rooms will fail to satisfy the BRE Guidelines.

When these 14 rooms are examined further, 12 rooms experience marginal alterations between 0.1 - 0.2% ADF. The remaining two rooms experience a minor reduction of 0.3%. The latter two rooms are considered to serve bedrooms, where there is a lesser expectation for daylight.

Of the 107 rooms which already fall short of the ADF methodology within the '2016 Consented Development', 45 rooms will experience no further reductions within the 'Proposed Development'. 50 rooms will experience a marginal 0.1% ADF reduction, 9 rooms will experience a 0.2% ADF reduction and the remaining 3 rooms will experience a minor reduction of 0.3% ADF.

Sunlight

'Existing Baseline'

This is the on-ground today position. In this baseline scenario, all 176 rooms assessed would meet the APSH recommendations set out within the BRE Guidelines.

'Proposed Development'

When the 'Proposed Development' is assessed, 121 of the 176 rooms would meet the BRE recommendations.

'2016 Consented Development'

When the '2016 Consented Development' is assessed, 144 of the 176 rooms would meet the BRE recommendations.

As per the above, it is reasonable to compare the effects of the 'Proposed Development' against the '2016 Consented Development' as well as against the current 'Baseline Condition'. When the 'Proposed Development' is assessed against the '2016 Consented Development', a further 23 rooms will fail to satisfy the BRE Guidelines for sunlight assessment.

When these 23 rooms are examined further, 13 rooms will experience the required annual probable sunlight hours (APSH) of 25% but fall short due to winter probable sunlight hours (WPSH). Furthermore, the remaining 10 rooms will experience at least 18% APSH which is considered good for a dense central London location.

Of the 32 rooms which already fall short of the sunlight criteria within the '2016 Consented Development';

- 3 rooms will experience a marginal 1% increase in APSH;
- 2 rooms will experience no further change in APSH;
- 9 rooms will experience a retained APSH above 26% but experience 3% WPSH;
- 9 rooms will experience a retained APSH above 20%;
- 7 rooms will experience percentage reductions between 5%-18%; and
- 2 rooms will experience percentage reductions of 24%.

Conclusions

The purpose of this letter is to provide some additional context for the daylight and sunlight impacts that have been reported within the ES Addendum. In reviewing the analysis, the following scenarios have been considered (where applicable):

- Existing Baseline
- Existing Vs 'Proposed Development' and
- Existing Vs '2016 Consented Development' (Planning Ref: 16/00149/FULEIA)

The 'Existing Baseline' is the current 'on the ground' position prior to any redevelopment of the existing 2-3 Finsbury Avenue site. It does however assume that OCP has been fully completed. Unsurprisingly, in this assessment scenario the ADF (daylight) assessment illustrates that 580 of the 620 rooms analysed will satisfy the BRE recommendations. Equally, when the same baseline is assessed against APSH (sunlight), all 176 rooms will adhere to the targets set out within the BRE.

It is accepted that the primary assessment to be undertaken should be that of the 'Proposed Development' against the 'Existing Baseline'. The ES Addendum explains that there will be a 'Major Adverse Effect' on the daylight and sunlight to OCP.

Notwithstanding the above, it is a material consideration that the principle of the '2016 Consented Development' has already been established and so it is pertinent to appreciate and understand the extent to which further effects (if any) on daylight and sunlight may impact OCP as a result of the new development that is now being proposed compared to the development previously granted planning permission. A summary of these findings is presented below;

Daylight

- In relation to VSC, 68 additional windows will experience transgressions from the BRE Guidelines. When the actual percentage change in VSC is reviewed, the vast majority of apertures will experience a marginal VSC change of 0-5%. In the instances where the change is higher than this value, the windows serve mostly open plan L/K/D's located on the western portion of the site facing elevation, where there are several windows and a second (unobstructed) elevation which continues to experience good daylight. Furthermore, from the 23rd storey of the building upwards, the retained values of VSC will be at least 15%, which is widely considered to be an acceptable level of daylight for a central London location, particularly those within designated Opportunity Areas where planning policy seeks to optimise development densities and outputs.
- Whilst it is accepted that the 'Proposed Development' will cause further reductions in NSL compared to the '2016 Consented Development', there are only two additional rooms which would experience reductions beyond the BRE Guidelines. Moreover, when these two rooms are examined further, one of the rooms (Room 279) only marginally trips into this category, with a 20.4% change (against a 20% BRE target criteria).
- When assessed against the ADF methodology, 14 additional rooms demonstrate transgressions beyond the BRE Guidelines compared to the '2016 Consented Development'. Of these 14 rooms, 12 rooms will experience a marginal 0.1% - 0.2% change and the remaining two rooms will experience a minor 0.3% reduction. The latter two rooms serve bedrooms where there is a lesser expectation for daylight.

Sunlight

- An additional 23 rooms will fall short of BRE recommendations for sunlight assessment compared to the '2016 Consented Development'. 13 of these rooms will retain the required 25% APSH and will only fall short of guidance due to WPSH. The remaining 10 rooms will experience at least 18% APSH, with 3% WPSH. Such retained probable sunlight hours should be considered good for a dense urban locality, such as that of the application site.

Overall, the conclusion within the relevant Environmental Statements for both the 'Proposed Development' and the '2016 Consented Development' is that of a 'Major Adverse Effect.' Notwithstanding this, when the Proposed Development is compared against the Consented Development, the daylight and sunlight impacts are not considered to be dissimilar to those already approved, given the nature of the small reductions noted.

Yours sincerely,

Stephen Friel
Senior Partner

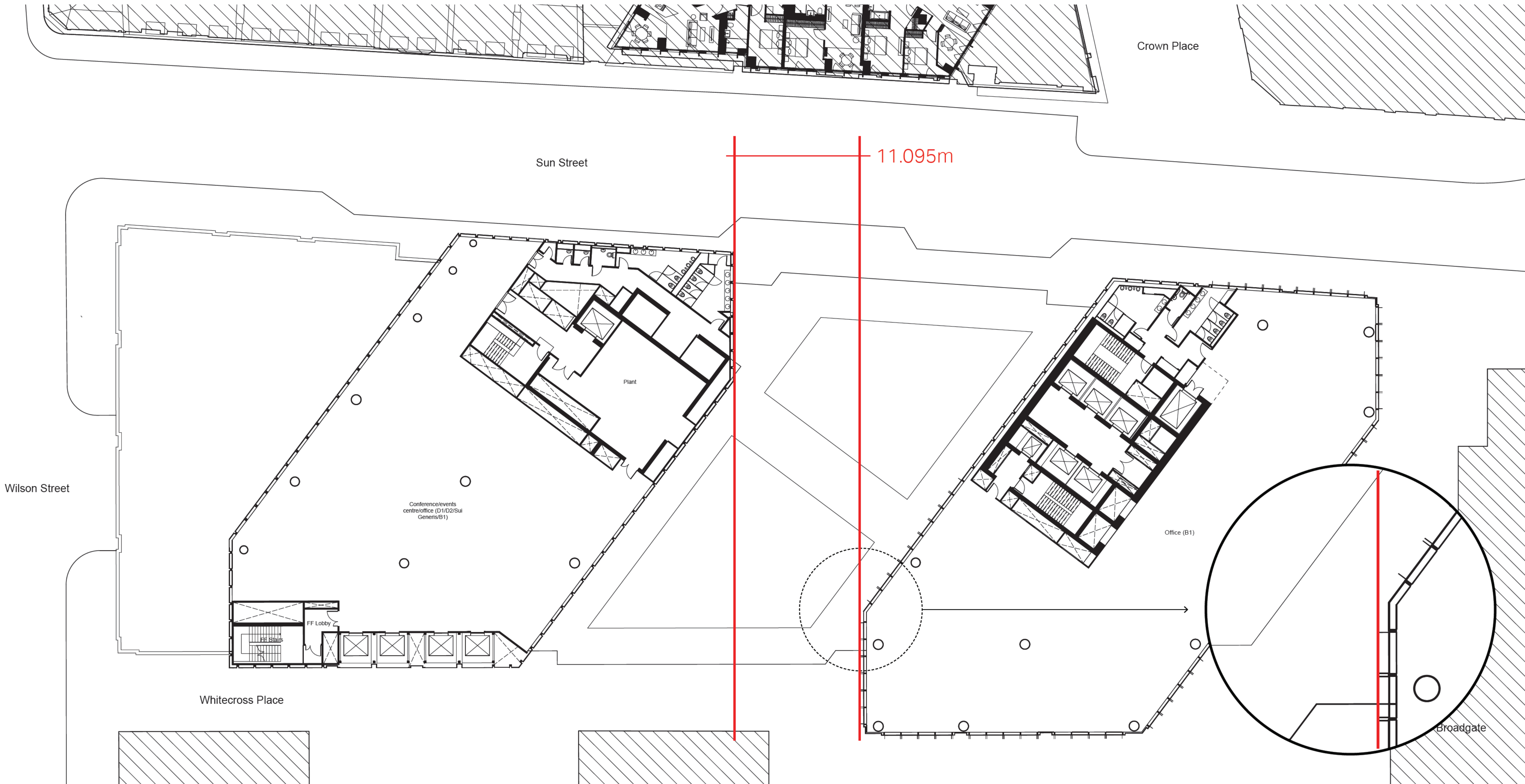




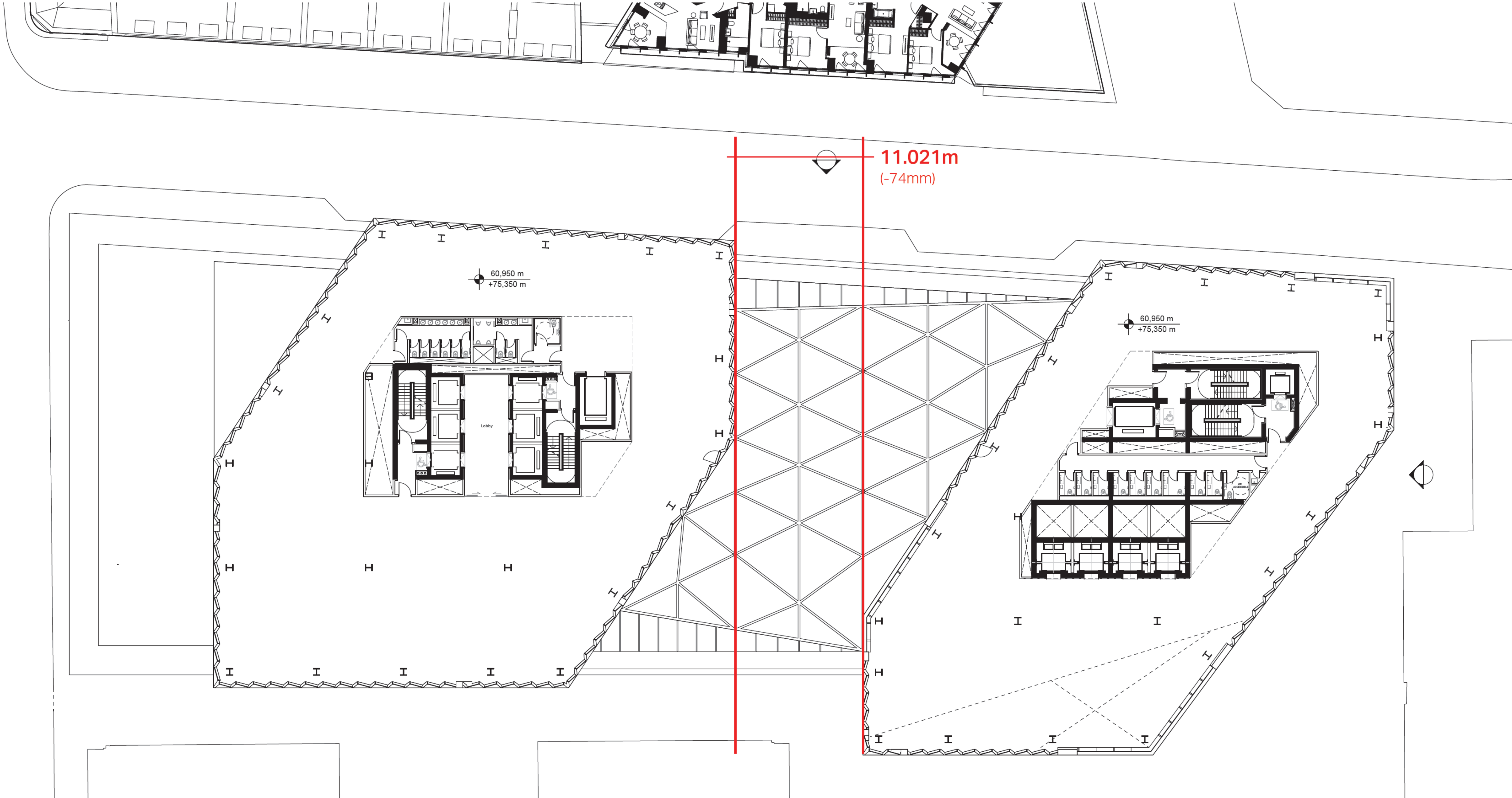
ANNEX 2 –

DRAWINGS ILLUSTRATING THE GAP BETWEEN THE TOWERS

CONSENTED



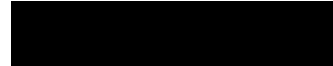
PROPOSED





ANNEX 3 –

TAVERNOR CONSULTANCY REBUTTAL TO TOWNSCAPE, HERITAGE AND VISUAL IMPACT COMMENTS



2 Finsbury Avenue, London, EC2M 2PA – Planning Application Ref: 20/00869/FULEIA

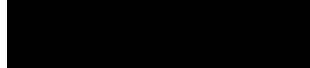
Response to Citydesigner's comments within letter of objection from Forsters LLP (dated 11 Jan 2021) submitted on behalf of AMTD London Development Co Limited, the owners of One Crown Place

Introduction

1.0 This rebuttal by the Tavernor Consultancy has been prepared in response to the specific objections relating to townscape, heritage and visual impact that are raised by Citydesigner in Section 4 and Appendix 2 of the objection letter. Our response focuses on the views and heritage assets that Citydesigner allege would be harmed by the Proposed Development: LVMF views 8A.1 and 9A.1 in relation to the setting of St Paul's Cathedral, and an incidental view 7 of St Paul's Cathedral; and the visual impact on the setting of a listed building and unlisted buildings of merit within the Sun Street Conservation Area, and views in relation to the Finsbury Circus Conservation Area, and Bunhill Field and Finsbury Square Conservation Area.

LVMF view 8A.1 (Westminster Pier) and LVMF view 9A.1 (Richmond Park – King Henry VIII's Mound)

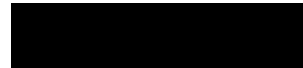
1.1 **Citydesigner objections:** Citydesigner acknowledge that the Proposed Development has been designed in relation to the LVMF view constraints. However, Citydesigner comment, *"The views from Westminster Pier and Richmond Park, however, seem to be pushing unprecedented boundaries, where the proposal becomes the new definition of 'sky edge' to the right and left of the dome respectively, very close to replacing the traditional edge, in the case of the former [Westminster Pier] i.e. the Downstream Shell Building (The White House)."* For



LVMF 8A.1, Citydesigner acknowledge that *“the development is not visible from this specific LVMF view point”* but comment that a broader viewing place should be tested from a position slightly to the left to further explore visibility.

Citydesigner also comment that in the Richmond Park view *“the canyon effect is intensified”* and that the Proposed Development would appear as a *“bigger hard line”* in front of the Broadgate Tower which Citydesigner describe as creating a *“shadow line behind the trees”*.

- 1.2 **Tavernor response:** The Proposed Development has been carefully designed through a long process of detailed visual testing and analysis to ensure that the proposal would not adversely impact on the visibility of St Paul’s Cathedral from these fixed LVMF viewing positions. Whilst it is acknowledged that many townscape views are experienced kinetically and that the visibility of a landmark or the composition of any view may alter as one moves slightly away from a viewing position, it should be noted that LVMF views 8A.1 and 9A.1 are protected Linear Views of St Paul’s Cathedral. These views are, by definition, *“narrow, linear views to a defined object”* (London Plan Policy 7.11), with a ‘linear view’ further described in the London Plan ‘Publication’ version (December 2020) as *“A view in which key landmarks are seen through narrow gaps between buildings or landscaping”*. Linear views are experienced from fixed and established viewing positions/ assessment points, and therefore movement slightly to the left or right of this viewing position is not relevant to the assessment of the impact on this specific LVMF view.
- 1.3 In regard to LVMF 8A.1 from Westminster Pier, the Proposed Development has been carefully designed to respond to the parameters set by this specific LVMF view; the Western Tower would be screened from view by the dome and peristyle of St Paul’s Cathedral and the Eastern Tower by the Whitehouse building to the right. It therefore accords with the LVMF parameters and satisfies London Plan Policy 7.11 and Policy HC4 within the new London Plan ‘Publication’ version (December 2020).
- 1.4 From LVMF 9A.1 (Richmond Park), the Eastern Tower of the Proposed Development would be located well to the left of St Paul’s Cathedral and in line with the silhouette of the existing Broadgate Tower further south. It would not encroach any further towards St Paul’s Cathedral in this view than the Broadgate Tower. During the summer months the Proposed Development would be entirely concealed



by the trees of the avenue. During the winter months there may be some slight visibility of the proposed Eastern Tower, but this would be negligible and visible at a considerable distance. It would not detract from the focal point of the view: St Paul's Cathedral.

- 1.5 We do not agree that the Proposed Development would be visible as a *"bigger hard line"* in LVMF 9A.1, or that it would be detrimental to the setting of St Paul's Cathedral. The neutral colouration of the Proposed Development would ensure that any visual impact would be negligible, and if noticed at all it would be understood as part of and would reinforce the visual frame of the view. It would leave the significance of St Paul's in this view unharmed.
- 1.6 The LVMF Visual Management Guidance for View 9A.1 states that: *"Trees should be pruned in order to preserve the existing narrow view of St Paul's Cathedral, while also obscuring the existing tall buildings in the City of London."* (LVMF SPG, 2012, para 177), and therefore that vegetation in the foreground of the view should be managed to ensure the prominence of the Cathedral is maintained.

View 7 and 7T: Waterloo Bridge: downstream – alongside National Theatre, Telephoto

- 1.7 **Citydesigner objection:** Citydesigner comment that the Proposed Development would cause *"an unacceptable backdrop to the dome much more obtrusively to the already constructed group, which stay clear of the dome, and more obtrusively so than the consented scheme for this site."*, further arguing that: *"Not only does it challenge the supremacy of the cathedral's dome, it exacerbates it by its unsympathetic angular planes."* Citydesigner conclude that this impact *"equates to 'less than substantial harm' at the highest level and could never be balanced by public benefits."*
- 1.8 **Tavernor response:** Citydesigner's comments focus upon the telephoto version of this view. However, as Citydesigner will be aware, the telephoto view is not representative of the standard viewer's experience of this view, which is illustrated appropriately, according to industry standards, in ES Volume 2 (pages 54-55) by use of a standard lens. The telephoto view is provided in addition to the appropriate photographic view in the TVIA only to provide greater clarity – as, in fact, the



relationship between the dome of the cathedral and the Proposed Development will not be clearly evident from this view location and distance.

- 1.9 Also, Citydesigner incorrectly comment that the existing group of tall buildings in the background of St Paul's Cathedral "*stay clear of the dome*". As shown in the 'existing' view in ES Volume 2 (pages 54 and 56), the Broadgate Tower is clearly visible in the background behind part of the dome of St Paul's Cathedral.
- 1.10 The Proposed Development would screen the Broadgate Tower and, whilst appearing taller, it would remain beneath the base of the Cathedral's lantern and it would be in line with the Broadgate Tower and would thus not encroach further into the backdrop of the dome. The proposed muted light colour palette articulated by elegant triangular folds and the well-defined vertical emphasis of the proposed tower would provide an elegant modern contrast to the grey leadwork of the Cathedral dome in its foreground, without appearing visually dominant. The Proposed Development would appear in relation to the existing modern tall buildings in the Cathedral's backdrop and distinctly separate from it.
- 1.11 We believe the Proposed Development would improve on the presence of the existing Broadgate Tower because of the subtle colour contrast. The Proposed Development has been carefully conceived and designed so that it is visible as a distinctly separate and background element in the view, leaving the silhouette of the Cathedral's dome more visually distinct than it is presently. We strongly disagree that the Proposed Development would result in less than substantial harm to St Paul's Cathedral. Indeed, we believe the current view would be enhanced.
- 1.12 It should be emphasised that view 7 is an incidental view and does not carry the weight of the relevant LVMF views from Waterloo Bridge. We note that Citydesigner does not allege any harm to the LVMF views from Waterloo Bridge.

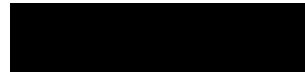
Sun Street Conservation Area

- 1.13 **Citydesigner objection:** Citydesigner describe the Proposed Development in relation to Sun Street as a "*continuous wall*" and that this is "*a dramatically changed setting and one which will overwhelm the 19th century Sun Street terrace, which are locally listed buildings, and the listed Flying Horse Pub on the west corner.*"



Citydesigner further comment that *“In pure streetscape terms, this will not be a pleasant street for users.”*

- 1.14 **Tavernor response:** The base of the Proposed Development has been carefully designed to provide a human scale to Sun Street. At ground floor level the transparent glazing and light-coloured metal window frames would result in a light and open base to the building which would redefine and reactivate the character of the street corner and would draw visitors towards the building. Its rectilinear glazed ground floor elevation would provide a positive street junction building, which would mediate between the greater scale and mass of the Proposed Development beyond, and the lower scale of the traditional brick buildings of the Sun Street Conservation Area. This coupled with the light colouration, transparency and simple modern character of the ground floor would ensure that the historic buildings within the Conservation Area are not over-shadowed by the increase in scale and massing within their setting and that their contribution to the streetscape remains prominent. The architectural detailing and new visual permeability along the street would greatly enhance the pedestrian experience of Sun Street.
- 1.15 The dynamic angled form of the proposed canopy along Sun Street would emphasise human scale and activity – which would become a significant aspect of this locality with the visual and physical permeability into the uses around the base of the Proposed Development. Above the canopy the large transparent glazing of the first floor will highlight the publicly accessible ‘Open Learning Hub’ function within the building and would indicate a clear destination to encourage pedestrian movement into the building, whilst also providing a visual distinction from the massing above and thus further reinforcing the human scale.
- 1.16 The height of the first floor would be similar to the historic terrace on the opposite side of Sun Street thus responding to the scale of the opposite corner to ensure that the Proposed Development does not appear overbearing. Furthermore, given the presence of the existing tall buildings within the OCP development which lie within the boundary of the Sun Street Conservation Area itself and adjacent to the locally listed terrace, we do not agree that the Proposed Development would *“dramatically change”* the setting of these heritage assets, nor result in any harm to their significance. We believe the street experience and relationship with the listed and unlisted buildings of merit along Sun Street would be enhanced.



Finsbury Circus Conservation Area

- 1.17 **Citydesigner objection:** In regard to the axial entrance to Finsbury Circus from the south side, Citydesigner comment that the Proposed Development “*draws undue attention away from this 'gateway' to the Circus. While it is already the case that tall buildings are visible from various viewpoints around the Circus, none are as formal or as dominant. This is an imposition on the introductory views of the set-piece Circus townscape.*”
- 1.18 **Tavernor response:** The Proposed Development would be visible in views from the southern entrance to Finsbury Circus, rising above the Circus buildings. Whilst it would appear closer to Finsbury Circus and taller than OCP, it would be visible as a secondary background element within the view and as a distinct and separate group with OCP, whilst complementing the other distant tall buildings seen to the southeast when advancing from this viewing position around the Circus. The Proposed Development would draw the eye through the space without diminishing the sense of enclosure or withdrawing from the horizontality and visual prominence of the Circus buildings in the foreground. The Proposed Development would not detract from the quality of the view, the viewer’s experience or the established sense of enclosure and it would not harm the significance of the heritage assets. It would form a high-quality addition to the background skyline, urban layering and wider setting of Finsbury Circus which is already defined by tall buildings.

Bunhill Field and Finsbury Square Conservation Area

- 1.19 **Citydesigner objection:** “*In views from Finsbury Square the building will present as a very large lumpen scale, with its west elevation and combination of large triangular forms, cumulatively overpowering the southern half of the Square. While it is recognised as a 'modern' square, the public enjoyment of the space will be diminished by the over bulky and dominant nature of the proposal.*”
- 1.20 **Tavernor response:** The vertical emphasis of the Proposed Development would act as a strong counterpoint to the horizontal character of the foreground buildings surrounding the Square, ensuring and reinforcing the visual prominence and



hierarchy of the Square and its surrounding buildings, as opposed to “*overpowering*” them. Views throughout Finsbury Square in all directions are defined by tall buildings which form the backdrop to the Square and define its setting. The dynamic architectural design of the Proposed Development would contribute positively to the modern character of the Square’s setting, marking the northern gateway into the City (and the Broadgate Campus) and enhancing the point at which the Borough boundaries of the City, Hackney and Islington meet.

- 1.21 The Proposed Development is set-back from Finsbury Square and the foreground buildings would remain visually prominent and it would therefore not appear as “*over bulky and dominant*”. The podium roof terrace of the proposed Western Tower would be visible broadly in line with the roofline of 33 Finsbury Square. This would add significant urban greening and visual interest to the view, whilst also responding successfully to the roofline of the foreground buildings. The high-quality and dynamic architectural design of the Proposed Development, together with the urban greening at terrace level, would enhance the overall character of the view and the public enjoyment of Finsbury Square.

Final Conclusions regarding the specific objections relating to townscape, heritage and visual impact that are raised by Citydesigner

- 1.22 In conclusion, we do not accept that the Proposed Development would harm LVMF views 8A.1 and 9A.1 in relation to the setting of St Paul’s Cathedral, the incidental TVIA view 7 of St Paul’s Cathedral, the visual impact on the setting of a listed building and unlisted buildings of merit within the Sun Street Conservation Area, nor the views in relation to the Finsbury Circus Conservation Area, and Bunhill Field and Finsbury Square Conservation Area. We strongly believe that the Proposed Development is a very skilful response to the specific constraints and opportunities of the Site and locality, which would be enhanced generally and the relevant heritage assets left unharmed.

Tavernor Consultancy
20 January 2021

GREATER **LONDON** AUTHORITY

Good Growth

Liam Hart
Senior Planning Officer
Development Division
Department of the Built Environment
City of London
PO Box 270, Guildhall
London EC2P 2EJ

Our ref: 2020/6825/S1
Your ref: 20/00869/FULEIA
Date: 25 January 2021

By Email

Dear Liam

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008

2-3 Finsbury Avenue, London EC2M 2PF

Local Planning Authority reference: 20/00869/FULEIA

I refer to the copy of the above planning application, which was received from you on 25 November 2020. On 25 January 2021 the Mayor considered a report on this proposal, reference 2020/6825/S1. 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.

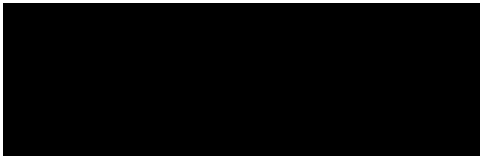
The Mayor considers that the application does not yet comply with the London Plan and the Publication London Plan for the reasons set out in paragraph 62 of the above-mentioned report; but that the possible remedies set out in that report could address these deficiencies.

The application represents EIA development for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations. The environmental information made available to date has been taken into consideration in formulating these comments.

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; or issue a direction under Article 7 that he is to act as the local planning authority for the purpose of determining the application and any connected application. You should therefore send the Mayor 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 Emily Hindle, email **v_EmllyHindle@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, MHCLG
 Lucinda Turner, TfL
 Mike Worthington, DP9 Ltd, 100 Pall Mall, London SW1Y 5NQ

2-3 Finsbury Avenue

Local Planning Authority: City of London
local planning authority reference: 20/00869/FULEIA

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 the existing buildings and construction of a new building arranged over three basement levels, ground and 37 upper floors to provide an office-led, mixed use development comprising 106,615 sq.m. (GIA) of commercial floorspace including office (Class E), drinking establishment uses (Sui Generis), learning and non-residential institutions uses (Class F1); and the creation of a new pedestrian route through the site at ground floor level, hard and soft landscaping works and outdoor seating.

The applicant

The applicant is **Bluebutton Properties UK Limited** and the architect is **3XN Architects**.

Strategic issues summary

Principle of development: Given the proposal's contribution to the strategic functions of the CAZ and provision of publicly accessible space within the building, the principle of development is strongly supported in strategic planning terms in line with London Plan Policies 2.10, 2.11 and 7.7 and Publication London Plan Policies D9, SD4 and SD5, subject to the public's access to the "Open Learning Hub" being robustly secured in the Section 106 agreement (paragraphs 16-20).

Heritage and urban design: The approach to design is broadly supported, with well activated frontages, improved permeability across the Broadgate Campus and height and massing that reflects the emerging cluster of tall buildings around Bishopsgate. The less than substantial harm that would be caused to historic assets would be outweighed by the public benefits of the scheme (paragraphs 21-39).

Transport: The new pedestrian route should be publicly accessible at all times and secured via the Section 106 agreement, short-stay cycle parking increased and clarification provided in terms of Blue Badge parking. Contributions toward the proposed TfL Cycleway and cycle hire are sought; and, a cycle promotion plan, full delivery and servicing plan and construction logistics plan should be secured by condition (paragraphs 40-53).

Sustainable development: Additional information with respect to connecting to the Citigen network and the provision of photo voltaic is required; the urban greening proposed off-site across the Broadgate Campus should be robustly secured by the Corporation; and, further information on the circular economy is required (paragraphs 54-58).

Recommendation

That City Corporation be advised that whilst the proposal is strongly supported in principle, the application does not currently fully comply with the London Plan and Publication London Plan for the reasons set out in paragraph 62. Where the associated concerns within this report are addressed, the application may comply with the London Plan and Publication London Plan.

Context

1. On 25 November 2020, the Mayor of London received documents from City 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 must provide the Corporation with a statement setting out whether he considers that the application complies with the London Plan and Publication 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.
2. The application is referable under the following Categories of the Schedule to the Order 2008:
 - **Category 1B 1(a):** *“Development (other than development which only comprises the provision of houses, flats, or houses and flats) which comprises or includes the erection of a building or buildings - in the City of London and with a total floorspace of more than 100,000 square metres”*; and,
 - **Category 1C 1(b):** *“Development which comprises or includes the erection of a building of... more than 150 metres high and is in the City of London”*.
3. Once City 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 refusal; take it over for his own determination; or, allow the Corporation to determine it itself.
4. The environmental information for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 has been taken into account in the consideration of this case.
5. The Mayor of London's statement on this case will be made available on the GLA website: www.london.gov.uk.

Site description

6. The 0.49-hectare application site is in the Central Activities Zone (CAZ) and comprises two 1980's commercial office buildings located at the northern end of Finsbury Avenue Square within the Broadgate Estate. The site is also immediately adjacent to the administrative boundaries of the London Boroughs of Hackney and Islington.
7. The site is bounded by Finsbury Avenue Square and 1 Finsbury Avenue to the south, Sun Street to the north and Wilson Street to the west. Finsbury Pavement is the closest part of the Strategic Road Network, and Bishopsgate (A10) lies approximately 400 metres to the east.
8. In terms of nearby heritage assets, the adjacent 1 Finsbury Avenue is Grade II listed with Sun Street Conservation Area opposite the site and the Grade II listed Flying Horse Public House on the north eastern corner of Sun Street and Wilson Street.
9. Liverpool Street Station is within 200 metres of the site and is served by Central, Circle, Hammersmith & City and Metropolitan lines, TfL Rail and national rail

services. Moorgate station is also within 400 metres of the site and provides access to the underground and national rail services. Docklands Light Railway and Waterloo & City line services are within walking distance at Bank station. Liverpool Street will be served by Crossrail, with an additional entrance at Moorgate. There are bus stops on Liverpool Street, Bishopsgate, Finsbury Pavement, Appold Street, Moorgate, Eldon Street and Finsbury Square, providing access to a wide range of bus services. The site therefore achieves a public transport access level (PTAL) of 6b, which represents the highest level of connectivity. A cycle hire docking station is located opposite the site at the junction of Sun Street and Crown Place, where Cycle Superhighway 1 terminates and joins a local east – west cycle route.

Details of this proposal

10. The proposal involves the demolition of the existing buildings and the redevelopment of the site by erection of a building (ground plus 37 storeys, with 3 basement levels), to provide:
 - 83,301 sq.m. (GIA) of office floorspace (Class E);
 - 4,309 sq.m. (GIA) of commercial, business and service uses (Class E);
 - 1,075 sq.m. (GIA) of flexible commercial, business and service uses /drinking establishment uses (Class E/Sui Generis);
 - 2,194 sq.m. (GIA) of learning and non-residential institutions uses (Class F1); and,
 - 15,736 sq.m. (GIA) of ancillary plant, back of house and storage.

Case history

11. GLA officers held pre-application discussions with the applicant on this scheme in July and September 2020 covering issues in relation to principle of development, heritage and urban design, transport, energy, flood risk, sustainable drainage, urban greening and circular economy. The advice notes issued by the GLA indicated that the office-led scheme in the Central Activities Zone would be supported, subject to robustly securing the details and management of the publicly accessible space. Any future planning application also needed to address the issues raised during the pre-application process on tall buildings, heritage and urban design, environment and transport with relevant policies.
12. Prior to this proposal, GLA planning officers met with the applicant team and planning officers from City Corporation to discuss similar proposals for the site in September 2015. A formal application was subsequently received in March 2016 and the former Deputy Mayor, acting under delegated authority, issued the initial consultation response to City Corporation in April 2016. This application sought the demolition of existing buildings and construction of a part 36, part 20, part 13, part 8 storey building to provide office accommodation; flexible retail uses; cafe/restaurant; events space and a publicly accessible roof terrace and associated landscaping (total floor area 85,378 sq.m. GIA). The City Corporation resolved to grant consent in October 2016 and notified the Mayor of London of this decision in August 2017. The Mayor of London on 4 September 2017 advised the Corporation that he was content for it to determine the case itself, subject to any action that the Secretary of State may take. The application was granted consent by the Corporation on 29 March 2018.

Strategic planning issues and relevant policies and guidance

13. 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 2015 City of London Local Plan, and the 2016 London Plan (Consolidated with Alterations since 2011).

14. The following are relevant material considerations:

- National Planning Policy Framework and National Planning Practice Guidance;
- The Report of the Examination in Public of the draft London Plan was published in October 2019, and the Intend to publish London Plan version (December 2019) was subsequently submitted to the Secretary of State. On the 13th March and 10th December 2020, the Secretary of State issued the Mayor with directions under Section 337 of the Greater London Authority Act 1999. On 21st December 2020 the Mayor submitted to the Secretary of State his Publication London Plan with amendments designed to address these directions. This is the most up to date version of the Mayor's London Plan and should be taken into account as a material consideration on the basis described in the NPPF; and,
- Draft City Plan 2036 Proposed Submission (August 2020).

15. The relevant issues and corresponding policies are as follows:

- | | |
|-----------------------------|---|
| • Principle of development | <i>London Plan; Central Activities Zone SPG; London Plan; Culture and Night-Time Economy SPG;</i> |
| • Heritage and urban design | <i>London Plan; Character and Context SPG;</i> |
| • Strategic views | <i>London Plan; LVMF SPG;</i> |
| • Inclusive access | <i>London Plan; Accessible London: achieving an inclusive environment SPG;</i> |
| • Sustainable development | <i>London Plan; Sustainable Design and Construction SPG; Mayor's Environment Strategy; and,</i> |
| • Transport and parking | <i>London Plan; the Mayor's Transport Strategy.</i> |

Principle of development

16. London Plan Policies 2.10 and 2.11 and Policies SD4 and SD5 of the Publication London Plan support the provision of office and retail uses in the Central Activities Zone (CAZ). In addition, London Plan Policy 7.7 and Publication London Plan Policy D9 require tall buildings to incorporate free to enter publicly accessible areas.

17. The site is currently occupied by a building providing 22,462 sq.m. (GIA) of commercial floorspace comprising 21,839 sq.m. (GIA) of office and 623 sq.m. (GIA) of retail. The proposed development would deliver 90,879 sq.m. (GIA) of modern commercial floorspace, including office and non-residential institution uses, which represents uplift of approximately 68,400 sq.m. (GIA). An additional 15,736 sq.m. (GIA) of floorspace is proposed to cover ancillary plant, storage and back of house operations.

18. Unlike the consented scheme, publicly accessible space is not proposed as a viewing area on the upper floor. The proposal opts to employ a novel approach to delivering publicly accessible space via the provision of a highly visible “Open Learning Hub” at ground, first and second floor levels, which dominates the corner of Wilson Street and Sun Street. Outfitted with flexible floorplates, it is envisaged that this space would be used by a diverse range of learning providers, from local non-profit organisations to national institutions and global brands, to deliver formal and informal learning environments geared towards local communities within the City of London (and adjacent boroughs) as well as city workers.
19. Policy D9 of the Publication London Plan states that free-to-enter public space should normally be provided at the top of a prominent tall building, to afford wider views across London. However, in view of the building’s location within the City of London, where there are a number of alternative free-to-enter public spaces at the top of buildings, plus the unique proposition for the public space in this instance, and the prominent location at street level for the proposed community learning hub, officers are of the view that this could provide greater public benefit than a viewing gallery in this instance. This approach to providing publicly accessible space in the building is therefore supported in this case, subject to the details of public access, including access hours and free-of-charge access to the public and a management plan, being fully set out and robustly secured in the Section 106 agreement in order to ensure that the space is fully open and welcoming to the community. These public benefits should be permanently secured.
20. In view of the proposed development’s contribution to the strategic functions of the CAZ and provision of publicly accessible space within the building, the principle of development is strongly supported in strategic planning terms in line with London Plan Policies 2.10, 2.11 and 7.7 and Publication London Plan Policies D9, SD4 and SD5, subject to the public’s access to the “Open Learning Hub” being robustly secured in the Section 106 agreement.

Heritage and urban design

Heritage

21. The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the tests for dealing with heritage assets in planning decisions. In relation to listed buildings, all planning decisions 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 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. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.
22. As set out in paragraph 8 of this report, there are designated heritage assets within the vicinity of the site. The proposal would also be visible from other nearby conservation areas, including the South Shoreditch Conservation Area and the Bunhill Conservation Area. The applicant has submitted a Townscape, Heritage and Visual Impact Assessment (THVIA) in the Environmental Statement Volume 2, which considers the proposal’s impact on heritage assets.

23. Regarding the adjacent 1 Finsbury Avenue, it is recognised that nos. 2-3 Finsbury Avenue make a contribution to the significance of this listed asset given the similarities in terms of design and materiality and for being the work of the same architectural studio, though the buildings are not of high enough design quality to be listed in their own right. The proposed development would clearly alter the existing setting of the listed building. However, it is not considered that the impact would harm its significance, given that the building's significance is derived from its architectural features and quality rather than its setting, which is already dominated by tall and large modern buildings within the City of London.
24. Like the extant scheme the proposed new building would be physically separate from the listed building. The lowest element of the new building would sit to the west and would be viewed in the street frontage adjacent to 1 Finsbury Avenue. Viewpoint 26 (Wilson Street, south – position 1) in the TVHIA demonstrates that the part of the proposed building fronting Wilson Street would be similar in height to the adjacent 1 Finsbury Avenue and the proposal's materiality and colouration would provide a contrasting backdrop for the listed building. This makes 1 Finsbury Avenue, which sits between the proposal and 12 Wilson Street, easily discernible as its architectural elements would be better revealed.
25. In terms of the impact on the nearby listed buildings, conservation areas and the wider historic setting (which is audited within the submitted townscape heritage and visual impact assessment), it is acknowledged that the building would alter the setting of the buildings in the immediate vicinity though it is not considered that the existing building contributes to the historic significance of the setting. The proposal would be seen in conjunction with historic buildings and heritage assets in longer townscape and strategic views, most notably it would be seen prominently in views from Finsbury Square, and would appear above the roofline of listed buildings in Finsbury Circus, which are within the Finsbury Circus Conservation Area. Given that the proposed building would be seen in the background of heritage assets in these views and taking into consideration the existing and emerging tall buildings context that are also visible in these views, any harm caused to the significance or appreciation of the abovementioned historic assets would be less than substantial harm.
26. The NPPF at paragraph 196 makes clear that 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. In keeping with the guidance contained in the NPPF, London Plan Policy 7.8 and Policy HC1 of the Publication London Plan state that development should conserve heritage assets and avoid harm.
27. Having carefully considered the townscape, built heritage and visual impact assessment, and having had special regard to the desirability of preserving the setting of listed buildings, GLA officers are of the view that the less than substantial harm identified in the above previous paragraph in relation to the listed buildings in Finsbury Circus would be clearly outweighed by the public benefits of the scheme, namely the provision of modern office and other commercial floorspace, publicly accessible floorspace targeting nearby residents and city workers and new pedestrian routes leading to improved pedestrian permeability in the vicinity that collectively would contribute to the broader objectives of the CAZ and by extension

London's status as world class city. The proposal would therefore address the requirements of the policies set out above.

Urban design

28. The proposal meets the definition of a tall building as set out Policy D9 of the Publication London Plan, which also makes clear that tall buildings should only be developed in locations identified in local plans as being suitable for such buildings. Policy CS14 of the City Local Plan and Draft City Plan Policy S12 identify areas within the City of London that are considered inappropriate for new tall buildings. The application site does not fall within any of the identified areas and is therefore considered to be a location where a tall building is acceptable in principle, subject to the highest standards of architecture and urban design, as prescribed by Publication London Plan Policy D9 and London Plan Policy 7.7.
29. The height and massing of the proposal is broadly supported. Forming part of an emerging cluster of tall buildings around Bishopsgate, the scheme would appear as a simple, refined expressive form from most views. The taller elements broadly align with the scale of emerging development near to the site, including the 33-storey Crown Place, 50-storey Principal Place and 46-storey Bavaria House. Similar to the consented scheme, the positioning of the tallest element on Finsbury Avenue Square would serve to denote this area of the Broadgate Estate with the potential to contribute towards local way-finding.
30. In terms of layout, the scheme responds positively to its immediate context and exhibits high levels of active frontage, with commercial and business uses, the Open Learning Hub and entrances provided at the ground floor. The proposed development would also significantly improve permeability across the Broadgate Campus, providing easy links to existing and future transport services and public spaces that are nearby.
31. The improved permeability mentioned above involves the creation of a new public route from Finsbury Avenue to Sun Street. The pedestrian network around the building is therefore expected to see increased flows of movement; and, as such, further improvements to the public realm and opportunities for urban greening around the building have been considered. More detailed comments and analysis of this consideration is set out under healthy streets and urban greening later in this report.
32. The façade design, which is influenced by performance and usability of spaces, is supported. The sustainability-driven, circular economy approach to materials is also supported and the façade materials would complement the building's context. The Corporation's planning officers should seek to secure a high quality of design through conditions linked to facade details and additional material specification; and the officers should also consider securing the retention of the architect throughout the build project via the Section 106 to ensure continuity and quality of design within the Broadgate Estate.

London View Management Framework (LVMF)

33. Notwithstanding the site's suitability for a tall building, the development has the potential to impact on strategic views of St. Paul's Cathedral, particularly those from Westminster Pier (Linear View 8A.1), King Henry's Mound (Linear View 9A.1), which the site sits between, as well as the River Prospect from Waterloo Bridge

(River Prospect 15B.2). A wide range of verified view studies are set out in the accompanying THVIA to demonstrate the potential impact on the relevant strategic views, including rendered views of the proposal from LVMF views 15B.1 & 2; and wirelines from LVMF views 8A.1; 9A.1; 10A.1; 11B.2; 13A.1; 13B.1; 16B.1 & 2; 17B.1 & 2.

34. When viewed from the River Prospect 15B.2, the tower will appear in the emerging cluster of tall buildings to the west of St Paul's Cathedral. While the proposals would marginally increase the scale of development closest to the St Paul's this will not negatively impact on the existing clear sky background or the current composition of the view. The dome and western towers remain prominent in the river prospect and therefore the proposals are not considered to adversely affect this strategic view.
35. The tower would not be visible from Linear View 8A.1 from Westminster Pier, thus maintaining the visual frame around the strategic landmark. With regard to King Henry's Mound (Linear View 9A.1), it is also demonstrated that the elements of the proposed building visible in this view would appear as part of the emerging cluster of tall buildings around Bishopsgate and would not detract from the viewer's ability to recognise and appreciate the Cathedral. The proposed building would not be visible in views towards and from the Tower of London World Heritage Site.
36. In relation to River Prospect 11B.2, the THVIA includes an aligned view which looks north-east and captures the existing view from London Bridge towards King William Street (not the LVMF downstream view). In this view, the Grade II* and Grade II listed Fishmonger's Hall and Adelaide House respectively are visible in the middle ground and 68 King William Street, with its dome, in the background. Tall buildings in Bishopsgate are prominent in the view to the right. The proposed building would appear in the background to the left of 68 King William Street; however, this building and the silhouette of its dome would remain perceptible and its contribution to the termination point of this view would remain.
37. The visualisations presented in the THVIA demonstrate that the proposals are compliant with the LVMF and London Plan Policy 7.12. and Publication London Plan Policy HC4.

Fire safety

38. The application is accompanied by a fire safety statement prepared by suitably qualified personnel at OFR Fire and Risk Consultants, which demonstrates how the development would achieve the highest standards of fire safety, including details of construction methods and materials, means of escape, fire safety features and means of access for fire service personnel. This accords with Policy D12 of the Publication London Plan and the measures contained within the statement should be secured via planning condition.

Inclusive access

39. London Plan Policy 7.2 and Policy D5 of the Publication London Plan seek to ensure that proposals achieve the highest standards of accessible and inclusive design. Access routes, entry points, and movement within the building and across the site have been designed to be accessible in line with Publication London Plan Policy D5 and London Plan Policy 7.2. Accessible WC facilities would also be provided in appropriate numbers and locations and the proposed showers at basement would also include accessible shower rooms. A non-gendered shower

and WC is also proposed at basement level and the provision of gender neutral facilities is under consideration. The Corporation should ensure that the surface materials used across the public realm are durable, slip resistant and conducive to wheelchair users and people with walking aids.

Transport

Trip generation and public transport impacts

40. In line with Publication London Plan Policy T4, the applicant has undertaken a trip generation assessment which demonstrates that the proposed scheme is expected to create a minor increase in trips when compared to the existing building and previously consented scheme. In terms of impact on the underground network, an assessment of impact on the station capacity is ordinarily required. Overall, however, it is expected that the increase in demand can be absorbed via active travel and public transport.

Healthy streets and Vision zero

41. The extension of the proposed footway widening along Sun Street and covered publicly accessible pedestrian route through the site between Finsbury Avenue Square and Sun Street would provide additional pedestrian capacity within the Broadgate Campus. This is strongly supported in accordance with Publication London Plan Policies D8, T1, T2 and T3. Access to the new pedestrian route should be available to the public at all times of the day in perpetuity and this should be secured in the S106 agreement.
42. A growth assumption of 18% has been used to assess the pedestrian comfort levels on the surrounding footways. The applicant should provide further justification on this and further explanation of how exactly it has been used within the PCLs' calculation. Notwithstanding, the PCL analysis submitted shows scores of at least B+ expected on local footways in the future baseline 'with proposed development' scenario, which is welcomed. The ATZ Assessment includes key walking routes from the site to local transport stops and stations. The routes assessed, however, do not include the junction of South Place, Eldon Street and Wilson Street. As the junction and adjacent area has been identified as being in need of public realm and safety improvements by the Crossrail Liverpool Street Urban Integration Design Study 2011, crossing facilities and general walking conditions at the junction should be improved in order to support the proposed development and footways widened if possible.
43. A Stage 1 road safety audit (RSA) has been undertaken, which is welcomed. The proposed removal of parking bays should be secured by condition or in the Section 278 agreement. All highway works proposed, secured and eventually delivered should also follow the design guidance in the TfL Streets toolkit and the new TfL cycle route quality criteria.

44. The proposed highway works are supported in accordance with the Mayor's Transport Strategy and Vision Zero Action Plan.

Cycling

45. A cycling promotion plan has been provided in place of a travel plan; this is supported and should be secured by condition and discharged in consultation with TfL. Given the expected increase in demand for TfL Cycle Hire in the local area, a

Section 106 contribution of £220,000 towards the delivery of a new cycle hire station is requested. Similarly, a financial contribution to assist with the timely delivery of a future TfL Cycleway that is proposed to directly serve the site is sought in line with Publication London Plan Policy T5.

Parking

46. The development would be car free; this is welcomed. The applicant should, however, clarify and provide information on the provision of Blue Badge parking.
47. The long-stay cycle parking proposed would meet the minimum standards of the Publication London Plan, which is welcomed. In terms of short-stay cycle parking, only 42 of the 156 spaces required to meet the minimum standards are proposed, with 20 to be provided in the public realm in accordance with the London Cycling Design Standards (LCDS). Additional short-stay cycle parking could be provided across the Broadgate Campus and the applicant should therefore work with City Corporation to ensure compliance with Policy T5. This should be resolved prior to the Mayor's final determination at Stage II and secured as appropriate.
48. All cycle parking should be designed and laid out in accordance with the LCDS. Where two-tier racks are provided, they should have a machinal or pneumatically assisted system for accessing the upper level and the rack itself must allow for double locking. The proposed access to cycle parking is supported; however, the lift should be capable of accommodating adapted cycles for disabled people and reflect the size requirements laid out in the LCDS. The proposed access controls and cycling welfare facilities, including showers and lockers, are supported in accordance with Publication London Plan Policies T1 and T5.

Deliveries and servicing

49. A framework delivery and servicing plan (DSP) has been submitted. To ensure compliance with Policy T7 of the Publication London Plan, a detailed DSP (prepared in line with TfL's latest guidance) is required and should be secured by condition. The proposed access and egress for servicing vehicles is acceptable in line with Policy T7; and the focus on the use of an off-site consolidation centre is strongly supported and should be used wherever possible. The online delivery booking system proposed should be implemented from the outset and the provision of electric vehicle charging points and cargo cycle spaces (within the servicing area) is welcomed.

Construction

50. The application is accompanied by an outline construction logistics plan (CLP); therefore, a full construction logistics plan (CLP) should be submitted in line with TfL guidance. This full CLP should commit to ensuring that all construction vehicles serving the site are part of TfL's Freight Operator Recognition Scheme (FORS). Additionally, in view of the timed traffic restrictions that are temporarily in force along the A10 as part of the Streetspace for London programme, further discussion and consultation with TfL is required prior to the approval of this CLP.
51. The proposed temporary zebra crossing between Wilson Street and Whitecross Place is welcomed and safe routes for walking that are fully accessible for people of all ages and abilities should be provided around the site throughout construction.

52. The applicant should also ensure that all construction vehicle movements are safe and support the Mayor's Vision Zero approach, including the Direct Vision Standard and HGV safety permit for HGVs. Regarding the proposed use of a tower crane, TfL should be consulted on the planned access routes and timing.
53. A staff travel plan will be prepared, which is welcomed. This should be prepared in consultation with TfL

Sustainable development

Energy strategy

54. The applicant has submitted an energy assessment in accordance with London Plan Policy 5.2 and Publication London Plan Policy SI2. An on-site reduction of 491 tonnes of CO₂ per year in regulated emissions compared to a 2013 Building Regulations compliant development is expected, which is equivalent to an overall saving of 47%. The energy strategy is generally compliant with policies; however, the applicant is required to submit a whole lifecycle carbon assessment and additional information with respect to connecting to the Citigen network and the provision of photo voltaic. Full details of the outstanding issues relating to energy have been provided directly to the applicant and the Corporation.

Urban greening

55. Urban greening should be a fundamental element of site and building design, in line with London Plan Policy 5.10 and Publication London Plan Policies G1 and G5. The proposed development includes greening measures such as tree and flower-rich perennial planting and a green wall and achieves an Urban Greening Factor (UGF) score of 0.1. This score is below the 0.3 prescribed under Policy G5 of the Publication London Plan for non-residential developments. A strategy involving the improvement of greening across the entire Broadgate Campus, which is within the ownership of the applicant, has therefore been adopted to address the on-site shortfall. Recognising the urban setting of the site and the inherent constraints, this approach is acceptable subject to the Corporation robustly securing the off-site greening measures.

Sustainable drainage and flood risk

56. As the site is less than 1 hectare in size, is located in Flood Zone 1 and does not incorporate a change of use to a higher vulnerability class, a flood risk assessment (FRA) is not required. In terms of surface water management, rainwater harvesting using sub-surface storage tanks is primary measure proposed along with controlled rainwater discharge to a nearby combined sewer. The rainwater harvested is to be re-used to serve the WCs in the building. Given the highly urbanised character of the location and little to no opportunities for green roofs, raingardens etc, this approach is acceptable in line with London Plan Policy 5.13 and Policy SI3 of the Publication London Plan.
57. Regarding water efficiency, the sustainability statement states that the development would achieve a water reduction of at least 50% through the utilisation of efficient water saving fixtures, fittings and appliances, low-water irrigation system and water metering. This reduction equates to 4 points under the BREEAM water consumption credit and complies with the requirements of Policy 5.15 of the London Plan and Policy SI5 of the Publication London Plan.

Circular economy

58. In accordance with Policy SI7 of the Publication London Plan a circular economy statement has been submitted with the application, which is welcomed. The statement is broadly supported; however, the applicant should demonstrate a commitment to achieving targets for reusing/recycling/recovering, provide a notification of the likely destination of all waste streams (beyond the Materials Recycling Facility) and submit a written confirmation that the destination landfill(s) has/ have the capacity to receive waste. Full details of the outstanding issues relating to the circular economy have been provided directly to the applicant and the Corporation.

Local planning authority's position

59. City Corporation planning officers are currently assessing the application. The application is expected to be considered at a planning committee meeting in February 2020.

Legal considerations

60. 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 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 Corporation under Article 6 of the Order to refuse the application; or, issue a direction under Article 7 of the Order that he is to act as the local planning authority for the purpose of determining the application (and any connected application). There is no obligation at this 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

61. There are no financial considerations at this stage.

Conclusion

62. London Plan and Publication London policies on Central Activities Zone, London View Management Framework, tall buildings, heritage, urban and inclusive design, transport and sustainable development are relevant to this application. Whilst the principle of the development is strongly supported, the application does not fully comply with the London Plan and Publication London Plan. The following changes might, however, lead to the application becoming compliant with the London Plan and Publication London Plan:

- **Principle of development:** Given the proposal's contribution to the strategic functions of the CAZ and provision of publicly accessible space within the building, the principle of development is strongly supported in strategic planning terms in line with London Plan Policies 2.10, 2.11 and 7.7 and Publication London Plan Policies D9, SD4 and SD5, subject to the public's access to the "Open Learning Hub" being robustly secured in the Section 106 agreement.

- **Heritage and urban design:** The approach to design is broadly supported, with well activated frontages, improved permeability across the Broadgate Campus and height and massing that reflects the emerging cluster of tall buildings around Bishopsgate. The less than substantial harm that would be caused to historic assets would be outweighed by the public benefits of the scheme.
- **Transport:** The new pedestrian route should be publicly accessible at all times and secured via the Section 106 agreement, short-stay cycle parking increased and clarification provided in terms of Blue Badge parking. Contributions toward the proposed TfL Cycleway and cycle hire are sought; and, a cycle promotion plan, full delivery and servicing plan and construction logistics plan should be secured by condition.
- **Sustainable development:** Additional information with respect to connecting to the Citigen network and the provision of photo voltaic is required; the urban greening proposed off-site across the Broadgate Campus should be robustly secured by the Corporation; and, further information on the circular economy is required.

For further information, contact GLA Planning Unit (Development Management Team):

Andrew Payne, Senior Strategic Planner (case officer)

email: andrew.payne@london.gov.uk

Katherine Wood, Team Leader – Development Management

email: katherine.wood@london.gov.uk

Allison Flight, Deputy Head of Development Management

email: alison.flight@london.gov.uk

John Finlayson, Head of Development Management

email: john.finlayson@london.gov.uk

Lucinda Turner, Assistant Director of Planning

email: lucinda.turner@london.gov.uk



**2 Finsbury Avenue, London, EC2M 2PA – Planning Application Ref: 20/00869/FULEIA
Tavernor Consultancy Response to the London Borough of Hackney’s objection
(dated 14 Jan 2021)**

Introduction

- 1.0 This rebuttal by the Tavernor Consultancy has been prepared in response to the specific objections relating to townscape, heritage and visual impact that are raised by the London Borough of Hackney (LB Hackney) in their letter to the City of London Corporation dated 14 January 2021. Our response focuses on the heritage assets that LB Hackney allege would be harmed by the Proposed Development: Sun Street Conservation Area, Grade II listed Flying Horse public house and the locally listed buildings at 5-15 Sun Street.

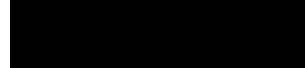
Townscape and Heritage Objections

- 1.1 **LB Hackney objection:** *“The additional bulk, height and scale of the proposed buildings would lead to increased visual dominance over the buildings to the North, and the area in general. This would be particularly harmful to the locally listed buildings at 5-15 Sun Street, the grade II listed Flying Horse PH, and the Sun Street Conservation Area. The proposed development is considered to be visually obtrusive and harmful to the setting of designated and non-designated heritage assets nearby.”*
- 1.2 **Tavernor response:** The Sun Street Conservation Area has been significantly redeveloped in recent times and is now largely characterised by the modern tall buildings of One Crown Place, which includes buildings of 28 and 33-storeys high.



This development has dramatically transformed the character and appearance of the Conservation Area itself, firmly grounding the historic buildings (including the grade II listed Flying Horse PH and the locally listed buildings at 5-15 Sun Street) within a tall buildings context.

- 1.3 The base of the Proposed Development at 2 Finsbury Avenue has been carefully designed to provide a human scale to Sun Street. At ground floor level the transparent glazing and light-coloured metal window frames would result in a light and open base to the building which would redefine and reactivate the character of the street corner and would draw visitors towards the building. Its rectilinear glazed ground floor elevation would provide a positive street junction building, which would mediate between the greater scale and mass of the Proposed Development beyond, and the lower scale of the traditional brick buildings of the Sun Street Conservation Area. This coupled with the light colouration, transparency and simple modern character of the ground floor would ensure that the historic buildings within the Conservation Area are not over-shadowed by the increase in scale and massing within their setting and that their contribution to the streetscape remains prominent. The architectural detailing and new visual permeability along the street would greatly enhance the pedestrian experience of Sun Street.
- 1.3 The dynamic angled form of the proposed canopy along Sun Street would emphasise human scale and activity – which would become a significant aspect of the locality with the visual and physical permeability into the uses around the base of the Proposed Development. Above the canopy the large transparent glazing of the first floor will highlight the publicly accessible 'Open Learning Hub' within the building and would indicate a clear destination to encourage pedestrian movement into the building, whilst also providing a visual distinction from the massing above and thus further reinforcing the human scale.
- 1.4 The height of the proposed first floor would be similar to the historic terrace on the opposite side of Sun Street thus responding to the scale of the opposite corner to ensure that the Proposed Development does not appear overbearing. The proposed taller Eastern Tower would be set-back from the junction and situated further east along Sun Street, closer to One Crown Place, and thus responding to the new tall buildings scale which One Crown Place has introduced to the Conservation Area and immediate townscape. The Proposed Development would have a clear vertical



emphasis which would relate positively to the vertical divisions between the terraced properties across Sun Street. The warm but light colouration of the cladding would respond positively to its surroundings, providing a high-quality and appropriate transition between the bricks of the historic buildings in the foreground and the rich terracotta tones and dark glazing of One Crown Place.

- 1.5 Furthermore, given the presence of the existing tall buildings within the OCP development which lie within the boundary of the Sun Street Conservation Area itself and adjacent to the locally listed terrace, we do not agree that the Proposed Development would *“be visually obtrusive and harmful to the setting of designated and non-designated heritage assets nearby”*. We believe the street experience and relationship with the listed and unlisted buildings of merit along Sun Street would be enhanced. The Proposed Development would not adversely impact on any elements of setting that contribute to the heritage significance of the Sun Street Conservation Area, Grade II listed Flying Horse PH, or the terrace of locally listed buildings. As such, it would have no effect on the heritage significance of these heritage assets, or an ability to appreciate their heritage significance, resulting in no harm.

Final Conclusions regarding the specific objections relating to townscape, heritage and visual impact that are raised by Citydesigner

- 1.6 In conclusion, we do not accept that the Proposed Development would harm the setting or heritage significance of a listed building and unlisted buildings of merit within the Sun Street Conservation Area. We strongly believe that the Proposed Development is a very skilful response to the specific constraints and opportunities of the Site and locality, which would be enhanced generally and the relevant heritage assets left unharmed.

Tavernor Consultancy
20 January 2021

Comments for Planning Application 20/00869/FULEIA

Application Summary

Application Number: 20/00869/FULEIA

Address: 2-3 Finsbury Avenue London EC2M 2PF

Proposal: Demolition of the existing buildings and construction of a new building arranged over three basement levels, ground and 37 upper floors to provide an office-led, mixed use development comprising commercial, business and service uses (Class E), flexible commercial, business and service uses /drinking establishment uses (Class E/Sui Generis); and learning and non-residential institutions uses (Class F1); creation of a new pedestrian route through the site at ground floor level; hard and soft landscaping works; outdoor seating associated with ground level uses and other works incidental to the development.[cr](The development would provide 85,009sq.m GEA of office floorspace (Class E); 4,397sq.m GEA of commercial, business and service uses (Class E); 1,097sq.m of flexible commercial, business and service uses /drinking establishment uses (Class E/Sui Generis); 2,239sq.m GEA of learning and non-residential institutions uses (Class F1); and 16,058sq.m of ancillary plant, back of house and storage; total floorspace 108,800sq.m GEA; overall height 170.290m AOD).[cr]The application is accompanied by an Environmental Statement which is available for inspection with the planning application. Electronic copies of the ES can also be issued by Trium Environmental Consulting LLP; for further details contact hello@triumenv.co.uk or Tel: +44 (0) 203 887 7118.[cr]FURTHER INFORMATION RECEIVED: ES Addendum (relating to daylight, sunlight, overshadowing, light pollution and solar glare).

Case Officer: Liam Hart

Customer Details

Name: Mr Alessio Sancetta

Address: Flat 1, 12A Finsbury Square London

Comment Details

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Other
- Residential Amenity

Comment:The proposal to build a high rise building will change the historical character of Finsbury square as the building will stand out at the back from the rest, being out of proportion.

High rise buildings make surrounding streets unbearably windy. This will be come an issue with the proposed plan.