

## **Background Papers**

### Application Documents

Design and Access Statement, Fletcher Priest Architects, May 2021

Planning Statement, DP9, May 2021

Accommodation Schedule, Fletcher Priest Architects, August 2021

Statement of Community Involvement; DP9/YardNine, May 2021

Energy Strategy Report; Waterman, May 2021

Smart Infrastructure and Utilities Services Report, Waterman, May 2021

Ecological Impact Assessment, Waterman, May 2021

Biodiversity Net Gain Assessment, Waterman, May 2021

Preliminary Environmental Risk Assessment, Waterman, May 2021

Health Impact Assessment, Icen Projects Ltd, May 2021

Equalities Statement, Icen Projects Ltd, May 2021

Acoustic Report, Waterman, May 2021

Air Quality Assessment (and Air Quality Neutral Assessment), Waterman, May 2021

Daylight, Sunlight and Overshadowing Report, Point 2, May 2021

Solar Glare and Light Pollution Report, Point 2, May 2021

Wind Microclimate Assessment, RWDI, May 2021

Outdoor Thermal Comfort Assessment, RWDI, May 2021

Outline Construction Environmental Management Plan including Construction Logistics Plan, Waterman, May 2021

Healthy Streets Transport Assessment, Waterman, May 2021

Framework Travel Plan, Waterman, May 2021

Framework Delivery and Servicing Plan, Waterman, May 2021

Operational Waste Management Strategy, Waterman, May 2021

Flood Risk Assessment, Foul Water Drainage and SUDs Strategy, Waterman, May 2021

Arboricultural Impact Assessment, prepared by Waterman, May 2021

Public House Comparison, Fletcher Priest Architects, July 2021

Archaeological Desk Based Assessment, Waterman, July 2021

Radiance Based Daylight Assessment, Point 2, July 2021

Fire Safety Statement, Sweco UK Ltd, August 2021

Sustainability Statement & BREEAM Pre-Assessment, Waterman, August 2021

Whole Life Carbon Assessment and Circular Economy Statement, Waterman, August 2021

Response to Access Comments, Fletcher Priest Architects, 11/08/2021

Response to TfL Comments, Waterman, 16/08/2021

Existing Plans: FLN-FPA-XX-B1-DR-A-10001, FLN-FPA-XX-GF-DR-A-10002, FLN-FPA-XX-01-DR-A-10003, FLN-FPA-XX-02-DR-A-10004, FLN-FPA-XX-03-DR-A-10005, FLN-FPA-XX-04-DR-A-10006, FLN-FPA-XX-05-DR-A-10007, FLN-FPA-XX-06-DR-A-10008, FLN-FPA-XX-07-DR-A-10009, FLN-FPA-XX-RF-DR-A-10010, FLN-FPA-XX-ZZ-DR-A-11001, FLN-FPA-XX-ZZ-DR-A-11002, FLN-FPA-XX-ZZ-DR-A-11003, FLN-FPA-XX-ZZ-DR-A-11004, FLN-FPA-XX-ZZ-DR-A-12001.

### External

Letter Historic England 02/07/2021

Letter Tower Hamlets 21/07/2021

Letter Bird and Bird Ltd. 26/07/2021 [Objection]

Letter Southwark 30/07/2021

Letter Greenwich 30/07/2021

Letter Greater London Authority 10/08/2021

Emails DP9 21/07/2021, 27/07/2021

### Internal

Email City of London Police 29/06/2021

Memo Lead Local Flood Authority 01/07/2021

Memo Department of Markets and Consumer Protection 09/07/2021

Memo Air Quality Officer 09/07/2021

Memo Access Team 15/07/2021

Memo Contract and Drainage Service 16/07/2021

Memo District Surveyors Office 19/08/2021

Email Cleansing Team 19/08/2021



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EC2P 2EJ

Via Email Only: [Gideon.Stothard@cityoflondon.gov.uk](mailto:Gideon.Stothard@cityoflondon.gov.uk)

Dear Gideon,

**Letter of Objection to the Proposed Development at 100 and 108 Fetter Lane, London, EC4A 1ES  
– Ref. No. 21/00454/FULMAJ**

Bird & Bird LLP wish to lodge a formal objection with respect to the following planning application and proposal for 100 and 108 Fetter Lane, London, within the City of London Corporation.

<b>Application Ref:</b>	21/00454/FULMAJ
<b>Site Address:</b>	100 And 108 Fetter Lane London EC4A 1ES
<b>Proposal:</b>	'Demolition of 100 and 108 Fetter Lane and construction of a new building for office use (Class E) and a public house comprising a basement level, ground, mezzanine and 12 upper storeys plus roof plant level, creation of a new pedestrian route and pocket square at ground level, ancillary cycle parking, servicing, plant and enabling works. [For the avoidance of doubt this application relates to 'Option A' as set out in the application documents. A separate application for 'Option B' is under consideration and is the subject of separate consultation and assessment]'

**Background:**

Bird & Bird LLP lease and administer 12 New Fetter Lane, a 15-storey office building occupying a triangular site opposite to the abovementioned application site. For reference, an extract of the applicants' Design and Access Statement is attached which illustrates the location of the proposed development at 100 and 108 Fetter Lane in relation to 12 New Fetter Lane. Bird & Bird LLP would like to raise a number of objections to the application, based on the planning merits of the scheme.

The basis of this objection is set out below:

**Inappropriate Bulk, Massing and Overshadowing**

Harm to the setting of a Statutorily Listed Heritage Asset

The London Plan Policy HC1 (Heritage conservation and growth) sets out that development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings.

The Local Plan Policy DM 12.1 (Managing change affecting all heritage assets and spaces) states that development will be required to respect the significance, character, scale and amenities of surrounding heritage assets and spaces and their setting.

The Local Plan Policy DM 10.4 (Environmental enhancement) sets out that developments should have regard to the City's heritage, retaining and identifying features that contribute positively to the character and appearance of the City.

In addition, the emerging Local Plan Spatial Strategy 9 states that the City will balance growth with the protection and enhancement of the City's unique heritage assets and open spaces. The emerging Local Plan Strategic Policy S11 (Historic Environment) states that the City's heritage assets, their significance and settings will be positively managed by conserving and enhancing heritage assets and their settings to ensure that the City's townscapes and heritage can be enjoyed for their contribution to quality of life and wellbeing.

Emerging Policy HE1 (Managing Change to Heritage Assets) sets out that development should conserve and enhance the special architectural or historic interest and the significance of heritage assets and their settings.

We object to these proposals on the grounds of harm caused to the setting of a statutorily listed heritage asset. No. 100 and 108 Fetter Lane are within the immediate setting of the Grade II listed former offices of YRM (NHLE: 1242612), designated in November 1995 (amended listing description 2013) for its architectural interest. The listing description describes the setting as:

*'a sensitive integration of a frankly modern office building within an ancient street pattern, relating unusually well both to the narrow alleyways to the north and to the former churchyard with its retained boundary walls and railings to the south.'*

The existing situation sees a single-storey red brick extension to No. 100 Fetter Lane being the closest element of the building to the Grade II listed asset. The proposals seek to demolish the entire building and for the new northern elevation to be a sheer wall of six storeys imposed upon the immediate setting of the listed building. We also consider the proposed new 12-storey building to be excessively tall given its proximity to a designated heritage asset. We consider this to be an inappropriate architectural response that would erode the existing sense of relief surrounding the listed building from the dense urban grain. This would be contrary to paragraph 200 of the National Planning Policy Framework (NPPF, 2021) by not preserving the building's existing setting and we do not assess this to better reveal its significance.

We also consider No. 100 and 108 Fetter Lane to possess heritage interest of their own, and in particular the architectural interest of The White Swan Public House and the polished stone podium level of the existing building. Although not formally included on a Local List by the Local Planning Authority, we believe the existing building merits being considered a non-designated heritage asset that is worthy of retention and that any loss of it would require a balanced judgement, as per paragraph 197 of the NPPF. The buildings were constructed in 1948 by T.P. Bennett & Sons, although the Public House has existed on the site of the current White Swan since the early-19<sup>th</sup> century, and we feel they make a positive contribution to their wider setting and our understanding of the historical development of Fetter Lane.

In light of the above, we consider that this application directly conflicts with London Plan Policy HC1, adopted Local Plan Policies DM 12.1, DM 10.4 and emerging Local Plan Spatial Strategy 9 and Policies S11 and HE1.

#### Loss of Sunlight and Daylight

It is noted that the relevant Building Research Establishment (BRE) Guidance focuses on the effects to residential neighbours with non-residential uses being considered less sensitive. However, the guidance does note that it can be applied to non-domestic buildings although target values are only provided for residential uses. This point needs to be borne in mind in considering the matter further.

Whilst the Applicant's Daylight, Sunlight And Overshadowing Report does not assess the impact of the proposed development on non-domestic properties, Appendix 8 (Transient Overshadowing Analysis Plots) of the report illustrates the location of shadows caused specifically from the proposed development at different times of the day and year. For the purpose of this assessment, the overshadowing was mapped during 21<sup>st</sup> March (Spring Equinox), 21<sup>st</sup> June (Summer Solstice) and 21<sup>st</sup> December (Winter Solstice).

It is clear from this assessment that the proposed development would cause substantial overshadowing on 12 New Fetter Lane, which currently enjoys an open aspect to the West, owing to the shift in townscape character with the lower rise Conservation Area.

There is a plethora of research which has assessed the effects of exposure to natural light in the workplace which have shown that natural light improves the health and productivity of office workers and also improves the monetary value of spaces. This is reflected within both the City of London's adopted and emerging Local Plan, which sets out that appropriate levels of daylight and sunlight is important for the mental health of workers.

As such, it is considered that the proposed development at 100 And 108 Fetter Lane would unduly impact the current sunlight and daylight that 12 New Fetter Lane currently benefits from and would greatly increase the need for artificial lighting within the office environment, leading to an inferior working environment.

#### Light Pollution

Local Plan Policy DM 15.7 (Noise and light pollution) sets out that internal and external lighting should be designed to reduce energy consumption, avoid spillage of light beyond where it is needed and protect the amenity of light-sensitive uses such as housing. This is echoed within the City of London's emerging Local Plan.

Local Plan Policy DM 21.3 (Residential environment) states that the amenity of existing residents within identified residential areas will be protected by resisting other uses which would cause undue noise disturbance, fumes and smells and vehicle or pedestrian movements likely to cause disturbance and requiring new development near existing dwellings to demonstrate adequate mitigation measures to address detrimental impact.

The Applicant's Solar Glare and Light Pollution Report concludes that there is likely to be a noteworthy increase [above existing levels] in the potential light pollution on the bedroom windows of 2 Greystoke Place. The report further sets out that this was expected as the proposed development is both larger and closer than the existing building to 2 Greystoke Place.

As such, it is considered that the proposed development at 100 And 108 Fetter Lane would unduly impact residential amenity currently benefitted by residents of 2 Greystoke Place. This is considered contrary to Local Plan Policy DM 15.7 and DM 21.3.

#### **Summary**

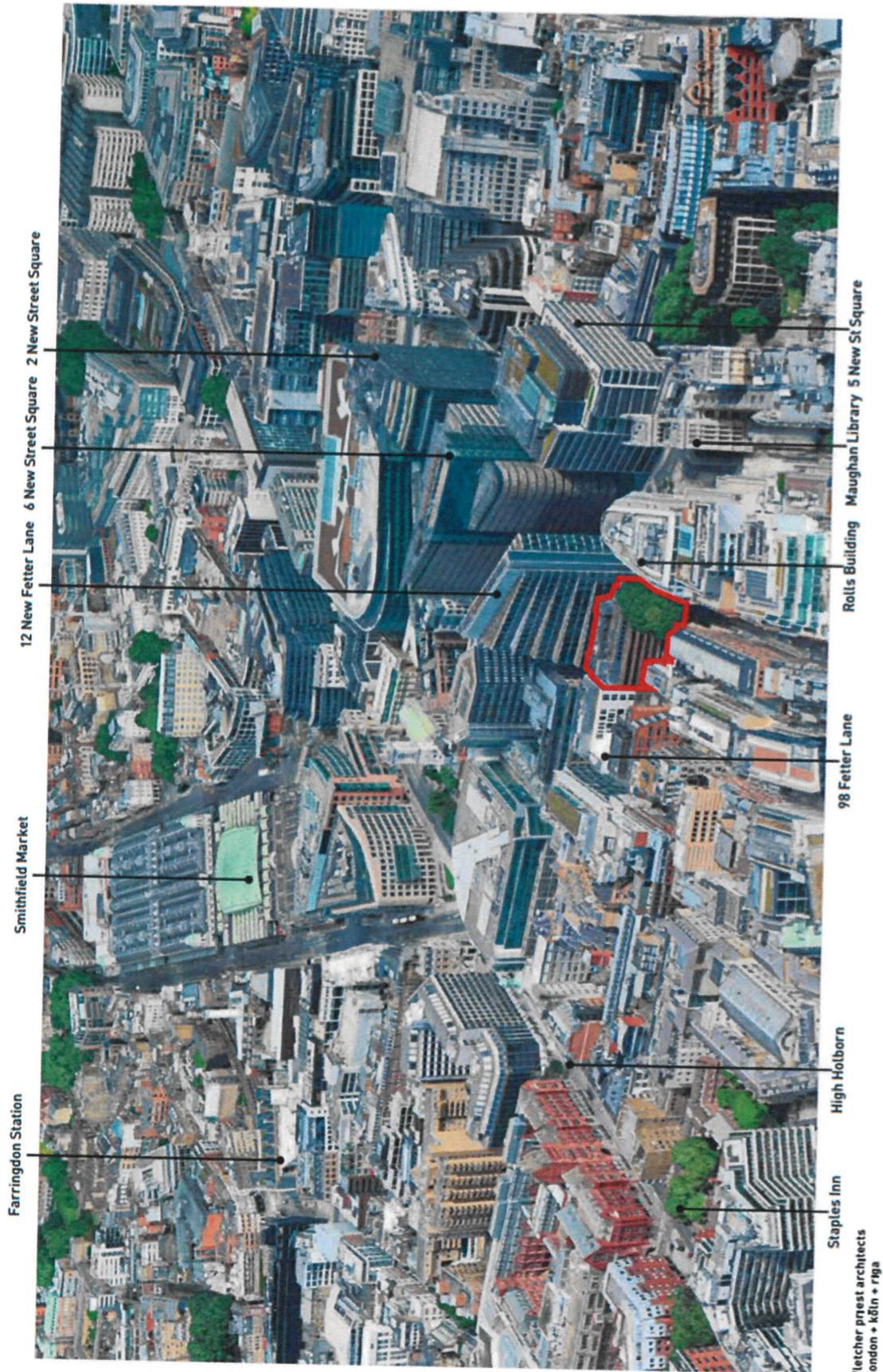
As evidenced in this letter of objection, there are serious shortfalls in the scheme proposed under ref. No. 21/00454/FULMAJ.

Whilst Bird & Bird LLP supports sustainable and well-designed development proposals within the City of London, we object to the current scheme in the strongest terms on the grounds of harm caused to the significance and immediate setting of a statutorily listed heritage asset. The proposed development is considered to be excessively tall given its proximity to this designated heritage asset and is an inappropriate architectural response that would erode the existing sense of relief surrounding the listed building from the dense urban grain. This directly conflicts with adopted and emerging national, regional and local planning policy.

Bird & Bird LLP further objects on the grounds that the proposed development would cause substantial overshadowing on 12 New Fetter Lane, which would impact the mental health of office workers and greatly increase reliance upon artificial lighting, leading to an inferior working environment.

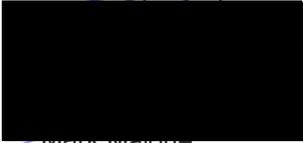
On this basis, we recommend that the City of London refuse this planning application on the grounds that it does not comply with either National, Regional or Local Planning policy. Should any further information be submitted pursuant to the planning application at 100 And 108 Fetter Lane Bird & Bird LLP request that they are informed at all stages, and reserve the right to provide further detailed comments if and when such additional information would become available.

Western View



The above figure was submitted as part of the Design and Access Statement, submitted in support of this application ref.no 21/00454/FULMAJ.

Yours Sincerely



Mark Malone

**Facilities Director**

For and on behalf of Bird & Bird LLP

# 100 And 108 Fetter Lane

Local Planning Authority: City of London  
local planning authority reference: 21/00534/FULMAJ

## Strategic planning application stage 1 referral

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

## The proposal

This report covers two proposals (Option A - 0732 and Option B - 0738) for the same application site.

Option A (0732) - Demolition of 100 and 108 Fetter Lane and construction of a new building for office use (Class E) and a public house comprising a basement level, ground, mezzanine and 12 upper storeys plus roof plant level, creation of a new pedestrian route and pocket square at ground level, ancillary cycle parking, servicing, plant and enabling works.

Option B (0738) - Demolition of 100 Fetter Lane and construction of a new building for office use (Class E) and a flexible commercial unit (Class E(a)(b)(c)(d)), comprising a basement level, ground, mezzanine and 12 upper storeys plus roof plant level, creation of a new pedestrian route and pocket square at ground level, ancillary cycle parking, servicing, plant and enabling works.

## The applicant

The applicant is **BREO Hundred Ltd** and the agent is **DP9**.

## Strategic issues summary

**Land Use Principles:** The site is located in the CAZ and within the City of London which encourages the provision of new office space. The principle of office use is supported. Subject to the assessment by the City of the value of the public house, both options with regards to the re-provision of the public house or retaining it are supported in principle. (Paragraphs 22 – 29).

**Offices:** The City of London is projecting office growth of 1,150,000sqm of office space between 2011-2026. Its proposed submission draft plan 2036 projects 2,000,000 sqm of office space between 2016 and 2036. This proposal will help support this requirement. (Paragraphs 30 – 33).

**Urban Design:** The approach to scale, massing and architecture is supported. The improved public realm increases connectivity and permeability of the area, which is

supported, however the applicant should consider ensuring access is not restricted to certain times of the day. (Paragraphs 34 – 51)

**Heritage:** The scheme is considered to have a positive impact on the setting of the nearby Grade II building. The impact on views, including strategic views, are acceptable. A watching brief during excavation is recommended in relation to archaeology remains. (Paragraphs 52 – 58)

**Transport:** An Active Travel Plan and a contribution of £220,000 for cycle hire is required. Works required should be secured under Section 278 or as part of the Section 106 Agreement. Further consideration is needed in regard to onsite disabled persons parking and short-stay cycle parking. A DSP, CLP and a cycle promotion plan are required. (Paragraphs 59 – 73)

**Sustainable Infrastructure:** Urban greening, biodiversity net gain, flood risk and sustainable drainage comply with policy requirements. Further information is required for energy, circular economy and water efficiency (for Option A). The applicant has provided additional information in relation to points raised for energy, which is currently being reviewed. The Whole Life Carbon Assessment has been re-submitted in the correct format and is currently under review. No information has been provided in relation to digital infrastructure therefore compliance with London Plan Policy SI 6 cannot be determined at this stage. (Paragraphs 74 – 101)

**Environment:** Air quality impacts are generally acceptable. Further clarification is required, and the applicant has provided additional information in relation to points raised. This is currently being reviewed. (Paragraphs 102 – 105)

### **Recommendation**

That City of London Council be advised that whilst the proposal is supported in principle, the application does not fully comply with the London Plan for the reasons set out in paragraph 110. Where the associated concerns within this report are addressed, the application may become acceptable in strategic planning terms.

## Context

1. On 01 July 2021, the Mayor of London received documents from City of London Corporation notifying him of a planning application of potential strategic importance to develop the above site for the above uses. Under the provisions of The Town & Country Planning (Mayor of London) Order 2008, the Mayor must provide the Council with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. The Mayor may also provide other comments. This report sets out information for the Mayor's use in deciding what decision to make.
2. The application is referable under the following Category/categories of the Schedule to the Order 2008:
  - Part 4 - Consultation required by the Secretary of State under article 10 3 of the GDPO
3. Once City of London Corporation has resolved to determine the application, it is required to refer it back to the Mayor for his decision as to whether to direct refusal; or, allow the City to determine it itself. In this case, the City need not refer the application back to the Mayor if it resolves to refuse permission.
4. The Mayor of London's statement on this case will be made available on the City Hall website: [www.london.gov.uk](http://www.london.gov.uk).

## Site description

5. The 0.14 hectare site comprises 100 Fetter Lane, 108 Fetter Lane and Greystoke Place. It is bounded by Fetter Lane to the east, Bream's Buildings to the south, St Dunstan's Gardens and Mac's Place to the west and 98 Fetter Lane to the north.
6. The surrounding area is characterised by large tall steel and glass modern office buildings. To the west, there is more of a mix of uses with a much finer historical grain reflected in the narrow streets and 'passageways' of the Chancery Lane conservation area. Within close proximity there are only three residential properties with two of them not directly visible from the site due to the tight urban fabric.
7. The existing building is not listed, nor is it located within a conservation area. Immediately adjacent to the west of the site, beyond Mac's Place, is No. 2 Greystoke Place (Grade II listed). The Chancery Lane Conservation Area is located nearby to the west and north, with a buffer zone of buildings separating it from the site boundary. The whole of the City is an Archaeological Priority Zone.
8. The site is located within Flood Zone 1 and the entire City of London has been designated an Air Quality Management Area (AQMA).
9. The A201 Farringdon Road is the nearest section of the Transport for London Road Network (TLRN), approximately 300 metres east of the site. The nearest part of the Strategic Road Network (SRN) is A40 High Holborn, 180 metres north.
10. Chancery Lane Station is within 400 metres of the site and is served by Central line services. Farringdon station is also within 500 metres of the site and provides access to Circle, Hammersmith & City, Metropolitan underground lines and Thameslink rail services. From 2022 it will be served by the Elizabeth line. City Thameslink station is located 700 metres to the south east of the site.
11. The nearest bus stops are located on High Holborn, providing access to 5 bus routes.

12. The site therefore achieves a Public Transport Access Level (PTAL) of 6b, where 6b represents the highest level of connectivity

## **Details of this proposal**

13. The application is for the demolition of 100 and 108 Fetter Lane and construction of a new building for office use (Class E), creation of a new pedestrian route and pocket square.

14. The site includes an existing public house at 108 Fetter Lane which is occupied by a third party. Subject to negotiations with the third party, the applicant proposes to demolish the public house alongside 100 Fetter Lane to enable the full redevelopment of the site (Option A). In this option, a new replacement public house will be provided in the north eastern corner of the site. This is the preferred option.

15. In the case the applicant is unable to incorporate 108 Fetter Lane (public house) into the redevelopment, an alternative option (covered in a separate planning application) is proposed to retain the existing pub and build around it (Option B). In this option, a flexible commercial unit (Class E(a)(b)(c)(d)) will be provided in the north eastern corner of the site where, in Option A a new public house would otherwise be sited.

16. Both options are very similar in impacts and are therefore being considered under the same report. Any differences in relation to compliance with London Plan policies are explicitly set out in this report.

## **Case history**

17. There is no strategic planning history for the site.

18. There have been a number of pre application discussions with the City of London although none with the Mayor.

## **Strategic planning issues and relevant policies and guidance**

19. For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan in force for the area comprises the City of London Local Plan (January 2015); and, the London Plan 2021.

20. The following are also relevant material considerations:

- The National Planning Policy Framework and National Planning Practice Guidance;
- Proposed Submission Draft City Plan 2036 (March 2021)

21. The relevant issues, corresponding strategic policies and guidance (supplementary planning guidance (SPG) and London Plan guidance (LPG)), are as follows:

Good Growth

London Plan

World City role	London Plan
Economic development	London Plan; the Mayor's Economic Development Strategy
Central Activity Zone	London Plan
Culture	London Plan; Mayor's Cultural Strategy
Urban design	London Plan; Character and Context SPG; Public London Charter draft LPG; Housing SPG; Play and Informal Recreation SPG; Good Quality Homes for All Londoners draft LPG
Heritage	London Plan
Strategic Views	London Plan; London View Management Framework SPG
Inclusive access	London Plan; Accessible London: achieving an inclusive environment SPG; Public London Charter draft LPG
Sustainable development	London Plan; Circular Economy Statements draft LPG; Whole-life Carbon Assessments draft LPG; 'Be Seen' Energy Monitoring Guidance draft LPG; Mayor's Environment Strategy;
Air quality	London Plan; the Mayor's Environment Strategy; Control of dust and emissions during construction and demolition SPG;
Transport and parking	London Plan; the Mayor's Environment Strategy;
Biodiversity	London Plan; the Mayor's Environment Strategy;

## **Land Use Principles**

### Office

22. The site is within the City of London and Central Activity Zone. London Plan Policy SD4 recognises the CAZ as an internationally and nationally significant office location. London Plan Table 6.1 indicates that the CAZ [and the Northern Isle of Dogs] are projected to accommodate more than 367,000 additional office jobs with a net increase of 3.5 million sqm (GIA) of office floorspace over the period 2016-2041.
23. Policy SD4 states that the nationally and internationally significant office functions of the CAZ should be supported, including the intensification and provision of sufficient space to meet demand for a range of types and sizes of occupier and rental values. This is reinforced by London Plan Policy E1 that also supports the provision of new offices, especially in the CAZ.
24. The proposed development will deliver up to 13,282 sqm GIA of new office floorspace, which is equivalent to a 121% increase of the existing provision.
25. The principle of office use is therefore supported.

### Public House

26. The proposal includes two options. Option A to demolish the existing public house and to re-provide it in the north eastern corner of the site; and option B, to building around the existing pub.
27. London Plan Policy HC7 states that public houses should be protected where they have a heritage, economic, social or cultural value to local communities, or where they contribute to wider policy objectives for town centres, night-time economy areas, Cultural Quarters and Creative Enterprise Zones. Policy HC7 also states that new public houses should be supported where they would stimulate town centres, Cultural Quarters, the night-time economy and mixed-use development.
28. The City should come to a view as to whether the pub has any heritage, economic, social or cultural value. They are advised to contact the Mayor's cultural at risk team for further information. The current condition of the pub alongside the proposal to re-provide it, however, is a material consideration.
29. Subject to negotiations with the third party, the redevelopment of the pub as part of the wider development proposals or its retention within the scheme are both supported in principle.

## **Office and business space**

30. London Plan Policy E1 states that improvements to the quality, flexibility and adaptability of office space of different sizes (for micro, small, medium-sized and larger enterprises) should be supported by new office provision, refurbishment and mixed-use development; and that increases in the current stock of offices should be supported in certain locations [such as the CAZ]. Policy CS1 of the City of London Local Plan 2015 aims to increase the City's office floorspace by 1,150,000sqm between 2011-2026, to provide for an expected growth in workforce of 55,000 workers. The City's Proposed Submission Draft 2036 is currently projecting office

growth in the City of 2,000,000 sqm between 2016 and 2036. This proposal will help support those requirements.

31. London Plan Policy E2 states that development proposals for new B Use Class business floorspace greater than 2,500 sqm (gross external area), should consider the scope to provide a proportion of flexible workspace or smaller units suitable for micro, small and medium-sized enterprises.
32. The proposal is designed to provide both large floor plates, which would be suitable for single large occupiers, as well as locating the core at the side of the building to enable the floorspace to be used flexibly, allowing for floors to be subdivided, providing floorplates ranging from 980 sqm to 480 sqm which will be attractive to SME occupiers
33. In Option B, where the existing pub is retained and a flexible commercial floorspace is provided instead, will also provide opportunity for additional space for a range of potential occupiers.

## **Urban design**

34. Chapter 3 of the London Plan sets out key urban design principles to guide development in London. Design policies in this chapter seek to ensure that development optimises site capacity; is of an appropriate form and scale; responds to local character; achieves the highest standards of architecture, sustainability and inclusive design; enhances the public realm; provides for green infrastructure; and respects the historic environment.

### Optimising development capacity, layout and architecture

35. The application has undergone 7 pre application meetings with the City of London since March 2021 to develop the proposals and refine its design; and there is evidence the applicant has responded positively to these discussions. It is therefore considered the scheme has followed a design-led approach to optimising the development capacity of the site.
36. The layout is generally well considered and the increased permeability around the site with public amenity fronting onto the churchyard is welcomed.
37. The design makes a positive contribution to the streetscape and public realm with clear and well-defined entrances. The attention to detail and quality of materials is also well considered and the simple approach to the building arrangement and its architecture is supported.
38. The location of the pub in either option does not raise any strategic concerns, although Option B which retains the pub in its existing location helps to knit the scheme into the character and scale of the immediate context.

### Scale and massing

39. The City of London Plan 2015 identifies tall buildings as those that significantly exceed the height of their general surroundings with the City of London Local Plan Proposed Submission Draft March 2021 identifying them as over 75m above Ordnance Datum (AOD). The proposed development, at 13 storeys (56.9m AOD), is therefore not considered a tall building.

40. The form and massing have been considered through townscape testing and views analysis and the resulting height/mass sits comfortably with the nearby buildings on Fetter Lane (including the taller no.12 Fetter Lane). GLA officers agree that the development has been designed to respect the sensitivity of its location and acts as a transition in scale from the smaller buildings to the west within the Chancery Lane conservation area and the taller buildings to the south and east.

### Visual Impact

41. The Design and Access Statement (DAS) assessed a total of 6 local townscape views, 4 LVMF views and 2 riparian views, which were identified and agreed by the Council. The DAS only assessed the proposed development in Option A as there was no material effect on the views, except for view 4 (Fetter Lane North), view 5 (Fetter Lane South), and view 7 (Nevill Lane), and in those views, GLA officers agree that the overall effect of the development would be the same for both Option A and Option B.

42. GLA officers agree with the conclusion of the view assessment in the DAS in that, overall, in the local townscape views there is either no impact or in some cases, moderately beneficial impact. Although the DAS concludes in view 1 (along Breams Buildings from the Conservation Area looking East), view 5 (Fetter Lane (South)) and View 07 (Looking West from Nevill Lane), there is a major beneficial impact, GLA officers do not agree with the extent of those conclusions for view 5 and 7 and instead considers the impact more moderately beneficial in those cases.

43. Four LVMF views were agreed; view 5A.2 Greenwich Park, view 15B.2 Waterloo Bridge looking east, view 16B.1 Gabriel's Wharf and view 17B.1 Golden Jubilee Hungerford Footbridge. GLA officers agree with the assessment that in views 15B.2 and 17B.1, there is no impact as the development is not visible behind the existing buildings; and in view 16B.1, the impact is moderately beneficial, contributing to the cluster of existing buildings around New Square.

44. In view 5A,2 Greenwich Park, the site sits within the Background Wider Setting Consultation Area of the Protected Vista. While the overall height of the proposed development exceeds the threshold height of the Background Wider Setting Consultation Area, the proposed building sits behind the existing 6 New Street Square and 12 New Fetter Lane buildings which results in it not being visible. GLA officers therefore agree with the conclusions set out in the DAS that it therefore preserves the definition of the dome and upper parts of the western towers of St Paul's Cathedral in the context of the existing view.

### Public realm

45. London Plan Policy D8 states that development proposals should ensure the public realm is well-designed, safe, accessible, inclusive, attractive, well-connected, related to the local and historic context, easy to understand, service and maintain; and that landscape treatment, planting, street furniture and surface materials should be of good quality, fit-for-purpose, durable and sustainable. London Plan G4 also states that development proposals should, where possible, create areas of publicly accessible open space, particularly in areas of deficiency.

46. The development proposes the creation of a new publicly accessible route from Mac's Place to Bream's Buildings as well as the creation of sunken pocket garden.

In Option A, part of Greystoke Place will be widened, and in both options the building line will be stepped away from St Dunstan's Gardens to create a new pedestrian through-route linking Greystoke Place, Mac's Place and Bream's Buildings. This provides improved connectivity and permeability through the site, which is welcomed.

47. The landscaping is of high quality with a high amount of greenery. The greening and location of the amenity spaces that are accessed via the office positively adds to sense of place and provides an added degree of natural surveillance at certain times of the day. The overall design enhances the amount of active frontage, especially along Fetter Lane and Bream's building as well as opposite for St Dunstan Gardens, which is supported.
48. The pocket square, however, is proposed to be gated between 7pm and 8am. This should be publicly accessible at all times of the day in line with Policy D8 and D5.

#### Fire safety

49. In line with London Plan Policy D12, development proposals must achieve the highest standards of fire safety in relation to the building's construction; means of escape; features which reduce the risk to life; access for fire service personnel and equipment; and ensuring that any potential future modifications to the building will take into account and not compromise the base build fire safety/protection measures.
50. The application is supported by a Fire Safety Statement, however further information is required in relation building's construction and details of materials, means of escape, and confirmation that future modifications will take into account and not compromise the base build fire safety/protection measures set out in the Fire Statement. These measures should be secured as conditions /S106 as appropriate. In addition, the Statement is also required to include a reference to the named individual(s) and their specific qualifications to ensure that it has been prepared by a suitably qualified third party.

#### Inclusive access

51. London Plan Policy D5 requires development proposals to achieve the highest standards of accessible and inclusive design, ensuring they are convenient and welcoming with no disabling barriers, providing independent access without additional undue effort, separation or special treatment; and that buildings are able to be entered, used and exited safely, easily and with dignity for all. The proposals set out a range of features that contribute to inclusiveness and accessibility, including surface level access and treatments, wayfinding, landscaping, wheelchair accessible toilets, hearing loops, lifts, appropriate circulation space, accessible roof terraces, etc.

### **Heritage**

52. London Plan Policy HC1 states that development proposals affecting heritage assets and their settings should conserve their significance and should avoid harm. The Planning (Listed Buildings and Conservation Areas) Act 1990 states that 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".

53. In addition, the NPPF states that when considering the impact of a development 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. Where a proposed development will lead to 'substantial harm' to or total loss of the significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Where a development will lead to 'less than substantial harm', the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. In line with case law, any harm identified must be given considerable importance and weight.
54. The NPPF also states the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
55. The building is not listed nor located in a conservation area and it is not considered to be an undesignated heritage asset. There are two conservation areas close by; Chancery Lane to the west and Fleet Street to the south, as well as a number of listed buildings; primarily 2 Greystoke Place (Grade II) immediately adjacent to the west.
56. GLA officers agree that the proposed design will complement 2 Greystoke Place without trying to compete with it architecturally and is considered an appropriate response to the heritage asset that will preserve its setting, significance and heritage value.
57. The impact on the setting of Chancery Lane Conservation Area Character is also considered less than substantial harm due to the buffer zone of buildings separating the Conservation Area from the site boundary and the stepping up effect towards to tall buildings to the south and east.
58. The whole of the City is an Archaeological Priority Zone. London Plan Policy HC1 states that development proposals should identify assets of archaeological significance and use this information to avoid harm or minimise it through design and appropriate mitigation. The submitted archaeological report concludes that there is low potential of prehistoric, Roman, Saxon/ early medieval, medieval remains, and low to moderate for post medieval remains. All are likely to be of local or regional significance. Due to the construction of the existing basement and the severe levels of truncation relating to previous bomb damage, the report recommends a limited watching brief during excavation below existing foundations levels. This should be conditioned.

## **Transport**

### Trip Generation and Public Transport impacts

59. In line with London Plan Policy T4, the applicant has undertaken a trip generation assessment to evaluate the impacts of the proposed development

on public transport capacity. The assessment concludes that the proposed scheme is expected to create a minor increase in trips when compared to the existing building. As the existing building is mostly vacant, the gross increase in trips should be considered.

60. Overall, it is expected that the increase in demand can be absorbed via active travel and public transport in line with London Plan Policy T4.

### Healthy Streets

61. The pedestrian route from Greystoke Place and Mac's Place to the north and west of the site will be extended by the proposed development to link to Breams Buildings which is strongly supported. Additional footway capacity will also be enabled the junction with Fetter Lane through the proposed chamfered design of the building. Whilst this is supported, the applicant should confirm that footways will be at least 2m wide and that pedestrian comfort levels (PCLs) of at least B+ during the peak periods and are in accordance London Plan Policies D8 and T2. Clarification is required on the new pedestrian route proposed, which should be publicly accessible at all times of day in perpetuity and secured as such.

62. The proposals are not supported by an Active Travel Zone (ATZ) Assessment. This should be undertaken and should consider the quality of key walking routes from the site to local transport stops and stations. The applicant does, however, identify accident data for local routes surrounding the site. This data indicates a potential safety issue at the junction of New Fetter Lane and Bartlett Court to the west and the pedestrian crossing leading to Nevill Lane. In line with the Mayor's Vision Zero ambition, improvements should be considered with the City Corporation and secured through section 278 or 106 as appropriate.

63. Such works would enable the development to support the MTS and Mayor's Vision Zero Action Plan, by designing and helping to deliver a safe, pleasant local walking environment, specifically by improving key pedestrian routes between the site and local bus stops and stations, which would be used by occupiers and visitors to the proposed development.

### Access, parking and servicing

64. There is currently no vehicle access to the site with all deliveries, servicing and refuse collection taking place on street. The constraints of the site mean that the proposed development would also be serviced on street. Whilst the car free element of the scheme is welcomed in this location, an onsite disabled parking space would usually be required. The applicant advises that the City Corporation 'red badge' scheme applies in this area; clarification is required as to the number, location and capacity of spaces.

65. Approximately 14 servicing trips per day are forecast, similar to existing. They will be managed through a Delivery & Servicing Plan that promotes offsite consolidation. This should be secured by condition or through the section 106 agreement to support London Plan Policies T2 and T7(F), which requires new development to reduce road danger from freight trips.

### Cycle Hire

66. There is a Cycle Hire docking station to the north east of the site on New Fetter Lane with 21 docking points. Cycleway 6 extends along Farringdon Road to the east.
67. The proposed development will increase demand for TfL Cycle Hire in the local area. The area already suffers from significant docking station capacity pressure. A contribution of £220,000 for either a new or expanded cycle hire station to cater for the new demand likely to be generated by this development should therefore be secured as part of the S106.

### Cycle Parking

68. The long stay cycle parking proposed would meet the minimum standards of the London Plan, which is welcomed. 28 short stay cycle parking spaces are required in connection with Option A to meet the minimum standards set out in Policy T5 (Cycling). However, only 12 short stay cycle spaces are proposed in the public realm in accordance with the London Cycling Design Standards (LCDS). The remaining short staying parking would be provided in the long stay store. Given the limitations associated with the provision of the new pedestrian route from Mac's Place, this is noted. In line with London Plan Policy T5 D, where it is not possible to provide sufficient short-stay cycle parking on-site, the applicant should work with the City Corporation to identify suitable alternative on-street locations.
69. As stated in London Plan Policy T5 (B), all cycle parking should be designed and laid out in accordance with the LCDS. 3% accessible cycle spaces will be provided from the outset with scope to increase, which is acceptable. 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.
70. Access to cycle parking is proposed from Mac's Place and set out at ground floor. The applicant should ensure that the route from Breams Buildings is step free with crossovers where necessary. End of journey facilities will be provided in accordance with London Plan Policies T1 and T5.

### Managing Travel Demand

71. An outline Construction Environmental Management Plan (CEMP) has been provided. A full Construction Logistics Plan should be submitted in line with TfL guidance and secured by condition.
72. The applicant should ensure all construction vehicle movements are safe and support the Mayor's Vision Zero approach. All construction vehicles should meet the Direct Vision Standard and HGV safety permit for HGVs as part of the Mayor of London's Vision Zero plan to eliminate all deaths and serious injuries on London's transport network by 2041 (see TfL Direct Vision Standards). The full CLP should also commit to all construction vehicles serving the site being part TfL's Freight Operator Recognition Scheme (FORS).
73. Given the context of the location of the site in the City of London, a cycle promotion plan is required and should be secured and monitored through the section 106 agreement. This should set ambitious target for cycling.

## **Sustainable development**

### Energy strategy

74. London Plan Policy SI 2 requires development proposals to reduce carbon dioxide emissions in accordance with the energy hierarchy. Energy comments, which are summarised below, have been provided to the applicant and Council in full under a separate cover. The comments relate to both Option A and Option B which are broadly the same in terms of compliance with GLA energy policy.
75. The applicant has submitted further information in response to the cover note, which is currently being assessed, however the details are set out below until that further assessment is complete. Appropriate conditions will need to be secured by the City accordingly.
76. The applicant should submit the GLA's Carbon Emission Reporting spreadsheet in excel format; this has been developed to allow the use of the updated SAP 10 emission factors alongside the SAP 2012 emission factors.

### Be Lean

77. Based on the information provided, the non-domestic element of the proposed development is estimated to achieve a reduction of 25 tonnes per annum (16%) in regulated CO<sub>2</sub> emissions compared to a 2013 Building Regulations compliant development for option A or 15% for option B. The proposal for Waste Water Heat Recovery system to the shower is supported.

### Overheating

78. The applicant has demonstrated that the actual building's cooling demand is lower than the notional. A mixed-mode ventilation strategy is proposed which is welcomed.

### Be Clean

79. The applicant has identified planned and existing district heating networks within the vicinity of the development but is not proposing to investigate connection. They should contact relevant stakeholders to enquire about the feasibility of connection and whether there are other local heat network connection opportunities. Evidence of the correspondence should be submitted.
80. The applicant is proposing a communal heat network supplied by a centralised energy centre. It should be confirmed that all non-domestic building uses will be connected to the heat network. A drawing showing the route of the heat network linking all buildings/uses on the site should be provided alongside a drawing indicating the floor area, internal layout and location of the energy centre.
81. The applicant should provide a commitment that the development is designed to allow future connection to a district heating network. Drawings demonstrating how the site is to be future-proofed for a connection to a district heating network should be provided. This should include a single point of connection to the district heating network.
82. It appears that VRF heat pumps are proposed for some elements of the proposal. The strategy should maximise the heat loads that will be connected to the communal network and so can be served district heating in future.

### Be Green

83. The applicant proposes 30m<sup>2</sup> innovative louvre PV to suitable areas of the plant enclosure. This is welcomed. Example product details should be submitted to evidence this approach.
84. A detailed roof layout should be provided demonstrating that the roof's potential for a PV installation has been maximised and clearly outlining any constraints to the provision of further PV, such as plant space or solar insolation levels. The applicant is expected to situate PV on any green/brown roof areas using biosolar arrangement and should indicate how PV can be integrated with any amenity areas.
85. The on-site savings from renewable energy technologies should be maximised regardless of the London Plan targets having been met. The applicant should provide the capacity (kWp), total net area (m<sup>2</sup>) and annual output (kWh) of the proposed PV array.
86. Further information on the heat pumps should be provided. Further details are set out in the cover note.

#### Carbon Off-set payment

87. The applicant should confirm the carbon shortfall in tonnes CO<sub>2</sub> and the associated carbon offset payment that will be made to the borough. This should be calculated based on a net-zero carbon target for domestic and non-domestic proposals using the GLA's recommended carbon offset price (£95/tonne) or, where a local price has been set, the City's carbon offset price. This should be secured through the S106 agreement.

#### Post construction monitoring

88. The applicant should review the 'Be seen' energy monitoring guidance to ensure that they are fully aware of the relevant requirements to comply with the 'be seen' policy. A commitment has been provided that the development will be designed to enable post construction monitoring and that the information set out in the 'be seen' guidance is submitted to the GLA's portal at the appropriate reporting stages. This should be secured through the S106 agreement. The first submission of the planning stage data should be provided to the GLA through the be seen planning stage webform at the planning submission stage, alongside the energy statement, or within eight weeks of planning approval.

#### Whole Life Carbon

89. The applicant has submitted a WLC report which shows a complete WLC assessment has been undertaken. However, this was not submitted in the required format. The applicant has now re-submitted and is currently under review. Conditions should be secured requiring the submission of a post-construction assessment to report on the development's actual WLC emissions.

#### Circular Economy

90. The applicant has provided justification as to why the refurbishment of the existing building is not suitable in line with London Plan Policy D3 and SI 7. They have also provided a Circular Economy Statement in line with Policy SI 7, however further information is required in relation to the strategic approach, key commitments, bills of material, recycling and waste reporting, operational waste, plans for implementation and end of life strategy.

91. Detailed comments are set out in full in a cover note that has been sent to the applicant and the City. The applicant should respond to this detailed note to address outstanding issues to ensure compliance with the London Plan in advance of the City's planning committee to ensure that any conditions can be appropriately secured. In addition, a condition should be secured to provide a Post Completion Report.

#### Urban greening

92. London Plan Policy G5 states that a target of 0.3 should be used for predominantly commercial development. Option A achieves a UGF of 0.34 which complies with the target scores set out in the London Plan. Option B has more roof terrace space than Option A and therefore achieves a greater UFG than Option A, also complying with London Plan Policy G5.

#### Biodiversity

93. London Plan Policy G6 states that development proposals should aim to secure net biodiversity gain. The proposal provides a 555.43% increase for habitats at the site which is very welcomed.

#### Flood Risk

94. The Flood Risk Assessment adequately assesses the risk of flooding from fluvial/tidal, pluvial, sewer, groundwater, and reservoir flooding, which is considered to be low. The approach to flood risk management therefore complies with London Plan Policy SI 12.

#### Drainage

95. The drainage strategy provides an assessment of greenfield runoff rates, existing runoff rates, and attenuation storage. The strategy proposes to restrict runoff to 1.3 l/s for the 100 year event plus 40% climate change, which is supported. The drainage strategy proposes to provide the required attenuation within blue roof tanks (33m<sup>3</sup>) and within a basement tank (101m<sup>3</sup>), which doubles-up as an active rainwater harvesting tank.

96. In terms of SuDS, the drainage strategy proposes green roofs and a smart rainwater harvesting system with water to be re-used within the building, which is welcomed. The drainage strategy states that the feasibility of rain gardens would be confirmed at the detailed design stage. Every effort should be made by the design team to incorporate these to provide additional amenity, biodiversity, and water quality benefits.

97. The approach to drainage therefore complies with London Plan Policy SI 13.

#### Water Efficiency

98. The proposed development generally meets the requirements of London Plan Policy SI 5 for the proposed office uses. However, for Option A, the applicant

should confirm that the BREEAM 'Excellent' rating is targeted for Wat01 for the proposed public house.

99. Water efficient fittings, water meters, leak detection systems, and rainwater harvesting for water re-use are proposed for the office uses, which is welcomed.

### Digital Infrastructure

100. London Plan Policy SI 6 requires development proposals to ensure sufficient ducting space for full fibre connectivity infrastructure is provided to all end users within new developments, unless an affordable alternative 1GB/s-capable connection is made available; that expected demand for mobile connectivity generated by the development is met; and that the development proposals take appropriate measures to avoid reducing mobile connectivity in surrounding areas.
101. Currently no details have been provided in relation to digital connectivity and therefore compliance with Policy SI 6 cannot be determined at this stage. The applicant is therefore required to provide further details and the City should ensure that appropriate conditions are secured to comply with Policy SI 6.

## **Environmental issues**

### Air quality

102. The air quality impacts are considered the same for both options. The development is broadly compliant with London Plan air quality policies, although some clarifications and further details are requested.
103. The proposed development is car-free and will utilise air source heat pumps for heating and hot water, so will not have a significant impact on local air quality. The development is also considered air quality neutral.
104. Pollutant concentrations exceed the air quality objectives around the proposed development site, particularly at the kerbside of adjacent roads. The applicant was requested to provide details outlining how good air quality for future occupants of the building will be ensured, e.g. through suitable design of the ventilation system. The applicant is referred to the City of London's Air Quality SPD. Further information has now been submitted which is currently under review.
105. In order to ensure compliance with London Plan policy, the following conditions should be secured. On-site plant and machinery must comply with the London Non-Road Mobile Machinery (NRMM) Low Emission Zone standards for the Central Activities Zone. In addition, measures to control emissions during the construction phase relevant to a high risk site should be written into an Air Quality and Dust Management Plan (AQDMP), or form part of a Construction Environmental Management Plan, in line with the requirements of the Control of Dust and Emissions during Construction and Demolition SPG. The AQDMP should be approved by the LPA and the measures and monitoring protocols implemented throughout the construction phase.

## **Local planning authority's position**

106. City of London Council planning officers are currently assessing the application. The application is expected to be considered at a planning committee meeting in September.

## Legal considerations

107. 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.

108. Unless notified otherwise by the Mayor, the Council 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 Council under Article 6 of the Order to refuse the application. In this case, the Council need not refer the application back to the Mayor if it resolves to refuse permission. 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

109. There are no financial considerations at this stage.

## Conclusion

110. London Plan policies on the CAZ, offices, public houses, urban design, heritage, transport, sustainable infrastructure and environment are relevant to this application. Whilst the proposal is supported in principle, the application does not fully comply with these policies, as summarised below:

- **Land Use Principles:** The site is located in the CAZ and the City of London. The principle of office use is supported. Subject to the assessment by the City of the value of the public house, both options with regards to the re-provision of the public house or retaining it are supported in principle. London Plan Policies SD4, E1 and HC7
- **Urban Design:** The improved public realm increases connectivity and permeability of the area, which is supported, however the applicant should consider ensuring the access is not restricted to certain times of the day. London Plan Policies D8 and D5.
- **Transport:** Further consideration is needed with regards to onsite disabled persons parking and short-stay cycle parking. London Plan Policies T5 and T6.5.
- **Sustainable Infrastructure:** Further information is required in relation to energy, circular economy and water efficiency (for Option A). The applicant has provided additional information in relation to points raised for energy and water efficiency, which is currently being reviewed. The Whole Life Carbon Assessment has been re-submitted and is currently under review. No

information has been provided in relation to digital infrastructure therefore compliance with related London Plan policy cannot be determined at this stage. London Plan Policies SI 2, SI 6 and SI 7.

- **Environment:** Further clarification is required in relation to air quality. The applicant has provided additional information in relation to points raised, which is currently being reviewed. London Plan Policy SI 1.

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