

**Planning & Transportation Committee – 7 September 2021
Addendum for Agenda item 4 and 4a.**

**Planning applications 21/00454/FULMAJ and 21/00534/FULMAJ: 100 And 108
Fetter Lane, London, EC4A 1ES**

1. Letters of Representation

Two additional letters of representation have been received in respect of this application.

Macfarlanes LLP, the occupiers of 98 Fetter Lane, have submitted an objection to the proposals relating to the potential amenity and heritage impacts. Bashar Aboudaoud, the Owner of 2 Greystoke Place, has submitted a letter of support to the proposals.

The representations are summarised in the table below, along with officer responses to the objections raised. The letters are attached to this addendum report and they have been made available to view on the public website.

Representations	
Lichfields on behalf of Macfarlanes LLP	<p>Objects to the proposed scheme.</p> <p>a) [Option A only] The relocated public house would create noise and disturbance to nearby office users, from customers outside the premises, arriving and leaving the premises, and smoking outside, contrary to Local Plan Policies DM3.5 and DM15.7.</p> <p>b) [Option A only] The relocated pub would create noise and disturbance from deliveries and servicing of the premises.</p> <p>c) [Option A only] The public house would give rise to increased anti-social behaviour, particularly along the narrower Greystoke Place, contrary to Local Plan Policies DM3.5 and DM15.7.</p> <p>d) [Option B only] A restaurant located on the corner of Greystoke Place would result in noise and disturbance to nearby office users.</p> <p>e) Consider that the proposed public house use would adversely impact the working environment of existing businesses and as such, would be contrary to policy CS1 which seeks to ensure <i>“additional office development of the highest quality to meet demand from long term employment growth and strengthen the beneficial cluster of activities found in and near the City that contribute to London’s role as the world’s leading international financial and business centre.”</i></p> <p>f) The proposal would result in the overshadowing of the rooftop amenity spaces of 98 Fetter Lane, which are of considerable amenity and well-being value to Macfarlanes and its employees, and would conflict with Local Plan policy DM10.7 and draft City Plan policies DE8 and S1.</p>

	<p>g) The Applicant has failed to adequately consider the potential heritage impacts of the proposals, including on the adjacent Grade II listed 2 Greystoke Place and Chancery Lance Conservation Area.</p> <p>h) The proposals would result in an increase in light pollution to the bedroom windows of 2 Greystoke Place, contrary to Local Plan policy DM15.7 and DM21.3.</p>
<p>Officer Response to Comments</p>	<p>The points raised are addressed in the order details above:</p> <p>a) [Option A only] The proposed public house is not a new use in this location, but is the re-provision of an existing drinking establishment use, of a similar area to the existing, albeit relocated so it is closer to the objectors building. Local Plan policy DM3.5 required proposals for night time entertainment and related uses... A condition is proposed to ensure the proposed public house would not adversely impact the office floorspace through the transmission of noise. In addition, a condition is proposed requiring the submission of an Operational Management Plan for the public house, requiring details of how the unit would be managed to discourage noise, disturbance and anti-social behaviour, manage the dispersal of patrons, and ensure passage through Greystoke Place is kept clear.</p> <p>b) [Option A only] The servicing for the building, including the new public house, would match the existing condition in terms of number of deliveries and the use of on street servicing. The hours of servicing for the proposed scheme would be restricted so that it would not be serviced at peak times (0700-1000, 1200-1400, and 1600-1900) and would not be serviced overnight (2300-0700). It is not considered that the proposed servicing would cause any increase in disturbance that the existing situation.</p> <p>c) [Option A only] It is not considered that the proposed public house would result in increased anti-social behaviour. However, a condition is proposed requiring the submission of an Operational Management Plan for the public house, requiring details of how the unit would be managed to discourage noise, disturbance and anti-social behaviour, manage the dispersal of patrons, and ensure passage through Greystoke Place is kept clear.</p> <p>d) [Option B only] A condition is proposed to ensure the proposed flexible unit would not adversely impact the office floorspace through the transmission of noise.</p> <p>e) Local Plan policy CS1 seeks to ensure the provision of additional office development of the highest quality to meet demand from long term employment growth and strengthen the beneficial cluster of activities found in and near the City that contribute to London's role as the world's leading international</p>

	<p>financial and business centre. Policy DM1.5 encourages the provision of complimentary uses within commercial areas, which are considered to contribute to the City's economy, character and appearance, and provide support services for its businesses, residents, workforce and visitors.</p> <p>The proposed scheme would provide an uplift of 7,178sq.m of high quality office floorspace, and the re-provision of the public house would provide supporting facilities.</p> <p>Conditions are proposed to ensure the proposed pub would not adversely impact the office floorspace through the transmission of noise. In addition, a condition is proposed requiring the submission of an Operational Management Plan for the public house, seeking to protect the amenity of the surrounding area. The proposals are considered to comply with local plan policies CS1 and DM1.5.</p> <p>f) The impact of overshadowing of 98 Fetter Lane roof terraces is addressed within the report at paragraph 311. The 2-hour assessments undertaken on 21 March shows that two rooftop terraces (for office occupiers) are likely to experience a notable effect from the proposed development. The spaces are not in residential use and BRE guidelines recommend that offices are not given the same level protection as for properties in residential use which are as they are more reliant on natural daylight and sunlight. As such the significance of the impact would be reduced and would accord with the BRE guidelines and the development plan.</p> <p>g) An assessment of the impact of the proposed development upon nearby heritage assets can be found at paragraph 99 of the report.</p> <p>h) The impact of light pollution to the residential windows at No 2 Greystoke Place is addressed within the report at paragraph 324.</p>
Bashar Aboudaoud	<p>Supports the proposed scheme.</p> <p>Considers the following aspects would contribute positively to the local area:</p> <ol style="list-style-type: none"> 1. Size – the proposed scheme steps down to the west and in particular toward 2 Greystoke Place. 2. Materials – the proposed scheme uses a mix of interesting and high-quality materials which are appropriate against the setting of 2 Greystoke Place and the wider area. 3. Open Spaces – the proposed scheme provides additional public routes and a new garden element which surrounding occupiers and residents will benefit from. The new open spaces also widen Mac's Place further improving the setting of 2 Greystoke Place. 4. St Dunstan's Gardens – the proposed scheme with its green terraces works well with the adjoining gardens.

	5. Public House – the proposed scheme retains the public house use, an important community asset.
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Additional Background Papers:

Letter Lichfields 27/08/2021

Email Bashar Aboudaoud 31/08/2021

Gideon Stothard
The Department of Built Environment
City of London
PO Box 270
Guildhall
London
EC2P 2EJ

Date: 27 August 2021

Our ref: 63905/01/IAN/ABe/20112401v2

Your ref: 21/00534/FULMAJ and 21/00454/FULMAJ

Dear Gideon

Objection to the proposed development at 100 and 108 Fetter Lane, London, EC4 1ES - Ref. No. 21/00454/FULMAJ and Ref. No. 21/00534/FULMAJ

On behalf of our client, Macfarlanes LLP ('Macfarlanes') we write to object to two full planning applications submitted at 100 and 108 Fetter Lane. The applications submitted by developer BREO Hundred Limited ('the Applicant') comprise:

- *Option A - 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.* (Ref. No: 21/00454/FULMAJ)
- *Option B - 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* (Ref. No: 21/00534/FULMAJ)

Macfarlanes is a law firm that occupies 98 Fetter Lane, immediately adjacent to the development site, as well as other nearby properties. From an initial review of the submission documents, the proposals raise significant issues of potential concern to Macfarlanes. These are outlined within this letter, which is submitted as a holding response. We request 14 days from the date of this letter to consider the application technical submissions in detail. We reserve the right to submit further representations to the application in due course.

Amenity Impacts – relocated public house

Option A, with the relocated public house adjacent to Macfarlanes office entrance at 98 Fetter Lane, is of significant concern. A public house, spilling on to the street will create unacceptable noise and disturbance to office users compromising the working environment. This is even more pressing for a law firm where offices are used beyond the usual 9–5 office hours, including late into the evening.

This issue was raised with the Applicants at pre-application stage. It is disappointing that the comments have not been taken on board.

The Applicant states within the submission that they propose to address these concerns through a combination of careful management and design. Potential options being considered are outlined in the Planning Statement which suggests providing clear demarcation in Greystoke Place to ensure patrons gather within a reasonable distance. It is also noted that it may be possible to further control noise through design measures, such as acoustic treatments to the new soffit over Greystoke Place to help deaden any noise heard outside the premises.

These suggestions for mitigation do not overcome Macfarlanes concerns of a public house in this location. There would still be substantial disturbance to Macfarlanes from customers outside the premises; customers arriving and leaving the premises; customers smoking outside; as well as disturbance from deliveries and servicing of the premises.

In view of the amenity impacts of the relocated pub Option A remains of fundamental concern to Macfarlanes. The relocated public house is incompatible with a professional service business environment and would undermine 98 Fetter Lane's function as a high-quality office location for professional services.

Macfarlanes also has concerns with the public house giving rise to increased anti-social behaviour, particularly along the narrower Greystoke Place.

City of London Local Plan Policy DM3.5 'proposals for night entertainment' requires that no unacceptable impact should arise for amenity for residents and noise sensitive uses. For the reasons outlined above, the proposals would lead to an unacceptable impact on amenity for Macfarlanes and would be contrary to Policy DM3.5.

It is of concern that DP9 state that the pub is not an Asset of Community value so is not protected. However, no mention is given to policy considerations in London Plan Policy HC7 'Protecting public houses'. The Applicant has failed to evidence that the public house is not of heritage, cultural, economic or social value. The London Plan is clear that applications that propose the loss of such premises should be refused, unless there is there is authoritative marketing evidence that demonstrates that there is no realistic prospect of the building being used as a pub in the foreseeable future. The existing public house is a building of merit; and has had an ongoing role in serving the community - so appears capable of being considered as a protected public house.

Amenity Impacts – flexible commercial use

Option B retains the public house in situ, however proposes a flexible commercial use on the corner of Greystoke Place. Macfarlanes objects to a restaurant use in this unit. In line with amenity concerns raised above in respect of noise and disturbance from a public house. A restaurant use adjacent to Macfarlanes premises is similarly of concern and contrary to Policy DM3.5.

Amenity Impacts – noise

Macfarlanes objects to the proposals in terms of noise. The noise impacts of the proposals are in conflict with Policy DM15.7 and emerging Policy HL3 (Noise and Light pollution); and Policy DM3.5 (Night Time Entertainment) and emerging Policy CV4 (Evening and Night-time Economy).

The Applicants Acoustic Report identifies the Macfarlanes' offices at 98 Fetter Lane as a potential sensitive receptor. It is noted in the Report that the public house has been designed to control noise break out from the space. This does not however address concerns of noise from external users of the space, or of patrons coming and going. The Acoustic Report worryingly notes (at Para. 6.6) that noise from a public house (internal and external) is typically 'significantly' above that generated by a café use.

In view of the above, noise impacts are a significant concern to Macfarlanes.

Amenity Impacts – disturbance

Macfarlanes oppose development that will create disturbance to its workers. As noted above, 98 Fetter Lane is often used into the evening. The nature of a legal service practice is that this time is often associated with quiet and focused work reflecting and building cases. This makes it a location which is particularly sensitive to noisy and disturbing uses. There are also concerns with regards to disturbance from anti-social behaviour.

Macfarlanes objects to the proposals in terms of disturbance. The impacts of the proposals are in conflict with Policy DM15.7 and emerging Policy HL3 (Noise and Light pollution); and Policy DM3.5 (Night Time Entertainment) and emerging Policy CV4 (Evening and Night-time Economy).

Economic issues and need for development

DP9 outlines in its Planning Statement the economic benefits associated with the new office development, including creating jobs and contributing to maintaining the City of London's role as a world leading international financial and business centre.

As outlined above, the development adversely impacts of the quality of working environment of existing businesses. As such the benefits presented by DP9 are considered misleading and over-stated.

The Local Plan emphasises the important role of specialist clusters, including legal services which makes up the 'critical mass' of the City as a hub of financial and business services. Quality of the professional working environment play as a key role in why businesses locate in the City.

In view of the detrimental impacts to existing businesses, including law firms in adjacent buildings, the development must be considered in conflict with strategy policy CS1: Offices. This policy seeks to ensure: *"additional office development of the highest quality to meet demand from long term employment growth and strengthen the beneficial cluster of activities found in and near the City that contribute to London's role as the world's leading international financial and business centre."*

Amenity Impacts – Daylight and sunlight

Macfarlanes also objects to the proposals on the basis of daylight and sunlight impacts. The Daylight and sunlight report reviews the commercial roof top amenity spaces to 98 Fetter Lane. The 2-hour assessments undertaken on 21 March show that both spaces are likely to experience a reduction beyond the BRE guidelines. The report states that given the spaces are not of residential use, and therefore considered to have a lower expectation of sunlight, the significance of the effect can be reduced.

Looking at the results for 98 Fetter Lane the report confirms that the reductions of direct sunlight do not meet the BRE guidelines. The report seeks to downplay this impact and contends that the amenity spaces will still be a pleasant and enjoyable spaces to use throughout the year. For example, during the summer months of May – August, collectively these spaces will continue to be able to enjoy direct sunlight during the typical lunchtime hours of 12pm-2pm.

The rooftop amenity space is of considerable amenity and well-being value to Macfarlanes and its employees. The impacts identified in the Daylight and Sunlight report and are therefore of genuine concern.

The overshadowing affecting Macfarlanes' premises is in conflict with Policy 10.7 'Daylight and Sunlight' draft Policy 'DE8'. The emerging City Plan also acknowledges the importance of access to appropriate levels of daylight and sunlight is important for the mental health of workers and residents. In this regard, the proposals must also be considered in conflict with draft Strategic Policy S1: Healthy and Inclusive City.

Heritage considerations

Macfarlanes also object on the basis that the Applicant has failed to adequately consider the potential heritage impacts of the proposals, including on the adjacent 2 Greystoke Place which is Grade II listed and Chancery Lane Conservation Area (approximately 50m to the east).

As noted in the Planning Statement, London Plan Policy HC1 and Local Plan Policies CS12 and 13 seek to conserve or enhance heritage assets. At Paragraph 6.47 of the Planning Statement DP9 concludes that the proposals are in line with these policies and there will be no harm arising to heritage assets as a result of the proposals.

The NPPF (2021) clearly sets out at Paragraph 194: “... local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.”

It is concerning that the Applicant has not assessed the significance and sensitivity of the heritage assets which could be affected by the development, such that impacts could be understood and these conclusions affirmed.

This assessment should be provided by the Applicant so that the impact on heritage assets can be properly understood.

Amenity Impacts – Light Pollution

Macfarlanes objects to the light pollution caused by the proposals. The 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 bedroom windows of 2 Greystoke Place.

This is in direct conflict with policies in the Local Plan DM15.7 (Noise and light pollution), which seeks to protect the amenity of light sensitive uses such as housing. It is also contrary to Policy 21.3 (Residential environment) which seeks to protect amenity of existing residents.

Conclusion

In conclusions, an initial review of the proposals has highlighted significant areas of concern with the two planning applications. The matters raised in this letter are important issues which risk undermining the quality of office environment and environs of the area. This letter is submitted as a holding response and we reserve the right to submit further comments.

Should any further information be submitted pursuant to the planning application Macfarlanes requests that they are informed. Please contact my colleague Alison Bembenek or me should you have any queries on the above or wish to discuss our representations further.

Yours sincerely

Ian Anderson
Senior Director

cc Clare Breeze – Macfarlanes LLP

From: [REDACTED]
To: [Depala, Bhakti](#)
Cc: [Stothard, Gideon](#)
Subject: 100 and 108 Fetter Lane
Date: 31 August 2021 11:21:29

THIS IS AN EXTERNAL EMAIL

Letter of Support to Proposed Development at 100 and 108 Fetter Lane – ref 21/00454/FULMAJ

Dear Bhakti Depala and Gideon Stothard

I am the owner of the Grade II listed 2 Greystoke Place building (former YRM offices). The property directly adjoins the proposed scheme at 100 Fetter Lane. Over the last few months the applicant has consulted directly with me and provided an opportunity for me to review and comment on the proposed scheme. Having had the chance to do this I would like to confirm my full support for the scheme being proposed. In particular I feel the following aspects will contribute positively to the local area:

1. Size – the proposed scheme steps down to the west and in particular toward 2 Greystoke Place.
2. Materials – the proposed scheme uses a mix of interesting and high quality materials which are appropriate against the setting of 2 Greystoke Place and the wider area.
3. Open Spaces – the proposed scheme provides additional public routes and a new garden element which surrounding occupiers and residents will benefit from. The new open spaces also widen Mac's Place further improving the setting of 2 Greystoke Place.
4. St Dunstan's Gardens – the proposed scheme with its green terraces works well with the adjoining gardens.
5. Public House – the proposed scheme retains the public house use; an important community asset.

Overall I feel the applicant had worked hard to design an appropriate scheme of a high quality for the location. The proposals work well with the setting of 2 Greystoke Place and the wider area. As such I am in support of the planning application.

Best regards

Bashar Aboudaoud
Owner of 2 Greystoke Place