

Planning & Transportation Committee – 16 November 2021
Addendum for Agenda item 4.

Planning applications 21/00622/FULEIA: 115 - 123 Houndsditch, London, EC3A 7BU

Letters of Representation

1. Three additional letters of representation have been received in respect of this application.
2. Middlesex Estate Residents Association, MSERA, represents the interests of all residents of the Middlesex Street Estate which consists of 234 dwellings surrounding a landscaped podium area, have submitted an objection to the proposals on 5 November 2021.
3. DP9 Planning Consultants, the applicant on behalf of Cutlers Houndsditch Unit Trust, have submitted a response on 9 November 2021 to the formal representation submitted by MSERA.
4. An additional letter of support has been received on 11/11/2021 from the Aldgate Connect Business Improvement District (BID).

Representations	
<p>Middlesex Estate Residents Association, MSERA, dated 05.11.2021</p>	<p>Objection</p> <ol style="list-style-type: none"> 1. The detrimental impact of the mass and height of the proposed development on the daylight and sunlight enjoyed by residents in their properties and the reduction of amenity value of play spaces and other areas. This is exemplified in the overshadowing modelling output for June 21st at 5pm included in the application. 2. The loss of the public realm of Clothier Street implicit in this application. <p>References made to Planning Policies.</p> <ul style="list-style-type: none"> • Core Strategic Policy CS8: Aldgate • Policy DM 10.7 Daylight and sunlight • Core Strategic Policy CS19: Open Spaces and Recreation • Policy DM19.4 Play areas and facilities • Core Strategic Policy CS21: Housing • Policy DM 21.3 Residential environment London Plan 2021 • Policy D9 Tall buildings

	<p>Officer response to comments: All the comments and policies mentioned in the objection is addressed thoroughly within the committee report, except policies CS8 and DM19.4.</p> <p>The Key City Places are shown indicatively in the Local Plan and do not have defined boundaries. The site is on the edge of the Aldgate Key City Place and Policy CS8 could therefore be relevant to the consideration of the proposed development. The representation from MSERA refers to parts 2 and 4 of Policy CS8 and to its supporting text at paragraph 3.8.2, as well as Policy DM19.4 which are cited in support of MSERAs concerns regarding the impact of the proposed development on the amenity value of play spaces and other areas and the loss of the public realm of Clothier Street implicit in this application.</p> <p>The impact of the development on the daylight and sunlight enjoyed by residents in their properties and other areas, and the loss of the public realm have already been dealt with in the relevant sections of the report. The aforementioned play areas are located within the Podium area of the Middlesex Street Estate which has been addressed in terms of overshadowing.</p> <p>The proposal is considered to comply with policy DM19.4 and Policy CS8, including its provisions relating to identifying and meeting residents' needs and enhancing the public realm of the Aldgate area for the reasons set out in the report under those headings.</p>
<p>DP9 Planning Consultants, the applicant on behalf of Cutlers Houndsditch Unit Trust, dated 09.11.2021</p>	<p>Responds to MSERA objection.</p> <p>Covers Daylight / Sunlight / Amenity Effects and loss of Clothier Street</p> <p>Officer response to comments: The comments received respond to the MSERA objection and existing objections mentioned in the report.</p>

<p>Aldgate Connect BID dated 11.11.2021</p>	<p>Support</p> <p>The challenge of Brexit and the pandemic has shown the importance of the City as an economic powerhouse. As representatives of Aldgate's businesses, our sole objective is to provide added value to Aldgate, encouraging economic growth that benefits all.</p> <p>The proposal will create an appealing area, a welcoming area, a protected area and a stronger area.</p>
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Alterations to Report

5. The 18th paragraph of the Summary and paragraph 583 are replaced with the following:

There is one major adverse impact on the landscaped area and pedestrian route on the southwestern side of Devonshire Square, adjacent to Cutler Street in terms of overshadowing. While this is technically considered to be a major impact, the real impact is considered to be modest in nature. It is considered that the proposed development would not materially affect the use of this space. There would be a small number of minor adverse impacts to nearby residential properties, in terms of loss of daylight and sunlight. However, taking into account the BRE Guidance, it is considered that the proposed development would not reduce noticeably the daylight and sunlight available to nearby dwellings and open spaces to unacceptable levels, and would accord with Local Plan policy DM10.7 and Policy DE8 of the draft City Plan 2036.

6. After paragraph 101 insert the following:

1. The existing uses of 123 Houndsditch (Cutlers Exchange) includes two storeys of flexible office (Class E) / educational use (Class F). This was granted planning permission in 2018, which includes a condition that states:
2. In the event that no part of the floorspace on the 4th and 5th floors is occupied for Class D1 purposes the use shall revert to Class B1.
REASON: In order to safeguard the long term use of the premises for Class B1 purposes in accordance with the following policy of the Local Plan: CS1.
3. Local Plan policy DM22.1 seeks to resist the loss of social and community facilities, including educational facilities.
4. The space is currently occupied by Coventry University, and comprises teaching rooms, study space, break out areas and administrative space.
5. The existing use of these two floors is considered to be Class F (previously Class D1) on the basis of the way it is currently used but would revert back to office use (Class E) once the Class F use is ceased. This is reflected in the Officer's report from 2018 that sets out the justification for the loss of

office space on the basis that “the flexibility to revert to offices safeguards the long-term use of this part of the building”.

6. It is clear from the above that the intent of the 2018 permission was to allow the use of the two floors for education use, but also secure their long-term future use as office floorspace. Given that this space can revert back to office use without the need for additional planning permission, it is considered that the proposed development would not result in a net loss of educational floorspace and is therefore in accordance with Local Plan Policy DM22.1. As detailed in the report the proposed development would also provide 238sq.m (GIA) of new community space (Sui Generis) which would also be available for use by education providers.
7. In paragraph 352 the words “Emerging New” are omitted.
8. In paragraph 417, in the first line "86" should read "290" (i.e. to read "282 of the 290 rooms...").
9. In paragraph 427, in the first line, "40%" should read "20%" (i.e. "Six rooms would receive a reduction of greater than 20%").
10. In paragraph 434, in the third to last line "or" should be replaced with "and", and the sentence should read "If as a result of the proposed development an existing garden or amenity area does not meet the guidance and the area which can receive the sun is less than 0.8 times its former value".

Alterations to Conditions

11. Condition 41 is amended to include:

Prior to first occupation details of signage and interpretation to include the history of the site, **and details of the reinstatement of the existing plaques** shall be submitted to and approved in writing by the Local Planning Authority, to include location, materials and fixing details. The signage shall be installed on site in accordance with the approved details and remain in situ for the lifetime of the development.

REASON: In the interest of visual amenity and to maintain the historic and cultural interest of the site in accordance with the following policy of the Local Plan: DM12.1.

Additional Background Papers

Letter MSERA dated 05/11/2021
Letter DP9 dated 09/11/2021
Letter Aldgate BID dated 11/11/2021

MSERA STANCE OBJECTING TO 21/00622/FULEIA

The Middlesex Street Estate Residents' Association. MSERA, represents the interests of all residents of the Middlesex Street Estate which consists of 234 dwellings surrounding a landscaped podium area. The estate was built over 50 years ago and has residents of all ages up to and including 103.

The Middlesex Street Estate is an identified residential area in the Local Plan.

In addition to the objections submitted by individual residents, MSERA is objecting because of:

1. the detrimental impact of the mass and height of the proposed development on the daylight and sunlight enjoyed by residents in their properties and the reduction of amenity value of play spaces and other areas.

This is exemplified in the overshadowing modelling output for June 21st at 5pm included in the application.

2. the loss of the public realm of Clothier Street implicit in this application

DETRIMENTAL IMPACT OF THE MASS AND HEIGHT OF THE PROPOSED DEVELOPMENT

The following are references to the Local Plan which we consider relevant in coming to our conclusion to object to this planning application.

3.7 EASTERN CLUSTER

3.7.3 New tall and large buildings should contribute positively to their surroundings

3.8 ALDGATE

3.8.2 ... The Aldgate area suffers from a lack of publicly accessible open space ...

Core Strategic Policy CS8: Aldgate

To regenerate the amenities and environment of the Aldgate area for businesses, residents, workers, visitors and students, promoting development and investment, by:

2. Identifying and meeting residents' needs, particularly on the Middlesex and Mansell Street Estates, utilising a range of funding sources to:

(ii) maximise opportunities for delivering health, community and educational services and facilities for residents;

(iii) create additional publicly accessible open space and additional accessible play space for children;

4. Enhancing the public realm of the Aldgate area, its streets and spaces and implementing improvement schemes at Middlesex Street and St. Botolph's House. Identifying opportunities for urban greening schemes, congestion and pollution reduction measures, particularly in the vicinity of Sir John Cass School and Middlesex Street and Mansell Street Estates.

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.

3.10.40 The amount of daylight and sunlight received has an important effect on the general amenity of dwellings, the appearance and enjoyment of open spaces and streets, and the energy efficiency of all buildings.

Core Strategic Policy CS19: Open Spaces and Recreation

Policy DM19.4 Play areas and facilities

1. The City Corporation will protect existing play provision and seek additional or enhanced play facilities or space, particularly in areas identified as deficient, by:

3.19.20 Play is essential for the healthy development of children and takes place in both formal and informal spaces. Formal play spaces include areas specifically designed and designated for play. Informal play spaces are those not designated solely for that purpose but which contain features that can be used for imaginative play. The residential estates and the east of the City are areas which are most deficient in play facilities.

3.19.21 Play spaces should be appropriate in terms of size and scale, have natural daylight and sunlight, meet the needs of various age groups, be accessible to children with disabilities and provide for safe and secure environments incorporating natural surveillance.

Core Strategic Policy CS21: Housing

To protect existing housing and amenity and provide additional housing in the City, concentrated in or near identified residential areas

Policy DM 21.3 Residential environment

1. The amenity of existing residents within identified residential areas will be protected by:

requiring new development near existing dwellings to demonstrate adequate mitigation measures to address detrimental impact.

3. All development proposals should be designed to avoid overlooking and seek to protect the privacy, day lighting and sun lighting levels to adjacent residential accommodation.

London Plan 2021

Policy D9 Tall buildings

3a) 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 LOSS OF THE PUBLIC REALM OF CLOTHIER STREET

Clothier Street is part of the City's characteristic pattern of lanes, alleys and courts.

The Residents' Association's position on Clothier Street is that it should be transformed into high value public realm in the way that other similar City spaces have been transformed.

The applicant is offering low value public realm in exchange for Clothier Street; providing wider pavements immediately adjacent to the streets of Houndsditch and Cutler Street with their busy vehicular traffic.

MSERA understands that the subsuming of Clothier Street would be the subject of a separate consultation and approval process.

Roger Way
Chair
MSERA

05/11/2021

9th November 2021

FAO: Mr Liam Hart

Department of the Built Environment
City of London Corporation
PO Box 270
Guildhall
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

BY EMAIL

Dear Mr Hart,

**PLANNING APPLICATION AT 115 - 123 HOUNDSDITCH LONDON EC3A 7BU (21/00622/FULEIA)
RESPONSE TO PUBLIC COMMENTS**

1. On behalf of our client as the Applicant, Cutlers Houndsditch Unit Trust, we are writing in response to the formal representation submitted by the Middlesex Street Estate Residents' Association ('MSERA'), dated 5th November 2021. This response letter should be read alongside our other response to the 22 individual objections submitted by members of the public, dated 28th October 2021. That response covers the topics which the MSERA are objecting to and sets out detailed answers, which are repeated here in places for ease, and which have been the subject of discussions between the Applicant and the MSERA and their representatives over the past 18+ months.
2. This representation from the MSERA objects on two grounds, that the proposed development, due to its *"mass and height"* causes a purported *"detrimental impact ... on the daylight and sunlight enjoyed by residents in their properties and the reduction of amenity value of play spaces and other areas"*. To substantiate this, an overshadowing model / graphic is provided by the MSERA showing impacts at 5pm on 21st June. The second ground is an objection to the *"loss of the public realm of Clothier Street"*. These two grounds are now considered in turn, responding to the detail set out in the MSERA representation.

Daylight / Sunlight / Amenity Effects

3. On this topic, the MSERA representation refers to a series of policies within the development plan (the City of London Local Plan 2015 and the London Plan 2021). The first point that the MSERA makes relates to the responsibility of new development within the defined Eastern Cluster (Local Plan Policy CS7) to *"contribute positively to their surroundings"*. As set out in the application material and again in the letter dated 28th October 2021, the Applicant asserts that the proposed building does contribute in such a way, and that it is in fact one of the most outward looking commercial developments when considered against this policy. This has been achieved through careful contextual analysis in terms of height and mass and a sculpted building that is extensively greened providing a marked improvement to the existing buildings across the site. A key feature of the proposed development is the creation of extensive new public realm around the building which provides a significant 'positive contribution' to this area, for use and enjoyment by those that live in, work in and visit the area. The land uses proposed are also considered to positively contribute with the inclusion of affordable office space for SMEs (specifically local ones), small scale retail uses, including an affordable unit, and a dedicated free to use, two storey community space. The Applicant has worked closely with the MSERA and with City of London ('CoL') planning officers to actively engage with the local community, including the MSERA, to ensure that the proposed development delivers significant benefit to its surroundings in terms of public benefits and is appropriate in terms of any environmental impacts.



4. The MSERA representation refers next to the need to carefully consider the needs of the Aldgate area referencing Local Plan Policy CS8. It is worth noting that the application site does not fit precisely within the Aldgate area as defined indicatively in Policy CS8 (referring to Figure H: Aldgate area). Nevertheless, the points within the policy that are referred to in the MSERA representation have been addressed through other development management policies in the Local Plan (and London Plan) and these are presented in the Planning Statement, and in other specialist documents submitted with the planning application. The MSERA comments refer to a need to *“maximise opportunities for ... community and educational services and facilities for residents”* and *“additional publicly accessible open space”*, as well as *“enhancing the public realm of the Aldgate area”*. The Applicant agrees with these important policy objectives and is of the view that the proposed development directly supports such objectives, alongside the delivery of a wider package of public benefits that directly serve neighbouring residents, specifically the Heat Transfer Offer that sees excess heat from the Applicant’s development provided for free to the Middlesex Street Estate (‘MSE’).
5. The MSERA representation references Local Plan Policy DM10.7 which sets out the requirement that new developments do not *“reduce notably the daylight and sunlight available to nearby dwellings and open spaces to unacceptable levels, taking account of the BRE guidelines”*. The Applicant’s specialist consultant, Point 2, have undertaken extensive assessment of the effects of the proposals as they have evolved, with these results shaping the proposed development in terms of its mass and height (this has been peer reviewed by BRE in terms of scope, methodology and conclusions). The results are captured in the comprehensive Environmental Statement, as well as the additional extensive Radiance analysis of the entire MSE submitted separately to provide a further layer of comfort to residents.
6. The Environmental Statement concludes that the potential effects of the proposed development on the MSE in terms of daylight and sunlight impacts would be at most ‘minor adverse’ (and therefore not significant), and that any impacts on the podium-level amenity space will be in accordance BRE guidance in that the proposed development would have a ‘negligible’ (and not significant) effect in terms of any increase in overshadowing to podium level amenity space. The conclusions from Point 2 set out how this space will continue to be adequately sunlit throughout the year after the proposed development is constructed, should planning permission be granted.
7. The MSERA also comment that, referring to Local Plan Policy 21.3, new development *“should be designed to avoid overlooking and seek to protect the privacy, day lighting and sun lighting levels to adjacent residential accommodation”*. The Applicant’s design team has sought to do this through a variety of means, including the sculpting and setting back of massing, the control of lighting levels in the building and externally and terrace activity and use (with these things being secured by planning condition). As set out in the Design & Access Statement, the proposed development has paid careful attention to its context which includes, most importantly, the residential uses in the neighbouring MSE.
8. The final point that the MSERA make in relation to specific effects on the MSE relates to the identified tests as set out in London Plan Policy D9. This policy relates to Tall Buildings and lends ‘in principle’ support for tall buildings in defined places, such as the application site. The specific development management points referenced in this policy (*“wind, daylight, sunlight penetration and temperature conditions ... enjoyment of open spaces...”*) have all been thoroughly assessed, and the conclusions set out in the application material supporting the acceptability of the proposed development.

Loss of Clothier Street

9. The second ground for the MSERA’s objection relates to the proposed loss of Clothier Street, which would need to be formally ‘stopped up’ should the proposed development be granted planning permission. The MSERA objection is introduced by stating that *“Clothier Street is part of the City’s characteristic pattern of lanes, alleys and courts”*. As set out in the planning application (within the TVBHIA, the Design & Access



Statement and the Archaeology Desk Based work within the Environmental Statement), Clothier Street in its current arrangement and position was only created in the 1980s, and in name since the early 20th Century when it was an east to west cul-de-sac accessible from Cutler Street (West). Clothier Street was created for its current use as a service yard and back of house bin store area off Cutler Street (North), offering limited public value. There exists a narrow pedestrian route, less than 1.5m wide, under the existing building from Clothier Street onto Cutler Street (West), which provides a technical through route, via the service yard, but this 'route' is very low value, has no genuine historic significance and does not follow an historic characteristic street pattern.

10. Contrary to the MSERA comments, the Applicant is firmly of the view that the proposed development delivers a high value public realm wrapping around the proposed building and providing almost 600 sqm of new public space to be used and enjoyed by those living in, working in and visiting the area. Comparing this to the existing condition, including the narrow passage discussed above (the proposed condition results in public realm / pavement widths between 4.4m and 7.5m), the proposed development results in a significant qualitative and quantitative improvement. This new public realm, complemented and activated by appropriate uses, including small scale retail (including affordable retail) and a two storey community space, has been developed with the adjacent MSE residents in mind, and responds positively to comments received as part of the extensive public engagement and detailed discussions with CoL officers and other stakeholders.
11. As a recap, and as stated in our 28th October response, the Applicant has engaged closely with the MSERA and local residents prior to the submission of the application and continues to do so. The concerns of the MSERA and local residents have all been carefully considered throughout and the points made by the MSERA in their recent formal representation are as well, being addressed in earlier submissions and again in this response letter. We trust that this response is helpful as part of your consideration of this application. Should you have any queries please contact Peter Twemlow or Dominique Mirepoix at this office.

Yours sincerely,

DP9 Ltd

DP9 Limited



Welcome everyone

Liam Hayes
Chairman of Aldgate Connect BID



November 2021

Deputy Alastair Moss
Chairman of the Planning and Transportation Committee
City of London Corporation
Guildhall

Letter of support for 115-123 Houndsditch 21/00622/FULEIA

Dear Deputy Moss,

I am writing on behalf of the Aldgate Connect BID to support Brockton Everlast's planning application for the redevelopment of 115-123 Houndsditch.

The challenge of Brexit and the pandemic has shown the importance of the City as an economic powerhouse. As representatives of Aldgate's businesses, our sole objective is to provide added value to Aldgate, encouraging economic growth that benefits all.

We believe the approval of this planning application would significantly help this ambition. Our research shows that the office market will evolve because of the pandemic. Businesses of all sizes will prioritise quality and transport links. Brockton will deliver high-quality, modern, and sustainable space in a highly accessible location. Setting a new standard for office space, every floor has been designed with SMEs in mind: each will have natural ventilation, excellent access and external break out space and community area. This is a proposal that will reinvigorate the City's offer to the SME and large occupier market.

We see Aldgate as a genuinely diverse and mixed-use area with a range of offices, shops, homes and community facilities arranged round its unique street pattern and different types of buildings. We have worked with our members and the City of London Corporation to agree four strategic themes to protect this character and ensure any change in Aldgate is positive: we believe Brockton's proposal for the Houndsditch site uniquely delivers on all of these themes.

ALDGATE CONNEC

Welcome everyone

The proposal will support our plans to create **an appealing area**. A finely designed building, it is cleaner and greener, surpassing the City's requirement for Urban Greening to secure one of the highest scores of an office scheme in the City of London, and achieving BREAAAM Outstanding while reducing onsite carbon emissions. We welcome the provision of a new green-focused community space and upgraded pedestrian public realm.

The introduction of new café and retail units, including one designated for Affordable rent, as well as landscaping and public seating will enliven the area, creating **a welcoming area**, providing a new and much desired amenity for local residents and workers alike.

We welcome Brockton's contribution to ensuring Aldgate is **a protected area**, the design will improve passive surveillance, incorporates secured by design features, and will provide new safety and security measures.

This is also a development that will make Aldgate **a stronger area**. With its forward-thinking design and Covid-resilient workspace, purpose built for the growing SME sector, 115-123 Houndsditch will be equipped to meet the challenges of tomorrow's office market.

We are pleased to support Brockton's proposals as the right scheme for the right site in Aldgate.

Kind regards,



Liam

Liam Hayes

Chair of the Aldgate Connect BID