

Planning and Transportation Committee – 01 July 2022

Addendum for Agenda Item 4 – Planning application 21/00885/FULMAJ, Thavies Inn House, 3 – 4 Holborn Circus, London EC1N 2HA

Additional Representations

- One additional representation has been received from Fred Rogers dated 25 June 2022 (appended to this addendum report). Comments in response to the matters raised are as follows:
 - The loss of the two London Plane trees is covered in paragraphs 82 – 126 of the committee report.
 - City open spaces have been consulted on the scheme. Jake Tibbets (City Gardens Manager) has been working on this case.
 - The application buildings are not considered to constitute non-designated heritage assets for the reasons set out in paragraphs 241 – 251 of the committee report.
 - The measures to mitigate the loss of the trees in biodiversity terms are set out in paragraphs 312 – 316 of the committee report.
 - A Whole Life-Cycle carbon (WLC) assessment was submitted and included in Appendix F of the Energy and Sustainability Statement. In addition, a Comparative Whole Life-Cycle carbon assessment study was submitted as part of the application.
 - References to the WLC carbon assessment are in the committee report at paragraphs 301-311.
 - A qualitative assessment of the existing building was also submitted as part of the Energy and Sustainability Statement, referenced in paragraphs 271 -285 of the committee report, and uploaded to the application documents with the title “Reuse & Refurbishment Statement”.
 - A reference to compliance with the Whole Lifecycle optioneering Planning Advice Note can be found in paragraph 302 of the committee report.
 - The Whole Life-Cycle carbon assessment has been carried out in accordance with GLA guidance and includes carbon emissions from regular renewals of building services and other building elements like glazing gaskets and roof finishes.

- One additional representation has been received from Gerald Eve (Planning Agent in response to the representation from Fred Rogers. Appended to this addendum report.

- One representation was submitted to Members of the Planning and Transportation Committee from Graeme Harrower. The representation is appended to this addendum report.

Additional Conditions

- The following additional condition is recommended in order to secure timber reuse in relation to the trees:

Prior to any works to the trees, a method statement shall be submitted to and approved in writing by the local planning authority setting out the methodology for felling the trees and the evaluation process for assessing how the timber may be reused within the development. Within 1 year from the approval of such details, a statement shall be submitted to and approved by the local planning authority in writing setting out the findings of the timber analysis and the details

of how the timber will be reused within the development. The development shall be carried out in accordance with the approved details.

REASON: In order to minimise waste and secure recycling in accordance with the following policy of the Local Plan: DM 17.2.

Addendum for Agenda Item 5 – Planning application 20/00475/FULL, 200 Aldersgate Street, London EC1A 4HD

Additional Representations

- Seven additional representations have been received from Tugba Erem dated 22 June 2022, Matteo Larice dated 23 June, Matteo Larice dated 25 June 2022, Michael Batty dated 25 June 2022, Stephen Cole dated 26 June 2022, Michael Batty 28 June 2022, Stewart Andrew 28 June 2022. These representations are appended to this note, it is not considered the comments received raise new material considerations.

Additional Condition

- The following condition is recommended to replace Condition 5 of the officer's report (page 196) in order to secure a management plan in relation to the courtyard:

A Management Plan demonstrating the arrangements to minimise disturbance to neighbours and control noise from people using the courtyard and link bridge shall be submitted to and approved in writing by the Local Planning Authority, prior to the first use of the hereby approved access bridge. The Management Plan shall include details of how the use of the courtyard will be managed to minimise disturbance to neighbours, set out how any complaints about noise or disturbances will be recorded and addressed and provide for monitoring of the limits upon capacity, including the 10 times per annum of additional capacity, required by Condition 4 which shall be made available to the City upon request. The Management Plan shall thereafter be implemented for the life of the building and any proposed changes shall be first approved by the City Corporation before they come into effect.

REASON: To safeguard the amenity of the adjoining premises and the area generally in accordance with the following policies of the Local Plan DM15.7, DM21.3.

FRED RODGERS' COMMENTS

RE: 21/00885/FULL/MAJ – Thavies Inn House 3 - 4 Holborn Circus London EC1N 2HA

Demolition of the existing building at 1-6 Holborn Circus (known as Thavies Inn House) and the erection of a ten storey Class E building for office use with Class E retail use at part ground floor level with works to include reinstatement and new pedestrian routes through the site; hard and soft landscaping works including removal and replacement trees within the public highway, and creation of pocket park in Thavies Inn; widening of the footway on St Andrew Street; and other works incidental to the proposed development.

1. Removal of two London plane street trees

Having seen that City Corporation had resolved to make a TPO for the two London planes outside Thavies Inn House, I had assumed that it had woken up to the need to protect existing, healthy trees. In the circumstances I was surprised to see, from the Officer's report to Committee, item 8 (existing) on the "Application Dashboard", that the trees had, instead of being preserved in accordance with the TPO, in fact, been removed. As a result, I read the relevant agenda item from the 22 February P&TC – set out below, with its misspelling of "Thavies".

If it is the case that the Officer's report is correct, since the TPO hasn't been confirmed, what on earth was the point of it? As can be seen from the extract below, it was initiated by the previous Deputy Chair, who, when Chair of Open Spaces and City Gardens declared that there would be no building on any existing open spaces as long as he held that office. The proposal includes building on existing open space.

No doubt the Chief Planning Officer has a much wider knowledge of City Corporation's Tree strategy than I do. However, I was under the impression that a TPO was to protect trees and not to licence removal, as he appears to have confirmed in this case, in order to validate the financial viability of the proposed development. And the report was published on the day that City Corporation publicised its Biodiversity Plan 2021/2026!

Gerald Eve LLP is the planning agent in this case, as it is for City Corporation's current London Wall West proposals. Amongst the proposal's documents is one from Gerald Eve LLP, entitled "Removal of Existing Trees – Overview Summary – PP/00885/FULMAJ". In paragraph 1, Gerald Eve LLP states – "This note has been prepared for the City of London Corporation to set out the considerations relating to the retention and removal of the two trees on site". Did City Corporation request the note?

As mentioned, Gerard Eve LLP is the planning agent, not an arboriculturalist, yet it goes on to justify the removal of the two trees without any apparent reference to the TPO, citing the decision to remove one of three trees at St Pancras Churchyard (21/00405/FULL) as justification for the removal of the two London planes. This decision, like one or two other decisions resulting in the removal of trees, was made under delegated authority. However, the tree removed wasn't subject to a TPO and was in a garden, rather than being a street tree.

The submitted Arboricultural Report acknowledges (1.1 of the Executive Summary) that removal in the short-term "will alter the appearance of the Site and public realm, the new tree planting (and wider landscape strategy will over the medium- and longer-terms provide a significant benefit to the public realm – particularly, as the street trees begin to enter early-maturity and grow in height". This Report was prepared before the TPO was made, by the way but justifies removal solely for the purpose of implementation of the proposal (6.1).

The Report goes on to detail the proposed replacement street trees - four field maples around 6-7 in height. These trees only have a "good – not excellent, let alone outstanding - level of tolerance to

urban conditions” (6.5). Planting (6.8) will be in soil pits “within which these trees can begin to establish and after which time the surrounding public realm may permit further root growth (i.e. growth beyond the soil pits)”. However, there is no information as to the viability of the trees without further root growth.

More concerning though is the reference to the likely need for watering during the first few, apparently three, years after transplanting. This is to enable the trees to establish effectively, as rainwater won’t provide enough irrigation but the London planes didn’t require any watering.

Finally, it should be pointed out that Open Spaces have not been consulted on the proposal. Whether this is an oversight or intentional requires explanation.

2. Recognition of Thavies Inn House as a non-designated heritage asset worthy of preservation

The Twentieth Century Society, in a well-reasoned letter of 29 November 2021 objected to the destruction of Thavies Inn House, which it considers to be “a non-designated heritage asset worthy of preservation”. It does not believe the public benefit of the new office and retail scheme either outweighs or justifies the heritage harm caused through destruction.

Gerard Eve LLP, with Turley, responded to the Twentieth Century Society, stating in the penultimate paragraph:

It is our strong view that any alleged potential harm to, or loss of, the significance of the building on Site as if it were a non-designated heritage asset would be decisively outweighed by the substantial “public benefits” that the proposed development would deliver.

However, it is difficult to understand what the public benefit is in destroying heritage assets, especially one in such a prominent and well-known location as Thavies Inn House. What is the justification for another “same as” in your face development as the “site photos” in 1 of the “application Dashboard”, even if the need for more new empty offices can be justified?

3. Public benefit

Gerard Eve LLP, with Turley obviously have a subjective – “strong” -view but any claimed “public benefits” of the proposal have to be considered objectively and the use of “substantial” doesn’t add to the consideration. How are more offices a public benefit, however “substantial”? Retail use exists already and most of the claimed biodiversity enhancement could be provided without destruction.

In any event, there is a hypocrisy in felling two healthy, mature trees, especially when the replacement trees won’t be planted for four years or more time and it will then be several years afterwards that establishment may have been affected. Certainly, it will be well into the 2030s before the contribution of the two London planes to the City’s biodiversity may be replaced, if that is actually possible. The multiple habitats provided by the London planes hadn’t even been addressed, probably because the extent of the contribution of mature trees to biodiversity is hardly understood yet.

Castle Baynard on land, at least, as well as the adjoining northern part of Farringdon Without, have a significant biodiversity diversity and, of course, the proposal includes creating a pocket park. However, the absence of any existing floor plans, especially the existing ground floor plan, makes it very difficult to understand why there isn’t already a pocket park on site. Certainly, from the existing and proposed site plans, there is nothing to prevent this obvious biodiversity enhancement without any other intervention. Indeed were the applicant serious about it, why hasn’t it been done already?

As for the proposed greening above street level, the sooner UGF and BNG are replaced by investment in existing open spaces, especially those managed by the vastly under-resourced City Gardens team, the better. If the Environment Department is to have any meaning, surely it must be to ensure that what already exists has to be “world leading” before requiring additions that won’t be.

4. Embodied carbon



If one tonne of CO2 looks like this, what do 13,000 tonnes look like? Image courtesy of Fletcher Priest

The proposal lacks a Whole Lifecycle Carbon Assessment but it’s clear from the “Application Dashboard” (13) that the embodied carbon emissions will be nearly 13,000 tonnes CO₂e over a 60-year lifecycle – and what then? However. It’s not clear how the regular refurbishments during that period are to be assessed.

The graph under 14 of the “application Dashboard” suggests regular updates in the WLC calculation but it’s difficult to understand the incremental emissions were the existing building to be refurbished, instead of destroyed. The basis for showing a doubling of operational emissions up to 2054, before a significant increase as a result of refurbishment must be justified. Operational carbon emissions will be reduced by decarbonisation of the grid in any event.

Also, the substantial increase in emissions in 2054 needs justification, as does another substantial increase in 2085, especially when the increase of the other two lines appears much less. If it is the case that the existing building, even if refurbished, would have to be demolished in 30 years because of “structural constraints” and “being unable to demonstrate compliance with a Paris Agreement proofed climate change trajectory” – the latter requiring explanation - what evidence is there to suggest that in 2054, a redevelopment would involve a significant increase in embodied carbon? In any event, the redeveloped building would only be 30 years old in 2085, unlike the proposed one which would then be at the end of its lifecycle - “a stranded asset in climate change terms”.

The proposed increase in carbon emissions is unacceptable with or without a detailed WLCA. The fact that one may be conditioned does little for either the environment or the credibility of the Environment Department.

For the reasons above I object to the proposals and ask that planning permission be refused.

Other points

The Site Location Plan in the Officer's Report to Committee shows the site boundary as the City of London boundary and the nearby listed buildings aren't marked, particularly the Grade 1 St Andrew's Church.

The recently approved – for consultation – WLC Optioneering Guidance Note doesn't appear to be mentioned anywhere.

There are no existing floor plans.

There are two sets of proposed plans – 2021 and 2022 – but no explanation as to how these may differ from each other.

25 June 2022

Fred Rodgers

100 Breton House
EC2Y 8PQ

Agenda item

THAVIES INN HOUSE, 3-4 HOLBORN CIRCUS, LONDON EC1N 2HA

Meeting of Planning and Transportation Committee, Tuesday, 22nd February, 2022 10.30 am (Item 4.)

Report of the Chief Planning Officer and Development Director.

Minutes:

*The Committee considered a report of the Chief Planning Officer and Development Director regarding Thaives Inn House, 3-4 Holborn Circus, London EC1N 2HA – specifically making a group Tree Preservation Order (TPOs) on the London Plane Trees (*Planatus x acerifolia*) situated on the public highway on St Andrew Street, in front of Thaives Inn House.*

A Member noted that the Officer report stated that these two trees which were 75 years old hold a significant role in the townscape form of Holborn Circus, frame an important view of Grade I listed church of St Andrew Holborn, are in fair to good health with a life expectancy in excess of 40 years, have high amenity value and, as mature trees, play a significant part in climate change resilience. As a result, the report logically went on to recommend the making of a Tree Preservation Order (TPO) in respect of them. The Member went on to report, however that this appeared to be too good to be true and revealed that a planning application was made by TIH Ltd in October 2021 for the demolition of Thaives Inn House and its replacement by a larger office building. The new development entailed the adjacent highway being stopped up meaning that its ownership would be transferred from the City Corporation to the developer and that the two trees concerned, that stand on highway owned by the Corporation would be removed. He went on to remark that, it was not the Corporation's proposal to make the TPO to protect the trees against the development and that the arboricultural report submitted as part of the planning application noted that the City's planning officers had already agreed to these trees being moved as long as alternative greening was provided. It could therefore be expected that Officers would bring a report to this Committee later this year with a recommendation to this effect. This recommendation could be rejected by the Committee with Members refusing the application due to the removal of the trees. However, the Member predicted that this would not be the case given that the Committee had historically approved the majority of applications before it regarding major office developments. Secondly, he reported that a search on the Land Registry site, revealed that the freehold owner is the City of London Corporation, and commented that this Committee had tended to approve applications where the Corporation had a financial interest. The Member concluded that the Committee were therefore in the curious position of being asked to make a TPO in respect of trees that the Corporation's Officers will recommend be removed and that this Committee will likely approve. Even if the TPO were approved, the Member explained that the approval of a planning application that entails their removal would trump this. The Member therefore questioned why this order was being proposed and noted that the report stated that if these trees were the subject of a TPO the City could insist on their replacement should they be lost. The Member highlighted that he had asked Officers via email why their replacement could not simply be made a condition for the approval of the application without a TPO being made and had been told that this was possible. He had gone on to ask as to the relevance of the possibility of a change of ownership of the

application site referenced in paragraph 30 of the report. He questioned whether, if this change of ownership were to happen before planning permission was granted and a new owner refused to accept a condition to replace the trees with alternative greening, Officers could recommend refusal of the application because of the amenity value of the existing trees. The answer to this was that they could but Officers did express concern that the new owner could appeal against a refusal and cite the absence of a TPO in connection with the dispute about the amenity value of trees but had also said that 'notwithstanding any absence of a TPO, the tree amenity argument would still be considered material, although the making of a TPO arguably reinforces and recognises the amenity value'. The Member stressed that, whatever the outcome of the planning process, the Corporation could simply refuse to stop up the highway if the new owner would not provide alternative greening. The Member concluded by suggesting that the Officers' limited justification for proposing this TPO may reflect the fact that it did not originate from them but from the Deputy Chairman of this Committee. He questioned whether the Deputy Chairman could therefore outline what he hoped to achieve by this. He also commented that it would be interesting to see whether other members who voted in favour of the TPO would also vote in favour of the planning application that involved the removal of the trees that were proposed to be removed by it later this year.

The Chair thanked the Member for his contribution but suggested that his reference to the planning application was not relevant to this application and that he therefore considered this to be out of order in accordance with Standing Order 37(1).


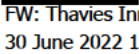
The Deputy Chairman confirmed that he had initiated this process, partly in his capacity as Chairman of Open Spaces, where he had a clear interest in all matters concerning trees in the City and on City land. He underlined that he had a genuine interest in protecting and preserving them and had viewed these particular trees some time ago now and formed the view that they did not meet the criteria for removal (e.g. that they were not dead, diseased or dying). He now asked that the Committee consider this and come to a decision on the matter.

The Member responded to state that he considered it appropriate to refer to the application given that it was also heavily referenced within this report and that the TPO could only be understood in the context of this.

Another Member referred to paragraph 30 of the report and the fact that there was some flexibility around the removal of these trees in the event of proper replacement in an appropriate way. He asked if Officers could comment further on this and whether they could provide some assurances that this would be done in such a way that would balance the need for the City to evolve with the protection of trees and green/open spaces. The Chief Planning Officer responded to report that in discussions on this application Officers had made it clear that, if these trees were proposed to be removed, then the applicant would need to balance this against a very substantial greening/tree planting element to mitigate this. It was confirmed that discussions were still ongoing and that no recommendation on this had yet been formalised given that the application was still out for consultation. Members were, however, assured that the maturity and future height of any replacement trees would be a material consideration.

RESOLVED – That:

- i) A group Tree Preservation Order in respect of two London Plane trees (numbered T1 and T2 on the attached plan) be made, as a public benefit would follow from the serving of the Order.
- ii) The Comptroller and City Solicitor be instructed to serve a copy of the Order on persons interested in the land affected by the Orders in accordance with Regulation 5(1) of the Town and Country Planning (Tree Preservations) (England) Regulations 2012.

From: 
To: 
Subject: FW: Thavies Inn House - Letter of Objection
Date: 30 June 2022 15:46:38
Attachments:

THIS IS AN EXTERNAL EMAIL

Hi Gemma,

Thank you for issuing the objection.

In response to the comments made, we set out below a response which we are happy to share with Members

Response to Fred Rodgers - Thavies Inn House

Topic	Response
Removal of two London Plane trees	
Gerald Eve note 'Removal of Existing Trees – Overview Summary – PP/00885/FULMAJ'	<p>The note was prepared by Gerald Eve as a memo to accompany the application following discussions with officers. The note in question was intended as a summary, to draw reference from a variety of submitted documents relating to the trees, including:</p> <ul style="list-style-type: none">• Arboricultural Assessment• Design and Access Statement• Landscape Design and Access Statement <p>No new information was presented within the note, instead it collated existing information which already existed into a concise, digestible document.</p> <p>Information within the note was drawn from design team specialists, and information already in the public domain</p> <p>Furthermore, the note was prepared in advance of the proposed TPO. The note therefore does not make reference to this.</p>
Watering of planting / trees	<p>A management strategy is set out within the application supporting documents. The applicant is conditioned to replace the trees if they fail to take within the 5 year period</p>

	following permission. It is therefore within the applicant's interested to ensure that the management strategy is maintained.
Consulting of Open Spaces	Both Patrick Hegarty and Jake Tibbets were thoroughly consulted during both the pre-application process and during the application determination.
Non-designated heritage asset	
20 th C letter and designation as a heritage asset	The committee report fully addresses any concern raised in relation to the notoriety of the existing building.
Public benefits	
Biodiversity on site	The measures to mitigate the loss of the two London plane trees and the diversity species they attract and support are set out in the supporting documents. The measures include but are not limited to the planting of 4No. semi mature trees in the public realm. Other species nectar rich habitats will be created with the inclusion of rain gardens on St Andrew Street, 18No trees on the new terraces and roof of the proposed building, additional nectar rich shrub and ground cover planting on the terraces, vertical climbers on the proposed facade and nectar rich roof top planting. The pocket park proposal adds a further 19 No. trees on to the site and further species rich shrub and ground cover planting. This combined approach will create a wide diversity of species on site attract and support a great range of insects and birds once installed.
Embodied carbon	
Proposal lacks a Whole Lifecycle Carbon Assessment	An Assessment has been prepared as part of the application, with the level o details agreed with Kerstin Kane.
Increase in emissions in 2054 needs justification	See full note below.
Other	
Two sets of proposed plans	Drawings were slightly amended and substituted as part of the application process. This is commonplace. The previous plans would be superseded.

Energy and Sustainability Response

- 2054 does not represent a 'refurbishment', but the maximum point at which the existing building must be demolished and rebuilt (after c. 2 no. lease cycles). The increase represents construction of a building at that point that would represent exceptional &

market-leading embodied carbon performance, so already taking future design efficiencies into account.

- The refurbishment option presented by the blue line does everything physically possible to improve performance and balance embodied and operational emissions given the constraints placed upon this site by the existing asset, particularly its structure (hollow-pot 1-way spanning flooring system, no additional capacity in sub or superstructure) which bleeds into every other decision made. You cannot go any further than what is proposed in terms of embodied interventions and realise a refurbishment option that is even close to being viable. For us, 30 years is the absolute maximum you could push this building forward with the viable interventions; the CRREM analysis shows this is folly because it is a stranded asset after just 9 years in operational energy terms. Stranded asset determined using the refurbishment EUI of 110 kWh/m²/year, as determined by our expert operational energy performance team. CRREM looks at operational only, not embodied. CREM (Carbon Risk Real Estate Monitoring assessment) modelling identifies the point in time at which a modelled development can no longer meet the required operational energy performance and decarbonisation pathways and becomes a stranded asset.
- If you move the redevelopment forward 15 years (as opposed to 30 years) – the analysis would generate the same conclusion, you would still need to redevelop.
- Increase at 2085 of blue line is simply a function of the timeline on which these results are plotted, as asked for in the assessment. The jump at c.2054/55 on the black line is the same as shown on the blue line at 2085 – if you extended the graph out to 100 years the blue line would continue on flat after 2085. This point (c.30 years after PC of any redevelopment) represents a confluence of replacements in any RICS-based WLCA – secondary façade components, major central & on-floor plant/services etc. all assumed to be replaced at this time, thus a 'jump' in embodied emissions.
- Proposed building is not at the end of its life cycle at 2085 – refer to planning application ESS. Interrogation and building-specific study of structural design on redevelopment shows sub & superstructure design for life of 100+ years, and even includes assessment of what this might mean for upfront carbon to ensure this longevity (result = very minimal upfront impact).

Other comments:

- *'operational carbon will be reduced by grid decarbonisation in any event'* – both the refurbishment and the redevelopment have 100% new services. Both would be proposed 100% electric HVAC. Thus both will benefit from the same level decarbonisation of the grid, and this has been applied equally and fairly to both models (blue and black lines) otherwise this would be misleading. Therefore any perceived 'benefit' of grid decarb is neutralised in this assessment (in line with City's new CoL Design Advice Note on WLCA), and the disparity lies in the energy use intensity performance difference between the options, hence the inclusion of the supporting CRREM graphic. Significance of difference in energy performance driven by need to retain existing façade in refurbishment option (but replace windows to try and improve passive energy performance) because of the significance of the constraints on replacing it with a new façade in terms of depth to achieve closer to Passivehaus performance (loss of NIA and no means to make this back as you can't extent

given lack of any additional structural capacity and no means of improving substructure), no additional structural capacity to support a futureproofed façade on as demonstrated by structural engineers, significant inefficiencies in future material reusability because of existing slab-to-slab creating bespoke and inefficiency facades that do not promote future reuse potential. Significant knock-on impact on performance and thus the operational performance of any services solution installed, which in any case reduces internal clear heights to levels unacceptable for commercial refurbishments under BCO guidance.

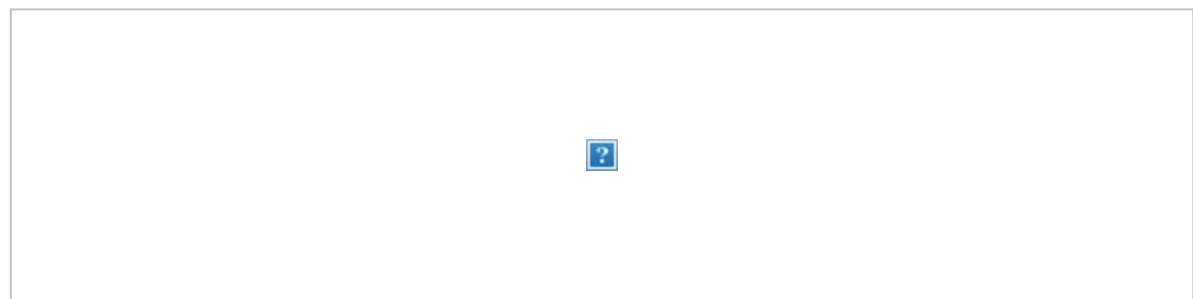
Kind regards,
Chloe

Chloe Staddon

Senior Planning Consultant



Gerald Eve LLP
One Fitzroy
6 Mortimer Street
London, W1T 3JJ
www.geraldeve.com



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From: [Delves, Gemma](#)
To: [Delves, Gemma](#)
Subject: FW: Thavies Inn House
Date: 30 June 2022 16:34:30

THIS IS AN EXTERNAL EMAIL

To All Members of the Planning and Transportation Committee

Members who joined this Committee after the elections last March may not be aware that the Thavies Inn House planning application to be considered under item 4 at the meeting tomorrow was foreshadowed by a related application for a Tree Preservation Order ("**TPO**") at the Committee's meeting on 22 February 2022

(<https://democracy.cityoflondon.gov.uk/documents/s167174/Item%204%20-%20Thavies%20Inn%20TPO.pdf>).

I set out below comments that I made about the TPO when I was a member of the Committee, as they provide some revealing background to the current planning application. Note the final sentence.

Graeme Harrower

COMMENTS

The officers' report tell us that these two trees, which are 75 years old:

- have a significant role in the townscape form of Holborn Circus,
- frame an important view of the Grade I listed Church of St Andrew Holborn,
- are in fair to good health, with a life expectancy in excess of 40 years,
- have high amenity value, and
- as mature trees, play a significant part in climate change resilience,

and that their removal would have a significant impact on the local environment.

The report then, logically, recommends to this Committee that the Corporation makes a TPO in respect of them.

This is the kind of recommendation that should be nodded through without further explanation or debate - but for the fact that it sounds too good to be true that the City Corporation is proposing to preserve a couple of trees, with all the benefits just described, in the face of an adjacent office development.

And it is too good to be true, as I'll now explain.

A planning application was made last October by a company named TIH Limited for the demolition of Thavies Inn House and its replacement by a larger office building.

The new development entails:

- the adjacent highway being stopped up (meaning that its ownership will be transferred from the Corporation to the developer), and
- these two trees - which stand on the highway owned by the Corporation - being removed.

So is the Corporation proposing to make this TPO to protect the trees against the developer?

Actually, no. If you read the arboricultural report submitted as part of the planning application, it notes that the Corporation's planning officers have already agreed to these trees being removed, as long as alternative greening is provided.

So this Committee can expect the officers to bring the application to it with a recommendation to that effect.*

This Committee could reject the officers' recommendation and refuse the application because of the removal of the trees - but it won't, for two reasons.

First, this Committee has historically approved almost every application for a major office development that has come before it, however controversial.

Second, a Land Registry search on the application site reveals that its freehold owner is ... the City of London Corporation, which would benefit financially from the proposed development. This Committee has historically always approved applications in which the Corporation has a financial interest. Within these walls, but not elsewhere, that isn't seen as a conflict, and members of this Committee are not told (except by me) when the Corporation has a financial interest in an application.

So we find ourselves in the surreal situation of being asked to make a TPO in respect of trees that the Corporation's officers will recommend be removed, and this Committee will approve.

So as I speak, these trees are already doomed.

That is, by the way, legally possible even if the trees are made the subject of a TPO, because the approval of a planning application that entails removing trees trumps any TPO that exists in respect of them.

This all begs the question: why is this TPO being proposed, except perhaps for virtue signalling?

The third paragraph of the report states that "if these trees are the subject of [a TPO], the City can insist on their replacement should they be lost".

I asked officers by email yesterday why can't this replacement simply be made a condition for the approval of the application, without a TPO being made. The answer is: it can.

I also asked about the relevance of the possibility of a change of ownership of the application site mentioned in paragraph 30 of the report.

If this change of ownership happens before planning permission is granted, and a new owner refuses to accept a condition to replace the trees with alternative greening, why can't the officers recommend refusal of the application because of the amenity value of the existing trees, which can be proved without going through the procedure of a TPO?

The answer is: they can.

The officers expressed a concern, though, that the new owner could appeal against the refusal, and cite the absence of a TPO in connection with a dispute about the amenity value of the trees, but (and I quote) "notwithstanding any absence of a TPO, the tree amenity arguments would still be considered material" although "the making of a TPO arguably reinforces and recognises the amenity value".

In other words, making the TPO is only an "arguable" added means for getting alternative greening if the trees are removed if there is a change of developer.

And it's all trumped by the fact that the Corporation owns the highway on which the trees stand, and can simply refuse to stop it up if the new owner won't provide alternative greening, regardless of how the planning process turns out.

I'll vote for this TPO. It will be interesting to see whether other members who vote for it ** will, later this year, also vote in favour of the planning application that involves removing the trees that are supposed to be protected by the TPO.

* *This is what the officers have now done.*

** *The Committee voted for the TPO unanimously. Those who voted for it and are still on the Committee are as follows: John Edwards, Marianne Fredericks, Alastair King, Bronek Masojada, Alastair Moss, Graham Packham, Sue Pearson, Judith Pleasance and David Wootton.*

1	<p>Dear Sir/Madam,</p> <p>As a ground floor resident of White Horse House, I strongly oppose this planning application.</p> <p>I am away on holidays so I cannot attend the meeting in person but could you please share my opposition with all P&T members?</p> <p>Best wishes, Tugba</p> <p>On Wednesday, June 22, 2022, 10:54:23 AM GMT</p>
2	<ol style="list-style-type: none"> 1. I was of the impression that the planning application 20/00475/FULL had been withdrawn. Am I mistaken or was it withdrawn and later resubmitted? 2. Why is this planning application going to committee two years after it was submitted? 3. Why has a case officer not responded to the concerns and issues that we have raised and when will we receive a response? 4. Kindly confirm the date a case officer came to site to assess the concerns we raised and why were we not made aware of their visit? 5. I would like the Chief Planning Officer, that is recommending for Approval, to meet the owners of the flats that will be affected and to see first hand the impact that this development will have on their amenity. Kindly provide a date before the committee when the Chief Planning Officer will be available to meet us on site. <p>I will be abroad on the date of the Committee and will not be able to speak. We will be contacting Alderman Christopher Makin and Deputy Randall Keith Anderson to discuss our concerns and hope they will be able to represent us at the consultation.</p> <p>Matteo Larice dipl Arch. SUP 23 June 2022</p>
3	<p>Dear Planning and Transportation Committee Members,</p> <p>Planning application 20/00475/FULL is on your agenda for the next committee meeting.</p> <p>We are shocked to learn that this planning application has hastily been put on agenda and is being recommended by the case officer for approval.</p> <p>The residents of Little Britain submitted several objections to the above planning application although many residents were not even aware of it.</p> <p>The solutions proposed by the case officer on the committee report do not properly address our security, privacy and noise annoyance concerns. In two years, we have not been contacted once by the case officer to discuss these.</p> <p>The erection of a pedestrianised footbridge access, connecting a 40'000 m2 office space will increase the footfall in Crosskeys Square. The proposed management of allowing a crowd of 50 to 150 people in a small confined courtyard will have a profound negative impact on the amenity of the 43</p>

	<p>affected dwellings. Ground floor flats with bedrooms and bathrooms fronting the courtyard will suffer a complete loss of privacy and security.</p> <p>The confined small courtyard is surrounded by buildings on all sides and is prone to acoustic defects such as strong flutter echoes and long reverberation time, all factors that amplify noise annoyance. This will affect all flats - some who have children and others that work from home during proposed hours 8am - 7pm.</p> <p>Further, we do not believe that 200 Aldersgae is capable of enforcing their guidelines as in the past we have had to make complaints regarding their loading bay's violations of the City of London's permitted times of operation for noisy works (8am - 6pm Monday to Friday; 9am - 2pm Saturday).</p> <p>Section 7 of the committee report describes the existing courtyard as "a quiet, peaceful and attractive space". Please take note of our concerns and help the residents of the City preserve these characteristics of peace and tranquillity for the families that have chosen this as their home.</p> <p>We would like to take part in your site visit next week. Unfortunately we are not able to attend and speak at your committee meeting, however, we do strongly oppose the approval of this planning application since it would put us in direct conflict with our neighbours.</p> <p>Kindly let us know if you can arrange for us to attend.</p> <p>Matteo Larice - Dipl Arch SUP Flat 3, 1 Little Britain, London EC1A 7BX</p> <p>25 June 2022</p>
4	<p>To Whom It May Concern Proposal Registered No: 20/00475/FULL for a Pedestrian Bridge linking 200 Aldersgate St. to Cross Keys Square 1. Consultation and Objections from the Residents In August 2020 I objected to a proposal for something similar to the current proposal. I heard no more about it and assumed it had been rejected. Only this morning was I alerted by other residents of Little Britain to the fact that the proposal was to be decided by the Planning Committee this coming Friday July 1st 2022. My objections have been tabled as part of the evidence by the Planning Officer as have the other objections from residents which we made nearly 2 years ago. I do not know how long objections to a scheme have to be in play for them to be considered again but this strikes me as problematic. Hardly any of us as residents on the north side of Little Britain are aware of this new proposal which I assume is the same as the old. I suspect that there is no statutory duty for the Corporation to inform us of this new proposal (for they have not done so) but as far as I am aware there has been nothing posted to inform us in a public place and certainly several of us are not aware of the fact that our initial objections are being tabled before the Committee some 2 years after they were made. I consider that the right and proper thing to do would be to withdraw the proposal, to ensure that all the residents are made aware of the proposal, and then to consult with them. I</p>

am mystified as to what has happened and why this proposal is now before the Committee. I will also raise my objections again to the current proposal but I expect that if the proposal is withdrawn, all these objections will be assembled and considered again in a timely and proper fashion. 2. My Objections to the Proposal The Cross Key Square gets little use, of that I am aware. But the noise in the square even before this proposal is considered, is very loud in the early morning. The arrangement of the square around a 'street canyon' generates very substantial noise that echoes around the square and up the canyon so that the noise at the top of the buildings is greater than at the ground level and reverberates around the square. In the early morning on the side of the square that looks towards Montague Street on the north side, the noise is sufficient to wake residents on the south side of the square – the flats that front onto the north side of Little Britain – and this is entirely due to the movement of waste from the square (which I presume is from 200 Aldersgate Street) and the various vehicles involved in this. This lasts some 20 minutes at least and begins around 6am. The reverberations around the square are quite loud and disruptive.. If this proposal for a pedestrian bridge bringing up to 50 people into the square for recreational activities and 150 persons for an annual event, were to be approved, even if these conditions are met which I doubt as being enforceable, the noise would be substantial and would affect residents quite adversely. In fact I presume that the Planning Officers have taken the noise levels into account because this is absolutely critical to the proposal. The guidance is at <https://www.gov.uk/guidance/noise--2>. I do not know if the Planning Officer has considered this but there is plenty of advice issued from DLUHC and from DfT about noise and there is various guidance associated with the health impacts of disruptive noise. If noise levels have not been monitored, then I believe it is the responsibility of the Corporation to initiate these measurements and then to seek professional advice to ensure that standards are met and if the noise might be reduced in anyway. The Corporation should be able to advise the applicants that they need to effect changes to the layout of the courtyard and its configuration to reduce noise. From the information I have access to, I consider that this proposal should be rejected. If the Committee is intent on passing the proposal, they should consider that it be modified to reduce the number of persons allowed to 20, and to enter the square in different way, yet to be considered. Strictly speaking, the proposal for a pedestrian bridge into the square is entirely for the greater convenience of the employees who already have a way of entering the square, albeit less directly, and such a way would minimise numbers of people in the square. I trust my comments will be taken account of by the Planning Committee who I consider should advise the Officer to carry out the requisite noise measurements. However the sensible thing would be to withdraw the proposal at this point from the Committee and consult in a more appropriate way. Thank you for your attention

Michael Batty

25 June 2022

5

Dear Matteo,

	<p>I was not aware of any Planning Applications in Little Britain - and have certainly not had any Planning Notification at 75 Little Britain.</p> <p>Would you kindly send me the details on the Case Officer, name, contact no, email address, etc and I will certainly look into the impact on Little Britain.</p> <p>It certainly seems to being put forward without 'Consultation' !!</p> <p>KR Fiona Montgomery</p> <p>25 June 2022</p>
6	<p>Dear Planning and Transportation Committee Members,</p> <p>I understand Planning application 20/00475/FULL is on your agenda for the next committee meeting although I have not received due and proper notice of the current renewed application</p> <p>I am shocked to learn that this planning application has hastily been put on agenda and is being recommended by the case officer for approval.</p> <p>The residents of Little Britain submitted several objections to the above planning application although many residents were not even aware of it.</p> <p>The solutions proposed by the case officer on the committee report do not properly address our security, privacy and noise annoyance concerns. In two years, we have not been contacted once by the case officer to discuss these.</p> <p>The erection of a pedestrianised footbridge access, connecting a 40'000 m2 office space will increase the footfall in Crosskeys Square. The proposed management of allowing a crowd of 50 to 150 people in a small confined courtyard will have a profound negative impact on the amenity of the 43 affected dwellings. Ground floor flats with bedrooms and bathrooms fronting the courtyard will suffer a complete loss of privacy and security.</p> <p>The confined small courtyard is surrounded by buildings on all sides and is prone to acoustic defects such as strong flutter echoes and long reverberation time, all factors that amplify noise annoyance. This will affect all flats - some who have children and others that work from home during proposed hours 8am - 7pm.</p> <p>Further, we do not believe that 200 Aldersgate is capable of enforcing their guidelines as in the past we have had to make complaints regarding their loading bay's violations of the City of London's permitted times of operation for noisy works (8am - 6pm Monday to Friday; 9am - 2pm Saturday).</p> <p>Section 7 of the committee report describes the existing courtyard as "a quiet, peaceful and attractive space". Please take note of our concerns and help the residents of the City preserve these characteristics of peace and tranquillity for the families that have chosen this as their home.</p>

	<p>I shall be away so unable to attend meetings but wish my objection and those of other Little Britain residents to be known.</p> <p>Regards,</p> <p>Stephen Cole Flat 6 Buckley House 4 Little Britain</p> <p>26 June 2022</p>
7	<p>I think you already know of the concerns of the residents on the north side of Little Britain about the proposal by the owners of 200 Aldersgate Street to construct a pedestrian bridge into the courtyard which their building and our flats surround. The proposal is to allow groups of up to 50 people any time to use the courtyard with up to 150 persons some ten times a year. This makes a substantial change of usage in that it then becomes a space for organised parties and drinks we presume. This we feel is quite unacceptable. Let me list my own concerns but these are echoed by many residents to whom this is also copied.</p> <ul style="list-style-type: none"> • The original planning application is some 2 years old. To have it considered now breaks the guidance issues by the Department of Levelling Up, Housing and Communities (DLUHC) that applications should be decided within 6 weeks which Adam Weiner copied to us. Notwithstanding the pandemic which clearly has delayed matters, it is now 2 years since the application was made. Many issues in the neighbourhood have changed, in particular the proposed developed on London Wall on the Museum site and these have not been accounted for as far as we are aware. • The consultation was back in June 2020 at the height of the pandemic. Many residents we believe were not able to respond as they were away and there was no follow up by the Planning Department to advise the residents of the status of the application. We cannot categorically say that any statutory duty was neglected as we simply do not know but my letter to the planning office the other day did not elicit any clarity on this • The noise implications would be extremely severe were this proposal to be agreed and the recommendation is to approve it. The noise monitoring needs a proper simulation of what groups of 50 and then 150 persons would generate in the courtyard with proper measurement of the canyon effect of the noise. Although the planning officer said that noise measurements had been taken, we consider that in this case an independent survey be commissioned by the local authority. • The privacy implications are also a problem for the residents whose windows front onto the courtyard. Combined with noise this will make the environment extremely unpleasant for residents. • The noise from the waste removal each morning is substantial and disruptive. I consider that officers of the council and elected

	<p>representatives be made aware of these and if necessary judge this at the appropriate time when it occurs, early morning. This only lasts for some 20 minutes so it is much less severe than anything longer.</p> <ul style="list-style-type: none"> • We also believe that the courtyard be seen as a quiet space, more like a pocket park, and that this would restrict numbers to 20 or so at maximum, although we consider that the existing arrangements are quite satisfactory and these changes proposed are not necessary. If this application were to be approved it would destroy the space which would then become a venue for parties. When hot food was served in the courtyard some years ago - and this must have been approved by the council - then the disruption was considerable in terms of smell but thankfully this was discontinued rather quickly within a matter of weeks, I think, from when it was instituted. <p>We would like to raise our concerns and delay the application until a full residents meeting is held with the council officials and elected representatives. We consider the way this application has been raised again is underhand as no residents such as myself have had any communications from the Council in this regard. It is by word of mouth that we even know about it and it is clear that several residents only know of it because emails like this one are being circulated to our own list.</p> <p>Thanks you for reading this</p> <p>Sincerely</p> <p>Michael Batty</p> <p>28 June 2022</p>
8	<p>Dear Mr Wilson,</p> <p>I have now been provided with a copy of the Committee Report which has been supplied by one of my fellow residents.</p> <p>I see that the intended control mechanism to protect residential amenity is detailed at draft condition 5 which provides that:</p> <p><i>“A Management Plan demonstrating the arrangements to minimise disturbance to neighbours and control noise from people using the courtyard and link bridge shall be submitted to and approved in writing by the Local Planning Authority, prior to the hereby approved use of the access bridge. The Management Plan shall thereafter be implemented for the life of the building.”</i></p> <p>The condition does not seek to identify the parameters of the Council’s control for management purposes and makes no reference to noise levels, frequency or numbers of people occupying the courtyard or the intended mechanism for monitoring and response to noise complaints. In turn, this positively worded condition is unable to secure any form of sanction and, on the above terms, it is</p>

at best debatable that the condition would ever provide a meaningful control or enforceable regime to protect residential amenity.

I must, on this basis, object to the current proposal and reassert that the only reliable mechanism to control this significant impact would be through a structured management plan contained in a S.106 Agreement.

Kind regards

Stuart Andrews

28 June 2022