

Committee(s)	Dated:
Local Plans Sub (Planning and Transportation) Committee	27/04/2023
Subject: City Plan 2040 – Culture, public uses and public spaces	Public
Which outcomes in the City Corporation’s Corporate Plan does this proposal aim to impact directly?	1,2,4,7,9,11,12
Does this proposal require extra revenue and/or capital spending?	No
If so, how much?	N/A
What is the source of Funding?	N/A
Has this Funding Source been agreed with the Chamberlain’s Department?	N/A
Report of: Gwyn Richards, Planning & Development Director, Environment Department	For discussion
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Summary

London Plan Policy HC5 requires Development Plans to promote cultural facilities and related uses. Consistent with this, Destination City, the City Corporation’s new flagship strategy sets out a bold new vision for the future of the Square Mile to be a leading destination for workers, visitors and residents.

The City needs to diversify its offer to be more innovative, inclusive and sustainable especially given the fact that ways of working and travel patterns have significantly changed post pandemic.

This report sets out how potential ways that policies in the City Plan could be amended to reflect responses received on this issue during the previous Local Plan consultation and the City Corporation’s Destination City objectives.

Recommendation(s)

Members are asked to:

- Advise on the proposed direction for City Plan policies that seek to secure cultural and other public uses and spaces in new development.

Main Report

Background

1. The City's public realm is rich and diverse with varied public spaces that support City's public life, from riverside walkways to rooftop terraces and the myriad of streets and spaces within – places that offer a distinct sense of place with rich cultural and social experiences. Complementing this is the City's historic environment with its rich cultural offer having a huge concentration of arts and cultural facilities which contribute to its unique identity, character, attractiveness and competitiveness.
2. In recent years, movement patterns and ways of working have, at least temporarily, been significantly affected by the pandemic. The hustle and bustle previously experienced is only returning slowly but with different demands and expectations of what it means to be in the City. The Transport for London (TfL) data on public transport demand indicates considerable growth in ridership in the recent months, however, it still hasn't reached the pre-pandemic levels.
3. The formal Regulation 19 City Plan consultation carried out in March 2021 attracted broad support from a number of arts organisations and from the City Property Association (CPA) and other business respondents in relation to delivering cultural spaces in the City. In particular, the draft City Plan Policy S6 sets out the City Corporation's strategy to enhance the City's cultural offer and requires developers to submit Cultural Plans as part of planning applications for major developments. These plans should set out how the new development will contribute to the enrichment and enhancement of the City's cultural offer and how proposals for cultural deliverables will be resourced, implemented and managed.
4. The City Plan Strategic Policy S6 was seen as transformational for the City in the long term. However, suggestions were made that the policy should go further and consider specific quotas/metrics. While supportive of Cultural Plans in principle, the CPA suggested that CIL and section 106 contributions would be more appropriate than on-site cultural provision for some developments, while British Land highlighted the need for a proportionate cultural offer depending on the scale and nature of the development in question.
5. Furthermore, the City Corporation's aspiration for the City to strengthen its role as a 'Destination' have gained greater prominence through the Destination City initiative – the City Corporation's flagship strategy which sets out a renewed vision to make the City more resilient, ensuring that it continues to be a global business centre and a leading destination for workers and visitors. Its strategic aim is to drive footfall 7 days per week and create places and experiences in the City with an enhanced social and cultural offering.
6. In response to the Regulation 19 Local Plan consultation, the draft City Plan 2040 is currently being amended and there is potential to refresh Strategic Policy S6 to clarify the framework for delivery of cultural and public spaces. The Local Plans Sub-Committee in January 2022 also recognised the significance of the Destination City vision.

7. In addition to Strategic Policy S6, the draft City Plan 2040 currently sets out a range of policies to steer development to deliver cultural and public spaces in the City. These include:

- Strategic Policy S8 (Design): Development to deliver “publicly accessible space within the development by maximising the amount of accessible, inclusive and free to enter roof terraces and spaces, including in tall buildings and along the river and around City landmarks”
- Policy DE5 (Terraces and Viewing Galleries): Development to provide “free to enter, publicly accessible areas will be required as part of all tall building or major developments, which may include roof gardens and terraces or public viewing galleries at upper levels, where appropriate”.
- Strategic Policy S12 (Tall buildings): New tall buildings to enhance permeability, provide the maximum amount of open space at street level and incorporate areas of publicly accessible open space or other facilities, including at upper levels.
- Strategic Policy S14 (Open spaces and Green infrastructure): Seeking the provision of new open and green space through development, public realm or transportation improvements.
- Policy OS1 (Protection and provision of open spaces): Additional publicly accessible open space and pedestrian routes will be sought in major commercial and residential developments.
- Policy HL5 (Location and protection of social and community facilities): Provision of new or enhanced social and community facilities where development results in additional need for them.
- Policy HL8 (Play areas and facilities): Provision of new play facilities as part of major new residential development.
- Policy HL7 (Sport and Recreation): The Plan encourages new sport and recreation facilities.
- Policy OF3 (Meanwhile uses): The Plan permits meanwhile uses in vacant commercial, business and service buildings or sites.

8. Since the Plan was drafted, the City Corporation has successfully secured contributions towards the delivery of cultural and public spaces in the City, informed by Policy S6. The review of the City Plan presents an opportunity to ensure delivery of such spaces becomes more consistent and is informed by the following matters:

- **Culture evidence base:** Though the City Corporation holds a number of existing data sets for cultural infrastructure in the City, to drive forward the delivery of appropriate cultural spaces there is the potential to establish a framework for the different types of cultural space which could be suitable in different locations in the City, building on existing clusters and future developments. It would also be important to identify potential culture areas/sectors within the City to provide a focus for future culture contributions as part of an agreed strategy.
- **Securing meaningful contributions:** A review of the recent Cultural Plans submitted along with planning applications indicates that substantial

contributions towards cultural and public spaces have been mainly delivered through large scale developments. It can be challenging in some instances for smaller scale developments to make on-site contributions owing to physical constraints, while piecemeal financial contributions sought on a case-by-case basis may not contribute meaningfully. It is therefore important to set out how development of different scales and types could contribute towards delivering cultural and public spaces within the City through s106 agreements ensuring all statutory criteria is met.

- **Inclusion and Accessibility:** The City Plan requires development proposals to deliver public spaces that are inclusive and accessible. However, creating an inclusive environment requires not only consideration of the physical design of a space, but also consideration of how it is managed and the rules that govern its access. In the City Plan, there is an opportunity to strengthen policy requirements for the management of public spaces particularly those which are privately owned in order to ensure that all public spaces are genuinely inclusive and accessible and align with the principles of the Mayor's Public London Charter.
- **Planning balance:** In circumstances where a development is impacting a heritage asset or its setting, the public benefits of improved access, cultural provision or other public uses may (in some circumstances and noting the requirement to give great weight to heritage considerations including relevant legal and policy guidance) outweigh heritage harm. It is therefore important to ensure that public benefits proposed through new development are appropriate, that there is a suitably consistent approach to understanding what public spaces and uses would normally be required and that a robust framework remains in place to conserve and enhance the City's heritage assets.

9. To address some of the above matters, further work is being carried out to prepare a Cultural Planning Framework which would respond to the need to diversify and enhance City's cultural offer post pandemic. The Culture Planning Framework will provide baseline information and mapping of existing cultural infrastructure, reflect on best practice, and set out a vision for the provision of cultural infrastructure within the City, complementing the City Plan.

Cultural Policy approach

10. Alongside the Cultural Planning Framework, there is an opportunity to expand on the Strategic Policy S6 (Culture) in conformity with London Plan Policy HC5 and reflect consultation responses and the City Corporation's Destination City aspirations.
11. A refreshed Policy S6, underpinned by the overarching Destination City theme, is proposed in the City Plan. Through the refreshed Policy S6, there is potential to deliver a wider set of public uses and public spaces within the City, as well as making the scale of such provision more consistent. This could bring cultural and social experiences along with the opportunity of celebrating the City's rich

heritage, and bring together communities in an environment that is inclusive and accessible to all.

12. Therefore, the recommended three overarching priorities for the refreshed Cultural policy include:
- Delivering a range of new public uses/public spaces through development
 - Placing heritage at the heart of placemaking
 - Ensuring new public uses/public spaces are inclusive and accessible to all

Delivering a range of new public uses/public spaces through development

13. The refreshed Cultural policy would set out the kinds of public uses and public spaces that could be delivered at different locations within the City. It would further set out requirements for the amount of floorspace for new public uses/spaces that could be delivered based on the scale and type of the proposed development.
14. The refreshed Cultural policy could be approached in two different ways.
15. The first policy approach could be to maximise on site provision and would require new developments to provide public uses and/or public spaces as defined below:

Public uses – could be defined as publicly accessible indoor spaces within buildings that provide social and cultural experiences

- Museums, art galleries, visitor centres, exhibition spaces, studios
- Art and cultural attractions
- Cultural performance spaces (such as dance, theatre, music venues)
- Viewing galleries
- Leisure facilities
- Indoor sports facilities
- Indoor markets

Public spaces – could be defined as publicly accessible outdoor spaces

- Public open and green spaces
- New pedestrian routes
- Pavement widening and streetscape enhancements
- Public Squares
- Public Gardens
- Parks
- Roof gardens
- Outdoor sports and play facilities

16. This list is not an exhaustive list, but it shows the wide range of uses and spaces that could potentially be delivered. It should be noted that it does not cover uses directly related to the City's primary office function such as office lobbies; or other commercial uses such as retail and hotels; community uses such as nurseries, health clinics; or transport related functions such as servicing or

loading bays. These types of uses are covered separately through other City Plan policies.

17. This policy approach could further set out specific area requirements expected from the proposed development. If a development proposal is over a certain size, it would be expected to make a physical or financial contribution towards provision of new public uses and/or public spaces or enhancement of existing public realm in the City. The amount of this contribution will depend upon the quantity of the floorspace uplift and would be proportionate to the uplift quantity.
18. A benchmarking exercise of the Cultural Plans submitted along with planning applications has been carried out to identify the scale and type of cultural contributions secured till date. The benchmarking data was used to identify threshold values above which developments will be required to deliver new public uses or public spaces. It was noted that large scale developments over 10,000 sqm made substantial contributions, typically between 3 and 5 per cent of total floorspace, while contributions from smaller developments ranging from 1,000 sqm to 10,000 sqm were varied and depended largely on opportunities on specific sites and other material considerations.
19. This policy approach could therefore require all major developments (over 1,000 sqm) to deliver specific amounts (floorspace area) of new public uses/spaces on site or to contribute to wider projects in the City. The policy would give priority to on-site provision and make this a requirement for large scale developments (over 10,000 sqm), with a set proportion of floorspace (and/or equivalent public realm) required to be made available as a public space or for public use.
20. On site provision could be set as a preference for developments between 1,000 and 10,000 sqm, with off-site provision deemed acceptable where there is an identified public space or public use project in the vicinity which would lead to better outcomes than on site provision. If it has been clearly demonstrated that on-site provision is not physically feasible or appropriate, and there is no identified project in the area, a financial contribution could be sought as part of a s106 agreement. These could be pooled and used for delivering a new public use/space somewhere else in the City or for making improvements to the existing public realm in the area.
21. The benefit of this (preferred) approach is that it would ensure effective delivery of public uses/spaces by setting out a clear matrix of floorspace requirements for the type and amount of contribution expected. It would capture different scenarios and clearly define situations in which these requirements apply and at what scale. This option would give priority to on site provision but at the same time ensure offsite or pooled contributions are secured where appropriate. Overall, this approach would be transformational in line with the Destination City aspirations.
22. If this approach is taken, further work would be necessary to establish specific floorspace quantity requirements for public spaces and public uses from new development, and to establish the level of financial contributions that might be appropriate in an offsetting scenario. Policy S27 (planning obligations) would

need to be updated to reflect these new requirements, and they would need to be factored into the whole plan viability testing, to ensure that such additional contributions could be delivered without adversely impacting on the viability of commercial development in the City. The Planning Obligations SPD may also require updating, either directly or (depending on the next stages of the Government's planning reforms) complemented through an appendix to the City Plan.

23. The second option could be to adopt a bespoke approach for different types and scales of development. This option would not set out specific floorspace requirements for provision or enhancement of public uses/spaces. The type/amount of contribution would be determined on a case-by-case basis. In this option, multiple approaches could be explored for securing contributions based on specific circumstances. For example, the approach could be different if development is a refurbishment scheme, or it is linked to a heritage building. If the provision of new public use/space on site is not achievable, then other forms of contributions including off-site or financial contributions would be given equal importance. The drawback of this approach is that there would be inconsistency in the application of the policy and there could potentially be situations where meaningful contributions are not secured.

Inclusion and Accessibility

24. The Local Plan Sub-committee on health, inclusion and wellbeing in September 2022 recognised the need to further strengthen requirements of Local Plan policies in relation to health, wellbeing, equality and diversity. The refreshed Policy S6 would seek to strengthen these requirements to ensure that new public spaces being provided are genuinely inclusive and accessible to all, and that they are places designed for people where they can spend time in and enjoy, in comfort and safety without any hindrance.
25. The draft City Plan sets out a range of policies (in particular Strategic Policy S8 and Policy DE5) seeking provision of publicly accessible spaces such as roof terraces and viewing galleries within new development. Conditions and s106 obligations are used to ensure inclusive access on a case-by-case basis and there is the opportunity to give clarity and additional weight in policy.
26. London Plan Policy D8 Public Realm (part H) seeks to ensure appropriate management and maintenance arrangements are in place for the public realm, which maximise public access and minimise rules governing the space to those required for its safe management in accordance with the Public London Charter.
27. In order to make public spaces within the City fully accessible and inclusive to all, the refreshed Cultural policy could seek to strengthen requirements for the management of public spaces particularly privately owned public spaces (POPs). The policy would outline how public spaces could be used and managed by setting out specific levels of public access requirements for different types of public spaces that are created through new developments, for example setting standards for opening times, management, limitations on commercial operation, accessibility, and inclusive welcome, while ensuring restrictions on the use of

public space if in place are the minimum necessary, and are appropriate and reasonable.

28. If this approach is taken, further work would be required to establish appropriate standards for different broad types of public spaces delivered through new development, which could be set out in the City Plan.

Celebrating the City's Heritage

29. Great places have heritage at their core. It is a vital factor underpinning vibrant and successful places. With the City of London having a unique and rich heritage, there is potential of unlocking and utilising it as a catalyst for driving positive change; getting communities together and giving them the opportunity to enjoy and celebrate their heritage.
30. One of the key priorities of the refreshed Cultural policy would be to place heritage at the heart of placeshaping. To achieve this, the City Plan could require developments to celebrate the City's heritage potential by:
- requiring developments that involve heritage assets to provide access to them and reveal them better to the public
 - adopting a place-based approach to celebrating heritage
 - embedding heritage in the cultural offer
 - incorporating revealed heritage into new developments
 - recognising and reflecting the site/area's history in the design proposal
 - providing access to archaeological features

Corporate & Strategic Implications

The proposed refresh of draft Local Plan policy will be in conformity with strategic policy and complementary to Destination City.

Financial implications

31. None.

Staff Resource implications

32. Preparation of the revised pre-submission Regulation 19 City Plan will be carried out in-house by the Development Plans Team, working alongside and supported by Development and Design colleagues in the Planning Service and by other services as appropriate.

Legal implications

33. There are no specific legal requirements, other than the ongoing requirement to ensure that all relevant statutory processes are complied with during production of the City Plan.

Equalities implications

34. Preparation of the City Plan has been informed by an Integrated Impact Assessment which incorporates an Equality Assessment. Any material changes to the Plan will be subject to further Equality Assessment.

Risk implications

35. The December 2021 report to the Grand Committee identified the risks associating with preparing a revised pre-submission Regulation 19 City Plan as compared to submitting the current version for examination. The Grand Committee agreed to revise the City Plan and officers will continue to monitor and report back on any changes to the risk assessment as the project progresses.

Climate implications

36. The City Plan is one of the key mechanisms for achieving those targets in the Climate Action Strategy which relate to the Square Mile rather than the City Corporation's own operations, in particular the net zero target for the Square Mile by 2040. It is intended that the revised City Plan will further strengthen alignment with the Climate Action Strategy.

Security implications

37. There are no direct security implications.

Conclusion

38. This report sets out potential policy approaches that seek to secure cultural and other public uses and spaces in new development. The recommended policy would give greater importance to on site provision of new public spaces and public uses, while securing off-site and pooled contributions in appropriate circumstances. The policy will also strengthen requirements for embedding culture and heritage into development proposals and contribute towards bringing communities together in an environment which is inclusive and accessible to all.

Background Papers

- None

Appendices

- None

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