

Addendum report No.2 to Committee Report: Application Nos. 23/01304/FULEIA, 23/01277/LBC and 23/01276/LBC	
Committee	Date
Planning Applications Sub Committee	17 April 2024

Late Representation

A late representation has been received from Fred Rodgers which is attached. The responses raises no new substantive planning grounds and the issues are dealt with within the report and associated documents.

From: [REDACTED]
To: [REDACTED]
Subject: FW: London Wall West - 23/01304/FULEIA etc (the Scheme)
Date: 16 April 2024 16:56:18
Attachments: [REDACTED]

Sarah Gentry
Planning Officer (Development Management)
Development Division
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From: Fred Rodgers [REDACTED]

Sent: Tuesday, April 16, 2024 4:34 PM

To: Frederick Rodgers [REDACTED]

Cc: Richards, Gwyn [REDACTED]; Hayward, Christopher (Deputy)

[REDACTED]; Wilkinson, Paul

Subject: London Wall West - 23/01304/FULEIA etc (the Scheme)

THIS IS AN EXTERNAL EMAIL

Dear Planning Applications Sub- Committee Member,

Tomorrow, you will have the responsibility of making a decision on the Scheme, a decision forced on you by other members of the Court of Common Council and one which is completely unnecessary. The Scheme's Sponsor, your Policy Chair, is one of those other members. The same Policy Chair who, when on P&TC, was absent on the two occasions 31 Bury Street (the scheme that would have adversely affected Beavis Marks) and recommended by the Director of Planning and Development was considered. Even then, four current members of the PAS-C voted for approval when it was refused. Whatever decision you take though, it will add to the reputational damage which City Corporation (CoLC), as applicant, has already caused to itself through its blinkered pursuance of the Scheme.

Unfortunately, you will be damned if you do and damned if you don't, although many more will be adversely affected if you do than the few egos that may be hurt if you don't. The alleged purpose of the Scheme is to ensure that CoLC obtains best value on a subsequent disposal, sometime later this decade. It's understandable that, having spent over £11.5 million on the Scheme, CoLC wants to show it is money well spent. However, as the Policy Chair has stated publicly, CoLC will not be implementing the Scheme and it's highly unlikely any developer would wish to implement it either, especially as possession will not be available for some time.

Although the public consultation on the Scheme ended on 06 April, comments are still being posted to the planning portal. However, you have already received a copy of the Officer's report to Committee (Report), and you will be receiving at least one Addendum before the meeting but there are several questions of officers which have been outstanding for some time and it is doubtful that those questions will be answered in time to be considered at the meeting. This is something you should be raising with officers if you wish to reach a balanced decision on the Scheme. In the meantime, there are one or two issues regarding the Scheme which you should raise on Wednesday in any event, including – and as detailed in the Schedule:

1. The Report refers to officers.
2. The Report confirms that CoLC, as LPA, does not identify Bastion House, the Museum of London building or the Rotunda as Non-Designated Heritage Assets (NDHAs).
3. As far as carbon emissions and the submitted Whole Life-Cycle Carbon Assessment (WLCA) are concerned.
4. According to Buro Happold's *Carbon Optioneering Study, including Dashboard 1 and Dashboard 2 of 17 November 2023*.

The above are facts. There may be more incorrect “facts” in the Report. Certainly, there are many subjective views and claims, a lot of which is box-ticking, but, of course, opinions on design and public benefit will always be subjective. However, CoLC, whether as applicant or as LPA, has obligations in respect of the whole of the Square Mile and issues such as additional cultural facilities and additional of open, particularly green, spaces should be viewed in the round. Here we have Barbican Arts Centre which costs us over £30 million a year with horrific refurbishment costs but without any Culture Strategy, alongside the failure, through lack of resources, to present Destination City as a thriving green oasis. At the same time, residents and students in the east of the City are denied any cultural offers, certainly not affordable ones.

As mentioned above, the submission of the Scheme was unnecessary; “facts” you are being asked to consider aren’t; there is prima facie evidence of conflicts of interest for officers; and the Policy Chair has apparently claimed in a *Financial Times* interview in February, that he personally directs council officers to make things “work” for major office developers”. In the circumstances you have every right to refuse permission for the Scheme. After all, there would be little danger of the “costs of an appeal” threat against refusal having much weight in refusing permission.

Best regards,

Fred Rodgers

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The Schedule

1. The Report refers to officers. However, it doesn't distinguish between officers representing CoLC, as applicant, and those representing CoLC, as LPA. There is, of course, the required Handling Note (Note) which names most of the officers involved but the Note is undated. One consequence is that the successive claims of Buro Happold – CoLC's, as applicant, de credere planning agent, regarding disproportionate collapse have been accepted by CoLC's, as LPA, officers without question or challenge. During the period which should have been covered by the Note, CoLC's, as LPA, officers, including those identified in the Handling Note, instructed Buro Happold to prepare CoLC's, as LPA, draft Planning for Sustainability SPD which has recently gone out for public consultation. How can there not be a prime facie conflict of interest here?

2. The Report confirms that CoLC, as LPA, does not identify Bastion House, the Museum of London building or the Rotunda as Non-Designated Heritage Assets (NDHAs). This is important in that the Report would then have to give proper and due consideration to these buildings as heritage assets. These buildings – and Ironmongers' Hall – were excluded from the Barbican and Golden Lane Conservation Area (CA) in 2018 - rejected with nothing more than references to the then current Certificate of Immunity from Listing (COIL) which was due to expire on 21 July 2020, although the Hall was identified as an NDHA. Contrary to paragraph 107 of the Report, there was no appraisal of the CA in 2022 or at all. Paragraphs 551 to 553 of the Report seek to justify the non-identification by reference to guidance from Historic England (HE) for the creation of local lists of heritage assets, despite HE distinguishing local listing from identification of NDHAs. The reason for non-consideration for the CA – the COIL – whilst mentioned in paragraph 551 - isn't repeated in the Report. However, having used the HE guidance to support the non-identification, Barber-Surgeons' Hall is identified as an UDHA in paragraph 554 without it even being tested against HE's criteria. CoLC, as applicant, covertly applied to renew the COIL last November – engaging a new heritage consultant at a cost of £37,000 – but the application became public knowledge and several objections were submitted to HE. At the beginning of this month, HE hadn't submitted its advice on the application to the Secretary of State, Digital, Culture Media and Sport and it would seem reasonable to await the outcome of that application before a decision is made on the Scheme.

3. As far as carbon emissions and the submitted Whole Life-Cycle Carbon Assessment (WLCA) are concerned, according to paragraph 1106 of the Report, The methodology as set out in the COG [Carbon Optioneering Guidance] was only available in draft form from July 2022. My own response to the consultation on the draft COG is dated 06 June 2022 and the "final" issue of the document is dated 25 May 2022. CoLC, as applicant, published its first WLCA on 31 May 2022, although "document properties" shows it was created on 30 May 2022, so it seems the "excuse" offered in paragraph 1106 has no basis in fact. The failure of CoLC, as applicant to provide a detailed appraisal of "Option 2" and that of CoLC, as LPA, to require one shows a complete lack of objectivity on the part of the latter. Not only has CoLC, as applicant, through Buro Happold, moved the goalposts between May 2022 and as recently as last month as far as the construction of Bastion House is concerned, CoLC, as LPA, hasn't challenged this at all, making a mockery of CoLC bragging about its "retrofit first" policy! For the record, the cost of the original buildings was provided by the GLC and CoLC, sometime after the Ronan Point disaster; it's obvious from the architects' drawings that the structure of Bastion House was significantly changed after November 1968 – with the number of proposed external columns being reduced from six to four; the letter of 26 September 1969 from the architects referencing changes to meet the newly introduced wind speed code is missing from CoLC's file 4648 but a later confirmatory

letter remains; although the “new” design code for concrete (CP110) was introduced in November 1972, the Handbook on the Unified Code for Structural Concrete (CP110: 1972), published by the Cement and Concrete Association, is dated 01 January 1972, which is not surprising as regulations of this type are, of course, considered in draft before being approved and coming into force at a later date; and, conclusively, drawing 172-T1-15, Section A-A in both London Metropolitan Archives and CoLC file 4648 has an alteration dated 24 November 1972 with Note re 3rd floor slab added. The note reads: NB For details of construction of third floor slab see Dwgs 172-T8 -2 + 3 and Engineers’ Drawings!

4. According to Buro Happold’s Carbon Optioneering Study, including Dashboard 1 and Dashboard 2 of 17 November 2023:

3.2 Bastion House: Based on its current use as an office tower, the floor-to-floor heights in Bastion House are very low at 3.3m. The existing floor-to-ceiling heights in Bastion House are approximately 2.54m. This limits natural lighting to the depth of the floor plate and creates undesirable office accommodation. Guidance from the British Council for Offices (BCO) recommends that for refurbishments 2.45m to 2.8m floor-to-ceiling heights are acceptable in some circumstances, whilst for new-build offices with deep plan floor plates, floor-to-ceiling heights should be 2.8m to 3.2m.

The floor-to-floor height is 11 feet – 3.35 metres – the floor slab to ceiling slab height is 10 feet two inches - 3.1 metres – and the floor slab to fitted false ceiling height is 9 feet - 2.74 metres.