

PLANNING APPLICATIONS SUB-COMMITTEE
Tuesday, 29 October 2024

Minutes of the meeting of the Planning Applications Sub-Committee held at Livery
Hall - Guildhall on Tuesday, 29 October 2024 at 10.30 am

Present

Members:

Deputy Shравan Joshi MBE (Chairman)
Graham Packham (Deputy Chairman)
Ian Bishop-Laggett
Michael Cassidy
Mary Durcan
Deputy John Edwards
Deputy Marianne Fredericks
Jaspreet Hodgson
Alderwoman Elizabeth Anne King, BEM JP
Deputy Charles Edward Lord
Deputy Brian Mooney BEM
Deputy Alastair Moss
Eamonn Mullally
Deborah Oliver
Deputy Henry Pollard
Alderman Simon Pryke
Ian Seaton
Hugh Selka
Tom Sleigh
Jacqui Webster

Officers:

Polly Dunn	- Assistant Town Clerk
Callum Southern	- Town Clerk's Department
Fleur Francis	- Comptroller and City Solicitor's Department
Rob McNicol	- Environment Department
Joanna Parker	- Environment Department
Gwyn Richards	- Environment Department
Alex Thwaites	- Environment Department
Amy Williams	- Environment Department

1. APOLOGIES

Apologies were received from Deputy Randall Anderson, Anthony David Fitzpatrick, Deputy John Fletcher, Alderman Robert Hughes-Penney, Natasha Lloyd-Owen, Shailendra Kumar Kantilal Umradia, and William Upton KC.

2. **MEMBERS' DECLARATIONS UNDER THE CODE OF CONDUCT IN RESPECT OF ITEMS ON THE AGENDA**

The Deputy Chairman made four non-pecuniary declarations in relation to Item 5, noting he was a Member of the St. Bride Foundation Friends Scheme, owned an apartment in 24 Tudor Street which was nearby a designated heritage asset, was currently a Patron of Dr Johnson's House and was, until May 2024, the Chair of the Board of the Guildhall School of Music and Drama and was still serving on the Board.

The Deputy Chairman made a non-pecuniary declaration in relation to Item 6 as he had made a submission regarding the 165 Fleet Street case at Licensing Committee, but had been cleared to participate in the discussion on the Item as he did not have a Disclosable Pecuniary Interest (DPI) and did not object to the application.

Jaspreet Hodgson declared a non-pecuniary interest as a resident of Barbican Speed House.

3. **MINUTES**

RESOLVED – That the public minutes of the meeting held on 10 September 2024 be agreed as a correct record.

Matters arising

A Member sought clarity over a comment from the minutes of the previous meeting regarding a retrospective application from the Deputy Chairman over whether the solution mentioned referred to the planned quarterly meetings between Planning Officers, City Surveyors and the City of London Girls School or the planning perspective of CCTV and a gate being fitted without permission or neighbourhood engagement. Officers stated that the answer to how retrospective applications would be avoided in future was that quarterly meeting had been established to discuss and review programmes of works to avoid similar events occurring. Officers also assured that they would be recommending resident engagement with any retrospective application submitted would be undertaken.

4. **TENTER HOUSE, 45 MOORFIELDS, LONDON, EC2Y 9AE**

The Sub-Committee considered a report of the Planning and Development Director concerning the demolition of the Class E unit (and related structures), ground and basement floor slab, car park and access ramp of Tenter House together with the demolition of part of the City Point Plaza floor slab and New Union Street, to provide a new part 14-storey and part 21-storey office building, with one ground floor retail unit, community floorspace at ground floor level, new level plaza (open space), and a reconstructed New Union Street, together with cycle parking, waste storage, servicing, landscaping, plant, and other associated works.

The Town Clerk referred to those papers set out within the main agenda pack, as well as the Officer presentation slides and two addenda which had been separately circulated and published. Officers presented the application stating that 45 Moorfields was also known as Tenter House and informed the Sub-Committee that the site was bounded by City Point Plaza to the north, 21 Moorfields and New Union Street, a private road, to the south, and Moorfields to the East. The site was not located in a conservation area and is not a listed building but was located in close proximity to a number of heritage assets, including the Barbican and Golden Lane Conservation Area. It was also noted by Officers that the site was close to several residential properties, including Heron House and Willoughby House in the Barbican Estate (Grade II* listed) and highlighted planning permission was granted in September 2020 for the demolition of the pre-existing 11-storey building and the construction of an 18-storey building for office use with ground floor retail units. The permission had been lawfully implemented and the applicant was currently undertaking demolition of the building which was due to be complete down to ground level by January 2025.

Members were presented with images of the pre-existing Tenter House at the ground level environment, as well as the current site with a view of car park access ramp looking west and the entrance to New Union Street from Moor Lane looking east. Members were also shown aerial and ground-level images of the CGI Consented Scheme which Officers reported did not contain any works to the Plaza and retained the car park ramp which undermined the quality and potential of the consented scheme. Officers then presented images of the proposed Tenter House CGI which included greening across the site with more solid structure and suggested the neighbouring of tall buildings made the site suitable for a tall building. It was reported that the development would rise to 21-storeys or roughly 95m AOD.

Members were shown the proposed site plan with extensive greening works to the Plaza within the red line boundary area with the proposed community space to the west of the site and the proposed restaurant to the east of the site. Officers noted the office entrance would now be directly accessed from City Point Plaza with fully inclusive access. Members were also shown some CGIs of City Point Plaza looking from the south and southwest, the view from Moorfields looking northwest where Officers indicated the entrance would be significantly improved by greening. The view of Moorfields looking west from the previous ramp location, and the view of New Union Street from Moorfields looking west was also shown which would be exit only as was the existing situation, with the street set to be relandscaped as a pedestrian-priority thoroughfare.

Members were shown the lower ground plan which showed the entrance to the on-sit servicing bay which was in the same location as the pre-existing and was the same size as the consented scheme. Officers drew attention to the cycle parking and end of trip facilities proposed over, and above, the consented scheme and noted it was fully London Plan compliant. Officers also confirmed that only one basement level was now proposed compared to the consented scheme which had two.

Members were shown the ground floor plan and Officers suggested the layout was considered to make best use of the site through the provision of an uplift in office floor space, complimentary retail and community space. Officers indicated the proposal would transform the Plaza into a fully inclusive, heavily green space, with the removal of stepped access across the site.

The Sub-Committee was presented with the proposed first floor plan which outlined indicative areas for creative and affordable workspace.

Members were also shown the proposed second floor plan which provided an example of a typical office floorplate and noted the floor plates had been designed to be flexible and adaptable to meet a range of occupier needs, including SMEs.

Officers presented the proposed fourteenth floor plan with a wrap-a-round terrace which was densely planted and was for use by office occupiers to support internal office functions and had been designed with wellness principles in mind and was fully accessible. The depth of the planting around the edge of the terrace was 2.5m and designed for both wind mitigation and to prevent users of the terrace being able to access the edge which was important for both suicide prevention and to minimise overlooking nearby residential properties. Officers noted the balustrade around the edge of the terrace would be 2.5m high and access would be restricted between 6:00pm and 8:00am.

Members were shown the proposed fifteenth to eighteenth floor plan.

Officers presented the proposed nineteenth floor plan to Members which showed the south facing terrace and confirmed that also had restricted access between the hours of 6:00pm and 8:00am.

The proposed roof plan was presented to the Sub-Committee and highlighted the level of greening across the site.

Members were shown detailed elevations, particularly the south elevation with the greening proposed at upper floor levels with solar shading and PV panels on the façade. Officers also highlighted that the bottom of the elevation showed the change in level different across New Union Street up to Moorfields and the proposed serving bay with an acoustic door. The east and west elevations were also presented to the Sub-Committee by Officers who drew attention to the exoskeleton grid structure and the planting with glazing sitting behind it. The east elevation was shown to Members in more details with planting and balconies as amenity for officer occupiers.

Members were informed that the two bollards at the end of New Union Street on the eastern Elevation on Moorfields were designed to stop vehicles driving down the wrong way down the one-way street and to encourage pedestrian safety.

Officers presented the interaction between Moorfields and City Point Plaza which detailed the restaurant in the entrance to the plaza which featured step-free access.

Members were informed that the sliding drum doors shown in the CGI of the office reception provided fully inclusive access compared to the consented scheme and Officers noted the lobby would be programmed for culture uses to be detailed through the Cultural Implementation Strategy. Members were also shown the context of the north, east, south and west elevations in the proposed development.

Officers explained that the development would exceed the Urban Greening Factor (UGF) target of 0.32, or 0.54 with the plaza excluded and further noted that the development would far exceed the biodiversity net gain target set out in the emerging City Plan with 4.2 biodiversity units per hectares compared to the target of 3 biodiversity units per hectares.

Members were presented with images of the indicative Plaza landscaping work that showed the possible depth of trees

The Sub-Committee were informed by Officers that the cultural offer for the scheme included artwork to New Union Street and would be designed and curated by the local community and cultural groups. The community space on the ground floor would also be available at a nominal or nil charge for community groups and the office lobby would be programmed for recitals and readings. Artwork attached to the construction hoardings would be commissioned by community collaboration and the cultural offer would contribute to the aims of Destination City and Officers suggested it would provide active ground floor uses and features of interest across the site.

Members were presented with the servicing strategy summary which showed a variety of swept path analyses for different vehicle types. Officers acknowledged some different vehicle types, including refuse vehicles, would have to reverse into the bay. However, the vast majority of vehicles would be able to turn fully within the bay. Officers also drew attention to the size of the proposed servicing bay compared to the consented scheme and suggested that both the proposed and consented servicing scheme were a drastic improvement to the current scheme. Officers explained that the pre-existing building had no controls and informed Members, subject to controls on consolidation, that a cap of daily deliveries would be in place with restricted hours, including no overnight servicing, and no reversing vehicles after 9:00pm. Officers confirmed this was to be secured through the delivery and servicing management plan.

The applicant had also tested a number of different sunlight scenarios according to the Officer presentation, including the pre-existing development, the demolished site and the proposed. The sites had also been tested with balcony and without balcony which was established in the BRE guidelines. Officers explained that the proposed building would not have a harmful material impact over and above that of the consented scheme and this had been independently verified by a third party. Members were also presented with the sun hours ground test on City Point Plaza and Officers noted that the proposed scenario was the same as being consented as none of the Plaza would see two hours of sun on 21 March. To supplement that, the applicant had also undertaken transient

overshadowing and tested the plaza on 21 June and 21 September. Officers noted there was a marginal difference on 21 June between the consented and the proposed scheme. Officers informed the Sub-Committee that the proposed scenario would continue to meet the BRE guidelines and would also meet the wind microclimate and thermal comfort guidelines with the development suitable for its intended uses.

Members were shown a view of the development from Gabriel's Wharf and Officers assured that none of the strategic views identified in the London View Management Framework would be affected. Local views of St Paul's Cathedral from the South Bank showed the proposal was fleetingly visible, seen briefly for 19m out of a total of 1.9km. The height of the proposals were reduced from that originally submitted to minimise the impact with greening added to the upper floors to soften visibility. Officers noted that as tall buildings could be viewed from the South Bank behind St Paul's Cathedral, the development was broadly consistent with the wider character of the kinetic viewing experience. However, Officers did consider that the proposal would result in a slight level of less than substantial harm to the setting of St Paul's Cathedral from the South Bank viewpoint. Historic England had not objected in principle to the proposals which reflected the fleeting nature of the impact.

A day and night view of the development from Gabriel's Wharf was shown to the Sub-Committee by Officers, as well as a slightly different local viewpoint further to the east than the previous view where existing buildings could be seen behind the north-west tower and pediment of St Paul's, with the proposed scheme barely visible.

The view from Willoughby high walk looking east was shown to Members with the consented and proposed scheme with 21 Moorfields in the background and Officers assured no harm would be caused to the Barbican as a designated heritage asset.

Officers presented the lighting impact assessment with the proposed façade and public realm lighting and noted it would be subtle and provide opportunities for passive surveillance and highlighting important details from the façade whilst minimising potential nuisance from light spill. Officers also explained that a full lighting strategy would be secured by condition and would include curfew hours for office lighting.

Officers indicated the building would have excellent sustainability credentials and the scheme was designed to facilitate a future connection to Citigen with a Bream 'Outstanding' and Nabers 5* rating were targeted. Members were also informed that the building would be fully electric with a diverse power supply to the grid and the scheme would far exceed the policy targets for the urban greening factor and the biodiversity net gain.

It was concluded by Officers that the scheme represented a high-quality transformation of the site and key public open space next to an important transport hub. It was also considered to be acceptable in height and massing, particularly in the context of the neighbouring tall buildings and its townscape

context and suggested there would be no impact on London-wide strategic views. Officers accepted there would be a degree of less than substantial harm caused to the significant of St Paul's Cathedral in local views from South Bank. However, these would be fleeting in nature and the height of the building had been reduced in the proposal to respond to the view and was now considered acceptable on balance. The architecture of the proposals was sought to bring together the fragmented quality of the plaza through a restrained ordered façade design that promoted a tactile and green character. Officers also maintained that the façade significantly improved the ground floor experience over that of the consented scheme as it added to the variety of active and inclusively accessible uses across the ground floor. The architecture also celebrated its timber construction details and provided a warmer, and approachable, character over and above the corporate appearance of the consented highly glazed scheme. Officers affirmed that the scheme would deliver over 33,000m² of Grade A office floor space and would accommodate over an estimated 18,880 jobs in a well-connected area. The office use on site would be complimented by the proposed restaurant and café, community uses and cultural programming of the lobby and the community and lobby space, along with the new artwork on New Union Street, would deliver on the aspirations of the City of London's Destination City initiative. Officers explained that the provision of a drastically enhanced fully inclusive public realm was a significant benefit of the scheme, providing dense greening and a reinvigorated City Point Plaza with good microclimatic conditions and contributed to the urban greening and biodiversity net gain that exceeded policy aspirations.

Officers reiterated to the Sub-Committee that the scheme was acceptable in transport and highways terms, subject to conditions and Section 106 obligations and the amenity aspects of the scheme on local residents had been rigorously assessed and independently reviewed and, subject to recommended conditions, were acceptable. It was acknowledged that the scheme would result in some degree of minor harm to St Paul's Cathedral in localised, fleeting, viewpoints, but no harm to any other heritage assets had been identified and the scheme was considered to be of high quality, well considered and very substantially compliant with local plan policies and exceed some policy aspirations.

Officers confirmed that the proposed development was recommended to the sub-committee for approval.

The Town Clerk explained that there was one registered objector to address the meeting and he invited the objector to speak after he had confirmed the speaking procedure with the objector.

Ms. Helen Kay stated it was an improvement of the existing scheme and explained the decision before the sub-committee would be life-changing for many people. Ms. Kay highlighted that the recommendation to approve the development application had received over 100 objections which took up 177 pages of the agenda pack for the meeting. Ms. Kay drew attention to resident frustration and upset and indicated that the issues that had been objected to could have been dealt with at the pre-planning stage. Ms. Kay suggested that, on occasions, she felt residents had received bad press but felt that residents wanted a thriving business community and a sustainable city as much as those

who supported the development and noted that residents brought up their families in the City, volunteered there and contributed to its success. Ms. Kay recommended a number of conditions, including the restriction on the hours terraces could be operational, which Ms. Kay acknowledged Officers confirmed would be included.

Ms. Kay also recommended a condition to fit automatic blinds to the windows due to the detrimental effects of light spillage on the 210 bedrooms in the Barbican near the development, citing the London Plan. Ms. Kay suggested that architects would claim there was PIR lighting in the building, but felt this could be overridden and left on over holiday periods. Ms. Kay noted the fitted blinds at London Wall Place made a huge difference and hoped that Deutsche Bank would do the same at 21 Moorfields, but felt it was wrong that residents had to initiate negotiations.

Ms. Kay recommended a third condition to make the service yard big enough for larger lorries to turn around as the high-pitched beeping that resulted from reversing was a noise nuisance. It was suggested that white noise was in the City of London's planning guidelines, but it was not mandatory and was ignored. Ms. Kay suggested that architects would claim the entrance for servicing was too narrow due to the core, but argued that 21 Moorfields had a similar issue and was a design issue. She suggested a design change now would save twenty years of disturbance.

Ms. Kay suggested the addition of another condition for observance of guidelines on the cumulative effect of loss of light as the London Plan stated that access to daylight and sunlight was crucial for the mental health of residents and workers. Ms. Kay raised concerns there were consequences of the extension of the development from 18 floors to 21 as it would require more servicing and there would be more loss of light. Ms. Kay

Ms. Kay stated that the daylight, sunshine and overshadowing analysis did not show the cumulative impact of Tenter House and 21 Moorfields and suggested it should. She further stated that formal requests had been made for it on 24 April and no response had been received other than the response to the representation made in the report that dismissed the comment which would block the only daylight gap between City Point and 21 Moorfields.

Ms. Kay recommended a fifth condition that all traffic flow from Moorfields rather than Moor Lane as mentioned in the report and made reference to a long-awaited plan for a green garden style street for Moor Lane which was paid for thirteen years ago by S106 by the Heron. She also stated that Moor Lane was part of the neighbourhood healthy streets plan and assured that servicing and deliveries would be booked in advance which would add more traffic to a narrow, and quiet, greened street.

The Chairman asked if Members of the Sub-Committee had any questions of the objector. A Member queried if there was a way to track discussions that had been had between the developers and residents to see how dialogue had broken down between the two parties. The objector explained that developers would consult

during the pre-planning stage, so issues, such as those raised with the service yard, should be discussed at that stage. The Member followed up and considered whether the objector had discussed the issues raised with the developer face-to-face. The Objector confirmed they had.

One Member asked the Objector for examples of what noise and light pollution would mean to residents affected and considered the delay of the greening in Moor Lane and what implications that would have for long-term residents and those committed to the area. The Objector explained those who lived opposite the developments would be affected by the lights being left on all night and all weekend, often with no one in the offices and the use of blinds and curtains would have to be used. The Objector explained that as it was getting dark earlier in the winter months, there would be a glare into homes and would be made much easier by blinds being fitted in office spaces. The Objector also noted that they were woken up early in the morning by reversing lorries. In consideration of the greening of Moor Lane, the Objector indicated money had been received from the Heron development through Section 106 monies and Moor Lane was currently on its sixth development and the Objector had patiently waited for each one to be finished. The Objector stated it was part of the Neighbourhood Healthy Street Plan and a small group was going to be established in December 2024 to write the scope for the greening of Moor Lane. A Member indicated to Officers it would be helpful to have the plan for the greening of Moor Lane going forward.

A Member asked what impact the 41 service deliveries a day would have on the Moor Lane greening scheme. The Objector indicated it would be significant as it was a narrow street, as well as the noise and fumes they create, and indicated there was no reason for vehicles to drive into Moor Lane when Moorfields was an option.

The Chairman invited supporters of the application to speak. The Town Clerk explained that there were two registered supporters to address the meeting and he invited the supporters to speak after he had confirmed the speaking procedure and outlined they had five minutes each.

Mr. Andrew Thomas, commercial manager at Metropolitan Properties City Ltd. (part of the Freshwater Group) addressed the Sub-Committee and thanked Officers for the recommendation to approve the application, as well as residents and Members who attended an exhibition or commented on the development plans by other means. Mr. Thomas stated that Freshwater was a family-owned with a commitment to providing ensuring benefits for their tenants and local communities, and had a track record of new build and refurbishments in Central London, including office schemes in Finsbury Square, Worship Street, Kingsway and Cavendish Square.

Mr. Thomas stated that Highdorn had owned Tenter House for thirty-five years and were excited to deliver a high-quality sustainable building for the next phase of the site's life. Mr. Thomas explained that the opportunity to redevelop Tenter House would provide more than the highest quality office space and contribute toward a harmonious relationship between the surrounding buildings and would offer valuable enhancements to the public realm within City Point Plaza.

Mr. Thomas stated that the previous permission was pursued with an aspiration for a revised scheme that resolved inherent problems with the Plaza. The aspiration was supported, in principle, by Officers at the time of the 2020 permission. However, there was no guarantee that the revised Plaza design could be achieved due to a complex ownership structure. As a result, the consented and implemented scheme was pursued. Mr. Thomas noted that, throughout, they had been exploring aspirations for the Plaza through intensive and protracted legal discussions with neighbours to get to a point where the developer was able to incorporate the Plaza as part of the new scheme. It was also stated by Mr. Thomas that the developer had taken the opportunity to respond to changes in the development plan policy and deliver a best-in-class office building.

Mr. Thomas informed the Sub-Committee that, if the application were approved, the programme would deliver the completed Plaza improvements by November 2025 and the completed building by the end of 2028. Therefore, the current Tenter House building was being demolished in accordance with the implemented planning permission to ensure the scheme was delivered in those timescales.

It was noted by Mr. Thomas that, following further engagement with the City of London Corporation, neighbouring landowners and resident suggestions for improvements had been made to his plans. This included a reduction in building height, additional greenery, greater energy efficiency and access to community space. Mr. Thomas believed, as a result of the changes, that the scheme had evolved for the better and would make a positive contribution to the City.

Mr. Guy Bransby, of Montagu Evans, stated that planning permission for the redevelopment of the site was granted in 2020 which had technically been implemented and continued to be undertaken on the site. However, the design had been revised to deliver a scheme that met current and future tenant requirements following changes to way employees worked post-Covid and new regulatory requirements on sustainability, fire and Disability Discrimination Act (DDA) access. The new scheme accorded, and in some cases exceeded, the strategic London Plan and City Plan policies to maintain the City's position as the world's leading international financial and business centre.

Mr. Bransby stated to the Sub-Committee that the new scheme made optimal use of the site by providing a greater quantum of Grade A office-floor space in a highly sustainable location and addressed the Corporation's Destination City objectives which the extant permission did not. The new scheme provided the means to deliver the regeneration of the Plaza, costed at £5m, which would create a significantly more accessible, equitable and safer environment for visitors and workers in the City.

Other benefits noted by Mr. Bransby included a ground floor retail unit to contribute to the vibrancy and link to the nearby principal shopping centre at Moorgate, along with a standalone community use for the public to create a healthy and inclusive City to accord with City Plan policy S1 in particular. It would

be on the ground floor to ensure a high level of accessibility, and its operation would be secured by the community use management plan linked to the cultural strategy all bound by the Section 106 agreement.

It was assured by Mr. Bransby that the developers would proactively engage and consult with local residents to develop ideas on to use the space exclusively for them. The provision of creative workspace within the building, public art at New Union Street and uses of the construction hoardings would link to Destination City. He noted there was an estimated amount of £10.5m of CIL monies and £3.5m of Section 106 contributions, which was approximately £9.5m more than the extant scheme.

Mr. Bransby stated that the development had exemplar biodiversity net gain sustainability credentials which included targeting a Breeam 'Outstanding' rating and the new building would be sustainable in its heating and power usage. All concrete removed from the building would be recycled. He also noted that the number of consolidated deliveries was around 41 per day and the majority of deliveries would be vans which were able to turn around in the entirety in the Loading Bay through a much more efficient design compared to the extant scheme. Around 10% would involve reversal onto New Union Street, but, as requested by the objector, white noise would be employed to smother the reversing beeps. In addition, a condition of no reversing after 9:00pm had been agreed which did not form part of the extant permission. Mr. Bransby noted that no such controls, or any controls on delivery or servicing, were in place for the pre-existing building.

It was specified by Mr. Bransby that a condition had been agreed, with regard to the terrace on the 14th floor, to prevent access after 6:00pm on weekdays and no access at weekends. No audible music had also been agreed at any time and access would only be available to tenants of the building. A 2.5m high glass screen with extensive planting behind it to act as a noise barrier and to prevent access to the terrace boundaries. Mr. Bransby noted that the residents of Willoughby House were approximately 70m away from the development's closest façade. However, he was able to confirm that the applicant was happy to commit to a condition on blinds on the western elevation.

Mr. Bransby explained that extensive consultation had taken place in line with the Corporation's updated statement of community involvement and had hosted an exhibition on site on 28 November during the pre-application period which had forty attendees. Regular meetings had also been held with adjoining landowners and Barbican residents throughout the process, including during the pre-application period, which resulted in enhancements to the scheme. This included improved screening and revised landscaping on the 14th floor terrace to prevent overlooking, additional testing of daylight and sunlight, improved energy efficiency and sustainability features and improved landscaping and additional greening on the building. More recently, a reduction of 5m to the height and 1000m² less floor space, along with the move of the community space to the ground floor, had also been accepted and Mr. Bransby indicated the developer was committed to continuing the engagement with the local community post-planning.

The Chairman asked if Members of the Sub-Committee had any questions of those who spoke in support of the application. A Member asked for assurance that a standalone community space, as set out in the development documents, would be delivered and not be diluted by other uses. The Member also asked if developers would commit to proactively engage and consult with local residents in development ideas on the space so it addressed resident needs and aspirations. A supporter of the development indicated assurance could be given.

A Member indicated they would like to see a much more robust social value framework for community space in the public realm as they did not think the development necessarily did that and were concerned that the community space, if built without the framework, could be underused and underrepresented. If a space was developed without a clear use, infrastructure funding would have to be found, and hard work would have to be carried out as a community to collaborate and bring partnership in to use that space. A supporter indicated the plan was to work with the community and with City Officers in conjunction with the cultural strategy and the proposed condition on the planning permission to develop a robust programming plan for the public space.

A Member asked for an explanation of what the differences were, of the vehicle movement aspect of servicing, between the existing scheme, the consented scheme and the proposed scheme. A supporter stated that with the current pre-existing building, the servicing yard was in approximate the same position as it was now. It was accessed from New Union Street, the arrival and departure sequence was the same, with vehicles arriving from Moor Lane from the west before they would pass one-way along New Union Street into the service yard. They would then exit to the east on New Union Street onto Moorfields and head north.

The supporter indicated there was no change to the vehicle routing proposed from the pre-existing scheme to the consented. The latest proposed scheme made a significant change as there were no servicing controls in place previously and there was no consolidation. There was also no cap on the number of deliveries and there was no restriction on the times in which servicing could be undertaken.

The supporter further stated that the consented scheme drastically improved and overhauled the servicing yard to provide for vehicles to turn within for it rather than reverse in with no restriction. While there was still an element of reversing in for around four or five deliveries a day, that was around 10% of the overall number of deliveries. A cap on the number of deliveries was also introduced for the consented scheme of 41 deliveries and had remained the same for the latest proposal.

The supporter stated that the difference with the proposed scheme was there was around double the amount of office floor space from the pre-existing building and yet the number of deliveries had been kept to a very similar level. Servicing hours had also been added that were off-peak and there would be no reversing late at night. He indicated this worked well with the aspiration to increase

pedestrian movement on New Union Street which would occur at times when deliveries were prohibited. The supporter noted the width of the loading bay had been increased with the new proposal and, from an architectural perspective, had gone from two basements to one which was a positive in terms of the embodied carbon and also meant that the developer had done well to retain the service yard and improve it slightly while having one less floor of basement at the same time. The supporter also stated that cycle parking had been increased significantly in line with the London Plan.

A Member recommended supporters engaged with public art experts at Guildhall or visual artists team at the Barbican Centre. A supporter stated it was the plan of the developer to work with the Barbican Centre and other major cultural providers in the area to develop the public art response in conjunction with the City's own public art experts.

A Member asked why the loading bay could not be designed to be large enough to allow vehicles to turn around within it. A supporter stated that the improved scheme was the best solution as it would allow the vast majority of vehicles to turn within the servicing yard and there would only be a small amount of reversing manoeuvres which had been mitigated in a number of ways. The number of basements had also been reduced from two to one which had considerably reduced the amount of space which had been done for increased cycle parking of around 150 spaces and the end-of-trip facility. A lot more had needed to be accommodated in less basement space and yet the servicing benefit of the scheme had not been diminished and various controls to try to limit the number of reverse manoeuvres.

A Member asked why access had to be via Moor Lane and not Moorfields. A supporter stated that all three schemes had proposed a one-way system from west to east along New Union Street as it worked well and reflected the narrow nature of the private road and noted the applicant only had part control of the road and it was not in the applicant's gift to reverse the circulation of the road. The supporter indicated it worked for pedestrians as it was much simpler and less confusing than having two-way vehicle movements.

A Member stated that once the building was operational, the applicant would have no control over the number of vehicles that could carry out deliveries and considered whether a condition could be added on restricting reversing before a certain time to ensure it was not done in the early morning. Mr. Steele noted there were draft conditions for the timing of service deliveries that would prohibit off-peak servicing, part of which included no servicing in the early morning, as well as late night which the condition defined as being between 7:00am and 10:00am, a restriction in place from 4:00-7:00pm, followed by a restriction preventing reversing from 9:00pm onwards. He stated that the detail was set out in the Section 106 agreement which was already in place for the consented scheme and anticipated there would be another that would set out the cap on deliveries. Mr. Steele also stated that there could be a discussion around the proportion of HGVs with the City regarding what would go in a Section 106 agreement and suggested that the HGV element was largely a function of the consolidation that ultimately brought down the number of deliveries as slightly larger vehicles were

needed to consolidate goods; the four to five vehicles that would be likely would be the consolidated vehicles.

A Member asked why a proposal was put forward if there was already awareness that the height of the development would potentially damage the strategic view of St. Paul's Cathedral. Ms. Lois Wheller (Tavernor Consultancy) stated they had been advising on the townscape and heritage and there was no impact of any strategic views. There were two views across the site, one from Westminster pier where there was no visibility in that view and two viewpoints from Gabriel's Wharf where there was also no visibility of the development. Ms. Wheller stated that what came to light later in the development of the scheme was a slightly degree of visibility when one moved away from the strategic viewpoint and the height of the scheme had been lowered to address the small degree of visibility. She also noted that once one moved away from the 16B viewing area in the LVMF, other buildings came into view behind St. Paul's Cathedral. It was a very small degree of fleeting visibility of which the developers had reduced the impact so as not to affect the legibility of the Cathedral and had arrived at the view, as a result, that there was no harm to the significant of St. Paul's Cathedral in that sequence. Ms. Wheller noted that Officers found a small degree of harm in the report but had balanced that against the public benefits and the developers had consulted with Historic England who had not objected to the degree of visibility.

A Member asked what assurances the applicant could provide to ensure that trees were built on Moor Lane as similar assurances had been made in the past on other developments and had not come to fruition. Mr. Bransby d the application did not include Moor Lane and did not have any impact on greening on Moor Lane.

A Member expressed concerns about resident engagement given the application had garnered over 100 objections and considered whether objectors and applicants had worked closely enough together to resolve issues before the application came to the Sub-Committee. Mr. Bransby stated that he felt that the developers had engaged well with the residents, as had the residents with the developers, and indicated it had been a useful process as borne out by the amendments made to the scheme and commitments made at the meeting to address the concerns of objectors. He also stated that the need for a second round of consultation due to the scheme being revised, as well as the high-profile nature of the development, may have been factors in the number of objections.

A Member was encouraged a community space would be included in a development of its size but questioned whether toilets would be available in the space and whether they would be available for public use. Mr. Bransby stated the community space did contain a toilet and the applicant's view was that the space was to be managed by whichever operator managed the space on behalf of the local community. It would be up to them as to how they provided public access to the toilet, but the developer was happy for access to be given to the public to use the toilet in the community space. He also noted there were community toilets nearby.

A Member asked whether assurance could be given that the lights would not be left on all night. Mr. David Walker (David Walker Architects) stated that low intensity lights had been incorporated and there was a detailed lighting report which supported that. He also noted that, given the coffered nature of the ceiling where the timber beams sat below the position of the light, that would further benefit the shading of the fittings from the exterior.

A Member stated there used to be an issue with flooding outside Tenter House every time it rained and considered whether that had been resolved. Mr. Bransby stated he was not aware of a flooding issue, having checked with the client, the project manager and the architect.

A Member asked why an application did not come to Sub-Committee without the demolition with an opportunity to retrofit given City policy. Mr Bransby noted the extant permission did not demolish the whole site as there was a prep unit that was not included in previous scheme but formed part of the current scheme. He also stated that pre-application discussions had taken place with Officers to establish whether the developers were on comfortable ground with the position not to do extensive optioneering and option testing.

A Member stated there was an opportunity to make the community space successful through an ongoing commitment financially to the space for it to continue to run. Mr. Bransby stated the applicants were committed to the space and bound by obligations Officers were delegated to include in the Section 106 agreement.

A Member stated the greening of the Plaza was notoriously difficult and trees were failing there already and was interested to hear about the ongoing commitment to working with the City to find solutions that would work to avoid more dying trees. Mr. Bransby stated he was aware of the issue of planting taking hold in the Plaza and was committed to getting the planting, the species and the maintenance programme right through appropriate conditions and obligations.

A Member stated that white noise blockers were notoriously unreliable and was interested to hear what innovative solutions developers may have to address the problem of noise. Mr. Bransby stated his team were committed to addressing the issue, having had attention drawn to it by residents and other schemes, and were committed to working with Officers to address it.

A Member stated that while the applicant had agreed to include blinds to address lighting, it did not address issues with climate change of reducing the fact that 26% of the energy consumed in the City were lights and questioned Officers on whether the lighting strategy would apply to the applicant should the application be approved and whether those lighting conditions would ensure the PIR system was not switched off and lights would not stay on all night behind a blind. Officers agreed that the two issues of blinds and the lighting itself were not mutually exclusive and confirmed that the lighting strategy still required all the sustainability elements around PIRs. If Members considered it necessary to attach a condition on blinds, that would sit alongside the existing condition regarding the lighting strategy.

Officers drew attention to Condition 26 in the Agenda Pack and confirmed that the justification of the Condition was related to environmental reasons.

A Member queried whether there was any technical or planning reason as to why there was some reluctance from the Applicant to a condition which would ensure that deliveries had to arrive via Moorfields rather than Moor Lane. Officers stated that it could not be dealt with by condition as it would require a redesign of the entire layout.

A Member asked what conditions could be implemented to address objectors concerns about deliveries flowing down a residential street. Officers stated that it was addressed by the conditions laid out regarding the consolidation of the hours of use and the limit of deliveries, as well as the Section 106 agreement.

It was queried by a Member as to whether it was correct that Moor Lane was used by Centre Point and, even if the application were amended, Centre Point would still have vehicles delivering via Moor Lane. Officers stated that New Union Street was not under the applicant's control to make changes to and, with regard to servicing, the number of deliveries was now restricted to 41. In addition, Officers had asked for a booking system for all servicing to be implemented.

It was stated by a Member that other local authorities were removing heavy traffic from residential streets and felt the opposite was being done with the application. The Member also suggested that with the impact of numerous developments, a solution should be investigated in detail and, if it was possible, a condition should be attached to address the issue of heavy traffic on residential streets.

A question was raised by a Member on how the servicing would operate, especially as there was only one enforcement officer who only had so much capacity to ensure only 41 deliveries were made and considered how many deliveries would be made an hour. The Member also suggested that the servicing area needed to be enlarged as they were concerned it was not large enough to take 41 deliveries a day and the impact this would have on surrounding streets. Officers estimated there would be 21 four and a half ton and 5 seven and a half ton lorries a day and explained it was not feasible to change New Union Street as it was a private road, there was not enough space to widen the carriageway and, if vehicles came via Moorfields, New Union Street would have to be changed to ensure it flowed westbound rather than eastbound. Officers stated that was not feasible as traffic would have to be controlled at the junction and a traffic survey had been carried out that estimated around 1,500 vehicles used Moor Lane daily. Officers stated that they did not feel the addition of 41 more trips would impact upon the operation of Moor Lane and residents.

It was noted by a Member that there was an issue of noise pollution on Moor Lane from taxis and deliveries being dropped off and questioned whether it was possible to make use of double red lines and remove use of the road by pick up and drop off taxis as the Silk Street entrance and other areas could be used instead. Officers stated that it was within the gift of the Corporation to add such restrictions as there were no waiting or loading restrictions currently in force.

A Member stated that, if it was impossible to change the route, whether the application of double red lines and the removal of taxis could be done, especially as there was an option on Silk Street to do that. Officers indicated that it was within

One Member asked why Officers had not pushed for a larger servicing area as part of the planning process to ensure the building was future proof for servicing without impacting upon the surrounding street. Officers stated the consented scheme of 2020 had the same loading bay and there would be five in-and-out movements during the day which, in theory, meant there would only be three deliveries. Alongside the capping of deliveries and types of vehicles used, as well as the booking system, it was felt not to be feasible to expand the space for three deliveries.

The Member noted this was a new application and asked why a larger service area had not been included in the new scheme, particularly as the developer had revised the scheme previously in reaction to market forces.

The Chairman asked for an explanation of the logic behind the solution before the Sub-Committee as opposed to other options and requested that the context of healthy streets plans for the area be discussed. Officers stated that the reduction in the number of basement levels within the proposed development meant the ground floor and basement areas were working harder to make use of the space, especially as more space had been used for a significantly enlarged cycle parking area. Ultimately, Officers considered the scheme acceptable as it was a reduction from the pre-existing position and comparable to the approved scheme, as well as the restriction of the minimum number of vehicles which was felt was well-separated from Moor Lane as vehicles would be on a private road.

A Member asked for an explanation of why it was not technically feasible to have access to the service bay from Moorfields and queried why the building could be redesigned for cycle parking for those who worked in the office, but not for the service bay for residential amenity. Officers stated it was not in the gift of the applicant to allow for a two-way as the road in question was a private road and redesign of the service bay would have known on affects on Moorfields that were unknown. The Healthy Streets assessment being done across the wider area was looking at various proposals for Moor Lane and Moorfields, but Officers indicated that City Operations colleagues had not informed them that the proposal conflicted with any of the proposals shortlisted at the moment.

The Member also asked what could be done to identify who owned the private road. Officers stated that Brookfield owned City Point and the Plaza around that. They had also received representations from residents and met with the Barbican Association directly on that point.

A Member stated that the report set out the position of the City as a local planning authority and was a relevant factor in relation to the basement and considered why Moorfields was being discussed as Liverpool Street Station had 65 million passenger movements and 14,000 National Rail movements. They noted the

impact on residential amenity and asked what statistics were available on that and why that, ultimately, did not factor into the final Officer decision. Officers noted the consented scheme was given planning permission and demolition was due to be completed by January and the applicants had indicated that, if the scheme before the sub-committee was not approved, they would continue to implement the previously approved scheme. Therefore, it was a material consideration. Officers stated that the wider implications of changing the scheme to two-way and in-and-out via Moorfields could have significant impact on pedestrian flows.

A Member asked Officers to confirm that the 100 objections received ultimately had no bearing on the Officer conclusion. Officers confirmed that was the case, every objection had been scrutinised, efforts had been undertaken to address the issues raised and the scheme before the Sub-Committee did actually address the issues and was considered to be recommended positively.

Another Member queried whether the mitigation of extra traffic flow was looked at in the surrounding area when major projects came before the Sub-Committee as calming measures were previously enforced at Moor Lane and Fore Street and questioned what had changed that was done around 10 to 15 years ago. Officers stated that no additional calming measures were required at Moor Lane and there was a Healthy Streets Plan that was looking at traffic measures, calming measures and greening along Moor Lane and Moorfields and which was designed to improve the pedestrian and cyclist active travel environment. As a result of the proposal in the application, it would not result in any increase in vehicle movements and, therefore, no direct on-street requirements were needed.

MOTION: A Member proposed that whilst the Committee is supportive in principle of the application, consideration be deferred to allow further discussion between Officers, the applicant and residential neighbours on the issue of servicing and deliveries.

The Chairman asked if there was a seconder and a Member agreed to second the proposed Motion.

In response to further Member questions, the Chairman confirmed that Members were debating the Motion and not the full application.

The Deputy Chairman indicated he would oppose the Motion as it was not necessary as the previous building had used Moor Lane without problems, it was also a lightly used road and would have a huge impact if Moorfields was used as the access point. The Deputy Chairman also believe the Sub-Committee should not get into the habit of deferring applications.

A Member stated that the applicants had made a number of concessions and there were zero controls over the consented scheme already approved, this scheme had restricted to around four movements a day down a private road and was not sure what the issue with the application was and felt the debating would

lead to a wholesale redesign of the building which was not appropriate or proportionate to the circumstances.

The Chairman stated that if there was a technical reason the Sub-Committee thought the applicant had not considered an option, or if there was a fault in the logic applied, he might have supported a motion. However, he could not see that in the report. He saw a Healthy Streets Plan that supported the current servicing option and the footfall demanded that the Sub-Committee did not make Moorfields two-way.

It was stated by another Member that the Healthy Streets Plan had not been implemented in a decade and had been told the Plan was outside the scope and could not be applied to support an application and noted, in reference to the private street, that it was not in the middle of nowhere and families were sleeping in the area, and they heard the noise from the street.

A Member, who made a point of personal explanation, stated he specifically acknowledged residential amenity and asked the other Member to withdraw his comment that he suggested it was in the middle of nowhere.

The Member stated he intended to cause no offence but reiterated the need to consider the people element of the application.

It was stated by another Member that there had been significant concessions, particularly around blinds, and while they understood the spirit of the proposal, they would not be supporting it as they suggested developers were being asked to defy the laws of physics and it would prolong that discussion longer than necessary. He also stated it would not be good discipline to continue to defer items.

A Member indicated they would support the Motion and fully appreciated there was another application they could implement but believed the developers had come forward with a redesign as it would be beneficial for them and their partners. They also stated that a harmonious relationship with neighbours was needed and future proofing the servicing of the site was beneficial to the developer in the long term and the tenants. The Member noted that if streets did not function effectively, it would lead to pollution and clogged up streets which would impact upon business. They also stated that previous applications had been deferred and had returned to the Sub-Committee within months and believed that it provided space for City Planners and developers to revisit and review applications.

A Member stated they agreed with the need to avoid deferring applications but felt that sending traffic in and out of Moorfields had not been looked at and felt it had not been explained why it was impossible other than a reference to New Union Street being a private road. The Member noted that deferring the application would not have been considered had they felt they had received an explanation that made sense. While the Member appreciated all the constraints that had already been put in place, they felt reversing lorries would not help New Union Street an art filled street with an up ramp and down ramp or make it safer,

even with restricted hours. The Member stated that if it is impossible to provide access from Moorfields and if that could be demonstrated to the Sub-Committee, that would answer that question. The Member indicated they would support the Motion.

The proposer of the motion stated they were entirely in support of the project as they felt it was a well-designed building and would be a great addition to that area of the City. However, there were concerns that had been raised by residents, who lived near the development, around servicing and deliveries and other Members had noted other applications had been deferred where concerns were raised where developers were able to find a solution quickly. The proposer suggested the Sub-Committee moved to the vote.

Having debated the Motion, Members proceeded to a vote:

Votes were cast as follows: IN FAVOUR – 8
AGAINST – 11
ABSTENTIONS – 0

The motion to defer the application was therefore not carried.

The Chairman moved the debate back to the substantive item.

A Member asked Officers whether it was acceptable that there was, according to Officers, a slight erosion in the strategic site lines for St. Paul's Cathedral as they thought there was strategic protection of views of the Cathedral and suggested proposals should come forward to the Sub-Committee that had slight erosions to viewpoints. The Chairman clarified the item was at the debate stage.

Votes were cast as follows: IN FAVOUR – 14
AGAINST – 4
ABSTENTIONS – 1

The Sub Committee - **RESOLVED –**

(1) That the Planning and Development Director be authorised to issue a decision notice granting planning permission for the above proposal in accordance with the details set out in the attached schedule subject to:

(a) Planning obligations under Section 106 of the Town and Country Planning Act 1990 and Section 278 of the Highway Act 1980 and other agreements being entered into in respect of those matters set out in the report, the decision notice not to be issued until the relevant agreements have been executed.

(2) That your Officers be instructed to negotiate and execute obligations and other agreements in respect of those matters set out under "CIL, Planning Obligations and Related Agreements" including under Section 106 and Section 278.

At this point, the Chairman sought approval from the Sub-Committee to continue the meeting beyond two hours from the appointed time for the start of the meeting, in accordance with Standing Order 40, and this was agreed.

5. 65 FLEET STREET, LONDON, EC4Y 1HT - *AMENDED 25/10*

The Sub-Committee considered a report of the Planning and Development Director concerning the partial demolition and refurbishment and extension of buildings to provide: purpose-built student accommodation (Sui Generis) which comprised of 856 rooms; extension of up to two storeys for the north block (up to 37.24m AOD) and up to four storeys for the south block (up to 55.465m AOD) with provision of roof terraces; provision of culture uses (learning and non-residential institution uses, (Use Class F1); provision of commercial uses which included retail (Use Class E); external alterations and extension to the Tipperary Pub (Sui Generis); enhancements to Whitefriars Crypt; public realm works were included to the passageway and the Courtyard; hard and soft landscaping; and associated works.

Members were presented with the site location and heritage context with a red outline of the development site location flanked by Bouverie Street and Whitefriars Street with Fleet Street to the north. The blue outline which faced Fleet Street was the Grade Two-listed Tipperary Pub and the blue outlined which faced south onto Ashentree Court was Whitefriars' Crypt which was also Grade Two-listed.

Members were shown a visual of the north block to Fleet Street and the South block to Whitefriars Street and Bouverie Street which demonstrated that the site was surrounded by conservation areas, listed buildings and the Inner Temple Garden. The northern part of the development was in the Fleet Street Conservation Area and Officers confirmed it was a site of two buildings, with the north block called fronting Fleet Street and the southern block known as being to the south. Officers stated that the southern block was much higher and was a postmodernist building from the 1980s. The northern block was a collection of the Tipperary Pub which was a white, slender, block bookended on either side by non-designated heritage assets from the 1920s. The centre was more of a postmodernist building that was in the area of the conservation area.

Members were presented with images of the 65 Fleet Street gated and stepped courtyard and atrium interior and informed the Sub-Committee that the Applicant had re-opened the temporary pub, inserted a florist and a café and enlivened temporarily the courtyard route through. Officers stated that the courtyard was in a dismal state and areas of the routes were gated; the atrium would be repurposed and was an opportunity for retrofit.

Members were informed, while being presented with the retrofit approach, that a retrofit first policy was being followed and 100% of the substructure, below ground, would be retained of the north and south block and 93% of the superstructure, above ground, would be retained for the north block and 94% for the south block. With regard to the extensions proposed in the north block, one floor would be removed and three floors put back in with a net gain of two, while

the southern block would have two floors removed with six floors being installed for a net gain of four.

Officers presented the proposed layout on the ground floor with the golden layout which presented the slender footprint of the temporary pub which would be expanded into what was existing retail use with more of a food and beverage offer. The very pale colour fronting Fleet Street on the diagram shown would be retail and the yellow colour in the centre of the diagram would be one floor of the proposed new culture use; the pale blue colour for the rest of the site would be 856 units of student accommodation which would be from the lower ground up to the 9th floor of the southern block. Officers noted the arrows indicated the entrances to the student accommodation from Bouverie Street and there would be two secondary entrances in red and the culture use entrance, in blue, was prominently located. There was also an additional cycle parking entrance.

The lower ground proposed plan and entrances were presented to Members by Officers which displayed the cultural use in the centre and the Whitefriars Street cultural use to the south of the site. Altogether, with the blue entrance, the area for cultural use would be 1,486m². The green arrow indicated the main cycle entrance for students and other uses and the grey area would be for repurposing the existing servicing area which would be consolidated hours off-peak, except for refuse collection.

A presentation of the existing and proposed north block Fleet Street elevation was shown by Officers to Members, along with the existing and proposed north and south block Bouverie Street elevation. The existing and proposed north and south block Whitefriars Street was also shown to the Sub-Committee.

Members were shown visuals of the existing and proposed frontage of Fleet Street and Bouverie Street and Officers noted the postmodern element which was inserted in the centre, the arch would have the exterior cladding removed and would be re-cladded in Portland stone as it was a Conservation Area and traditional materials would be used. There would also be mansard extensions in slate and the arch would be reshaped and have an accent of green faience, to the south a more contemporary treatment would be visible.

Officers presented the existing and proposed view looking down Whitefriars Street from Fleet Street and noted the more contemporary treatment on display with the additional matting.

The existing and proposed view of Bouverie Street was also shown by Officers who stated that the ground floor of the southern block would existing granite on the site be repurposed and would be etched GRC in a Portland stone lookalike and the levels above would be a green metallic finish with a gradation of different greens. It would also be fluted in appearance.

Visuals of the public realm were presented by Officers of the route looking from Fleet Street to a new area of the courtyard which would be free to roam. Officers stated that the gates would be removed and was much brighter with activity entrances and seating on the pedestrian route. The courtyard was also presented

by Officers who stated that it would also be free to roam with an accessible lift included from Whitefriars Street.

The existing and proposed visual of the development from Temple Gardens and 2-6 and 3 Kings Bench Walk were shown by Officers to the Sub-Committee. Officers indicated that the view presented would probably be the most prominent in longer views with buildings shown in the foreground with the southern block raised just above the foreground buildings. Officers stated the fluted soft green elevation would disappear as one approached the building.

Members were shown a visual of a Level 005 typical student accommodation by Officers who stated the blocks in blue were studio rooms which contained an ensuite along with a kitchen facility included. A more affordable option presented was the cluster rooms highlighted in yellow and shared amenity spaces were highlighted in orange. Officers further stated that the scheme would deliver 10% accessible rooms across the floors on different floors and were highlighted in purple. 35% of the units would be affordable. Officers noted that the lower ground level and lower levels of the student accommodation would have more challenging light conditions, partly due to being at the lowest levels, but primarily as there were limitations with a retrofitted scheme and the urban grain built-up context the site was located within. However, it was comparable with other student accommodation in similar contexts. Officers stated that the cultural offer, highlighted in yellow, and the Tipperary Pub were entirely segregated from one another and the existing lightwell would be an open atrium with a large amenity space located at the lower ground level with roof lights above. Active spaces would be located underneath the well-lit light and the darker areas would be more areas for socialising such as bars.

The Level B1 student amenity spaces proposed plan was shown to Members and Officers stated the amenity space at lower ground level would have no light at all and be used as back-of-house gym, cinema and washing facilities. Cycling storage and Whitefriars Crypt was also highlighted.

The proposed green roof plan and accessible terrace for student use was presented to Members. Officers stated it would be a well-lit roof terrace to be used for dwell space with a perambulation around the roof terrace with attractive views. Officers noted Members were concerned with potential suicide risks and stated that there would be a 2.1 enclosure around the atrium and Condition 34 laid out various requirements in place for the issue to be addressed which included management and training for staff, as well as placement and fixing of furniture and the final details of the balustrade. Officers stated there would be an NHS contribution from the Applicants which would be £45,000 to supplement GP requirements in the immediate area.

The Sub-Committee were presented with a map of sensitive light receptors by Officers. Officers stated they had looked at eight residential units that were affected; six of them were BRE compliant or negligible in terms of the impact. One of the units to the north had some minor adverse impact, in terms of the sunlight, and there was another unit that had a moderate adverse impact in terms of daylight and major adverse impacts in terms of sunlight. Officers stated they

believed this was acceptable on overall planning balance given the urban location and the existing lighting level of such areas.

Members were shown visuals of the The Tipperary (Grade II) elevation onto Fleet Street and the ground floor bar. Officers stated it would be preserved and refurbished, particularly the small cellular nature of the ground floor and the first floor and upper floors would be repurposed to include a dining room. The offer would be expanded into the unit on the left of the visual over three floors which would provide an enhanced food and beverage offer.

Officers presented the Sub-Committee with a visual of the cultural vision of the visitor and learning space which would be provided by the St. Bride's Foundation and would occupy the light blue to the right of the circular light well in the courtyard and would occupy the darker blue in the lower ground floor level. Officers further stated it would be a celebration of everything print related and would examine communication, typography, digital design and graphic design would be considered. Officers noted it would be educational, multigenerational and feed into the curriculum and offered opportunities for workshops, learning spaces, as well as permanent exhibitions and would be prominently located within a main entrance in the courtyard. Officers confirmed the final details would be contained within the Section 106 agreement.

Officers presented a visual of a journey from St. Bride's Foundation through the Salisbury Square development which had emerged and into the new educational offer.

A visual of the existing Whitefriars Crypt (Grade II listed) access via rear lightwell on Ashentree Court / Magpie Alley was shown to Members. Officers stated it had been looked underwhelming. Officers presented the cultural vision for the Whitefriars Crypt and stated the extension would expand opportunities for exhibitions, introduce accessible access, and the look would be in keeping with the award-winning Vine Street Experience.

Officers stated that the Tipperary Pub would be accessible on all floors and a lift would be introduced to that as well.

Officers summarised that the proposals exemplified the City of London's retrofit first approach with exceptional sustainability credentials and would propose an inventive repurposing of a long vacant building in the heart of Fleet Street. The proposals supported good growth and optimised the size through high quality design and delivered fit-for-purpose student accommodation and a mix of complimentary uses with well-being being central the proposals. Officers stated the proposals would support London's higher education offer with a portion of affordable units close to the London School of Economics and King's College which would bring a new population and audience to the locale which contributed to the wider reenergising of the neighbourhood and boosted the economy. The scheme provided 1,480m² of cultural space which linked into the existing and emerging cultural ecosystem through an outwardly faced, publicly accessible, and free exhibition of the Carmelite remains which would be open seven days a week. Officers further stated that St. Bride's Foundation would support

educational learning and showcase hidden treasure from a local institution which celebrated print making and reflected the essence of the Fleet Street. The public realm would be enhanced with the ground floor being activated, as well as the accessible pedestrian routes and courtyards to dwell. Officers considered the development to be high quality with an engaging mix of uses which aligned with Local Plan and London Plan policies which embodied the Destination City ambitions. Officers recommended the planning permission and listed building consent to Members to be approved.

The Chairman indicated there were no objectors to the scheme and explained that there were three registered supporters to address the meeting. The Town Clerk confirmed the speaking procedure and outlined each speaker had approximately 3 minutes each.

Mr. Barnaby Collins (DP9) addressed the Sub-Committee and stated the proposal represented an exemplary use of a derelict building by reactivating a redundant asset using retrofit principles to the full. He also stated that office-use was demonstrably unviable as the development consent failed post-implementation and was abandoned eight months into deconstruction works. A third party reviewed financial assessment concluded that office and extension options were unviable. Mr Collins stated the Tipperary Pub had already been reopened and meanwhile uses had been brought forward to bridge the gap between the current unsightly dereliction and the new scheme. A huge improvement would be made to the setting of the Whitefriars Crypt remains and would create a new visitor attraction which would be fully accessible with additional space for an exhibition. Mr Collins informed the Sub-Committee that St Bride's Foundation's involvement was an integral part of the development and would be hugely valuable and influential cultural resource. The proposal would also create a centre of excellence for connecting learners with earners and would allow the City's future achievers to benefit from access to some of the world's leading education establishment. Mr Collins stated that the development would be occupied in full upon opening and would help to revitalise local supporting retail functions and, of the accommodation provided, 35% would be affordable to rent and would equate to over two years of the City's housing supply target. Mr Collins also noted that the application had attracted 19 supporting comments from the public consultation and no objections.

Ian Seaton declared he was a Member of the Court of The Worshipful Company of Girdlers' who had a prior relationship with DP9 who he was not aware was in attendance.

Mr. Jay Ahluwalia (Dominus Group) addressed the Sub-Committee and noted that Dominus Group was committed to the City which was by far the most invested in region in the UK by the Group. The Group had previously delivered student accommodation at Holburn Viaduct and Crutched Friars and, recently, had begun a retrofit scheme for a new hotel at Great Tower Street which would be operated by the group similarly to the Hilton-branded Lost Property hotel near the steps of St Paul's. Mr. Ahluwalia stated that the Group started looking into 65 Fleet Street in detail around the same time last year and had engaged and built relationships with stakeholders across the local community since Christmas. He

indicated the group were delighted to have secured letters of support from the Fleet Street Water BID, Inns of Court College of Advocacy, the Guildhall School of Music and Drama and Dr. Johnson's House. He informed the Sub-Committee that a lot of ideas had developed from those conversations. A number of the 300 affordable bedrooms would go to postgraduate ICCA students who were training to become barristers. He also drew attention to plans to refurbish and extend the Tipperary Pub, the transformation of Whitefriars Crypt to create a brand-new public realm. Mr Ahluwalia also stated he was delighted to be working with the St Bride Foundation to bring forward new cultural spaces which had the potential to reconnect Fleet Street to its printing heritage. Since the planning application had been made, Mr Ahluwalia noted the Group had continued to listen and had remodelled the massing and detailing of the upper parts of the building and included a commitment to accommodating deliveries within the service bay on Whitefriars Street to maintain access to Salisbury Square and stated that the Group were committed to providing the best-in-class on-site management. He informed the Sub-Committee that 65 Fleet Street would be professionally managed subject to a student management plan and there would be a community liaison officer who would provide a single point of contact for the local community amongst a community liaison group. A student liaison officer would also be the primary contact for students, in terms of their health and well-being and managing disturbances. He suggested that together, the community liaison officer and the student liaison officer would ensure the community had a voice throughout construction and operation. Mr Ahluwalia summarised that, should Members be minded to approve the application proposed, the Group were committed to delivering an exemplary retrofit scheme which would boost the City's attractiveness to talent, would broaden the cultural offer and would bring new life and activation to Fleet Street, the benefit of which would be felt for years to come.

Ms. Alex Swatridge (St. Bride Foundation) addressed the Sub-Committee and stated that St Bride Foundation held an internationally significant collection which celebrated the history of print, graphic design, typography, publishing and beyond, and played a vital role in the creative industries both nationally and internationally with extensive talks and workshop programmes. She noted that the partnership with Dominus Group presented an opportunity to expand the Foundation's current activities to create a destination campus across two distinct sites and the chance to bring to bring print back to Fleet Street to provide learning opportunities for creative communities and the general public.

Ms. Helen Arvanitakis (St. Bride Foundation) addressed the Sub-Committee and stated that the Foundation had taken a holistic view in developing an expanded lifelong learning programme across the campus where visitors of all ages could explore the art and craft of printing through workshop demonstrations and hands-on activities. She noted that the new cultural space at 65 Fleet Street would provide a free to access public exhibition which would tell a story of print of Fleet Street. This would lead to learning spaces focused on providing a schools and young persons education programme and would significantly strengthen the Foundation's ability to engage audiences and significant expand its reach and impact. She also stated that the Foundation would be able to create an archival standard space to care for the most unique and vulnerable areas of its collections

and the development would enable the Foundation to champion community creativity and would become a vibrant hub for exploring design, creative skills and Fleet Street's rich heritage. Ms. Arvanitakis further stated that to ensure the vision could be fulfilled, the Foundation and Dominus Group were working together to devise a sustainable model for the programme and would be initiating a fundraising campaign if planning permission were to be granted.

The Chairman invited Members to pose questions to the Applicants.

A Member congratulated the architect for the innovative way in which the building was going to be used and noted it was difficult to get accommodation on large floor plates and would be achieved using a large atrium. The Member queried whether the atrium itself would be open or closed as an open atrium could create an outside atmosphere to the internal student accommodation. Mr. Ian Ferguson (Dominus Group) explained it would be an open atrium.

The Chairman invited Members to pose questions to planning Officers.

A Member sought assurance that all the necessary fire regulations and precautions would be in place as it was a high occupancy residential block and whether the installation between each unit was sufficient to ensure there was no overhearing noise from other units. Officers confirmed that it would all be covered in the building control regulations.

The Chairman moved the item to a vote.

Votes were cast as follows: IN FAVOUR – 16
AGAINST – 0
ABSTENTIONS – 0

The Sub Committee - **RESOLVED –**

1. That, subject to the execution of a planning obligation or obligations in respect of the matters set out under the heading 'Planning Obligations' the Planning and Development Director be authorised to issue a decision notice granting planning permission for the above proposal in accordance with the details set out in the attached schedule; and
2. That your Officers be instructed to negotiate and execute obligations in respect of those matters set out in "Planning Obligations" under Section 106 of the Town and Country Planning Act 1990 and any necessary agreements under Sections 278 and 38 of the Highway Act 1980 in respect of those matters set out in the report.

6. **165 FLEET STREET, LONDON, EC4A 2DY**

The Sub-Committee received a report which sought a change of use of part of the ground floor and part of the basement floor from commercial use (Class E) to a mixed use, including a noodle bar with café and part leisure (mini golf) at ground

floor level, and ten pin bowling and ancillary facilities at basement level (Sui Generis).

Officers presented the report and the site location plan was shown to Members. Officers stated that the application site was located on the northern side of Fleet Street and was within the Fleet Street Conservation Area and the principal shopping centre designation. The building was not listed. The building currently housed offices on the upper floors and a bank on the ground floor and basement level. The bank had been vacant since 2021 and was the subject of the applications.

Members were shown an aerial view of the existing building which showed the surrounding properties, notably Johnson's Court to the north and west of the site and St Dunstan's Court and Bolt Court to the east.

Officers showed the existing unit at street level and confirmed the proposed development was for the ground floor element in the photo only with the access on the right-hand side of the elevation. It was noted by Officers that it would be the sole access point which would lead directly onto Fleet Street.

The proposed ground floor level was presented to Members and Officers stated it would feature a noodle bar, a café and mini golf. It was also noted by Officers that the levels of the ground floor were partially subterranean at the rear.

Members were shown the proposed basement plan. Officers noted the proposal sought to introduce bowling and ancillary facilities and the site could have a capacity of up to 250 people at any one time.

Officers showed the existing unit from the Fleet Street view from the west and stated the application was recommended for approval, subject to conditions detailed within the report and the addendum. One condition of note secured the opening times of 10:00am to 12:30am Monday to Wednesday, 10:00am to 1:30am Thursday to Saturday and 10:00 – 23:30 on Sunday. Officers noted the hours were the same as the those approved by the Licensing Committee on 16 April 2024. Officers stated that the conditions also secured approval of a management plan which required the use of the main access on Fleet Street for customers and staff only, the restrictions on delivery and servicing hours, the requirement for no music to be heard outside the premises and the prevention of the surrounding streets being used by customers.

Officers concluded that the proposal would contribute to the function and character of the principal shopping centre by bringing about an active frontage in line with policy and would help to rejuvenate the commercial Fleet Street area. Officers also stated the conditions were proposed to prevent undue harm to the surrounding neighbours. The proposal was recommended for approval subject to the conditions detailed within the report and the addendum by Officers.

The Chairman invited the objectors to address the Sub-Committee.

Mr. Jeremy Simons addressed the Sub-Committee stated he had lived and worked for over 40 years in the immediate vicinity of the premises in Pemberton House prior to its conversion to apartments and had been a resident of 4 Pemberton Row for the last 26 years. He noted that the residents of Pemberton Row were concerned at the breakout of noise from the rear basement adjacent to the proposed bowling alleys which would be via the noise at Johnson's Court. Mr. Simons stated this was immediately opposite three flats at number 3 Johnson's Court and faced the rear of six flats at 4 Pemberton Row with 5 whose bedrooms would face the void. He told the Sub-Committee that the curators cottage of Dr. Johnson's House was also in the immediate vicinity, so there were 10 noise sensitive receptors concerned. Mr. Simons recommended a condition should be imposed to ensure there was no noise breakout after 11:00pm with noise levels below 50DB between the hours of 11:00pm and 7:00am. That would ensure that residents could continue to benefit from the quiet enjoyment of their home.

Ms. Annabel Graham Paul, who spoke on behalf of Professor Rebecca Bailey-Harris and Dr. Kirsty Mann, who are residents of 6 Bolt Court. Ms. Paul noted that the Officers advised that it was necessary to impose a condition which restricted the hours of operation in order to make the development acceptable. However, it was stated whether the hours recommended were acceptable as policy DM 3.5 on nighttime entertain made clear that conditions to ensure hours of closure to protect amenity were necessary to safeguard quiet times for residents. Ms. Paul also stated that policy DM 21.3 on residential environment said similar things and the proposed closing at 12:30am Monday to Wednesday, 1:30am Thursday to Saturday, and 11:30am on Sunday was too late as the report recorded there were a large number of residential occupiers in the immediate vicinity. Ms. Paul told the Sub-Committee that vicinity residents were entitled to peaceful sleep after 11:00pm and it was no more reasonable for residents to be subjected to noise at 1:30am than it would be to be subjected to noise at 2:30am. She stated that the City's Licensing Sub-Committee was concerned with a very different issue concerning the prevention of public nuisance which was altogether a broader concept than the planning policies which demanded no unacceptable impact on the amenity of residents from noise and disturbance from customers who arrived and left the premises. Ms. Paul stated that it appeared the Licensing Committee's approved hours had been accepted by Officers without analysis as to how they accorded with planning policies 3.5 and 21.3. and noted the reason for proposed condition four did not contain a reference to the relevant policy 3.5. She further stated that the Licensing Committee decision was subject to an outstanding appeal which by consent of all parties had been held in abeyance pending the Sub-Committee's decision and the Sub-Committee was not bound by the Licensing Committee's views formed in a different context. Ms. Paul concluded by stating that the planning policy in particular had to be applied to what was necessary to ensure there was no unacceptable impact on residential amenity.

Mr. Toby Brown gave a presentation to the Sub-Committee and Members were shown a photograph of Bolt Court with 6 Bolt Court on the right and the exit from the development on the far left. Mr. Brown stated he spoke for many local residents to explain what it was like to live at Bolt Court and noted they were

worried as expressed by the 30 objections that had been received from neighbouring commercial and residential premises. Mr. Brown stated that while nearby the Courts was busy in the day due to the busy roads, it was quiet in the evenings which allowed residents to sleep. He noted residents were vulnerable in Bolt Court due to it being a historic (Grade II) listed building which secondary glazing could not be added to. This created an echo chamber, and sound would travel when people congregated in the courtyard or at St Dunstan's Court. Mr. Brown conveyed that while this was acceptable in the daytime, it was a different in the evenings and residents would occasionally be woken up by inebriated people or groups who travelled through the courtyard as the sound would be amplified. Mr. Brown showed the Sub-Committee a map of the surrounding area with the number of residents indicated. He informed the Sub-Committee that he lived at Bolt Court for 13 years and stated it was important that it was peaceful in the evenings so residents could work and sleep. He also stated there were a number of families in the area who lived with children. Mr. Brown showed an image of the closing times of alcohol licensed premises in the area with licensed hours to midnight and later and noted there were traditional pubs on Fleet Street, as well as bars and restaurants, which residents valued as a historic part of the area. Mr Brown stated that he supported the campaign for the Tipperary public house to be protected as an asset of community value and that the bars and restaurants nearby were all of modest size. Mr. Brown stated that while the presentation from the Officer had shown there were late night licenses in the area, the reality was that Fleet Street had all its premises closed by 11:00pm and many were closed at the weekends. He conveyed that the nightlife coexisted with residents and the development had been presented as a sporting or leisure centre, when in reality it was a late-night drinking establishment with games on the side. Mr. Brown noted he was aware of this as he had previously been to similar establishments with stag parties and corporate evenings and stated they were influenced heavily by alcohol and customers could walk in to drink without playing the games. Mr. Brown told the Sub-Committee his experience of being a resident at Bolt Court was people would use the various alleyways of Fleet Street as cut throughs to get from Fleet Street to Farringdon station and some of those groups would end up in courtyards and alleyways and be understandably noisy, particularly if they had been drinking. He stated the capacity of the development of up to 250 people at any time, or 2,500 across the day, worried residents and it would be the only late-night venue with the hours proposed after other venues had closed. Mr. Brown concluded that residents were concerned that there was no power to control the behaviour of customers once they had left the premises and requested the Sub-Committee did not put residents in a position where they were woken up at night by customers after 11:00pm.

Ms. Annabel Graham Paul addressed the Sub-Committee in her own capacity as an objector. Ms. Paul stated no evidence had been put forward by the applicant to indicate that the business would be unviable without the late opening hours and urged caution on the hybrid nature of the premises, which was a relatively new type of business in London without many precedents, until its operational impacts were better assessed. Ms. Paul told the Sub-Committee that would be the responsible way to reflect the London Plan's Agent of Change that if there was no potential problem with noise and disturbance, then it would be open to Bloomsbury Leisure Holdings to apply to extend their hours by way of condition

variation. Ms. Paul stated that, by contrast, there would be no scope within the planning regime to reduce the hours if the condition did not protect residential amenity and urged the Sub-Committee to impose normal operating hours for a venue of its kind; with an 11:00pm closing time Monday to Saturday and 10:00pm on Sunday. Ms. Paul concluded that to not do so would otherwise result in an unacceptable impact on residential amenity and would be contrary to the city's planning policies. If the Sub-Committee did not feel a condition could be imposed, Ms. Paul urged the refusal of the planning permission.

The Chairman invited Members to ask questions of the Objectors.

A Member asked the Objectors to provide an idea of what the noise was like along Fleet Street, particularly on weekends, and whether the Objectors were aware there was a condition on new developments, with a retail or bar element on the ground floor, which would limit operating hours until 11:00pm. An Objector stated they were a doctor working in intensive care and the importance of being able to rest at home. They stated the area was peaceful at night and relatively little background noise from Fleet Street. However, the area was sensitive to amplification of noise and noted that, if someone was stood outside having a conversation on the phone or in a group, the noise bounced up the building like a cave and conversations would be heard. The Objector stated there was an office party a few years ago, of around six people, and even though the windows were closed, residents could hear everything at the party. They further stated that people would congregate in the alley during the day to smoke and the sound was more amplified when they were stood underneath the archway. They noted the developer would have no control over how customers left their premises and whether people would congregate under the archway and, while it did not matter during the day, it did matter in the evenings as residents would hear everything.

A Member stated there was a significant business of hen-dos and stag parties across the City and queried whether this was currently being seen on Fleet Street. The Objector confirmed they were not. Another Objector stated that public houses in the area were wonderful parts of the Fleet Street community, and the reality was that most people would disperse by 10:00pm, even on a Thursday or Friday.

The Chairman invited the Supporter of the application to address the Sub-Committee.

Mr. Stuart Minty informed the Sub-Committee he was a Chartered Town Planner who represented the Applicant. Mr. Minty stated that the applicant was an experienced license holder who ran a large number of existing leisure venues throughout the City of London and further afield in Greater London. The site was located in the central activity zone, the Fleet Street Conservation area and the principal shopping centre. He noted it had previously occupied as a bank and had been vacant since late 2001. Mr Minty stated the intention was to provide a new leisure venue comprising of a noodle bar, café, mini golf facility at the ground floor with tenpin bowling and ancillary facilities in the basement. The business model was for corporate businesses predominantly during the week and families and parties at the weekend, and felt the proposal complied with the development

plan and encompassed a number of public benefits. Mr Minty stated he appreciated the concerns raised with the public representations around the impacts on local amenity and they were taken seriously. He stated the conditions included were applauded and felt they would suitably control those potential impacts. Mr Minty stated the lawful use of the premises was Class E and the proposal would align to the changes within the use classes in order to provide a flexibility for businesses and adapt and diversify to meet the changing demands and better reflect the diversity of uses required to attract customers and make the business viable now and in the future. Mr. Minty stated that the proposal supported the aims of policy DM20 and it would retain the ACT street frontage and would contribute to the function and character of the principal shopping centre and would provide facilities to the City's workforce and residents, as well as enhance the vitality of the area. Mr Minty stated the supporting text of policy S22 confirmed that the primary shopping centre was underperforming and, therefore, the application had potential to diversify and that would included bring forward a broader range of leisure facilities and retail to extend activity into the evenings and weekends. Mr. Minty further stated that the management strategy confirmed that Fleet Street contained a diverse mix of uses: shops, restaurants, public houses, wine bars, banks, building societies, and other agencies which all made a fundamental contribution to the vitality of those areas. He stated that the mixed-use facility would not be out of character with the location and would bring it back into use. It would encourage footfall back into area and reinforced the special character of the conservation area. Mr. Minty stated local amenity had been discussed at length and felt the use intended for the development would not depart from the character of the area and there were a number of planning conditions which would suitably address concerns raised from the public about anti-social behaviour. Mr. Minty made reference to the Licensing Committee which the related application was discussed at in April 2024 and stated that concerns, such as anti-social behaviour and noise nuisance, were considered and evaluated at that meeting as they were at this meeting. He further stated that the Licensing Committee wanted to ensure an appropriate balance was struck between the context of the area, the need to encourage business while addressing concerns raised by the residents. Mr Minty noted that the principal activity was crazy golf and that was acknowledged in the Licensing Committee papers; the eating and drinking services were ancillary. The pack for the April 2024 meeting and the pack for the meeting of Planning Applications Sub-Committee also recognised that the premises had a booking system which allowed for the gradual flow of patrons entering and leaving the premises. Mr Minty stated that most of the use would be underground which would assist with noise attenuation and the hours that had been put forward by the Officers aligned with those approved by the Licensing Committee and would be controlled by planning condition. He also stated the applicant had put forward a management plan that outlined measures to protect the outside amenity, which included weekly risk assessment, customer management and dispersal, and noted that with the nature of crazy golf, customers did not all leave the same time as they may do with a public house as they would be booked in to play their round of crazy golf which would generally take an hour to finish for 18 holes. Mr Minty concluded that the sole entrance was at the ground floor level and the side entrance was mainly for fire and emergencies.

A Member queried why there was a need for a permanent 1:30am licence as corporate clients would often request services into unusual hours of the morning to maximise the value of the event. The Member stated that it was common for attendees to leave these events early, usually by 10:00am and other venues would often apply for temporary licenses to accommodate such contracts, which were often granted, that would allow them to host the event without being committed to a permanent late-night licence. The Member stated they were concerned that if other venues closed earlier, individuals seeking continued service may migrate to this location which could result in undesired patrons and could create a scenario that may be challenging to manage without causing disturbances. He suggested that the viability of the business model was likely based on hosting corporate functions who wanted an activity element alongside provision of alcohol and would be better served by applying for temporary consent for later hours when required. The Member also asked the Chairman whether this was a discussion within the remit of the Planning Applications Sub-Committee. The supporter stated a permanent consent had been applied, but if there was a feeling a temporary consent would be more appropriate, dependent on what that temporary consent would entail, advice would have to be sought from the client. The supporter noted he understood why use of a temporary consent had been raised as it would allow the evaluation of how the use was performing and stated there was a management plan with the application already that required review after a year. However, it did not include the opening hours. The supporter indicated they were open to the suggestion of a temporary consent if that was the consensus of the Sub-Committee.

A Member asked whether there would be a walk-in mechanism for crazy golf and the bowling. The supporter stated the experience of the operator was that 90-95% of customers booked in advance as they wanted the certainty of an hour to play. However, walk-ins would be accepted if there was space.

It was asked by a Member whether market testing had been carried out to demonstrate the market for business was there and queried whether it would not be reasonable to accept the closing hours that had already been seen with other establishments in the area. The supporter stated that the applicant wanted flexibility to be able to operate their business throughout the day and the evening and that would attract a clientele with different and different people throughout the day. Therefore, the evening activity would allow for that flexibility. The supporter noted that customers would have to be in the venue for an hour before they left.

The supporter was asked by a Member to what extent work was going to be done with neighbours to deal with the challenge to the peace and quiet in the area. The supporter stated that the applicant was experienced in leisure facilities and had been operating a successful scheme in Camden for 20 years and had another venue in Marylebone. With regard to demand, the supporter stated he was not sure but indicated crazy golf was popular and bowling had been popular for a number of years and there was a growing trend of similar facilities, including those relating to darts or cricket. The supporter stated that the resident interaction was very important and were open to suggestions, whether it be a management group and how often it would meet.

The Member asked whether if a proposal was made to reduce the operating hours to 11:00pm Monday through Saturday and 10:00pm on Sundays as it was common practice in the area. The supporter stated the applicant would need slightly more than that and felt it was too early for the business operation. However, he indicated the Member would be more willing to compromise on days in the middle of the week, particularly Monday, Tuesday and Wednesday, but felt Thursday, Friday and Saturday would require later opening hours and would be consistent with other operations.

A Member sought an explanation on what the facilities would entail and queried whether it was possible for customers to engage in crazy golf, bowling downstairs and utilise ancillary facilities simultaneously.

The Member also stated they believed that the City typically applied an 11:00pm restriction for new developments where, if it proved successful and agreeable to all parties, the applicant could later request extended hours. Therefore, they suggested that trading 13 hours from 10:00am to 11:00pm would be highly viable as it aligned with the model already used across the City and queried why the current model would not be feasible for the development before the Sub-Committee. The supporter stated that the business had to appeal to different people and those who may visit at 10:00am would be different to those who visited at 10:00pm. The supporter noted it depended on a number of variables such as whether customers were at a corporate function or a party and were trying to appeal to as many audiences as possible. The supporter stated it would be a managed function, customers would not all leave at the same time and there was a maximum occupancy of 250 people, but the reality was that customers would leave slowly, one group after the other. It was further stated by the supporter that the applicant was willing to look at reduced opening hours, despite the hours suggested on the application having been granted by the Licensing Committee, as they understood concerns raised and the want to monitor the situation given it was a new use in a new area. However, the supporter noted that lowering the operating hours on Thursday, Friday and Saturday would undermine the business function and would concern over significant reductions.

A Member asked the supporter whether the applicant would accept a condition proposed by an objector earlier in the meeting on noise that emanated from the void in Johnson Court. The supporter stated there were noise conditions already recommended and was conscious that anything additional would overlap or supersede, but were happy with the noise mitigation as outlined.

Another Member stated that the lightwells referred to previously were not lightwells, but fire control devices. The supporter agreed that was the case.

The Chairman invited Alderwoman Martha Grekos to address the Sub-Committee and indicated she had 5 minutes to speak. Alderwoman Grekos stated she objected to the applications on three grounds as it was contrary to the current policy DM 20.1, an emerging policy RE2 which encouraged active frontages and resist their loss. She also stated that the Officer report mentioned policy DM20.1 but omitted to mention policy RE2 despite stating that the draft

plan did have weight and was of material consideration. Alderwoman Grekos stated she was aware that the Committee had a site visit and were specifically told that the show windows would all be covered and no one would be able to see through them. Alderman Grekos questioned why this had been done, whether there was something to hide and queried how it contributed to the function and the character of the principle shopping centre and enhance its vibrancy. She stated that the activation of the frontage was lost and the shop might as well be boarded up and disagreed with the Officer's conclusion that the proposal was acceptable in land use terms and stated it was clearly not. Alderwoman Grekos also stated it was contrary to current policy DM 3.5 which set out that any proposals for new nighttime entertainment and related use would only be permitted where there was no unacceptable impact on the amenity of the resident or on environment amenity. She told the Sub-Committee that it had heard from a resident and saw it was predominantly a residential area again which the Officer reports had failed to mention. Alderwoman Grekos stated the applicant had submitted a management plan after she had submitted her objection saying they had not submitted the management plan and further stated that the Licensing Committee hearing dealt with the prevention of public nuisance and not the planning policy considerations before the Sub-Committee which was regarding no unacceptable impact on the amenity of residents. This was a different test and higher threshold for the applicant to meet. Alderwoman Grekos also stated that the report failed to mention that the Licensing Committee decision had been appealed and was very much a different regime to the one before the Sub-Committee and noted she did not believe that the management statement addressed the concerns of residents and local businesses, and both had objected. Alderwoman Grekos stated that just saying customers would not be permitted to use, stand, consume food or alcohol during operating hours outside was not sufficient as she questioned how it was to be policed at 1:30am. She also told the Sub-Committee that one form of creating no unacceptable impact was reducing the operating hours. Alderwoman Grekos questioned whether Members of the Sub-Committee would allow such proposals in their respective wards and stated she suspected the answer would be no. She asked why the development would be allowed in its location when it was contrary to policy and some business owners were relocating outside the City boundary given they had seen that the Corporation's planning committee had allowed such entertainment venues when the City of Westminster had imposed far more stringent restrictions. Alderwoman Grekos stated that such proposals did not help with the economic recovery of the City and doubted very much that large corporates would be booking for their staff to be attending such premises until 1:30am in the morning and was not the image any corporate would want to give out at present. She also stated that it did not fuel the local economy as there was limited passing trade and noted 90% of the customers would be pre-booked. She stated that was only to fulfil the needs of hen-dos and such other parties that were no longer welcomed in premises in the West End as the Council there had imposed condition on operations. Alderwoman Grekos told the Sub-Committee that the City was attracting proposals that wanted to exploit flexibility when other councils were restricting hours and asked why the Sub-Committee should accept proposals that would only haem the City and create a bad precedent for other venues to come into the area. She also stated she was aware of the adult gaming centre being proposed diagonally opposite the venue proposed. Alderwoman

Grekos stated that Fleet Street was meant to be thriving in a few years as there was a lot of work happening there. It was going to be a legal quarter mixed with a substantial amount of residents, which included the consent given to the building of 815 further student accommodation units, as well as banking, insurance, accounting and other industries with retail and hospitality to match those consumers.

The Chairman invited Members of the Sub-Committee to pose questions to Officers.

A Member asked Officers whether consideration was given to the licensing hours of other licensed premises in the area and whether the conversation was around the long operating hours into the evening given it was a residential area. Officers told Members that the application was assessed with its own merits and stated that Officers were cognisant to residential amenity and impacts upon that which was why the management statement was received during the application to appear comments that had been made. Officers stated, with regard to the opening hours, that they had found them acceptable in planning terms and environmental health terms as well.

The Chairman invited Members of the Sub-Committee to debate the application.

The Deputy Chairman stated that residential amenity was a key consideration on other planning applications, referring to the Sub-Committee having pulled back the terminal hour that outdoor office terraces could be used in residential areas, and noted as part of such decisions that Members were aware of City policy that residents were entitled to enjoy an undisturbed night's sleep between 11:00pm and 7:00am. The Deputy Chairman also stated that the Sub-Committee had previously passed motions to close such terraces well before 11:00pm and ward members were surprised that the Licensing Committee had ignored the principle by agreeing to a terminal hour of 1:30am, with alcohol being served until 1:00am on some evenings at the location proposed. The Deputy Chairman noted that many licensed premises did apply for a terminal hour of midnight which did not attract the late-night levy, but closed at 11:00pm or earlier as can be seen by the map produced by the Objectors. The additional hour provided rarely used flexibility for special occasions. The Deputy Chairman stated the proposed premises for development was different as, at the Licencing Committee hearing, it was clear that the prospective operators intended to trade for as long as the permitted hours allowed and originally sought permission to sell alcohol until 2:00am, 7 days a week. The Deputy Chairman told the Sub-Committee that the Agent of Change Principle was specifically called out in the new Local Plan and was included in the National Planning Policy Framework (NPPF2) which came into force in 2018. The principle was not a consideration for a Licensing Committee application, but was for a Planning application. The Deputy Chairman stated that the 'agent of change principle' encapsulated the position that a person or business (i.e. the agenda) introducing a new land use was responsible for managing the impact of that change. The Deputy Chairman stated that near the residential alleyways immediately to the north of Fleet Street, there were no licensed premises that stayed open until anytime near to 1:30am. Therefore, the Applicant was clearly the Agent of the proposed significant change and had legal

responsibility to mitigate the potential impacts. The Deputy Chairman noted that, as many Members of the Sub-Committee who had also served on the Licensing Committee were aware, once customers left licensed premises, the operator had no control over their behaviour and it was common that customers who had been drinking until the early hours were then decanted onto the streets, were often noisy and caused numerous other problems when they left. The Deputy Chairman told the Sub-Committee that the proposed hours of servicing for the premises excluded 11:00pm to 7:00am which acknowledged the City policy, but was inconsistent with the proposed trading hours.

MOTION: The Deputy Chairman proposed a motion that the terminal hour for closure of the premises was brought back to 11:00pm every day to protect residential amenity.

The Chairman asked if there was a seconder, and a Member agreed to second the proposed Motion.

The Chairman invited the Sub-Committee to debate the Motion proposed.

The Chairman stated he fully supported the Motion proposed and the Motion was not against a nighttime economy but was in keeping with the character of the area and what the City wanted to achieve with the Destination City Programme. The Chairman told the Sub-Committee that it was a great scheme and, in principle, agreed with wanting the kind of leisure activity proposed in the development in the Square Mile and more of it was needed.

A Member stated they supported the Motion and noted that new builds already had conditions in place for bars and restaurants to have trading limited to 11:00pm. The Member stated there was an option for those establishments to negotiate that limit and a number of precedents had been set for bars and restaurants which were limited to 11:00pm and a condition had recently been put in place on a bar in Tower ward and that operator felt they were more than capable of running a viable business in those hours, as were a vast majority of all the licensed premises. The Member stated further that only a handful of licensed premises operated past 11:00pm and a previous application at the meeting had its use of a terrace limited to 6:00pm due to the impact on residential amenity. The Member referred to a previous application from the meeting, that granted an application which would bring in 900 new residents on Fleet Street, which included a letter from the NHS that discussed that noise could be a contributor to stress and poor health. The Member stated that it was very difficult for people to get back to sleep once they had been awoken and it did not take just drunken behaviour to wake people up as someone who was speaking loud on their phone could also wake residents up. The Member welcomed the opportunity to have a new mini sport in the City and stated they believed that the Applicant would work in harmony with the residents if Members supported the Motion limiting trading to 11:00pm. The Member stated that once residents understood the model, and there was room for renegotiation, the Applicant could always return to change the limit, but felt the Motion would ensure security for both parties while a change in use was underway.

Another Member stated he agreed with most of what the Deputy Chairman had to say and noted he lived at a residential enclave, where the residents were right next to the facilities, where licensed premises were limited to 11:00pm, except for Fridays and Saturdays, and suggested the Sub-Committee could be more flexible on those two nights.

A Member stated that the Sub-Committee was discussing the residential impacts and, regardless of what other premises did in other parts of the City, the Sub-Committee had been told that it was a very quiet area at the weekend and, therefore, later hours at the weekend would have a greater impact.

Having debated the Motion, Members proceeded to a vote:

Votes were cast as follows: IN FAVOUR – 12
AGAINST – 1
ABSTENTIONS – 0

The Motion was carried.

The Chairman moved the meeting back to the debate stage.

A Member stated the premises would represent a significant change to the area and, given the amount of investment being put into the law courts at Fleet Street, it was important to get the tone right and expressed concerns that, as the whole developed would not subterranean, the impact on residents would be significant. The Member, who stated he had lived near a similar environment in the past, stated it would be a nightmare and drive people out of the area and was a fundamental change.

The Chairman moved to a vote on the substantive item as amended by the Motion carried:

Votes were cast as follows: IN FAVOUR – 10
AGAINST – 2
ABSTENTIONS – 1

The Sub Committee - **RESOLVED –**

(1) That Planning Permission be granted for the above proposal, as amended by the Motion carried, in accordance with the details set out in the attached schedule.

7. * **VALID PLANNING APPLICATIONS RECEIVED BY THE ENVIRONMENT DEPARTMENT**

The Sub-Committee received a report of the Chief Planning Officer and Development Director detailing development applications received by the Department of the Environment since the report to the last meeting.

A Member raised a question regarding Alban Gate with a plea to ensure that the escalators worked as they had not worked for two and a half years and asked Officers to update them on the issue. Officers indicated they would bring it to the attention of the applicant and the planning agent.

The Member also raised a question on waste management for 81 Newgate Street, checking that the residents of Little Britain had been given an opportunity to comment. Officers stated that they did not ordinarily consult on the approval of details, but they were aware of the application, and anyone could comment on those.

A Member stated they were mindful that not all the responses to questions by Members were in the public domain and had been given comfort by responses to question which was why they had not been asked at the meeting of the Sub-Committee. However, the Member stated they thought it was important there was a public record or were attached to the minutes. Officers told the Sub-Committee that all Members would usually be copied into responds to Members on planning queries and, while Members may not wish for all the responses to be in the public domain, they stated they would discuss with the Town Clerk's Department. Another Officer suggested, as it was not time critical, that it be picked up as a question at the next meeting of the Sub-Committee which would give Officers time to prepare a response that was appropriate for both the public and potentially the non-public aspect. The Chairman stated Officers could come back to the Sub-Committee on that at the next meeting.

RESOLVED – That the report be noted.

8. *** DELEGATED DECISIONS OF THE CHIEF PLANNING OFFICER AND DEVELOPMENT DIRECTOR**

The Sub-Committee received a report of the Chief Planning Officer and Development Director detailing development and advertisement applications determined by the Chief Planning Officer and Development Director or those so authorised under their delegated powers since the report to the last meeting.

RESOLVED – That the report be noted.

9. **QUESTIONS ON MATTERS RELATING TO THE WORK OF THE SUB-COMMITTEE**

There were no questions on matters relating to the work of the Sub-Committee.

10. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT**

The Chairman stated the London Planning Awards were held recently and the Vine Street Roman Wall exhibition won the best heritage and cultural project, 8 Bishopsgate won the best sustainability project, the lighting SPD and 8 Bishopsgate were commended and 3D Heritage Views and Growth Capacity Modelling work was also shortlisted.

The Chairman noted that Rob McNichol had been shortlisted as inspiration leader at the Royal Town Planning Institute National Awards for Planning Excellence.

The Chairman reminded Members that there was a planning training session on Friday 1st November at 9:00am.

The meeting ended at 1.44 pm

Chairman

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