

<b>Addendum to Committee Report:</b> Application No. 24/00836/FULEIA	
<b>Committee</b>	<b>Date</b>
Planning Applications Sub Committee – <b>Agenda Item 5</b>	31 January 2025
<p><b>Subject:</b> 99 Bishopsgate, EC2M 3XD</p> <p>Partial demolition of the existing building, retention and partial extension of existing basement and the construction of a ground plus 53-storeys (plus plant) (253.5m AOD) building to provide commercial floorspace (Class E); with market hall space on the ground floor for the following: flexible display of goods or retail/food and beverage (Class E(a)-(b)) and/or drinking establishments (Sui Generis); erection of a multi-purpose ground plus 5-storeys (plus plant) pavilion building (52.5m AOD) for the following: exhibition and/or performance space, learning, community use, creative workspace (Class F1, Sui Generis and Class E(g)(i)); public cycle hub satellite building (26m AOD) (Sui Generis), public realm improvement works, hard and soft landscaping, provision of basement cycle parking and means of access, highway works and other works associated with the development of the Site.</p>	<b>Public</b>

## 1. Additional Representations

A further letter was received from the Surveyor to the Fabric of St Paul's Cathedral, on behalf of Dean and Chapter of St Paul's Cathedral, on 29.01.2025. The letter is appended in full.

The matters raised within the letter do not raise any new issues, and the committee report as published deals with these matters in detail.

The email accompanying the letter claims that Historic England “would have wanted to have their voice heard” and that “they were not aware of the papers until Monday [27 January].” Officers wish to note that all consultees and contributors to the application received letters notifying them of the recommendation and committee date, including details on the procedure and deadline for requesting to speak at Committee, at 12:33pm on the 16<sup>th</sup> January 2025, with the deadline for requests to speak being 24<sup>th</sup> January. This was sent directly to the Surveyor to the Fabric's email address, as part of the wider consultee/contributors list. Other parties that received the letters on the same day have requested to speak in line with the procedure and protocol, meeting the deadline set out in the letter. Further, the Committee Papers were published on the CoL website on the 23<sup>rd</sup> January. Officers have not heard from representatives of Historic England that they wished to speak.

## 2. Report amendments (additions in red) and clarifications:

- Application cover sheet:
  - Row 11 (Volume of Retained Fabric) - Substructure retained: ~~100%\*~~ ~90-95%\*  
*\*(The amount of retention possible is uncertain at application stage due to limited survey information and challenges including the ability to align load distribution of existing and new structures)*
  - Row 12 (Regulated Operational Carbon Emissions) – Be Lean stage improvements against Part L 2021: 9 45 %
- Para 162, page 103: New sentence to end of paragraph, add: “**The completion, fit-out, and occupation of the Pavilion Building is required prior to the occupation of the office tower. This would be secured by S106 obligation.**”
- Paragraphs 176 and 1409 of the Committee Report state that a sequential test for the cultural floorspace has not been undertaken which is a breach of the NPPF (para 91) and London Plan policy SD7. Officers have considered the matter and conclude that the location of cultural uses within the Central Activities Zone (CAZ) accords with the development plan. In particular, policy SD4 (g) of the London Plan states that cultural activities should be supported and promoted within the CAZ. Further, policy CS11 of the Local Plan 2015 seeks to maintain and enhance the City’s contribution to London’s world-class cultural status through providing, supporting and further developing a wide range of cultural facilities. As such, the cultural use proposal accords with the up-to-date development plan, and the relevant policies do not require a sequential test to be applied. It should also be noted that in the emerging City Plan 2040, cultural facilities are supported through policies S6 and CV2, and this is a further material consideration in this regard.
- Para 235, page 118: ‘As a matter of planning judgement, it is considered the proposal would accord with: London Plan Policy D9 Tall Buildings A, B, C (all parts except 1; a; i); Local Plan Policy CS7 Eastern Cluster 1,2,4-7, CS 14 and all parts of emerging City Plan 2040 policy S12 and S21 **(1-4, 6-12)** the principles set out in Historic England Tall Buildings 2022.’
- Para 249, page 121: ‘The NW chamfer elevation distinctively holds the corner and from level 8 includes a sequence of interweaving, generously proportioned, four-storey open terraces and **two-storey** enclosed, wintergardens which extend up this entire corner.’
- Para 1274, page 318: ‘The proposed development aims to retain **400% the majority** of the substructure (foundation raft, piles, and retaining walls) which constitutes ~48% of the existing building by mass.’

- Para 1286, page 321: ‘...Platinum **Enabled** rating is being pursued; the ~~highest rating available~~’.
- Para 1289, page 322: ‘Retention of 400% **the majority** of the existing substructure (~48% of existing building mass), retention subject to further invasive surveys;’
- Para 1298, page 324, bullet point 4: ‘facades have been designed so that the average peak solar gain ~~always~~ **is targeted to achieve** 40-50 W/m2 (or lower)’
- Para 1301, page 325: The proposed energy demand reduction strategy (‘be lean’) would achieve an emissions reduction of ~~6%~~ **9%**, falling short of the GLA target of 15%.

### 3. Conditions:

#### Combine **Conditions 5 and 86** to read as follows:

Notwithstanding the details shown on the approved drawings, details of the changing facilities, showers and lockers shall be submitted and approved by the Local Planning Authority. The areas shall be implemented and maintained throughout the life of the building for the use of occupiers of the building in accordance with the approved plans. Unless otherwise agreed in writing by the Local Planning Authority, a minimum of 195 showers and 1,320 lockers shall be provided adjacent to the bicycle parking areas and changing facilities.

REASON: To make travel by bicycle more convenient in order to encourage greater use of bicycles by commuters in accordance with the following policy of the Local Plan: DM16.3.

#### Combine **Conditions 4 and 91** to read as follows:

Details of the cycle parking spaces, types and locations shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the buildings hereby permitted. These shall comprise of long stay cycle parking of 1600 spaces and short stay cycle parking of 144 spaces unless otherwise agreed in writing. 5% of cycle parking spaces shall be provided for larger accessible cycles/adapted cycles, and suitable cycle lifts and other associated facilities provided. The cyclist facilities shall thereafter be retained and operated in accordance with the approved details for the life of the building. The cycle parking provided within the buildings must remain ancillary to the use of the buildings and must be available at all times throughout the life of the buildings for the sole use of the occupiers thereof and their visitors without charge to the individual end users.

REASON: To ensure that the Local Planning Authority may be satisfied that the scheme provides a sustainable transport strategy and does not have an adverse impact on the transport network in accordance with the following policy of the Local Plan: DM16.1, DM 16.3.

Amend **Condition 20** to read as follows:

No amplified **music** shall be played on the roof terraces.

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

Amend **Condition 28** to read as follows:

a) The level of noise emitted from any new plant shall be lower than the existing background level by at least 10 dBA. Noise levels shall be determined at one metre from the window of the most affected noise sensitive premises. The background noise level shall be expressed as the lowest LA90 (10 minutes) during which plant is or may be in operation. Noise sensitive premises includes office accommodation. ~~Emergency plant will be expected to meet this criterion.~~

(b) Following installation but before the new plant comes into operation measurements of noise from the new plant must be taken and a report demonstrating that the plant as installed meets the design requirements shall be submitted to and approved in writing by the Local Planning Authority. Noise levels should be measured adjacent to the plant where possible and the levels at the receptor extrapolated from the measured data.

(c) All constituent parts of the new plant shall be maintained and replaced in whole or in part as often is required to ensure compliance with the noise levels approved by the Local Planning Authority.

REASON: To protect the amenities of neighbouring residential/commercial occupiers in accordance with the following policies of the Local Plan: DM15.7, DM21.3.

Amend **Condition 32** as follows:

'There shall be no occupation beyond **54,344** ~~17,800~~ sqm of office space until...'

Amend **Condition 33** as follows:

~~'There shall be no occupation beyond 54,344sqm of office space No development shall be occupied until...'~~

Amend **Condition 35** as follows:

'Before any construction works (**excluding demolition**) hereby permitted are begun...'

Amend **Condition 47** to read as follows:

Prior to demolition of the development: full details of the pre-demolition audit in accordance with section 4.6 of the GLA's adopted Circular Economy Statement guidance shall be submitted to and approved in writing by the Local Planning

Authority, that demonstrates that the development is designed to meet the relevant targets set out in the GLA Circular Economy Statement Guidance. In addition, the audit shall include a strategy to recycle the various concrete elements from deconstruction on site following in depth surveys of the structure and quality. The development shall be carried out in accordance with the approved details and operated & managed in accordance with the approved details throughout the lifecycle of the development.

Prior to the commencement of the development (excluding demolition), after RIBA Stage 4, an update to the approved detailed Circular Economy Statement to reaffirm the proposed strategy, to include a site waste management plan, shall be submitted to and approved in writing the Local Planning Authority, that demonstrates that the Statement has been prepared in accordance with the GLA Circular Economy Guidance and that the development is designed to meet the relevant targets set out in the GLA Circular Economy Guidance (**as current at the date of permission**). The end-of-life strategy of the statement should include the approach to storing detailed building information relating to the structure and materials of the new building. The development shall be carried out in accordance with the approved details and operated & managed in accordance with the approved details throughout the lifecycle of the development

REASON: To ensure that the Local Planning Authority may be satisfied with the detail of the proposed development so that it reduces the demand for redevelopment, encourages re-use and reduces waste in accordance with the following policies in the adopted and emerging Development Plan: London Plan policies D3, SI 7, SI 8; Local Plan 2015 policies CS17, DM17.2; emerging City Plan 2040 policies S16, **CE1**, DE1.

Amend **Condition 48** as follows:

No later than 3 months after completion of the building, a post-construction Circular Economy Statement and material passport details shall be submitted to and approved in writing by the local planning authority to demonstrate that the targets and actual outcomes achieved are in compliance with or exceed the **501** proposed targets stated in the approved Circular Economy Statement for the development. The statement shall also be submitted to the GLA at: [circulareconomystatements@london.gov.uk](mailto:circulareconomystatements@london.gov.uk).

REASON: To ensure that circular economy principles have been applied and Circular Economy targets and commitments have been achieved to demonstrate compliance with Policy SI 7 of the London Plan.

Amend **Condition 49** to read as follows:

a. Prior to the commencement of the development (**excluding demolition**), an update to the approved detailed Whole Life-Cycle Carbon assessment shall be submitted to and approved in writing by the Local Planning Authority, demonstrating that the Whole Life-Cycle Carbon emissions of the development achieve at least the GLA's Standard Benchmark ~~and setting out further~~

~~opportunities to achieve the GLA's Aspirational Benchmark set out in the GLA's Whole Life-Cycle Assessment Guidance (as current at the date of the permission).~~ The assessment should include details of measures to reduce carbon emissions throughout the whole life-cycle of the development and provide calculations in line with the Mayor of London's guidance on Whole Life Cycle Carbon Assessments, and the development shall be carried out in accordance with the approved details and operated and managed in accordance with the approved assessment for the life-cycle of the development.

**Amend Condition 55 to read as follows:**

A post construction BREEAM assessment (using BREEAM version New Construction 2018) for each of (a) office, (b) retail and (c) culture/exhibition, demonstrating that the target rating of 'Outstanding' has been achieved for (a) office, and at least 'Excellent' has been achieved for (b) retail and (c) culture/exhibition (or such other target rating as the local planning authority may agree provided that it is satisfied all reasonable endeavours have been used to achieve a minimum 'Excellent' rating) shall be submitted as soon as practicable after practical completion.

REASON: To demonstrate that carbon emissions have been minimised and that the development is sustainable in accordance with the following policy of the Local Plan: CS15, DM15.1, DM15.2 and emerging City Plan 2040 policy DE1.

**Amend Condition 56 as follows:**

~~'Prior to the commencement of development excluding demolition~~ relevant works, an updated Biodiversity Net Gain Assessment...'

**Amend Condition 57 to read as follows:**

Prior to the relevant works, a detailed landscaping strategy describing the quality and maintenance of the proposed urban greening and biodiversity measures shall be submitted to and approved in writing by the Local Planning Authority. During design development stage the strategy shall identify further opportunities to improve the greening and biodiversity contribution (at ground level and on buildings) with a set of enhancement measures to be agreed with the Local Planning Authority. The development shall be carried out in accordance with those approved details and maintained as approved for the life of the development unless otherwise approved by the local planning authority.

REASON: To ensure the development delivers the highest quality public realm with the highest feasible levels of greening and biodiversity and supports wellbeing, and climate resilience including minimising the urban heat island, and reducing heat stress and flood risk in line with the following policies in the Development Plan and draft Development Plans: London Plan policies GG2, G5 and G6, Local Plan policies DM15.5, DM 18.3 and DM19.2, emerging City Plan 2040 policies DE2, OS2, OS3 and OS4.

Amend Condition 58 as follows:

'Prior to the commencement of the development, ~~excluding demolition-relevant works,~~ an Ecological Management Plan...'

Amend Condition 63 to read as follows:

- (d) details of colonnade columns and for all relevant levels including mock up samples the agreed areas at 1: 1, interface detail in the public realm **and colour finish;**
- (e) details of the external exoskeleton and related structural framing to the tower including **a detailed drawing and materiality sample including colour finish;**
- (f) details of the recessed elevations and soffits from level 4 to level 53 including external terraces and internal wintergardens;
- (g) details of the servicing bay entrance, mock up samples and interface in the public realm;
- (h) mock up sample of the glazing system to test solar glare;
- (i) details of the rooftop including plant equipment and other infrastructure;
- (j) details of all soffits, handrails and balustrades, including samples of all glass balustrades on external terraces, including reflectivity experience from ground and high levels and iron content;
- (k) details of all ground floor elevations up to Level 04 **from** the base **of the building** including entrances and southern core, **and** including junctions with soffits;
- (l) details of the integration of window cleaning equipment and the garaging thereof, plant, flues, and other excrescences on external terraces and roof level including within the plant rooms;
- (m) details of all drainage, irrigation and rainwater harvesting;
- (n) details of the integration of M&E and building services into the external envelope;
- ~~(n) details of all wind mitigation measures, including location and detailed design;~~
- (o) details of the escalators and entrances into the office lobby;
- (p) details of all proposed entrances including lifts;
- (q) details of signage, including building identifiers; and
- ~~(r) full details of the of the ground floor public spaces, including flooring, entrances, fenestration, planters, seating, lighting, soffits, drainage, irrigation, market stalls and any infrastructure required to enable delivery of programmed and varied use.~~
- (r) final details of the design of the ground floor recess to the south core including the fire control centre and long stay cycle entrance and provision for adequate safety measures.

REASON: To ensure that the Local Planning Authority may be satisfied with the detail of the proposed development and to ensure a satisfactory external appearance in accordance with the following policies of the Local Plan: CS10, DM10.1, DM10.4, DM10.7.

Amend Condition 64 to read as follows:



Before any works thereby affected to the pavilion building are begun, the following details shall be submitted to and approved in writing by the Local Planning Authority and all development pursuant to this permission shall be carried out in accordance with the approved details:

- (a) particulars and samples including colour and texture finishes of the materials to be used on all external and semi-external faces of the building and surface treatments in areas where the public would have access, including external ground and upper level surfaces including jointing and any necessary expansion/movement joints;
- (b) typical bay details of the proposed typical elevations. These should include a 1:1 mock up of agreed areas, jointing of materials and colour finish, as well as details of any soffits;
- (c) typical bay details of the elevation of the building foyer, including entrances, jointing materials, colour finish and details of any soffits;
- (d) final details of the metal veil artwork including mock ups at a scale of 1:1 of agreed areas;
- (e) details of the vertical climber planter and its integration into the façade;
- (f) details of the servicing bay entrance, mock up samples and interface in the public realm and where the pavilion meets the ramp;
- (g) details of signage;
- (h) details of the rooftop including plant equipment and other infrastructure;
- (i) details of the integration of window cleaning methodology and equipment and the garaging thereof, plant, flues, and other excrescences ~~on external terraces and~~ at roof level including within the plant rooms;
- (j) details of all drainage, irrigation and rainwater harvesting; and
- (k) details of the integration of M&E and building services into the external envelope.

REASON: To ensure that the Local Planning Authority may be satisfied with the detail of the proposed development and to ensure a satisfactory external appearance in accordance with the following policies of the Local Plan: CS10, DM10.1, DM10.4, DM10.7.

**Amend Condition 68 to read as follows:**

Before any works thereby affected are begun the following details shall be submitted to and approved in writing by the Local Planning Authority and all development pursuant to this permission shall be carried out in accordance with the approved details:

Details of all internal public market hall spaces in the main building, including general arrangement elevations, treatment of soft core, **entrances, fenestration**, soffits, layout, **samples of materials and lighting**, ~~planters, seating, lighting, drainage, irrigation, market stalls, any infrastructure required to enable delivery of programmed and varied use~~ and interface details with the public realm where relevant.



REASON: To ensure that the Local Planning Authority may be satisfied with the detail of the proposed development and to ensure a satisfactory external appearance in accordance with the following policies of the Local Plan: CS10 and DM10.1

**Amend Condition 71 to read as follows:**

All landscaping, including the ground floor, external terraces and winter gardens, shall be treated in accordance with a landscaping scheme, including details of:

- (a) Irrigation;
- (b) Provision for harvesting rainwater run-off from road to supplement irrigation;
- (c) Spot heights for ground levels around planting pit;
- (d) Soil **and soil volumes**;
- (e) Planting pit size and construction **including any crate systems**;
- (f) Tree protection guards; and
- (g) Species and selection of trees including details of its age, growing habit, girth of trunk, how many times transplanted and root development.

To be submitted to and approved in writing by the Local Planning Authority before any landscaping works are commenced. All hard and soft landscaping works shall be carried out in accordance with the approved details not later than the end of the first planting season following completion of the development and prior to occupation. Trees and shrubs which die or are removed, uprooted or destroyed or become in the opinion of the Local Planning Authority seriously damaged or defective within the lifetime of the development shall be replaced with trees and shrubs of the same size and species to those originally approved, or such alternatives as may be agreed in writing by the Local Planning Authority.

REASON: In the interests of visual amenity in accordance with the following policies of the Local Plan: DM10.1, DM19.2.

**Amend Condition 72 as follows:**

~~(g) details of aviation lights including locations~~

**Amend Condition 81 as follows:**

There shall be no more than 96 **delivery, servicing or waste management** motorized vehicles daily trips in total over any 24-hour period (accounting for a consolidation rate of at least 50%) excluding fresh produce delivery, construction fitout, **and cargo bikes**.

**Amend Condition 84 as follows:**

- Deconstruction vehicle movements to be scheduled and must avoid peak hours **(where possible)**. Records to be kept of timings of such deliveries and presented to the LPA upon request.
- ~~encouraging the use of cargo bike deliveries throughout the deconstruction process.~~

Amend **Condition 85** as follows:

- Construction vehicle movements to be scheduled and must avoid peak hours (**where possible**). Records to be kept of timings of such deliveries and presented to the LPA upon request.
- ~~Encouraging the use of cargo bike deliveries throughout the construction process.~~

Amend **Condition 92** to read as follows:

**Unless otherwise approved in writing**, the development shall be carried out in accordance with the approved details within the Fire Statement prepared by OFR Consultants and dated April 2024.

REASON: To ensure that the development incorporates the necessary fire safety measures in accordance with London Plan policies D5 and D12.

Replace **Condition 100** with the following:

Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. Fencing and protection measures for the retained trees shall be erected before any equipment, machinery or materials are brought onto the Site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the Site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

REASON: In order to protect the trees during building operations in accordance with the following policies of the Local Plan: DM10.4, DM19.2.

#### **4. Tree Preservation Order request:**

Officers have received a request to place a Tree Preservation Order on the existing ginkgo biloba tree to the east of the site to Bishopsgate. This was sent to the City Gardens team as well as Planning Officers on 20<sup>th</sup> January 2025. The request is being dealt with under separate process and legislative requirements. Nonetheless, the tree that is the subject of the request is proposed to be retained as part of the proposed development, and conditions are recommended to ensure its protection throughout construction and beyond.

#### **5. Sustainability SPD:**

The Supplementary Planning Document (SPD) 'Planning for Sustainability' was approved for adoption at committee on the 21st of January 2025 and will be formally adopted in the coming weeks. The purpose of the SPD is to provide guidance on how applicants should approach environmental sustainability in their developments through the application process. It has been prepared to provide additional detail and guidance on how to fulfil policies of the London Plan, adopted Local Plan 2015, as well as emerging policies within the City Plan 2040. Once adopted the SPD will be a material consideration in determining planning applications, however as set out in the SPD, the requirements will only be applied to applications submitted after its adoption. Although the requirements of the SPD do not apply to the proposed development at 99 Bishopsgate, the application has been reviewed with the emerging guidance in mind (and in accordance with existing local plan policies relating to sustainability) to ensure the scheme delivers the best outcome possible in terms of sustainability. As such, the scheme is considered to be in general compliance with the actions recommended in the SPD.

## **6. Additional Background Papers**

- Letter, Surveyor to the Fabric of St Paul's Cathedral, 29<sup>th</sup> January 2025.