

## 22 Bishopsgate

in the City of London

planning application no. 15/00764/FULEIA

### Strategic planning application stage II referral

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008.

### The proposal

High-rise office building arranged as three basement floors, ground and 61 upper floors (plus mezzanines and plant) up to 295 metres A.O.D., comprising 185,424 sq.m of B1 office floorspace; 4,977 sq.m. restaurant/bar; 481 sq.m. retail; 3,482 sq.m. publicly accessible viewing gallery and facilities; and, hard and soft landscaping works.

### The applicant

The applicant is **22 Bishopsgate General Partner Ltd.** and the architect is **PLP Architecture.**

### Strategic issues

The application is strongly supported in strategic planning terms. This is an appropriate location for a **tall building** of such **high design quality**, and the proposed **office** development would support the function of the **Central Activities Zone** and London's position as a **World City**.

The **delivery and servicing efficiencies** associated with the proposed off-site consolidation centre are particularly supported - this represents a logistics model that **should be repeated elsewhere**.

Furthermore, previously outstanding matters with respect to **mix of uses, sustainable development** and **transport** have been addressed, and the application now complies with the London Plan.

### The Council's decision

In this instance the City of London Corporation has resolved to grant permission subject to planning conditions and conclusion of a Section 106 legal agreement.

### Recommendation

That the City of London Corporation be advised that the Mayor is content for it to determine the case itself, subject to any action that the Secretary of State may take, and does not therefore wish to direct refusal or direct that he is to be the local planning authority.

## Context

1 On 5 August 2015 the Mayor of London received documents from the City of London Corporation notifying him of a planning application of potential strategic importance to develop the above site for the above uses. This was referred to the Mayor under the following categories of the Schedule to the Order 2008:

- 1B 1.(a) *“Development (other than development which only comprises the provision of houses, flats, or houses and flats) which comprises or includes the erection of a building or buildings - in the City of London and with a total floorspace of more than 100,000 square metres”*; and,
- 1C 1.(b) *“Development which comprises or includes the erection of a building of... more than 150 metres high and is in the City of London”*.

2 On 9 September 2015 the Mayor considered planning report D&P/3704/01, and subsequently advised the City of London Corporation that whilst the application is broadly supported in strategic planning terms, the application does not fully comply with the London Plan for the reasons discussed in paragraphs 6 and 7 below. The Mayor nevertheless stated that the resolution of those issues could lead to the application becoming compliant with the London Plan.

3 A copy of the above-mentioned report is attached. The essentials of the case with regard to the proposal, the site, case history, strategic planning issues and relevant policies and guidance are as set out therein, unless otherwise stated in this report. Since then, the application has been revised in response to the Mayor’s concerns (refer below). On 17 November 2015 the City of London Corporation decided that it was minded to grant planning permission subject to planning conditions and conclusion of a Section 106 legal agreement. The City Corporation first advised the Mayor of this decision on 23 November 2015, and thereafter made a complete referral of the application on 25 November 2015. Under the provisions of Article 5 of the Town & Country Planning (Mayor of London) Order 2008 the Mayor may allow the draft decision to proceed unchanged, direct the City Corporation under Article 6 to refuse the application or issue a direction to the City Corporation under Article 7 that he is to act as the Local Planning Authority for the purposes of determining the application and any connected application. The Mayor has until 8 December 2015 to notify the Council of his decision and to issue any direction.

4 The environmental information for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended) has been taken into account in the consideration of this case.

5 The decision on this case, and the reasons, will be made available on the GLA’s website [www.london.gov.uk](http://www.london.gov.uk).

## Update

6 At consultation stage the City of London Corporation was advised that whilst the application is broadly supported in strategic planning terms, the application did not fully comply with the London Plan for the reasons set out below. The resolution of these issues could lead to the application becoming compliant with the London Plan.

- **Mix of uses:** The proposed mix of on-site uses is appropriate given the characteristics of this scheme in terms of supporting an important cluster of CAZ business activity. An affordable housing contribution should, nevertheless, be secured by way of planning

obligation in line with London Plan policies 2.11 and 4.3, and the City Corporation's Planning Obligations SPD.

- **Sustainable development:** The proposed energy strategy and climate change adaptation measures are broadly supported in accordance with London Plan policies 5.2, 5.10, 5.11 and 5.13. Notwithstanding this GLA officers seek further information with respect to cooling measures, as well as an update with respect to discussions with Citigen. The City Corporation is encouraged to secure the details of the energy strategy and climate change adaptation measures by way of planning condition.
- **Transport:** Whilst the proposal is broadly acceptable in strategic transport terms, the applicant should address matters with respect to access and public realm; cycle parking; trip generation; public transport impact; walking; cycling; servicing and construction; travel plan and demand management; and, strategic transport contributions in order to ensure accordance with London Plan policies 6.3, 6.5, 6.9, 6.10, 6.13 and 6.14.

7 In particular, the Mayor sought to emphasise public realm concerns associated with encroachment of the development onto existing footway at Bishopsgate. Furthermore, with respect to the proposed viewing gallery, the Mayor stated that he expects the size of the gallery, and the commitment to provide free public access to it, to be appropriately secured as part of any planning permission.

8 Since consultation stage the applicant team has engaged in joint discussions with the City of London Corporation, GLA and TfL officers with a view to addressing the above matters. Pursuant to this the applicant submitted revisions to the scheme on 18 September 2015 and 5 October 2015. The response to the various issues raised within the Mayor's representations on this application are considered under the corresponding sections below.

## Mix of uses

9 In line with the Mayor's initial representations a financial contribution towards additional affordable housing units will be secured via the Section 106 agreement in accordance with London Plan policies 2.11 and 4.3, and the City Corporation's Planning Obligations SPD. Based on the SPD, the City Corporation has calculated the contribution as £3,907,880. It is, nevertheless, noted that a sum of £2,356,706 has already been collected by the City Corporation as corresponding mitigation for the earlier 'Pinnacle' scheme at this site (which was implemented but never completed). Accordingly, this sum will be deducted from the contribution attributable to this scheme under the SPD. GLA officers are satisfied that this is reasonable, and the application would now make an appropriate contribution to delivering a mix of uses (including housing) in line with London Plan policies 2.11 and 4.3.

## Urban design (update)

10 Further to the concerns raised by the Mayor with respect to encroachment of the development onto existing footway at Bishopsgate, the applicant has submitted revisions to the ground floor layout and lower-level elevations. These provide a more rationalised building line at the base of the building, and result in a net gain of 28.64 sq.m. of highway land (as opposed to a net loss of 6.31 sq.m. - which was originally proposed). A new footway arrangement is also proposed, which, in conjunction with a revised wind mitigation strategy (and the deletion of a number of proposed street trees), ensures that 'effective pavements widths' adjacent to the front elevation of the building would now exceed TfL's minimum standard of 2.5 metres. The revisions are supported in strategic planning terms, and GLA officers are satisfied that the reduction of

street trees proposed along this frontage is outweighed by the benefits to the public realm in terms of effective pavement width.

11 With respect to the proposed viewing gallery at level 58 of the building, GLA officers note that the Section 106 agreement heads of terms currently secure: specified hours of free of charge public access; a requirement to accommodate no less than 294 people (including staff); and, restricted building occupation until such time as the viewing gallery is made available for public access. These proposed obligations are supported in line with the Mayor's representations. It is nevertheless noted that the heads of terms within the City Corporation's committee report do not specifically secure the proposed area of viewing gallery floorspace (as distinct from other commercial uses such restaurant/bar). However, following further discussions with the applicant team and the City Corporation, GLA officers have secured agreement from both parties that such a clause will be added.

## **Sustainable development**

12 Whilst the proposed energy strategy was broadly supported at consultation stage, GLA officers sought further information with respect to cooling measures, and the progression of discussions with respect to a potential future connection to Citigen. The response provided by the applicant confirms that cooling loads are principally proposed to be reduced through the provision of a closed cavity facade system (with automated blinds), as well as limiting internal heat gains (through measures such as low energy LED lighting throughout). Based on this system, design cooling loads are understood to average 60W/sq.m. across the building (compared to around 90W/sq.m. for a typical office building). The applicant confirmed that the relevant characteristics have been reflected within both the 'notional' and 'actual' cooling demands for the energy model, and, therefore, (despite the extensive use of glazed elevations within the proposal) the scheme preforms significantly better than the model of a typical office building, given the inclusion of the above measures.

13 With respect to future district network connection, the applicant has confirmed that recent discussions with Citigen have established that there are no current plans to extend heat network infrastructure in to the vicinity of the site (the closest existing connection point is on the London Wall, 800 metres from the site). Accordingly GLA officers are satisfied in this case that the proposal to provide a single on-site energy centre with a capped connection point (to enable connection of the scheme if and when a heat network is extended into the vicinity) is reasonable. GLA officers also note that planning conditions are to be imposed to ensure that the development takes place in accordance with the proposed energy strategy, and that a post construction assessment (to verify that a 35% reduction of carbon dioxide has been achieved) will be secured as part of the Section 106 agreement. Accordingly GLA officers are satisfied that the application complies with London Plan Policy 5.2.

## **Transport**

14 As discussed in paragraph 10, the building footprint and facade design have been revised in response to the Mayor's representations. Noting a marginal net gain in public highway, TfL is of the view that the quality and capacity of the proposed public realm at the Bishopsgate frontage has improved sufficiently as a result.

15 The revisions to the scheme also allow for the provision of the necessary minimum level of long and short stay cycle parking (2,132 and 188 spaces, respectively), with the latter to be provided within the building. Suitable showers/changing and storage facilities will also be provided in line with London Plan Policy 6.9.

16 In line with initial representations, reasonable limits on construction vehicle movements will also be secured as part of the planning permission, along with enhanced delivery/servicing arrangements, and a cap in vehicle numbers. This is supported, and the applicant and City Corporation are encouraged to engage with TfL as part of the process for agreeing the final detail of these arrangements (including any modification).

17 With respect to planning obligations, it is noted that a contribution of £213,408 has been secured towards the maintenance and operation of local Cycle Hire Stations. Furthermore, the development will generate a Crossrail SPG contribution of £26,481,990 (against which the Mayoral CIL sum (estimated as £9,769,700) would be offset.

18 TfL has also requested that a slice of the City Corporation CIL be apportioned towards mitigating the impact of the development on London Underground services. TfL is of the view that this would reflect the (additional) impact arising (i.e. above that addressed by the previous payment of £2,000,000 for the Pinnacle scheme).

19 It is, nevertheless, noted that that proposed schedule of conditions does not yet include a condition to secure the provision of an electric vehicle charging point, and the mechanism for securing Travel Plans has not yet been set out. The City Corporation is strongly encouraged to secure these matters by way of planning condition and planning obligation respectively. The resurfacing and upgrade of public highway, as well as changes to pedestrian crossings on Bishopsgate and Threadneedle Street, will be delivered via a Section 278 agreement.

20 In summary, having regard to the above, and the advice of TfL, GLA officers are satisfied that the application accords with London Plan policies policies 6.3, 6.5, 6.9, 6.10, 6.13 and 6.14. In particular, the proposed off-site consolidation centre for delivery and servicing (discussed in more detail within GLA report D&P/3704/01) is strongly supported, and represents a model that should be repeated elsewhere.

## **Public consultation**

21 The City of London Corporation publicised the application by sending notifications to addresses within the vicinity of the site, and issuing site and press notices. The relevant statutory bodies were also consulted. The representations received in response to the local consultation process are considered in detail within the City Corporation's committee report of 17 November 2015. Furthermore, copies of all responses to public consultation, and any other representations made on the case, have been made available to the Mayor in their original form.

## **Responses to neighbourhood consultation**

22 The City Corporation received 15 objections following the neighbourhood consultation process. In summary, the points of objection relate to: architectural quality and design response to context; scale of development; impact on views (including views of the Tower of London and Tower Bridge, and the City skyline generally); microclimatic impacts (including wind); lack of public space; and, construction impacts (including noise and other environmental issues).

## **Responses from statutory bodies and other organisations**

### Historic Royal Palaces

23 Historic Royal Palaces (HRP) raised an objection to the application related to the proposed impact of the development on the setting of the Tower of London World Heritage Site (WHS). In particular, HRP expressed the view that the proposal would: result in change to the

setting of the WHS; overshadow the WHS; and, diminish the White Tower's dominance in relation to the City. HRP also raised concern that the proposal would be visible in views from within the WHS.

24 GLA officers considered the proposed impact of the scheme on the Tower of London WHS at consultation stage (refer to GLA report D&P/3704/01). Accordingly it was noted that the juxtaposition between the Tower of London and the City cluster is a key characteristic of the WHS setting, and a relationship that may be seen as positive. Pursuant to this GLA officers conclude that the proposal would reinforce the positive characteristics of the existing setting to the Tower of London, and would not compromise the ability to appreciate the Outstanding Universal Value of this WHS. Moreover, it is noted that the City Corporation has considered issues of overshadowing as part of its assessment of amenity and microclimatic impacts. Accordingly the City Corporation has concluded that, beyond the immediate vicinity of the development, the impacts of transient overshadowing would be minor, and broadly consistent with those approved for the Pinnacle scheme (which HRP did not raise an objection to).

#### Historic England

25 Historic England raised no objection to the proposal, stating that it should be determined in accordance with relevant planning policy and specialist advice.

#### The Royal Parks

26 The Royal Parks raised an objection to the application for reasons with respect to: excessive height; impact on views from St James' Park and Greenwich Park; and, overshadowing.

27 GLA officers considered the proposed design of the scheme, and its impact on strategic views and the historic environment at consultation stage (refer to GLA report D&P/3704/01). It is further noted that the City Corporation has considered issues of overshadowing as part of its assessment of amenity and microclimatic impacts. Accordingly the City Corporation has concluded that, beyond the immediate vicinity of the development, the impacts of transient overshadowing would be minor, and broadly consistent with those approved for the Pinnacle scheme.

#### City Heritage Society

28 The City Heritage Society noted that the proposed tower is in an area of the City designated for tall buildings, and that expressed the view that the proposed design is an improvement over the extant permission. The Society stated that any window cleaning equipment should be screened from view when not in use.

#### City of London Police

29 The City of London Police raised no objection to the proposal, but recommended that hostile vehicle mitigation measures be installed. GLA officers note that the City Corporation has had regard to these representations, and that the detail of security measures for this scheme are to be secured by way of planning condition.

#### London Heathrow Airport

30 Following a detailed assessment by National Air Traffic Services (NATS), and the submission of a revised construction management plan by the applicant, London Heathrow Airport withdrew two initial objections related to radar impact and Heathrow arrival procedures.

The Airport (and NATS) nevertheless sought the inclusion of various planning conditions to ensure that their concerns would be satisfied. GLA officers note that the City Corporation has had regard to these representations, and has proposed planning conditions and informatives as appropriate.

#### London City Airport

31 London City Airport raised no objection, but recommended the inclusion of planning conditions to require mitigation measures to be identified and agreed following the results of a technical assessment of the impact of the development on their operations. GLA officers note that the City Corporation has had regard to these representations, and has proposed planning conditions and informatives as appropriate.

#### Thames Water

32 Thames Water raised no objection to the application, but sought the inclusion of a number of detailed planning conditions and informatives. GLA officers note that the City Corporation has had regard to these representations, and has proposed planning conditions and informatives as appropriate.

#### Environment Agency

33 The Environment Agency raised no objection to the scheme.

#### Natural England

34 Natural England stated that it had no comments to make on the application.

#### Chapter of the Cathedral Church of St. Paul in London

35 The Chapter of the Cathedral Church of St. Paul in London expressed the view that whilst the proposal would impact the setting of St. Paul's Cathedral, this impact would not be harmful. Moreover, the Chapter stated that it was satisfied the proposal would not infringe on protected views of St. Paul's, or impact on the prominence of this Listed Building on the London skyline. The Chapter nevertheless stated the material specification and the public viewing gallery should be appropriately secured as part of the planning process.

#### The Church of St. Helen's Bishopsgate

36 The Church of St. Helen's Bishopsgate stated that does not oppose the principle of development at this site provided that the associated impacts are appropriately mitigated. In this regard the Church is in discussions with the applicant regarding a 'neighbourly matters deed' which will include details for: noise and vibration monitoring; works with potential to affect the structural integrity of the building; and, hours of working during the construction period. The Church raises concern that overshadowing analysis indicates that the churchyard would no longer receive direct sunlight, and identifies impacts on the quality and use of the churchyard, and on the health of existing London plane trees growing within it. The Church also raised concerns with respect to the continued visibility of this place of worship from Bishopsgate, and the need to deliver a robust public realm strategy to manage increased footfall.

37 It is noted that the City Corporation has secured Section 106 mitigation works to enhance the churchyard, and undertakes to consult the Church on relevant detailed submissions.

### The Leathersellers' Company

38 The Leathersellers' Company raised an objection to the scheme for reasons with respect to: impact on daylight; impact on the character of St. Helen's Place Conservation Area; bulk and massing; and, impact on the setting of Tower of London WHS, St. Paul's Cathedral, the Church of St. Helen's and the character of the St. Helen's Place Conservation Area. The Company also raises concerns about the extent of additional pressure that a development of this scale would place on the transport network and on local streets and footways and considers that the proposed mitigation for this is insufficient.

39 GLA officers considered the proposed design of the scheme, and its impact on the historic environment at consultation stage (refer to GLA report D&P/3704/01). It is further noted that the City Corporation has secured planning obligations which are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.

## **Responses from neighbouring local authorities**

### Tower Hamlets Council

40 Tower Hamlets Council objected to the proposal on the grounds that the development would have potentially significant implications for the setting of the Tower of London WHS. Moreover, the Council stated that it does not agree with the conclusions of the submitted impact assessment with respect to the assessed impact on the WHS, and views from within the London Borough of Tower Hamlets. The Council stated that in a number of cases fully rendered visualisations should be provided (rather than wire outlines). The Council also identified additional schemes within its area for consideration as part of the assessment of cumulative impact.

41 GLA officers considered the proposed impact of the scheme on the Tower of London WHS and strategic views at consultation stage (refer to GLA report D&P/3704/01). It is noted that since consultation stage the Environmental Statement has been amended to include three additional sites relevant to the consideration on cumulative impact. For the avoidance of doubt GLA officers are satisfied that this revision does not affect the conclusions reached at consultation stage – i.e. that the proposal would reinforce the positive characteristics of the existing setting to the Tower of London, and would not compromise the ability to appreciate the Outstanding Universal Value of the WHS.

### Islington Council

42 Islington Council made a number of observations on the application, expressing the view that the proposal would not achieve a suitably high design standard, and would substantially harm the setting of Bunhill Fields and Finsbury Square Conservation Area (and the heritage assets within it). Whilst the Council generally welcomed the proposed provision of the public viewing gallery, it nevertheless expressed the view that this would not outweigh the harm that the proposed development would cause.

43 GLA officers have had special regard to the desirability of preserving Listed Buildings, their settings and any features of special architectural or historic interest which they possess. Accordingly, and having considered the associated visualisations within the submitted townscape and visual impact assessment, GLA officers conclude that the proposal would not cause harm to the Bunhill Fields and Finsbury Square Conservation Area, or the various heritage assets within it.



### Camden Council

44 Camden Council raised no objection, expressing the view that the proposal would be viewed in the context of an established cluster of tall buildings.

### Westminster City Council

45 Westminster City Council raised no objection to the proposal.

### Hackney Council

46 Hackney Council raised no objection to the proposal.

## **Response to public consultation – conclusion**

47 The statutory and non-statutory responses to the City Corporation's consultation process do not raise any material planning issues of strategic importance that have not already been considered at consultation stage, and/or in this report.

## **Article 7: Direction that the Mayor is to be the local planning authority**

48 Under Article 7 of the Order the Mayor could take over this application provided the policy tests set out in that Article are met. In this instance the City Corporation has resolved to grant permission with conditions and a planning obligation, which satisfactorily addresses the matters raised at consultation stage, therefore there is no sound planning reason for the Mayor to take over this application.

## **Legal considerations**

49 Under the arrangements set out in Article 5 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor has the power under Article 6 to direct the local planning authority to refuse permission for a planning application referred to him under Article 4 of the Order. He also has the power to issue a direction under Article 7 that he is to act as the local planning authority for the purpose of determining the application and any connected application. The Mayor may also leave the decision to the local authority. In directing refusal the Mayor must have regard to the matters set out in Article 6(2) of the Order, including the principal purposes of the Greater London Authority, the effect on health and sustainable development, national policies and international obligations, regional planning guidance, and the use of the River Thames. The Mayor may direct refusal if he considers that to grant permission would be contrary to good strategic planning in Greater London. If he decides to direct refusal, the Mayor must set out his reasons, and the local planning authority must issue these with the refusal notice. If the Mayor decides to direct that he is to be the local planning authority, he must have regard to the matters set out in Article 7(3) and set out his reasons in the direction.

## **Financial considerations**

50 Should the Mayor direct refusal, he would be the principal party at any subsequent appeal hearing or public inquiry. Government Planning Practice Guidance emphasises that parties usually pay their own expenses arising from an appeal.

51 Following an inquiry caused by a direction to refuse, costs may be awarded against the Mayor if he has either directed refusal unreasonably; handled a referral from a planning authority unreasonably; or, behaved unreasonably during the appeal. A major factor in deciding whether the

Mayor has acted unreasonably will be the extent to which he has taken account of established planning policy.

52 Should the Mayor take over the application he would be responsible for holding a representation hearing and negotiating any planning obligation. He would also be responsible for determining any reserved matters applications (unless he directs the City Corporation to do so) and determining any approval of details (unless the City Corporation agrees to do so).

## Conclusion

53 The application is strongly supported in strategic planning terms. This is an appropriate location for a tall building of such high design quality, and the proposed office development would support the function of the Central Activities Zone and London's position as a World City.

54 The delivery and servicing efficiencies associated with the proposed off-site consolidation centre are particularly supported - this represents a logistics model that should be repeated elsewhere.

55 Furthermore, previously outstanding matters with respect to mix of uses, sustainable development and transport have been addressed, and the application now complies with the London Plan.

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