

**Land adjacent to 20 Bury Street
in the City of London**

planning application no. 18/01213/FULEIA

Strategic planning application stage 1 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

Demolition of existing building and structures and construction of a building to a height of 305.3m AOD for a mixed-use visitor attraction, including viewing areas, restaurant/bar area, and retail use at ground floor level; construction of a two storey building comprising visitor entrance and public roof garden.

The applicant

The applicant is **Bury Street Properties** and the architect is **Foster + Partners**.

Strategic issues summary

Principle of development: The principle of a visitor attraction within a CAZ location would complement the strategic functions of the CAZ. However, the proposal fails to provide free to enter publicly accessible viewing areas and is therefore contrary to London Plan Policy 7.7 and Policy D8 of the draft London Plan. (Paragraphs 17-24)

Historic Environment: The development would compromise the ability to appreciate the Outstanding Universal Value of the Tower of London World Heritage Site and would cause harm to the historic environment. Accordingly, the application does not comply with London Plan policies 7.7, 7.8, 7.10, 7.11 and 7.12 and Policies D8, HC1, HC2, HC3 and HC4 of the draft London Plan. (Paragraphs 39-68)

Design: GLA officers have significant concerns with the design approach. The height appears unjustified and the introduction of significant expanse of solid and inactive building frontage would appear incongruous in the existing faceted context of the Eastern Cluster, drawing significant attention in this heritage sensitive location. The site layout and loss of public realm at street level is also of significant concern. (Paragraphs 25-35)

Strategic Views: The appearance of the proposed development within LVMF views 10A.1 and 25A.1, 2 and 3 would cause harm to these strategic views, contrary London Plan Policies 7.11 and 7.12 and Policies HC3 and HC4 of the draft London Plan (Paragraphs 36-38 and 47-59).

Transport: The proposals are considered to result in a poor quality, unwelcoming and unnecessarily confined pedestrian environment contrary to Policy 6.10 of the London Plan and Policy D1 of the draft London Plan. The proposals would not reflect the Healthy Streets approach detailed within Policies T2 and T4 of the draft London Plan. The level of cycle parking would not accord with draft London Plan Policy T5. (Paragraphs 72- 80).

Further information on **Energy** is required. (Paragraphs 70-71)

Recommendation

That City of London be advised that the scheme does not comply with the London Plan and draft London Plan for the reasons set out in paragraph 84 of this report.

Context

1 On 19 November 2018, the Mayor of London received documents from the City of London notifying him of a planning application of potential strategic importance to develop the above site for the above uses. Under the provisions of The Town & Country Planning (Mayor of London) Order 2008, the Mayor must provide the City of London with a statement setting out whether he considers that the application complies with the London Plan and draft London Plan, and his reasons for taking that view. The Mayor may also provide other comments. This report sets out information for the Mayor's use in deciding what decision to make.

2 The application is referable under Category 1C(c) of the Schedule to the 2008 Order:

- *1C(c) 'Development which comprises or includes the erection of a building of more than 150 metres high and is within the City of London'*

3 Once the City of London has resolved to determine the application, it is required to refer it back to the Mayor for his decision as to whether to direct refusal; take it over for his own determination; or allow the Council to determine it itself.

4 The environmental information for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 has been taken into account in the consideration of this case.

5 The Mayor of London's statement on this case will be made available on the GLA website www.london.gov.uk.

Site description

6 The proposals relate to a site within the Eastern Cluster of the City of London currently occupied by 20 Bury Street, a 6 storey building, and an area of public realm at the base of, and surrounding much of, 30 St Mary Axe - colloquially known as the Gherkin. The site is bound by 100 Leadenhall Street to the south east, Bury Street to the south west, Bury Court to the north east and St Mary Axe to the north west.

7 The surrounding area contrasts numerous modern tall buildings with the low rise historic buildings of the City of London. The site is adjacent to the Grade II listed No. 38 St Mary Axe, to the north west of the Grade II* listed Holland House, and to the west of the Grade I listed Bevis Marks Synagogue and Grade I listed St Botolph's Church. Aside from the immediately adjacent 41 storey 30 St Mary Axe building, other notable tall buildings in close proximity include 122 Leadenhall Street (also known as the Cheesegrater), containing 48 levels of predominantly office accommodation to the west of the site and 110 Bishopsgate (also known as the Heron Tower), containing 46 levels of predominantly office accommodation to the north west. A number of other tall buildings are also either under construction, or have recently been granted planning permission. These include, 22 Bishopsgate (62 storeys), 52 Lime Street (39 storeys) and 100 Bishopsgate (37 storeys) which are under construction. In addition, 1 Undershaft (73 storeys), 6-8 Bishopsgate (52 storeys) and 100 Leadenhall Street (57 storeys) currently have 'resolutions to grant' planning permission.

8 Although the site is not within a conservation area, it is adjacent to the St Helens Place Conservation Area and Bishopsgate Conservation Area. The site is also within close proximity to the Tower of London World Heritage Site (WHS) and St Paul's Cathedral (Grade I listed).

9 The site has an excellent Public Transport Access Level (PTAL) rating of 6b (on a scale of 0-6b where 6b is the most accessible). Bus stops within 300m serve routes 8, 25, 26, 35, 47, 48, 100, 149, and 242 providing connections to key destinations such as Oxford Circus, London Bridge, Tottenham Court Road, Waterloo, Clapham Junction, Dalston, and Hackney. The nearest station is Aldgate approximately 330m east of the site, giving access to the London Underground (LU) Circle, and Metropolitan lines. Liverpool Street station approximately 400m northwest gives access to the Central, Circle, Hammersmith & City, and Metropolitan LU lines, TfL Rail, and national rail services. It will also be served by the Elizabeth Line (Crossrail), planned to be operational from autumn 2019.

10 The nearest part of the Transport for London Road Network (TLRN) is A10 Bishopsgate, approximately 250m northwest of the site. The nearest part of the Strategic Road Network (SRN) is Bevis Marks approximately 60m northeast. The nearest cycle docking station is at St Mary Axe, 100m to the south and provides 21 docking points.

Details of the proposal

11 The proposal would see the demolition of existing buildings and structures (including 20 Bury Street and the existing servicing ramp from St Mary Axe) and the construction of a new mixed-use visitor attraction, comprising ground and basement levels, supporting structure, lifting equipment and service risers; and a 12-storey high-level visitor area which includes a mix of leisure, education, bar, restaurant and back of house uses. The proposal would also include a distinct pavilion building serving as the visitor entrance and including a publicly accessible rooftop terrace, short and long stay cycle parking provision, two servicing and delivery vehicle lifts and a separate retail unit.

12 The breakdown of the proposed floorspace is as follows:

Use	GIA (sq.m.)	GEA (sq.m.)
Visitor attractions (sui generis)	4,512 sq.m.	4,879 sq.m.
Restaurant/Bar (A3/A4)	1,454 sq.m.	1,535 sq.m.
Retail (A1/A3)	9 sq.m.	11 sq.m.
Ancillary (basement/plant)	8.910 sq.m.	11.016 sq.m.
Total Floorspace	14,885 sq.m.	17,441 sq.m.

Case history

13 On 31 October 2018, a pre-application meeting was held with GLA officers regarding the above proposal (GLA/4868). Whilst the applicant requested that no formal response be provided by GLA officers, at the meeting officers raised concerns with regard to the following strategic issues; strategic views, heritage, design quality, public accessibility, transport and public realm.

Strategic planning issues and relevant policies and guidance

14 For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan in force for the area is the City of London Local Plan 2015 and the London Plan 2016 (consolidated with alterations since 2011).

15 The following are also relevant material considerations:

- The National Planning Policy Framework;
- National Planning Practice Guidance; and
- Draft London Plan (December 2017) and the Minor Suggested Changes to the draft London Plan (August 2018), which should be taken into account on the basis explained in the NPPF.
- Draft City of London Local Plan (November 2018), which should be taken into account on the basis explained in the NPPF.

16 The relevant issues and corresponding policies and guidance are as follows:

- Central Activities Zone *London Plan; Central Activities Zone SPG*
- Urban design *London Plan; Shaping Neighbourhoods: Character and Context SPG;*
- Tall Buildings *London plan; London View Management Framework SPG;*
- Heritage *London Plan; Character and Context SPG; London View Management Framework SPG; London World Heritage Sites SPG*
- Inclusive design *London Plan; Accessible London: achieving an inclusive environment SPG;*
- Climate change *London Plan; Sustainable Design and Construction SPG; Mayor's Environment Strategy;*
- Transport *London Plan; the Mayor's Transport Strategy, Crossrail SPG.*

Principle of development

Visitor attraction

17 The London Plan and Draft London Plan seek to reinforce the position of the London as a world-leading destination for tourists. Whilst there is no specific policy relating to the provision of new visitor attractions, London Plan Policy 4.5 states that decision makers should “support London’s visitor economy and stimulate its growth, taking into account the needs of business as well as leisure visitors and seeking to improve the range and quality of provision”.

18 Policy E10 of the draft London Plan seeks to strengthen London’s visitor economy by enhancing and extending its attractions, inclusive access, legibility and visitor experience. With specific regard to the CAZ, draft London Plan Policy SD4 states that the attractiveness of CAZ locations should be enhanced to residents, businesses and visitors.

19 While the London Plan and draft London Plan primarily seek to promote the strategic function of the City of London as a nationally important location for globally-oriented financial and business services, the provision of a visitor attraction in this location would be complementary to this function and would accord with the wider policy aspirations for the CAZ.

Loss of 20 Bury Street

20 The existing building at 20 Bury Street was granted planning permission in August 2000 as part of the original application for 30 St Mary Axe and serves as building management and back of house support for 30 St Mary Axe. The demolition of this building would result in the loss of 428 sq.m. of office space, 352 sq.m. of retail and approximately 3,899 sq.m. of back of house and plant space.

21 Policy 2.10 of the London Plan and Policy SD5 of the draft London Plan require that mixed-use developments within the CAZ do not result in a net loss of office floorspace. Given

the proposals would not re-provide office floorspace, the resulting loss of this space would be contrary to the London Plan and draft London Plan. It is however accepted that the loss would be relatively minor in nature and could potentially be offset were the proposals to result in significant enhancements to the functioning of the CAZ, along with wider public benefits.

Public access

22 London Plan Policy 7.7 and Policy D8 of the draft London Plan require free to enter publicly accessible areas to be incorporated into tall buildings, particularly those that are more prominent such as the proposed development. Whilst there would be some limited space for free use by schools (88 sq.m. classroom and a further 102 sq.m. of ancillary space), the remainder of the floorspace on the upper 12 levels of the proposal would be accessible only to those paying an entrance fee (2,353 sq.m.), or making use of the restaurant/bar (1,034 sq.m.) on a booked basis.

23 In order to accord with the above policies, the proposals should include free to enter publicly accessible viewing spaces. Furthermore, any publicly accessible viewing spaces should provide a 360 panoramic view of the surrounds, and in this regard it is noted that the proposed educational space would suffer from constrained viewing angles owing to ancillary functions also located on the same level.

24 Furthermore, and in line with London Plan, draft London Plan and City of London policies, there is an increasing amount of free to enter viewing gallery space within the City of London, and in the Eastern Cluster in particular. Recently approved applications within the Eastern Cluster at 1 Undershaft and 100 Leadenhall, contain 1,800 sq.m. and 829 sq.m. of free to enter viewing gallery space respectively, with that at 1 Undershaft also including an education centre. Given that these viewing galleries are free to enter publicly accessible spaces offering views from similar vantage points to that proposed, it is difficult to ascertain the benefit of a paid for viewing gallery in this location.

Urban design

25 The design principles in chapter seven of the London Plan and chapter 3 of the draft London Plan place expectations on all developments to achieve a high standard of design which responds to local character, enhances the public realm and includes architecture of the highest quality that defines the area and makes a positive contribution to the streetscape and cityscape.

Tall building and architectural quality

26 As discussed above the site is located within the Eastern Cluster of tall buildings in the City of London. Notwithstanding the heritage considerations detailed in paragraphs 39 to 63 below, this is a location where the principle of tall buildings is generally accepted, subject to the highest standards of architecture and urban design as set out in London Plan Policies 7.7 and Policy D8 of the draft London Plan.

27 The proposed building would rise to 305.3 metres AOD and, at approximately 0.35m higher than 1 Undershaft, would be the tallest building within the Eastern Cluster. The rationale for this significant height appears unjustified and unrelated to the context of the emerging form of the cluster. This lack of justification is particularly acute given that the building supports a very limited amount of functional floorspace and fails to provide free to enter public viewing spaces as noted above.

28 Furthermore, the highly distinctive design approach steps away from the predominantly faceted form of the surrounding cluster. The vast majority of this height, approximately 255 metres, would constitute a concrete shaft or 'stem' which rises from ground level up to the base

of the domed, bulb structure. The introduction of significant expanse of solid and inactive building frontage - with only the very upper parts being animated by glazed projecting oval sections and the proposed 'gondola' features - would appear incongruous in the existing crystalline context of the cluster and would draw significant attention to the buildings form and presence. In line with the heritage concerns outlined below, this design approach is questioned.

29 The submitted townscape assessment also demonstrates that the proposed massing and form would represent a departure from the shaping of the cluster from multiple long and short range views. A new high point to the cluster, sitting at its eastern extremity, would likely lead to the further eastward spread of the cluster, thereby resulting in potential conflict with a number of highly sensitive heritage views. Further discussion of the impacts of the proposals on strategic views and the historic environment are set out in the respective sections below.

Layout and public realm

30 The application site, which as noted above extends around much of the base of 30 St Mary Axe, equates to 2,900 sq.m. or 0.29 hectares. The existing building at 20 Bury Street occupies a floor area of approximately 225 sq.m. and, notwithstanding the servicing ramp, is the only area of built structure within the application site. The footprints of the two separate buildings - the tower building and the entrance building - would occupy approximately 1,000 sq.m. and would therefore result in a significant erosion of the open, non-built upon area within the site.

31 The area of public realm surrounding 30 St Mary Axe is understood to have been provided as a justification for the height of the building in relation to its context at time of construction. This public realm now plays an important amenity role within the wider cityscape offering relief and circulation space for pedestrians, workers and visitors from the dense urban form of the City of London. The public realm is also well used and has become home to a weekly street food market as well as catering for outdoor events and acting as an outdoor seating area for the restaurant/bar at the base of 30 St Mary Axe.

32 It is noted that the proposals offer a degree of mitigation for this loss of public realm through the notional public space at roof level of the two-storey entrance building, however, access to this space would be overseen by the applicant via an internal lift within the entrance building, and as such any sense of public ownership of this space would be negligible.

33 New landscaping, also suggested to mitigate for the reduction in quantum of public realm, is proposed in the form of a 137 sq.m. pocket park located at north of the site between the tower building and the entrance building. Whilst it is noted that the pocket park, along with the roof garden, would increase the quantum of green space across the site, the introduction of a water feature and new semi-mature trees - understood to act as a buffer preventing adverse wind conditions - would act to further clutter and crowd the remaining public realm.

34 The application documentation states that the proposals would result in increased pedestrian permeability through the site as a result of the removal of the existing 'boundary walls'. However, these 'boundary walls' also serve as well-used informal seating areas and complement the existing attractive public realm offer. Further discussion of the impacts on pedestrian flows is detailed in paragraphs 67-74 below.

35 Having regard to the above, the reduction in quantum of public realm arising from the proposals would be detrimental to the pedestrian and visitor experience in this part of the Eastern Cluster of the City of London. In addition, the remaining areas of public realm would suffer from an increased sense of enclosure resulting from the introduction proposed development. The net effect of the development would therefore be smaller, less appealing

areas of public realm and the proposals would be contrary to Policy 7.5 of the London Plan and Policy D1 of the draft London Plan.

Strategic Views

36 The site is not over sailed by any strategic viewing corridors, however, given the scale of the proposal, the building would be visible in various strategic view panoramas and river prospects as defined by the London view Management Framework (LVMF) SPG. As part of the environmental assessment which accompanies the scheme, the applicant has presented a wide range of verified view studies (including visualisations of the proposal from LVMF views 1A.1 & 2; 2A.1; 3A.1; 4A.1; 5A.2; 6A.1; 10A.1; 11B.1 & 2; 15B.1 & 2; 16B.1 & 2; 17B.1 & 2; 19A.1; 25A.1 & 2 & 3; and 26A.1).

LVMF panoramas

37 The proposals are shown to impact on a number of LVMF London Panoramas. These include Alexandra Palace, assessment points 1A.1 and 2; Parliament Hill 2A.1; Kenwood 3A.1, Primrose Hill 4A.1; Greenwich Park 5A.2; and Blackheath 6A.1. In each of these Panoramas, the proposed building would be clearly visible on the skyline and would appear as a distinctive element, due to its unique form and silhouette. From these distant viewing points, the proposed building would appear alongside other existing and consented buildings and would be perceived as part of an established grouping of tall buildings within the City of London's Eastern Cluster. As such, the proposed building would preserve the ability to appreciate the various strategic landmarks identified by the LVMF SPG for above mentioned views.

LVMF river prospects

38 The proposals are shown in the context of a number of LVMF River Prospects. These include Tower Bridge upstream 10A.1; London Bridge downstream 11B.1 and 2; Waterloo Bridge downstream 15B.1 and 2; Southbank at Gabriel's Wharf 16B.1; Golden Jubilee/Hungerford Footbridges downstream 17B.1 and 2; Lambeth Bridge downstream 19A.1 and Queen's Walk 25A.1, 2 and 3. In the majority of these views, the proposed building would be screened behind, or would sit centrally within, the cluster of existing and consented buildings within the City of London. The images illustrate that the proposed building would be highly visible in views 10A.1, 25A 1, 2 and 3, and would appear in the context and setting of the Tower of London WHS, as discussed in further detail below.

Historic Environment

39 The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the tests for dealing with heritage assets in planning decisions. In relation to listed buildings, all planning decisions should *"have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses"* and in relation to conservation areas, special attention must be paid to *"the desirability of preserving or enhancing the character or appearance of that area"*.

40 The NPPF states that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation, and the more important the asset, the greater the weight should be. Significance is the value of the heritage asset because of its heritage interest, which may be archaeological, architectural, artistic or historic, and may derive from a heritage asset's physical presence or its setting. Where a proposed development will lead to 'substantial harm' to or total loss of the significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits

that outweigh that harm or loss. Where a development will lead to 'less than substantial harm', the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

41 London Plan Policy 7.7 and Policy D8 of the Draft London Plan state that tall buildings, such as the proposal, should take account of, and avoid harm to, the significance of London's heritage assets and their settings. Proposals resulting in harm will require clear and convincing justification, demonstrating that alternative have been explored and there are clear public benefits that outweigh that harm.

42 With respect to heritage assets, London Plan Policy 7.8 and Policy HC1 of the draft London Plan require that developments affecting the setting of heritage assets - including conservation areas, listed buildings, scheduled monuments and WHS - should conserve their significance. Additionally, London Plan Policy 7.10 and Policy HC2 of the draft London Plan state that development should not cause adverse impacts on WHS or their settings, and, in particular, should not compromise the ability to appreciate Outstanding Universal Value (OUV), integrity, authenticity or significance.

43 With respect to strategic views, London Plan Policies 7.11 and 7.12 and Policies HC3 and HC4 of the draft London Plan identify strategically important views of the Tower of London WHS and state that development should not harm and seek to make a positive contribution to the characteristics, composition and landmark elements of these views.

44 The submitted Townscape and Visual and Built Heritage Assessment (TVBHA) considers the impact of the proposal on the WHS and its OUV, as well as a number of other designated heritage assets in close proximity to the application site. This document is considered to assess an appropriate range of views of the Tower of London WHS and nearby heritage assets. However, a number of findings within the document, particularly with respect to the impact on views and the setting of the WHS are questioned, as discussed further below.

45 Whilst the verified views within the TVBHA demonstrate that the proposal may be seen in the wider setting of a number of WHS (including Maritime Greenwich), its impact is most significant on the Tower of London WHS which is situated approximately 0.6km to the south-east of the application site. The Tower of London is one of London's four WHS, and its history, development and significance are widely recognised and form the basis of the site's OUV. This OUV is derived from several attributes which include but are not limited to; the site's status as an internationally famous monument; the site's strategic and landmark siting; the site's role as a symbol of Norman Power, the physical dominance of the 11th century Norman White Tower at of centre of the site; the concentric defences around the site; the surviving 11th to 16th century ruins at the site and their symbolism of royal power; and the site's historical association with the institutions of the state. The Tower of London is also a Scheduled Monument, contains a number of listed buildings and is within a conservation area.

46 The submitted views study within the TVBHA provides the basis for considering the impacts proposed. Important views looking towards and across the Tower of London from the south side of the River (LVMF 25A.1, 25A.2 and 25A.3) and Tower Bridge (10A.1) as well as views from within the Tower of London have been assessed.

LVMF View 10A.1

47 This view looks upstream and originates from the North Bastion of Tower Bridge, a Grade I listed building of national significance. The elevated view enables the fine detail and layers of history of the Tower of London WHS to be readily understood. The significance of this

viewing place is also highlighted within the World Heritage Site Management Plan Setting Study as being one of the best places from which to view the WHS.

48 From this viewing location, the White Tower is clearly visible at the heart of the WHS and retains its landmark value and high level of visual dominance on the skyline for the following reasons: The Tower of London is located in the foreground of the view and is in close proximity to the viewer, allowing the detail of the building to be clearly visible; the White Tower appears as a stand-alone element due to the retention of clear sky behind its distinctive corner towers and retention of a clear gap between its west elevation and the cluster of existing and consented taller buildings within the City of London and; the solid stone elevations of the Tower of London contrast significantly with the emerging glazed and faceted form of the modern buildings within the emerging City of London cluster.

49 The applicant's TVBHA acknowledges this LVMF River Prospect as being of 'high' to 'exceptional' townscape quality with a 'generally high sensitivity to change because views of the surroundings are an important contributor to the setting of this designated strategic viewpoint'. This is considered to be an accurate representation of the significance of this view.

Impact of proposals on View 10A.1

50 The proposed building would appear to the right-hand side of 30 St. Mary Axe, rising marginally higher than the tallest consented building in the Eastern Cluster, 1 Undershaft. Whilst the neighbouring existing and consented tall buildings within the City cluster appear to form shoulders rising up to the height of 1 Undershaft, the proposed building would stand separate from the cluster at the upper levels, being surrounded by clear sky for over half of its apparent height. The majority of the proposed building would appear as a solid construction with only the very upper parts being animated by glazed projecting oval sections and the proposed 'gondola' features.

51 In relation to the setting of the Tower of London WHS in this view, the proposed building would appear to be located very close to the Tower and would be seen to encroach upon the clear sky gap between the White Tower and the City cluster, particularly at the upper levels. For much of its height, it would appear to be a vertical solid shaft that would be seen to abruptly terminate the eastern side of the City cluster. Its solid and highly distinctive form would be in direct contrast to the emerging form of the City cluster and to the architecture of the Tower of London, thereby making it a new focal point and landmark in this view. This would serve to challenge the dominance of the Tower of London as a key feature in the view.

52 It is noted that the applicants (TVBHA) states that 'due to the exceptional townscape quality and very high sensitivity to change of the view of the White Tower and the proximity of the proposed development to this element of the view, the major magnitude of change to the composition of the view would result in a very major scale of effect, the qualitative nature of which, would be adverse'. GLA officers concur with this opinion and conclude that the proposals are contrary to the Visual Management Guidance for View 10A.1 of the LVMF and cause a high degree of harm to the setting of the Tower of London WHS in this view.

LVMF Views 25A 1, 2 and 3

53 This kinetic set of views encompasses a series of viewing locations on the south bank of the Thames close to the two public open spaces on either side of City Hall. These locations provide good views of the Tower of London with a relatively clear background setting to the White Tower. The WHS Management Plan Setting Study notes that views from these locations 'exemplify many of the cultural qualities that give the Tower its OUV, including its landmark siting on the River Thames, its role as a symbol of Norman Power, as an outstanding survival of

Norman keep architecture in England, as a model example of a medieval fortress palace, and its associations with State institutions.

54 The juxtaposition of the WHS with the modern city is noted as being a central characteristic in these views and there are a rich variety of landmark elements. It is noted that the White Tower still appears as a large and dominant feature on the skyline and these views provide the best places from which to see the Tower of London in its riverside context and to understand the complex historic relationship between the Tower and the City of London, which still exists today as illustrated through the challenges for dominance in these views. Whilst other heritage assets feature within these views, the Tower of London WHS is very much the key landmark feature.

55 The applicant's TVBHA acknowledges this LVMF River Prospect as being of 'high' to 'exceptional' townscape quality with a generally high sensitivity to change. This assessment is considered to be accurate.

Impact of proposals on View 25A 1, 2 and 3

56 The proposed building would appear to the right-hand side of 30 St. Mary Axe and other consented buildings in the emerging City cluster notably 100 Leadenhall Street and 22 Bishopsgate. From these viewing locations, the consented buildings on the eastern side of the cluster appear to rise steeply. The proposed building would rise to a height comparable with 1 Undershaft, located at the centre of the cluster. The proposed building would stand separate from the existing cluster in the most easterly view (view 3) and would gradually move alongside the consented buildings at 100 Leadenhall Street and 22 Bishopsgate as the viewer moves west (views 1 and 2).

57 As with view 10A.1, the majority of the proposed building would appear as a solid construction with only the very upper parts being animated by glazed projecting oval sections and the proposed 'gondola' features.

58 In relation to the setting of the Tower of London WHS in this view, the proposed building would appear to have a close relationship to the City cluster and to retain a clear sky gap between the City and the Tower of London.

59 The building would appear to contrast in form, materials and design from the emerging buildings within the City cluster, which are largely glazed and faceted in form. It would rise steeply on the eastern side of the cluster and would have clear landmark value in relation to its distinctive architectural form and materials. As such, it would become a focal point within these views and would compete for visual dominance with the Tower of London. As such, the proposals are considered to cause harm to the setting of the Tower of London WHS and to be contrary to the Visual Management Guidance in the LVMF, which states that 'new development should respect the setting of the Tower of London and should not dominate the World Heritage Site'. GLA officers therefore concur with the applicant's assessment that the impact of the proposals is 'major', but do not concur that this change is 'beneficial' and consider that the proposals cause harm to the setting of the Tower of London WHS through their visual dominance.

Views within the Tower of London

60 Further impacts on the setting of the Tower of London would be experienced from views towards the application site from within the Tower, which are also assessed within the Townscape and Visual and Built Heritage Assessment. The proposal would be visible in views 26, 29, 30 and 31 within the assessment. Most notable is the impact on view 26 from Inner Ward

towards the Chapel Royal of St. Peter ad Vincula. In this view, the top of proposed development would be visible above the roofline of the Chapel building. The consented buildings at 22 Bishopsgate and 1 Undershaft would also intrude into this view when complete, however, the distinctive form of the proposal would draw increased attention and result in impacts on this view, particularly in the winter scenario. GLA officers concur with the applicant's assessment that the impact of the proposals is 'major', but do not concur that this change is 'neutral'.

Other heritage sensitive impacts

61 As mentioned in paragraph 7 (and assessed within the submitted TVBHA), there are numerous heritage assets in the immediate vicinity of the site (including St Helen's Place and Bishopsgate Conservation Areas, the Grade II listed No. 38 St Mary Axe, the Grade II* listed Holland House, Grade I listed Bevis Marks Synagogue, and Grade I listed St Botolph's Church Aldgate) as well as various others which the proposal would be seen in conjunction with in longer townscape and strategic views including the Grade I Listed St Paul's Cathedral.

62 With respect to St Botolph's Church, the proposals would be visible in key views of the southern elevation of the church looking along Aldgate High Street. The Grade I listed church dates from 1744 and was designed by renowned architect Dance the Elder. As illustrated in View 54 of the TVBHA, the church addresses the street with a fine symmetrically composed facade and distinctive central tower with a spire over. This view is considered to be of high significance in relation to the setting of the church, because it is one of the few places from which the tower and spire of the church can be seen to stand proud of backdrop development. The proposed building would appear directly to the left-hand side of the tower and spire in this view and would form a contrasting and dominant element that would be seen to challenge the dominance of the church tower. As such, the proposals are considered to cause a degree of harm to the setting of the Grade I listed church.

63 With regard to the assessment of the remaining heritage assets listed in paragraph 58, and having special regard to the desirability of preserving the setting of Listed Buildings and the character or setting of conservation areas, GLA officers are of the view that the proposal would not harm the setting of these Listed Buildings and would also not harm the character/setting of the conservation areas owing to the level of cumulative development, largely from the existing Eastern Cluster, within the settings of these designated heritage assets.

Assessment of harm

64 Having special regard to the desirability of preserving the setting of listed buildings and preserving the character and setting of conservation areas, as set out within the Planning (Listed Buildings and Conservation Areas) Act 1990, and in light of the harm resulting from the proposed tall building to the setting of heritage assets, including the WHS and its OUV, and the harm to strategic LVMF views, the proposals are contrary to London Plan Policies 7.7, 7.8, 7.10, 7.11 and 7.12 and Policies D8, HC1, HC2, HC3 and HC4 of the draft London Plan.

65 With specific regard to the impact of the proposals on the setting of the Tower of London WHS, as illustrated in LVMF views 10A.1 and 25A.1, 2 and 3, GLA officers conclude that the proposals would result in a significant level of harm of to the significance of the Tower of London WHS. Whilst this level of harm is considered to be less than substantial in NPPF terms, given the major adverse impacts to LVMF views and the setting of the WHS, the degree of harm would be at the upper limits of less than substantial harm. The proposals would also diminish the ability to appreciate the OUV of the Tower of London WHS. As illustrated in LVMF views 10A.1 and 25A.1, 2 and 3, the height, design and materiality of proposals, along with the proximity of the application site to the Tower of London WHS, are considered to adversely affect the

following attributes of the OUV; the physical prominence of the White Tower and; the site's strategic and landmark setting.

66 Additionally, the prominence of the proposal within views of the central tower and spire of the Grade I listed St Botolph's Church and the resulting harm on the setting of this designated heritage asset, is considered to result in less than substantial harm to the significance of the Grade I listed building.

67 Paragraph 193 of the NPPF states that 'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'. Given that the harm relates to a WHS, a heritage asset of the highest significance, the weight applied to its conservation, and any harm to its significance, should be very high. Paragraph 196 of the NPPF states that "*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal...*".

68 Having regard to the characteristics of this scheme, and the application submission documents, GLA officers are of the view that the tangible public benefits of this scheme are minimal and amount to the approximately 88 sq.m. of educational space (plus 102 sq.m. ancillary space). Further to this, the relative public disbenefits of the proposal, in terms of the adverse impacts on public realm and pedestrian movement should also be considered. In the context of less than substantial harm to a WHS - a heritage asset of the highest significance - the negligible level of public benefit falls substantially short of anything appropriate and the proposals would therefore fail to accord with the provisions of the NPPF.

Inclusive design

69 The scheme represents an important opportunity to promote equal and convenient access to employment opportunities in accordance with the principles of London Plan Policy 4.12 and Policy GG5 of the draft London Plan and should achieve the highest standards of accessible and inclusive design in accordance with London Plan Policy 7.2 and Policies D3 and E11 of the draft London Plan. Based on the submitted information the proposals provide the key features for compliant and convenient access and are therefore capable of achieving the high standards for inclusive access to meet the needs of the public in accordance with the London Plan and draft London Plan.

Climate change

Energy

70 In accordance with the principles of London Plan Policy 5.2 and Policy SI2 of the draft London Plan, the applicant has submitted an energy statement, setting out how the development proposes to reduce carbon dioxide emissions. A range of passive design features and demand reduction measures are proposed to reduce the carbon emissions of the proposed development. In addition, the applicant has investigated the feasibility of a range of renewable energy technologies and is proposing to install Photovoltaic (PV) panels and Heat Pumps. The approach proposed would achieve a 42% carbon dioxide reduction which exceeds London Plan and draft London Plan standards.

71 As the development is located close to the City 2 proposed district heating network, the applicant must demonstrate that the opportunity to connect to this network has been fully investigated by providing evidence of communication with the network operator to establish the

anticipated timeframes of the network and its available capacity for connection. The full BRUKL files for each stage of the energy hierarchy should also be submitted for review. This information must be submitted before the proposals can be considered acceptable and the carbon dioxide savings verified.

Transport

72 The submitted application documentation projects that the visitor attraction is likely to attract 1.2 million visitors per year. On this basis, the proposals would have significant impacts on pedestrian movements within the Eastern Cluster, an area noted to suffer from extremely high levels of pedestrian crowding. This crowding is likely to intensify in the near future due to the opening of Crossrail at Liverpool St Station and with the completion of multiple high density new developments including those referred to in paragraph 7 above.

73 Furthermore, and as set out in paragraph 30 above, the open, accessible space on the site will significantly decrease through the introduction of two separate buildings in an area that currently offers important public realm and pedestrian routes within this part of the City of London.

74 The application is supported by a Transport Assessment and separate Pedestrian Movement Analysis. Given the high PTAL rating, with the proximity of a number of London Underground, rail and bus services, the increased demand arising from these proposals will not require any site-specific mitigation. Nevertheless, there are significant concerns relating to the impacts on pedestrians and cyclists arising from the proposals.

75 It is noted that the submitted Pedestrian Movement Analysis uses 2015 baseline flows which are considered too low as they fail to take into account changes to pedestrian flows within the last 3 years. Contemporary empirical surveys should be undertaken so as to provide an accurate baseline from which to generate forecasts. Further to this, the forecast model creates a 2025 scenario based on a range of unjustified adjustment factors including those for transport growth and population growth, whilst the visitor distribution figure is based on visitor behaviour from 30 St Mary Axe, a predominantly B1 office building, and unlikely to be comparable in nature.

76 Any new pedestrian movement forecasts should be based on empirically surveyed baseline flows, projected growth due to the proposed development, and 25.6% and 18.75% increases in background growth for 2044 and 2030 respectively. Those expected increases have been estimated and endorsed by the City of London in their draft Transport Strategy.

77 No new cycle parking is proposed which would not comply with the London Plan or draft London Plan. In order to accord with Policy T5 of the draft London Plan, 126 new short-stay cycle parking spaces would be required. Furthermore, the application proposes to convert 114 existing long-stay cycle parking spaces for users of 30 St Mary Axe to make them non-compliant with the London Cycle Design Standards (LCDS). The proposals would therefore retrospectively alter an existing building to reduce the quality of its active travel offer.

78 On the basis of the submitted information, and without the further clarifications and justifications noted above, the design of the proposals is considered to result in a poor quality, unwelcoming, unnecessarily confined and potentially unsafe pedestrian environment. The proposals would therefore fail to comply with Policy 6.10 of the London Plan and Policy D1 of the draft London Plan, which requires the form and layout of a place to encourage and facilitate active travel with convenient and inclusive pedestrian and cycling routes, crossing points, cycle parking, and legible entrances to buildings, that are aligned with peoples' movement patterns and desire lines in the area.

79 Additionally, the proposals would not reflect the Healthy Streets approach detailed and required by Policies T2 and T4 of the draft London Plan. The proposal would also not accord with draft London Plan Policy T3 as the reduction in public realm and pedestrian routes would fail to safeguard existing land and buildings used for transport or support functions and no alternative facilities are provided.

80 The proposed development would be located in the Crossrail, Central London charging area and include chargeable floorspace, potentially including the sui generis, viewing gallery element. A Crossrail contribution would therefore need to be secured in any future section 106 agreement.

Local planning authority's position

81 Planning officers at the City of London have been involved in extensive pre-application discussions on the scheme however a date has not been set for the City of London to formally consider the application at a planning committee meeting.

Legal considerations

82 Under the arrangements set out in Article 4 of the Town and Country Planning (Mayor of London) Order 2008, the Mayor is required to provide the local planning authority with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. Unless notified otherwise by the Mayor, the Council must consult the Mayor again under Article 5 of the Order if it subsequently resolves to make a draft decision on the application, in order that the Mayor may decide whether to allow the draft decision to proceed unchanged, or direct the Council under Article 6 of the Order to refuse the application, or issue a direction under Article 7 of the Order that he is to act as the local planning authority for the purpose of determining the application. There is no obligation at this present stage for the Mayor to indicate his intentions regarding a possible direction, and no such decision should be inferred from the Mayor's statement and comments.

Financial considerations

83 There are no financial considerations at this stage.

Conclusion

84 London Plan and draft London Plan policies on central activities zone; employment; urban design; heritage; inclusive design; transport; and climate change are relevant to this application. The application does not comply with the London Plan and draft London Plan for the following reasons:

- **Principle of development:** The principle of a visitor attraction within a CAZ location would complement the strategic functions of the CAZ. However, the proposal fails to provide free to enter publicly accessible viewing areas and is therefore contrary to London Plan Policy 7.7 and Policy D8 of the draft London Plan.
- **Historic Environment:** The development would compromise the ability to appreciate the Outstanding Universal Value of the Tower of London World Heritage Site and would cause harm to the historic environment. Accordingly, the application does not comply with London Plan policies 7.7, 7.8, 7.10, 7.11 and 7.12 and Policies D8, HC1, HC2, HC3 and HC4 of the draft London Plan.

- **Design:** GLA officers have significant concerns with the design approach. The height is unjustified and the design and the introduction of significant expanse of solid and inactive building frontage would appear incongruous in the existing faceted context of the Eastern Cluster drawing significant attention in this heritage sensitive location. The site layout and loss of public realm at street level is also of significant concern
- **Strategic Views:** The appearance of the proposed development within LVMF views 10A.1 and 25A 1,2 and 3 would cause harm to these strategic views and would therefore be contrary London Plan Policies 7.11 and 7.12 and Policies HC3 and HC4 of the draft London Plan.
- **Transport:** The proposals are considered to result in a poor quality, unwelcoming, unnecessarily confined pedestrian environment contrary to Policy 6.10 of the London Plan and Policy to D1 of the draft London Plan. The proposals would not reflect the Healthy Streets approach detailed within Policies T2 and T4 of the draft London Plan. The level of cycle parking would not accord with draft London Plan Policy T5.
- **Energy:** The applicant must explore the potential for connection to the City 2 district heat network. The full 'be lean' and 'be green' BRUKL sheets must be submitted. This further information must be submitted before the proposals can be considered acceptable and the carbon dioxide savings verified.

for further information, contact GLA Planning Unit (Development & Projects Team):

Julietta McLoughlin, Chief Planner

020 7983 4271 email julietta.mcloughlin@london.gov.uk

John Finlayson, Head of Development Management

020 7084 2632 email john.finlayson@london.gov.uk

Katherine Wood, Team Leader

020 7983 5743 email Katherine.wood@london.gov.uk

Simon Westmorland, Case Officer

020 7084 2741 email simon.westmorland@london.gov.uk