Strategic planning application stage II referral (new powers)

The proposal
Full planning permission is sought for the demolition of nos. 4 and 6 Broadgate and the alteration of no. 3 Broadgate to provide a new office building of up to 13 storeys together with a new pedestrian link, landscaping and ancillary works.

The applicant
The applicant is British Land, and the architect is Make.

Strategic issues
The outstanding matters relating to the principle of development, climate change adaptation and mitigation, and transport have been resolved and the proposal is now consistent with the London Plan.

The Council’s decision
In this instance the City of London Corporation has resolved to grant permission.

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 21 December 2010 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 Category 1B of the Schedule of the Order 2008: “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”.

18 May 2011

5 Broadgate
in the City of London

planning application no. 10/00904/ FULEIA
On 25 January 2011 the Mayor considered planning report PDU/2251/01, and subsequently advised the City of London Corporation that the application did not comply with the London Plan, for the reasons set out in paragraph 50 of the above-mentioned report; but that the possible remedies set out in paragraph 52 of that report could address these deficiencies.

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 comments and those of others (see below). On 19 April 2011 the City of London Corporation decided that it was minded to grant planning permission for the application, and on 5 May 2011 it advised the Mayor of this decision. 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 of London Corporation under Article 6 to refuse the application or issue a direction to the City of London 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 18 May 2011 to notify the City of London Corporation of his decision and to issue any direction.

The environmental information for the purposes of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 has been taken into account in the consideration of this case.

The decision on this case, and the reasons will be made available on the GLA’s website www.london.gov.uk.

Update

At the consultation stage the City of London Corporation was advised that the application did not comply with the London Plan, for the reasons set out in paragraph 50 of the above-mentioned report; but that the possible remedies set out in paragraph 52 of that report could address these deficiencies:

- **Principle of development**: the City of London Corporation and applicant should note the comments above regarding the apportionment of planning obligations and ensure that the proposal would comply with London Plan policies 3B.3, 6A.4 and 6A.5.
- **Climate change mitigation and adaptation**: the applicant should demonstrate that the proposal would be consistent with London Plan policies 4A.1, 4A.4, 4A.5 and 4A.6 through further modelling using 2010 Building Regulations compliance software and providing further information on the cooling strategy.
- **Transport**: the applicant should provide the further measures sought to ensure compliance with London Plan policies 3C.19, 3C.20, and 3C.21 and commit to the contribution of £7,195,103 towards Crossrail in the section 106 agreement.

These matters are addressed in the sections below. Since the consultation stage the application has been amended to exclude the demolition of 3 Broadgate and update or correct material in the original submission. The original application proposed the demolition of this building to improve the linkage between the squares to either side. The City of London Corporation preferred to see it retained and the applicant has revised the application to do so but with changes to the building to open up the ground floor in order to achieve better linkage between the squares. This and the other changes do not raise any strategic concerns. It is noted that the applicant has made an application to the Secretary of State for a Certificate of Immunity from Listing for the existing buildings on the site. The outcome of this application is unknown at present.
Principle of development

8 At the consultation stage the level and apportionment of the planning obligations arising from the increase in office floorspace on the site had yet to be determined. The City of London Corporation and applicant were accordingly advised to have regard to the requirements of London Plan policies 3B.3, 6A.4 and 6A.5 in addressing this matter.

9 The City of London Corporation has, in line with its policies and those of the London Plan, identified an overall planning obligation sum of £3,782,520. This figure is exclusive of the Crossrail contribution, which is addressed below. This figure would, after deductions for monitoring and administration, be apportioned as follows:

- Local community and environment - £1,872,348 (50%)
- Affordable housing - £1,123,408 (30%)
- Transportation - £561,704 (15%)
- Local Training and skills - £187,235 (5%)

10 This apportionment is consistent with policy and is supported. The affordable housing contribution will be used in accordance with the London Plan to provide new affordable housing in locations in and around the City of London. The relevant clauses in section 106 agreement should provide that the affordable housing provided would be consistent with the relevant definitions of affordable housing set out in national and regional planning policy and represent new or net additional provision to that existing at present.

11 In summary the applicant has addressed the outstanding matters identified at the consultation stage and demonstrated that the scheme would be consistent with the requirements of London Plan policies 3B.3, 6A.4 and 6A.5 and policies 4.3 and 8.2 of the draft replacement London Plan.

Climate change mitigation and adaptation

12 The applicant has, in response to the comments made at the consultation stage, provided further information on the energy strategy and discussed this with GLA officers. The development is estimated to achieve a reduction in regulated carbon dioxide emissions of around 24% per annum through the use of energy efficiency alone as compared to a 2010 Building Regulations compliant scheme. The on-site renewable energy generation would achieve a reduction in regulated carbon dioxide emissions of around 6% per annum. These measures would cumulatively result in an overall reduction in regulated carbon dioxide emissions of around 29% compared to a 2010 Building Regulations compliant development.

13 The applicant and the City of London Corporation have agreed to the addition of the conditions to the planning consent ensuring that the proposal would be capable of connection to any future district heating system in the area and the installation and maintenance of the renewable energy equipment and green roofs for the lifetime of the development.

14 The further information and planning conditions are sufficient to address the outstanding matters raised at the consultation stage and the proposal would be consistent with London Plan policies 4A.1, 4A.4, 4A.5, 4A.6, and 4A.7 and the relevant policies of the draft replacement London Plan.

Transport

15 At the consultation stage, Transport for London (TfL) requested further information and discussion regarding the impact of the proposed pedestrian link on Liverpool Street Bus Station,
the quality of the public realm along Sun Street Passage, and the need for a contribution towards Crossrail.

16 The application proposes the creation of a new pedestrian link from the Broadgate Estate into Liverpool Street interchange. At the consultation stage, TfL requested that a planning condition be imposed requiring details of the boundary treatment proposed between this new link and the bus station to be approved by the City of London Corporation, in consultation with TfL. Initially this condition was omitted from the draft decision notice, although TfL understands from subsequent discussions with the City of London Corporation that it will be included in the final notice. TfL continues to liaise with the applicant and the City of London Corporation in respect of this and any other works that may affect the safe operation of the bus station.

17 The development proposals are predicted to result in an increase in pedestrian flows along Sun Street Passage, which includes the area within the mainline station where bus passengers wait. The Liverpool Street Interchange Study (October 2009) identifies a number of existing constraints in this area and, in line with London Plan Policy 3C.21, a contribution of £35,000 has been secured towards improving the bus waiting area. This should be reflected in the section 106 agreement and paid to TfL on commencement of the development.

18 At the consultation stage, TfL requested a contribution of £7,195,103 towards the implementation of Crossrail in line with the charging methodology set out in the Mayor’s Crossrail SPG. As a consequence of amendments to the original planning application a revised contribution of £7,402,932 is now required. The applicant has committed to paying this contribution in full, and this has been reflected in the heads of terms for the draft section 106 agreement. This should be paid to TfL on commencement of the development. In summary, TfL is now content that, subject to inclusion of these provisions in the section 106 agreement, the application would be consistent with the transport policies of the London Plan including policies 3C.19, 3C.20, and 3C.21.

Response to consultation

19 The consultation responses received by the City of London Corporation are summarised below:

- **Two members of the public:** have raised objections on grounds including urban design, the loss of the pedestrian route running north from Broadgate Circle, microclimatic impact, the sustainability of redeveloping a viable office building, the prematurity of the proposal in light of the potential for Broadgate to be listed or designated as a conservation area (see below) and disturbance during construction.

- **The occupier of neighbouring buildings:** has raised an objection on the basis of the disturbance during construction. This has been addressed by condition.

- **The Twentieth Century Society:** has petitioned the City of London Corporation to consider the application site and surrounds for designation as a Conservation Area, but the City of London Corporation has declined this request at this time. This petition is taken as an indication that the Twentieth Century Society objects to the scheme but it has not submitted a formal objection to the application.

- **English Heritage:** raises no objection to the scheme.

- **The Commission for Architecture and the Built Environment (CABE):** is broadly supportive of the proposal but believes that its success will depend on the resolution of the detailed design. It notes that the proposal would, on balance, improve the surrounding public realm.
Hackney, Hammersmith & Fulham, Islington, Kensington & Chelsea, Lambeth, Richmond, Southwark, Wandsworth and Westminster Councils: have declined to comment or raise no objections to the proposal.

These representations raise no material planning issues of strategic importance that have not already been considered by the Mayor.

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

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 local planning authority has resolved to grant permission with conditions and a planning obligation, which satisfactorily addresses the matters raised at stage I, therefore there is no sound planning reason for the Mayor to take over this application.

**Legal considerations**

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. The Mayor must also have regard to the guidance set out in GOL circular 1/2008 when deciding whether or not to issue a direction under Articles 6 or 7.

**Financial considerations**

Should the Mayor direct refusal, he would be the principal party at any subsequent appeal hearing or public inquiry. Government guidance in Circular 03/2009 (‘Costs Awards in Appeals and Other Planning Proceedings’) emphasises that parties usually pay their own expenses arising from an appeal.

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.

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 local planning authority to do so) and determining any approval of details (unless the local planning authority agrees to do so).

**Conclusion**

The outstanding matters identified at the consultation stage have been remedied and the proposal is now consistent with the London Plan.
for further information, contact Planning Decisions Unit:

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planning report PDU/ 2251/ 01
25 January 2011

5 Broadgate
in the City of London

planning application no. 10/ 00904/ FULEIA

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<td>The principle of development is acceptable but the apportionment of planning obligations needs to be determined. The design is good and consistent with the London Plan views policies. The inclusive access provision is acceptable. There are some unresolved issues in relation to climate change adaptation and mitigation, and transport.</td>
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<td>1 On 21 December 2010, the Mayor of London received documents from the Corporation 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 &amp; Country Planning (Mayor of London) Order 2008 the Mayor has until 31 January 2011 to provide the Corporation with a statement setting out whether he considers that the application complies with the 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.</td>
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The application is referable under Category 1B of the Schedule of the Order 2008: “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”.

Once the Corporation 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 Corporation to determine it itself.

The environmental information for the purposes of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 has been taken into account in the consideration of this case.

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

Site description

The 1.3 hectare rectangular site lies in the Broadgate Estate and is bounded to the north by Sun Street/Appold Street and Broad Lane, to the east by Sun Street Passage and Liverpool Street Station, to the south by Broadgate Circle and to the west by No. 3 Finsbury Avenue and Finsbury Avenue Square. The application boundary encompasses parts of these routes and spaces in order to fully integrate the proposal into the existing built environment. The site is broadly flat and currently occupied by nos. 3, 4 and 5 Broadgate, all office buildings dating from the 1980’s.

Liverpool Street Interchange, 50m to the southeast of the site, provides a terminating point for a number of bus and rail services, and the underground station provides access to the Central, Circle, Hammersmith & City, and Metropolitan lines. Access to further bus, underground and national rail services is provided at Moorgate Station, which lies 500m to the west of the site. The site has a public transport accessibility level (PTAL) of 6 (in a range of 1 to 6, where 6 is the most accessible). In 2018, Liverpool Street station will also be served by Crossrail, which will further enhance the accessibility of the site. The closest section of the Transport for London Road Network (TLRN) is Bishopsgate (A10), which is 200m to the east.

Details of the proposal

Full planning permission is sought for the demolition of nos. 3, 4 and 6 Broadgate to provide a new office building of up to 13 storeys (maximum height of 83.5m AOD), and two basement levels, providing 108,213 sq.m. (GEA) of office (B1) floorspace together with car, cycle and motorcycle parking and ancillary works. The application would also include a new pedestrian link from Broadgate Circle to Sun Street Passage and hard and soft landscaping to the surrounds.

Case history

The Mayor received a presentation of the current scheme on 21 September 2010 and received a presentation of a previous scheme on the site in 29 April 2009.

Strategic planning issues and relevant policies and guidance

The relevant issues and corresponding policies are as follows:

- Land use: London Plan
- Economic development: London Plan; the Mayor’s Economic Development Strategy
• Urban design London Plan; PPS1
• Tall buildings & views London Plan; RPG3A; View Management Framework SPG
• Access London Plan; PPS1; Accessible London: achieving an inclusive environment SPG; Planning and Access for Disabled People: a good practice guide (ODPM)
• Equal opportunities London Plan; Planning for Equality and Diversity in Meeting the spatial needs of London’s diverse communities SPG; Diversity and Equality in Planning: A good practice guide (ODPM)
• Climate change London Plan; PPS1, Planning and Climate Change Supplement to PPS1; PPS3; PPG13; PPS22; the Mayor’s Energy Strategy; Sustainable Design and Construction SPG
• Transport, Crossrail & parking London Plan; the Mayor’s Transport Strategy; PPG13; London Plan Alteration; Crossrail SPG

11 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 saved policies of the City of London Unitary Development Plan (2002) and the London Plan (Consolidated with Alterations since 2004). The draft replacement London Plan (October 2009) has undergone Examination in Public and is a material consideration. The submission version of the City of London Core Strategy and the draft City Fringe Opportunity Area Planning Framework (OAPF) (February 2008) are also material considerations.

Principle of development

12 The London Plan identifies the site as being within the Central Activities Zone (Policy 2A.4, Policies 5G.1-5), the North East sub-region (Policies 5C.1-3) and in the City Fringe Opportunity Area (Policy 2A.5). Table 5C.1 of the London Plan identifies that the City Fringe Opportunity Area has an indicative employment capacity of 80,000 jobs and the potential to deliver a minimum of 5,000 homes in the plan period.

13 In the draft replacement London Plan the site lies in the Central sub-region (Policy 2.5), in the Central Activities Zone (Policy 2.10-2.11) and in the City Fringe Opportunity Area (Policy 2.13). Table A1.1 of the draft replacement London Plan identifies that the City Fringe Opportunity Area has an indicative employment capacity of 70,000 jobs and the potential to deliver a minimum of 7,000 homes over the plan period.

14 London Plan policies 3B.1 and 3B.2, and draft replacement London Plan policies 4.1 and 4.2, support the redevelopment of office provision to improve London’s competitiveness, both nationally and internationally. The proposed redevelopment and intensification of the existing office provision, totalling 55,694 sq.m. (GEA), to provide 108,213 sq.m. (GEA) of modern office accommodation in this established office location is strongly supported by the existing and emerging London Plan.

15 The proposal represents an increase in office floorspace on the site of 52,519 sq.m (GEA). London Plan Policy 3B.3, and draft replacement London Plan Policy 4.3, require that within the Central Activities Zone, where increases in office floorspace are proposed they should provide for a mix of uses, including housing, unless such a mix would demonstrably conflict with other policies in the plan. The draft City Fringe OAPF identifies that in locations such as this office development would help support London’s world city role, subject to contributions to off-site provision of affordable housing. The need to provide office floorspace in locations such as this to support London’s economic development and world city role is recognised by both the Mayor and the Corporation of London. Consequently the off-site provision of other uses, including affordable housing, either directly or through planning obligation, is acceptable in this instance.
The City of London Supplementary Planning Guidance on this issue requires a contribution of a minimum of £70 per sq.m. of additional office floorspace, which would suggest a planning obligation sum of £3,676,330. The applicant has not indicated how this sum would be apportioned. It is expected that the guidance, which prioritises transport, housing and then the site and locality, will be followed. London Plan policies 6A.4 and 6A.5, and draft replacement London Plan Policy 8.2, set out the strategic priorities and expectations for planning obligations. The applicant and Corporation of London should have regard to this in apportioning this sum and note the requirement for a contribution to the funding of Crossrail identified in the transport section below. These contributions should be defined and secured in the section 106 agreement.

In summary the proposal would be consistent with London Plan policies 2A.4, 2A.5, 5G.1-5, 5C.1-3, and 3B.1-3B.2, draft replacement London Plan policies 2.5, 2.10, 2.11, 2.13, and 4.1-2, and the draft City Fringe OAPF. The Corporation of London and applicant should note the comments above regarding the apportionment of planning obligations and ensure that the proposal would comply with London Plan policies 3B.3, 6A.4 and 6A.5, and draft replacement London Plan policies 4.3 and 8.2.

Urban design and views

Good design is central to all objectives of the London Plan and is specifically promoted by the policies contained within Chapter 4B which address both general design principles and specific design issues. London Plan Policy 4B.1 sets out a series of overarching design principles and for development in London. Other design policies in this chapter and elsewhere in the London Plan include specific design requirements relating to specific issues. London Plan policies 4B.9 and 4B.10, which set out specific design requirements for tall and large-scale buildings, are applicable to the proposal. Chapter 7 of the draft replacement Plan sets out design related policies.

The proposal represents a strong concept that would maintain the engineering aesthetic that has come to characterise the Broadgate complex. The exceptionally large office floorplates required for the trading floors of the anticipated tenants would be accommodated at the lower levels. The configuration of the ground floor would, within the security constraints imposed by the anticipated tenants, animate the surrounding public realm, providing principal entrances to the north and south, interspersed with galleries, an auditorium, and tenants restaurant. At the upper levels the rectangular block form of the building would be cut back to reflect the changing internal plan of the building which at upper levels would incorporate conference and office floors.

The overall appearance is conceived as a solid metal block, with the internal functions being expressed through the pattern of fenestration and other voids on all sides. The materials palette is accordingly restrained to silver metallic cladding and glazing with the latter being set within deep reveals to further emphasise the solidity. This approach is wholly suited to the Broadgate complex and at ease within the setting of the listed Liverpool Street Station, itself a building with a strong engineering aesthetic when seen from this area, which affords views to the flank walls and roof. The proposal would read as a modernisation and replacement of part of the existing Broadgate estate and does not present any concerns in terms of its relationship with other heritage assets in the vicinity, including the Sun Street Conservation Area immediately to the north.

The proposal would result in the loss of the existing pedestrian link between nos. 4 and 6 Broadgate but this would more than compensated for by the enhanced pedestrian link that would be provided between the new building and no. 3 Finsbury Avenue. This link would be readily visible on Sun Street and from Crown Place and Appold Street which provide the immediate options for moving north from the site. The removal of no.3 Broadgate as part of the proposal would enhance pedestrian movement from this route south through the Broadgate complex, via
Finsbury Avenue Square and Broadgate Circle. The proposal would also open up a new pedestrian route east into Sun Street Passage and improve that route. This will be of significant benefit to pedestrian movement in the locality and around Liverpool Street Station, subject to the detail of the integration with the bus terminus to the south. The opening up of this link would also allow views from Broadgate Circle and the public realm in front of the new building to the side of Liverpool Street Station, which would assist with wayfinding.

Figure 1: View from Finsbury Avenue Square. Figure 2: View from Broadgate Circle. Source: Make Design & Access Statement (December 2010).

22 The proposed building lies within the background assessment area of the protected vista from King Henry VIII’s Mound (LVM F 9) and to the east of the background assessment area of the protected vista from Westminster Pier (LVM F 8) to St Paul’s Cathedral. The proposed building would not be visible in the case of the latter. In the case of the protected vista from King Henry VIII’s Mound (LVM F 9) the building would be seen in the background assessment area, appearing well beyond the Cathedral amongst the existing buildings in the backdrop. The building would appear no higher than the existing buildings though it would occupy the sliver of sky currently visible to the right of the peristyle. It would not, though, interfere in the silhouette of the dome and would, in accordance with the LVMF guidance, be subordinate to the Cathedral, ensuring that the clear sky background profile of the upper part of the dome remains. The proposal would not harm the ability of the viewer to recognise and appreciate St Paul’s Cathedral in these views.

23 The proposed building would also be visible in some river prospect views downstream from Waterloo Bridge. The plant enclosures on the roof of the building would just be visible from assessment point 15B.2 to the left of the northernmost of the western towers, amongst the chimneys and trees around Temple Gardens. They would not be visible from assessment point 15.B.1 or indeed at the mid-point between the two. The impact on the skyline would be negligible and the proposal would not affect the view to the northernmost western tower of St Paul’s Cathedral.

24 In summary the proposal is well designed, would not harm the ability of the viewer to recognise and appreciate St Paul’s Cathedral in these views and would be consistent with the design polices of the London Plan policies 4B.1, 4B.9, 4B.10 and 4B.18.
**Inclusive access**

25 Policy 4B.5 of the London Plan expects all future development to meet the highest standard of accessibility and inclusion. This, together with the Mayor’s Supplementary Planning Guidance ‘Accessible London: achieving an inclusive environment’, underpins the principles of inclusive design and aims to achieve an accessible and inclusive environment across London. Policy 7.2 of the draft replacement London Plan reflects these requirements.

26 The design and access statement demonstrates that all parts of the proposal will comply with the relevant standards and that the principles of inclusive access have been considered in developing the design. The proposal would be consistent with London Plan Policy 4B.5.

**Climate change mitigation and adaptation**

27 The London Plan climate change policies as set out in chapter 4A collectively require developments to make the fullest contribution to the mitigation of and adaptation to climate change and to minimise carbon dioxide emissions (Policy 4A.1). Chapter 5 of the draft replacement London Plan sets out the approach to climate change and requires developments to make the fullest contribution to minimising carbon dioxide emissions.

**Climate change mitigation**

28 The applicant has followed the energy hierarchy in Policy 4A.1. Sufficient information has been provided to understand the proposals as a whole but further information is required to verify carbon dioxide savings.

**Be lean**

29 A range of passive design features and demand reduction measures are proposed to reduce the carbon emissions of the proposed development. Both air permeability and heat loss parameters will be improved beyond the minimum backstop values required by building regulations. Other features include mechanical ventilation with heat recovery, high performance glazing and low energy lighting.

30 The proposal is estimated achieve a reduction in regulated carbon dioxide emissions of 32% over a 2010 building regulations complaint scheme. This level of savings is welcomed but requires further verification using approved 2010 Building Regulation compliance software modelling. The applicant should address this point to demonstrate that the proposal would comply with London Plan policies 4A.1 and 4A.4.

**Be clean**

31 The applicant has identified that the closest district heating network is the EON (Citigen) network located at Charterhouse Street. The network however does not currently extend far enough to make connection viable. Broadgate British Land has instigated a study into the potential viability for a district heating scheme but this is still in the early stages. The applicant has however committed to incorporate the necessary pipework to allow for future integration into a district heating system should one become available. This commitment should be secured and enforced by the Corporation of London.

32 The applicant has discounted the use of CHP. Given the type of development and the intermittent loads this is accepted in this case. The applicant states that there will be a net cooling demand year round due to the proposed building use. This will be provided by water cooled chillers. The applicant should provide further details of the cooling strategy to be adopted which...
sets out measures that aim to minimise the need for active cooling systems. The applicant should provide the outstanding information on the cooling strategy to ensure that the proposal would be consistent with London Plan policies 4A.5 and 4A.6.

**Be green**

33 The proposals include 350 sq.m. of solar thermal panels and 850 sq.m. of photovoltaic panels. This provision has been maximised, having regard to other policy requirements, and these areas should be secured as a minimum by condition. This would achieve a reduction in regulated carbon dioxide emissions from renewable energy of 2%. The proposal would be consistent with London Plan Policy 4A.7.

**Climate change adaptation**

34 The application is supported by a sustainability statement that demonstrates compliance with the relevant London Plan policies, including Policy 4A.3. The building has been designed to control solar gain and would incorporate living roofs where appropriate. The proposal would also enhance and compliment the surrounding public realm, notably Sun Street, and introduce new tree planting. Rainwater would be attenuated and harvested for use in toilet flushing and water efficiency measures would be introduced. The proposal would also include sufficient space for commercial waste and recycling storage. In summary the proposal would be consistent with London Plan policies 4A.3 and 4A.9 and the associated policies. The Council should secure the proposed measures by condition.

**Transport**

35 Transport for London (TfL) has reviewed the application and provided the following comments.

36 The 22 car parking spaces proposed, representing a reduction of eighteen spaces from the existing provision, is appropriate given the high level of accessibility and in line with London Plan Policy 3C.23 and draft replacement London Plan Policy 6.13. This includes the provision of three accessible spaces. The commitment to providing 20% of all parking with electric vehicle charging points is welcomed and consistent with draft replacement London Plan Policy 6.13.

37 The provision of 520 cycle parking spaces complies with TfL’s minimum cycle parking standards and those contained in the draft replacement London Plan policy 6.13 ‘Parking’. TfL welcomes the commitment that that these will be secured, covered and easily accessible. 145 motorcycle parking bays will also be provided as part of the development. Although there are no specific standards relating to motorcycle parking within the London Plan, TfL understands that this provision is consistent with the Corporation of London’s aspirations to encourage motorcycle use, which is therefore supported.

38 The redevelopment of the site will result in the loss of the existing pedestrian route between numbers 4 and 6 Broadgate, linking Broadgate Circle with Appold Street. The proposal would, however, deliver significant improvements to the pedestrian environment immediately surrounding the site, largely achieved through the demolition of number 3 Broadgate, and other soft landscaping measures. Further to this, the redevelopment of the existing buildings allows for the creation of a new, direct pedestrian access link between the Broadgate Estate and Sun Street Passage. This will provide direct access to the Liverpool Street Interchange, adjacent to the existing bus station.
Although the creation of this new route is welcomed, any boundary alterations should ensure that appropriate barriers, similar to those existing, are provided to restrict pedestrian access into the bus turning areas. The applicant should liaise with TfL London Buses regarding any works that may affect the safety or operation of the bus station, and to agree appropriate mitigation. Depending on the development impact, it may be necessary to secure, through condition, full details of the design of the proposed route, and of any temporary structures, methods and sequences that would form the demolition protocol, all to be approved in consultation with London Buses. Suitable alternative arrangements for lighting and CCTV systems should also be agreed with London Buses, if necessary, and it is expected that the applicant meets all costs. These measures are necessary to ensure that the proposed alterations to the pedestrian realm maintain pedestrian safety and the operation of the bus station, in line with London Plan Policies 3C.19, 3C.20, and 3C.21.

The Liverpool Street Interchange Study (October 2009) recognises the constraints of Sun Street Passage, both in terms of its capacity as well as the quality of the pedestrian environment. TfL would welcome further discussion with the applicant and the Corporation of London regarding improvements that could be secured to mitigate the impact of the proposed development on this vital pedestrian route, in line with London Plan Policy 3C.21.

TfL welcomes the submission of a full travel plan, which has been developed to a high quality. A delivery and service plan has been produced, which demonstrates how the impact of these trips on the wider transport network will be mitigated. Additionally, a construction logistics plan has been produced, which aims to manage the impact of the construction period on the highway network. The above plans should be secured through the planning permission via the section 106 agreement.

The applicant has consulted Crossrail on the likely lorry routes to be used during the station’s construction, and has concluded that they do not overlap those connected with the proposed development. There may be a degree of conflict within the wider network, but this is acceptable.

In view of the strategic regional importance of Crossrail to London’s economic regeneration and development, and in order to bring the project to fruition in suitably timely and economic manner, contributions will be sought from development likely to add to or create congestion on central London’s rail network that Crossrail is intended to mitigate. This will be through planning obligations, arrangements for the use of which will be established at strategic level in accordance with relevant legislation and policy guidance (Policy 3C.12A of the London Plan and draft replacement London Plan Policy 6.5).

The approach for collecting contributions towards Crossrail is set out in the Mayor’s Supplementary Planning Guidance (SPG) ‘Use of Planning Obligations in the funding of Crossrail’ (July 2010). The SPG states that contributions should be sought in respect of retail, hotel and office development in central London, which involves a net increase in floorspace of more than 500 sq.m. (GEA). As the proposed development falls within the Central London contributions area, the proposed indicative level of charge is £137 per sq.m. for new office floorspace, £88 per sq.m. for new retail floorspace and £60 per sq.m. for new hotel floorspace.

A requirement for a Crossrail contribution from this development will therefore relate to the net additional impact from the new development, taking into account the theoretical charge that would be paid by the existing uses. The existing buildings, totalling 55,694 sq.m. (GEA) of B1 floorspace generates a theoretical charge of £7,630,078. The proposed development, comprising 108,213 sq.m. (GEA) of B1 floorspace generates a charge of £14,825,181. Therefore, a total
contribution of £7,195,103 towards Crossrail is required. This should be secured in the section 106 agreement.

46 In summary the application is broadly consistent with the London Plan but further measures are sought to ensure compliance with London Plan Policies 3C.19, 3C.20, and 3C.21. The contribution of £7,195,103 towards Crossrail should be secured in the section 106 agreement in line with London Plan Policy 3C.12A.

Local planning authority’s position

47 The Corporation of London is understood to be supportive of the proposals at an officer level.

Legal considerations

48 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 and any connected 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

49 There are no financial considerations at this stage.

Conclusion

50 London Plan policies on the principle of development, urban design, inclusive access, climate change mitigation and adaptation, and transport are relevant to this application. The application complies with some of these policies but not with others, for the following reasons:

- **Principle of development**: the proposal would be consistent with London Plan policies 2A.4, 2A.5, 5G.1-5, 5C.1-3. The Corporation of London and applicant should note the comments above regarding the apportionment of planning obligations and ensure that the proposal would comply with London Plan policies 3B.3, 6A.4 and 6A.5.

- **Urban design and views**: the proposal is consistent with the design requirements of 4B.1, 4B.9, 4B.10 and 4B.18.

- **Inclusive access**: the proposal is consistent with London Plan Policy 4B.6

- **Climate change mitigation and adaptation**: the application is consistent with London Plan policies 4A.3, 4A.7 and 4A.9 (and associated policies). The application is inconsistent with London Plan policies 4A.4, 4A.5 and 4A.6 and consequently 4A.1.

- **Transport**: the application is broadly consistent with the London Plan but further measures are sought to ensure compliance with London Plan policies 3C.19, 3C.20, and 3C.21. The contribution of £7,195,103 towards Crossrail should be secured in the section 106 agreement in line with London Plan Policy 3C.12A.
On balance, the application does not comply with the London Plan.

The following changes might, however, remedy the above-mentioned deficiencies, and could possibly lead to the application becoming compliant with the London Plan:

- **Principle of development:** the Corporation of London and applicant should note the comments above regarding the apportionment of planning obligations and ensure that the proposal would comply with London Plan policies 3B.3, 6A.4 and 6A.5.

- **Climate change mitigation and adaptation:** the applicant should demonstrate that the proposal would be consistent with London Plan policies 4A.1, 4A.4, 4A.5 and 4A.6 through further modelling using 2010 Building Regulations compliance software and providing further information of the cooling strategy.

- **Transport:** the applicant should provide the further measures sought to ensure compliance with London Plan policies 3C.19, 3C.20, and 3C.21 and commit to the contribution of £7,195,103 towards Crossrail in the section 106 agreement.

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