2-3 Finsbury Avenue, Broadgate
in the City of London

planning application no: 16/00149/FULEIA

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<thead>
<tr>
<th>Strategic planning application stage II referral</th>
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<tr>
<th>The proposal</th>
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<tr>
<td>Demolition of existing buildings and construction of a part 36, part 20, part 13, part 8 storey building (maximum 168.4m AOD) to provide office accommodation; flexible retail uses; cafe/restaurant; events space and a publicly accessible roof terrace and associated landscaping (total floor area 85,378sq.m. GEA).</td>
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<th>The applicant</th>
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<td>The applicant is <strong>Bluebutton Properties Ltd</strong> and the architect is <strong>Arup Associates</strong>.</td>
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<th>Key dates</th>
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<tr>
<td><strong>Stage 1 report</strong>: 21 April 2016</td>
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<td><strong>Committee meeting</strong>: 4 October 2017</td>
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<tr>
<th>Strategic issues summary</th>
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<tr>
<td><strong>Principle of development</strong>. Proposed uplift in office floorspace supported in CAZ; contribution to affordable housing and affordable workspace secured; free-of-charge public access to roof terrace secured. (paras 8-11)</td>
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<td><strong>Design</strong>: Amendments to proposals have addressed Stage 1 issues. (paras 12-18)</td>
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<td><strong>Climate change</strong>: Energy issues addressed; carbon off-set contribution secured. (para 19)</td>
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<tr>
<td><strong>Transport</strong>: Further information and amendments have addressed Stage 1 issues on cycle parking provision, and conditions and section 106 obligations secured. (paras 20-22)</td>
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<th>The Council’s decision</th>
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<td>The City of London Corporation has resolved to grant permission, subject to conditions and a section 106 legal agreement.</td>
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<th>Recommendation</th>
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<td>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.</td>
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Context

1 On 11 March 2016, the previous 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 under Category 1C of the Schedule to the Order 2008:

1C 1.(b) “Development which comprises or includes the erection of a building of… more than 150 metres high and is in the City of London”.

2 On 21 April 2016, the previous Deputy Mayor considered planning report D&P/3763/01, and subsequently advised the City of London Corporation that whilst the application was broadly supported in strategic planning terms, the application did not comply with the London Plan for the reasons set out in paragraph 82 of that report; but that the resolution of the outstanding issues could lead to the application becoming compliant with the London Plan.

3 A copy of the above-mentioned report is attached. The essentials of the case with regard to the proposal, the site, case history, strategic planning issues and relevant policies and guidance are as set out therein, unless otherwise stated in this report. The application has been revised in response to the GLA’s concerns as set out below. On 4 October 2016, the City of London Corporation decided that it was minded to grant planning permission, subject to conditions, and on 22 August 2017 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 Corporation under Article 7 that he is to act as the Local Planning Authority for the purposes of determining the application. The Mayor has until 4 September 2017 to notify the Corporation of his decision and to issue any direction.

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

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

Update

6 At the consultation stage, the City of London Corporation was advised that the application did not fully comply with the London Plan for the reasons set out below:

- **Central Activities Zone:** The proposed development would respond to established demand for office space within the CAZ, in accordance with London Plan polices 2.10 and 4.2.

- **Offices:** The proposal would provide high quality, flexible office accommodation that would contribute to the diversity of workspace and businesses within the CAZ in accordance with London Plan Policy 4.2. A proportion of flexible, affordable workspace should be secured as part of the s106 agreement.

- **Mix of uses:** The proposed mix of on-site uses is appropriate within the CAZ. An affordable housing contribution should be made as per the tariff established within the City of London Corporation Planning Obligations SPD.

- **Urban design:** This is an appropriate location for a tall building, and the proposed building is high in architectural quality. Minor improvements to the ground floor layout should be
investigated, and once addressed the application would accord with London Plan policies 7.1, 7.4, 7.3, 7.5, 7.6 and 7.7.

- **Strategic views:** The development would not adversely affect strategic views and complies with London Plan Policy 7.12.

- **Historic environment:** The development would not adversely affect the setting of listed buildings or heritage assets and would not cause harm to the historic environment. Accordingly the application complies with London Plan policies 7.8 and 7.10.

- **Future development:** The applicant should provide further information to demonstrate how the proposed development has taken into account its future neighbours, in particular the consented residential-led development at One Crown Place.

- **Inclusive access:** The approach to access and inclusion is supported in accordance with London Plan polices 4.12, 7.2 and 7.6. Detailed accessibility information should be secured via condition.

- **Sustainable development:** The proposed energy strategy and climate change adaptation measures are broadly supported in accordance with London Plan polices 5.2, 5.10, 5.11 and 5.13. However, further information is required with respect to overheating, light transmittance, clarification on the BRUKL calculations, correspondence with EON, space heating and domestic hot water demand figures, PV panel and green roof layout and confirmation that the shortfall in carbon reductions will be met off-site.

- **Transport:** The proposal is broadly acceptable in strategic transport terms; however, the applicant should address the matters discussed in this report with respect to cycle provision and cycle hire in order to ensure accordance with London Plan polices 6.3, 6.5, 6.9, 6.10, 6.13 and 6.14.

7 Since the consultation stage GLA officers have engaged in discussion with the applicant, the City of London Corporation and TfL to address the outstanding issues. An update is provided below.

**Principle of development**

8 At Stage 1, the GLA advised the principle of the proposed development, which would provide an uplift of approximately 39,000 sq.m. of office floorspace within the Central Activities Zone, was strongly supported, as the development would contribute towards supporting the City of London and the City Fringe as a business location of national significance.

**Affordable housing contribution**

9 Given the location of the site within one of London’s strategic financial and business centres, the inclusion of residential uses within the scheme was not considered desirable. In such cases, the City Corporation’s Planning Obligations SPD requires office development to make a financial contribution towards affordable housing off-site. A financial contribution of £1.25 million has been secured in the S106 agreement in line with the City Corporation’s tariff. This will be invested in the City Corporation’s London-wide affordable housing programmes.

**SME workspace**

10 At Stage 1, the applicant’s proposal to diversify the type of office floorspace through the provision of flexible office space was welcomed, and the City Corporation was requested to secure a proportion of flexible, affordable workspace suitable for use by small and medium sized enterprises
(SMEs). The draft s106 agreement secures the provision of 25 serviced desk spaces within the development which will be offered to SME tenants on short term flexible contracts, and this space will be specifically marketed to start-up companies. Affordability would be maintained through the flexible size of the leased area and the lease lengths, fit out and the provision of shared services to occupants of the SME space.

**Publicly accessible roof terrace**

11 At Stage 1, the proposals for a publicly accessible roof terrace on the 13th floor were welcomed, and further details were requested on the details of this provision including confirmation of free-of-charge access. A management plan for the terrace will be secured through the s106, and this will confirm full and free-of-charge access to the public during the hours of 10am-7pm, 7 days a week.

**Design**

**Layout**

12 At Stage 1, the GLA commented that minor amendments were required to the ground floor layout in order to maximise the active frontages on to Sun Street, Wilson Street and Whitecross Place. In response, the applicant has submitted revised plans which provide an additional retail unit to wrap around the corner of Wilson Street and Whitecross Place, providing additional active frontage on this pedestrian thoroughfare. On Sun Street, the previously proposed post room would be replaced with a windowed office which will provide more animation along this frontage. The amendments address the GLA’s comments and the layout is supported.

**Relationship with Crown Place**

13 At the consultation stage, the GLA noted the close relationship of the proposed buildings to the consented development at One Crown Place in the London Borough of Hackney. The applicant was required to submit further evidence to demonstrate that the proposed development would be neighbourly, having particular regard to preserving the residential amenity for the proposed flats in One Crown Place.

14 Following discussions with the developers of the adjacent site, the applicant has submitted amended designs for the current development, involving the chamfering of the corners of the two taller elements of the building, which would result in the broadening of views from One Crown Place. Further information on the daylight and sunlight conditions for this neighbouring building have also been submitted. As assessed in detail in the City Corporation’s committee report, the development would have an acceptable impact on the daylight and sunlight conditions at One Crown Place.

**Impact on heritage assets and views**

15 As set out in the Stage 1 report, the applicant has produced a comprehensive views assessment and the City Corporation has also carried out an assessment of the proposals’ impact in all key strategic London View Management Framework (LVMF) views, including those towards St Paul’s Cathedral and the Tower of London. The proposed building would be seen in the context of a cluster of existing and permitted tall buildings and although the proposal would bring the cluster marginally closer to St Paul’s Cathedral in views from the west, a generous gap to the dome would remain in all strategic views. The proposals are in compliance with the guidance within the LVMF.

16 In terms of the proposals’ impact on the historic environment, the GLA noted at Stage 1 that the proposed building is in close proximity to a number of listed buildings and would be seen from a
number of aspects within the historic environment including the South Shoreditch Conservation Area and the Bunhill Conservation Area. The GLA has paid special regard to the desirability of preserving or enhancing the character of the conservation areas and the setting of the listed buildings. As set out in the Stage 1 report, the demolition of no.2 Finsbury Avenue would not harm the significance of the adjacent listed buildings, nor would the new building adversely affect their setting. Although the proposed building would be visible from nearby listed buildings, conservation areas and the wider historic setting (which is audited within the applicant’s townscape heritage and visual impact assessment), it is recognised by GLA officers that the juxtaposition between old and new buildings is a defining and positive characteristic of the City of London. The proposed building would be seen in the background of the conservation areas, in the context of an emerging tall building cluster in the City of London, and would not harmfully alter the setting or appreciation of those historic assets.

17 Accordingly GLA officers are of the view that the proposal would not affect strategic views, would not harm the setting of listed buildings, and would not harm the character/setting of nearby conservation areas.

**Climate change**

18 The applicant has provided further information on the energy centre, overheating, renewable technology (photovoltaic panels) and connection to the district heating network to address the GLA’s Stage 1 comments. There is still a shortfall in carbon savings of 220 tonnes per annum, and the City Corporation has secured an off-set contribution of £60 per tonne for 30 years, which demonstrates compliance with London Plan climate change policy. Conditions are also secured on green roofs and sustainable drainage, as requested.

**Transport**

19 At Stage 1, further information was requested on the location and design of cycle parking, and particularly the provision of short stay cycle parking.

20 In response, the applicant has proposed additional cycle parking within the public realm at ground floor level, and 32 spaces would now be provided. Whilst this still falls short of short-stay cycle parking standards it is acknowledged that there is a limited amount of public realm to locate additional short stay parking, and the applicant is proposing an over-provision of cycle parking of 23 spaces within the long-term cycle parking area in compensation. The cycle parking provision is acceptable having regard to the nature of the development and the likely short term cycle demand. Following further discussion, it is accepted that the existing cycle hire provision and public transport capacity can accommodate the demand from the new development.

21 Conditions and s106 obligations have been secured on the submission of a travel plan, and a service and delivery plan. Transport issues have therefore been addressed and the scheme is in accordance with the transport policies of the London Plan.

**Response to consultation**

22 The City of London Corporation has confirmed that letters of notification were sent to surrounding occupiers businesses and the application was advertised in the local press and by site notices. One response was received from a member of the public with objections raised on the basis that the development would violate the St Paul’s viewing corridor and ruin the view of the cathedral, and that the proposals would demolish charming post-modern low rise buildings.

23 The following responses were also received from statutory consultees:
• **Historic England**: No objections raised, but Historic England have urged the City to pay due consideration to the impact of the proposals on the historic environment due to the fact that the building would appear in a wide variety of views and would affect the setting of designated heritage assets.

• **Crossrail**: No comments raised.

• **Network Rail**: No comments or objections.

• **London Borough of Hackney**: Objection raised to the visual impact of the building and impact on amenity. The overall massing is considered to be out of context with the surrounding area, creating an overbearing building to Sun Street and Shoreditch. Concern is raised regarding impact on sunlight and daylight to properties to the north.

• **London Borough of Islington**: Objection raised on the basis that the development would substantially harm the setting of the Bunhill Fields and Finsbury Square Conservation Area.

• **City of Westminster**: Concern raised over the potential for impact on views from the Embankment towards the St Paul’s Cathedral viewing corridor.

• **The Twentieth Century Society**: Objection to the demolition of no.2 Finsbury Avenue which is an important building, and its demolition would further destroy the architectural uniformity of the wider Broadgate development.

• **London Heathrow Airport and London City Airport**: No objections raised but conditions on construction methodology and aircraft safety requested.

• **Natural England**: No objection.

• **Environment Agency**: No objection.

• **Thames Water**: Conditions and informatives recommended.

24 Strategic planning issues raised in the responses to consultation, including the proposals’ impact on heritage assets and on strategic viewing corridors are considered in this report, the Mayor’s Stage 1 report, and the City Corporation’s committee report. Having thoroughly assessed the proposals and paid special regard to the desirability of preserving and enhancing the historic environment, the City Corporation and the GLA have concluded that the proposals will not harm setting of heritage assets and is an appropriate form of development. The proposals’ impact on daylight and sunlight to neighbouring properties have also been considered in the Mayor’s stage 1 report and have been subject to detailed assessment as set out in the City Corporation’s committee report. The City Corporation has considered the development to have an acceptable impact, subject to conditions and s106 obligations.

**Draft Section 106 Agreement**

25 The draft section 106 agreement includes the following provisions:

- City CIL contribution of £4,718,700;
- Affordable housing contribution of £1,258,320;
- Financial contribution of £188,748 towards local jobs and training;
- Local jobs and training strategy;
- Local procurement strategy;
- Provision of SME workspace;
- Public access to roof terrace and public realm and roof terrace management plan;
- Conference and event space management plan;
- Highway works and utilities connections;
- Provision of delivery and servicing management plan and travel plan;
- Carbon off-set contribution.
**Article 7: Direction that the Mayor is to be the local planning authority**

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

**Legal considerations**

27 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. The Mayor may also leave the decision to the local authority. In directing refusal, the Mayor must have regard to the matters set out in Article 6(2) of the Order, including the principal purposes of the Greater London Authority, the effect on health and sustainable development, national policies and international obligations, regional planning guidance, and the use of the River Thames. The Mayor may direct refusal if he considers that to grant permission would be contrary to good strategic planning in Greater London. If he decides to direct refusal, the Mayor must set out his reasons, and the local planning authority must issue these with the refusal notice. If the Mayor decides to direct that he is to be the local planning authority, he must have regard to the matters set out in Article 7(3) and set out his reasons in the direction.

**Financial considerations**

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

29 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.

30 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 Corporation to do so) and determining any approval of details (unless the Corporation agrees to do so).

**Conclusion**

31 Having regard to the details of the application, the matters set out in the City of London Corporation’s committee report, its draft decision notice, heads of terms and the s106 agreement, the scheme is acceptable in strategic terms. Amended plans and further information has been provided, and conditions and planning obligations have been secured where appropriate which address the strategic issues raised at consultation stage regarding land use principles, urban design, climate change and transport. As such the application complies with the London Plan, and there are no sound reasons for the Mayor to intervene in this particular case.
for further information, contact GLA Planning Unit (Development & Projects Team):

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