

**Stone House, Bishopsgate, EC2**

in the City of London

Planning application no. 10/00152/FULEIA

**Strategic planning application stage 1 referral (new powers)**

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

**The proposal**

A full planning application for a mixed-use development comprising a luxury hotel, residential accommodation, and retail uses in a combination of refurbished and new buildings including a 44 storey tower together with a new public square on Bishopsgate.

**The applicant**

The applicant is **Heron Plaza Property Unit Trust**, and the architect is **PLP Architecture**.

**Strategic issues**

The proposed **mix of uses** is acceptable in principle and would support London's world city role. The **affordable housing** proposals are not consistent with the London Plan. The **design** is consistent with the London Plan. Further information is required to confirm the compliance of the **children's play space**, **inclusive access** and **climate change mitigation** and **adaptation** elements of the proposal. The **transport** package is consistent with the London Plan.

**Recommendation**

That the City of London Corporation be advised that the application does not comply with the London Plan, for the reasons set out in paragraph 90 of this report; but that the possible remedies set out in paragraph 92 of this report could address these deficiencies.

**Context**

1 On 8 June 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. Under the provisions of The Town & Country Planning (Mayor of London) Order 2008 the Mayor has until 19 July 2010 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.

2 The application is referable under Category 3E of the Schedule of the Order 2008:

- 3E *“Development which does not accord with one or more provisions of the development plan in force in the area in which the application site is situated; and comprises or includes the provision of more than 2,500 square metres of floorspace for a use falling within any of the following classes in the Use Classes Order...class B1; class D1; class D2”.*

3 Once City of London Corporation 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.

4 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.

5 The Mayor of London’s statement on this case will be made available on the GLA website [www.london.gov.uk](http://www.london.gov.uk).

## Site description

6 The 0.5 hectare site is located on the east side of Bishopsgate at the junction with Houndsditch and is bounded by Devonshire Row to the north and Cavendish Court to the east. The site is level and is principally occupied by Stone House and Staple Hall (to be demolished), 1, 3-5 Stone House Court (listed Grade II) and buildings at 142-150 Bishopsgate and 1-17 Devonshire Row (odd numbers) together with the northern end of Houndsditch. In the vicinity of the site to the east lies Devonshire Square, a four storey electricity sub-station and Jubilee Gardens, to the south is Heron Tower (currently under construction), to the west on the opposite side of Bishopsgate is St Botolph without Bishopsgate Church (listed Grade II\*) and it’s churchyard and to the north west lies Liverpool Street Station (listed Grade II). The site lies almost entirely within the Bishopsgate Conservation Area.

7 Bishopsgate (A10) forms part of the Transport for London Road Network (TLRN). The Houndsditch/Bevis Marks/Outwich Street one-way system is part of the Strategic Road Network (SRN). The site lies within 150 metres of Liverpool Street Station, providing access to the Central, Metropolitan, Circle and Hammersmith & City Underground lines and national rail services. Numerous bus services run along Bishopsgate, Houndsditch and from the Liverpool Street bus station. Crossrail services will also be available from Liverpool Street station from 2017 onwards. The site has a public transport accessibility level (PTAL) of 6, out of a range of 1 to 6 where 6 is the most accessible.

## Details of the proposal

8 A full planning application seeking alterations to 142- 150 Bishopsgate and 1-17 Devonshire Row (odd numbers), relocation of 1 Stone House Court and redevelopment of Stone House (128-140 Bishopsgate and 77-84 Houndsditch) and Staple Hall (87-90 Houndsditch), 1,3 and 5 Stone House Court. The alterations to the retained buildings and the new 44 storey (150.92 metres AOD) tower would accommodate a mixed use development comprising a luxury hotel, residential accommodation and retail uses totalling 55,286 sq.m. (GEA):

- 19,809 square metres of residential floorspace (use class C3) comprising 120 one, two, three, four and five bed units.
- 34,394 square metres of hotel floorspace comprising a 190 bed luxury hotel and associated facilities (use class C1).

- 1,083 square metres of retail floorspace (use classes A1 - A4).

9 In addition to the above the proposal would also include hard and soft landscaping works including provision of a new public plaza, alterations to vehicular and pedestrian access and highways layout together with ancillary plant, servicing and associated works.

## Case history

10 The application site covers land that has most recently received planning and conservation area consent in December 2004 for an office and retail development proposed by the applicant. The former Mayor and the City of London Corporation were broadly supportive of this proposal, which entailed alterations to buildings on Devonshire Row, the retention of the Stone House facade, relocation of the listed shop front at 1 Stone House Court and the redevelopment of Staple Hall for a 24-storey office tower.

11 The Mayor received a presentation on the current proposal on 4 March 2009. The applicant has sought two formal GLA pre-planning application meetings on the current proposal and advice reports were subsequently issued on 31 March 2009 and 22 December 2009.

## Strategic planning issues and relevant policies and guidance

12 The relevant issues and corresponding policies are as follows:

- Land use principle *London Plan*
- World city role *London Plan*
- Tourism *London Plan; Good Practice Guide on Planning for Tourism (DCLG)*
- Housing *London Plan; PPS3; Housing SPG and Interim Housing SPG; The Mayor's Housing Strategy*
- Children's playspace *London Plan; Providing for Children and Young People's Play and Informal Recreation SPG*
- Urban design & heritage *London Plan; PPS1; PPS5*
- Tall buildings & views *London Plan; View Management Framework SPG; draft Revised 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 & parking *London Plan; the Mayor's Transport Strategy; PPG13;*
- Crossrail *London Plan Alteration; Crossrail SPG*

13 For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan in force for the area comprises the saved policies of the City of London Unitary Development Plan (2002) and the London Plan (Consolidated with Alterations since 2004).

14 The following are also relevant material considerations:

- The draft replacement London Plan (October 2009).
- The draft City Fringe Opportunity Area Planning Framework (February 2008).
- The City of London Draft Core Strategy (November 2009).

## Land use principle

15 The site lies in the Central Activities Zone (Policy 2A.4, Policies 5G.1-5), the North East sub-region (Policies 5C.1-3), and the City Fringe Opportunity Area (2A.5) in the London Plan. 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 (both these figures assume commensurate investment in transport capacity enhancements). The draft City Fringe Opportunity Area Planning Framework provides further strategic policy guidance for development in the area and, in particular, for tall buildings.

16 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 is identified as an Opportunity Area (Policy 2A.13). Table A1.1 of the draft replacement London Plan identifies that the City Fringe opportunity area has an indicative employment capacity of 40,000 jobs and the potential to deliver a minimum of 7,000 homes in the plan period.

17 The London Plan and draft replacement London Plan recognise and support London's role as a world city and identify the importance of the Central Activities Zone to this, both in terms of London's continued attractiveness to international business activities and as a premier visitor destination.

18 London Plan Policy 3D.7 supports the provision of visitor accommodation and facilities, particularly in opportunity areas in the Central Activities Zone, and seeks an additional 40,000 new hotel rooms in London by 2026. Policy 4.5 of the draft replacement London Plan also includes these requirements and further emphasises that 10 percent of the additional 40,000 new hotel rooms should be wheelchair accessible. The City of London Corporation and applicant should note that the supporting text for London Plan Policy 3D.7, at paragraph 3.294, states that boroughs should seek agreements to provide staff accommodation as part of hotel development to alleviate the labour market constraints facing the hospitality industry.

19 London Plan Policy 3D.3 seeks to prevent the loss of retail facilities that provide essential convenience and specialist shopping. Policy 4.8 of the draft replacement London Plan also includes this requirement.

20 The proposed hotel, retail, and residential land uses are consistent with the existing and emerging strategic planning policy for the area and would support London's role as a world city. It is noted that the proposal would result in a reduction in retail floorspace on the site and a loss of office floorspace. In both instances the current floorspace provided on the site is dated and sub-optimal in meeting current demand in this part of the City and furthermore the Heron Tower, under construction immediately to the south of the site, will provide an increase in modern office floorspace. The loss of office and retail floorspace also needs to be weighed against the benefits of the proposed luxury hotel accommodation, currently lacking in this part of the Central Activities Zone, and the enhanced quality of the retail offer in the context of London's world city role. In this regard the balance is in favour of the proposal.

21 In summary the proposal is consistent with London Plan policies 2A.4, 2A.5, 3D.3, 3D.7, 5C.1-3, and 5G.1-5 but the applicant should consider provision of accommodation for hotel staff.

## Housing

22 London Plan Policy 3A.10 requires borough councils to seek the maximum reasonable amount of affordable housing when negotiating on individual private residential and mixed-use schemes. In doing so, each council should have regard to its own overall target for the amount of affordable housing provision. Policy 3A.9 states that such targets should be based on an assessment of regional and local housing need and a realistic assessment of supply, and should take account of the London Plan strategic target that 35% of housing should be social and 15% intermediate provision, and of the promotion of mixed and balanced communities. In addition, Policy 3A.10 encourages councils to have regard to the need to encourage rather than restrain residential development, and to the individual circumstances of the site. Targets should be applied flexibly, taking account of individual site costs, the availability of public subsidy and other scheme requirements.

23 Policy 3A.10 is supported by paragraph 3.52, which urges borough councils to take account of economic viability when estimating the appropriate amount of affordable provision. The 'Three Dragons' housing viability toolkit is recommended for this purpose. The results of a toolkit appraisal might need to be independently verified.

24 Policy 3.13 of the draft replacement London Plan establishes the approach to negotiating affordable housing on site, and states that "The maximum reasonable amount of affordable housing should be sought when negotiating on individual private residential and mixed use schemes" taking account of a range of factors including local and regional requirements, the need to encourage rather than restrain development, and viability. Policy 3.12 of the draft replacement London Plan establishes a strategic target that 60% of affordable housing provision should be social and 40% intermediate provision, and that priority should be accorded to the provision of affordable family housing.

25 Where borough councils have not yet set overall targets as required by Policy 3A.9, they should have regard to the overall London Plan targets. It may be appropriate to consider emerging policies, but the weight that can be attached to these will depend on the extent to which they have been consulted on or tested by public examination. The City of London Corporation has yet to set an overall affordable housing target and the affordable housing policies in the City of London Unitary Development Plan (2002) were not saved by the Secretary of State.

Unit type	Number of units	Percentage
1 bed	42	35%
2 bed	60	50%
3 bed	11	9%
4 bed	6	5%
5 bed	1	1%
<b>Total</b>	<b>120</b>	<b>100%</b>

Table 1: the proposed housing mix.

26 The applicant proposes 19,809 sq.m. of residential floorspace (use class C3). This would be entirely private accommodation and comprising 120 one, two, three, four and five bed units, as set out in Table 1 above, and provided above the hotel. The access to the residential units, which

would begin at the 20th floor, would be via the hotel lobby and they would be serviced and maintained by the hotel operator. This arrangement would operate in perpetuity.

### **Housing tenure**

27 The application proposes that all of the 120 residential units would be private and a payment-in-lieu be made to the City of London Corporation towards the provision of affordable housing off-site. The applicant has sought to justify this approach on the basis of the costs associated with the provision of a luxury hotel; the unaffordable level of the associated service charges for a registered social landlord; and the physical links between the residential and hotel elements of the scheme, including shared access, would prohibit effective management by a registered social landlord. The applicant has submitted an economic viability appraisal in support of the proposed level of the payment-in-lieu.

28 The proposed approach is inconsistent with the London Plan. The London Plan Housing SPG states at paragraph 18.17 that affordable housing should normally be provided as an integral element of a residential development. It further states that consideration will normally only be given to off-site provision where this is justified by exceptional circumstances and an alternative site (or sites) has been identified. The identified site (or sites) should enable the off-site affordable housing provision to be delivered prior to, or in tandem with, the completion of the on-site market development. Agreements for off-site provision should be financially neutral in terms of the benefit to the applicant relative to provision on-site and represent genuinely additional affordable housing provision, consistent with London Plan affordability definitions.

29 The applicant's view on the incompatibility of the proposed housing provision, given its unusual nature, with the requirements of a registered social landlord is noted. The applicant, despite being advised of the above policy at pre-application stage, has not sought to identify an alternative site for the provision of affordable housing. This approach should be pursued before consideration is given to any payment-in-lieu of affordable housing and the applicant should robustly demonstrate that the affordable housing provided would be consistent with the requirements of PPS3 and the London Plan.

30 The economic viability appraisal submitted in support of the proposed level of affordable housing is currently subject to an independent appraisal, commissioned by the City of London Corporation, the results of which will be shared with the GLA.

31 In summary, at present the nature of the proposed affordable housing provision is inconsistent with the London Plan and, until receipt of the results of the independent appraisal of the viability work, GLA officers cannot be confident that the scheme offers the maximum reasonable amount of affordable housing. The proposals are, therefore, inconsistent with London Plan policies 3A.8, 3.A9 and 3A.10.

### **Housing choice**

32 London Plan Policy 3A.5 and the Housing Supplementary Planning Guidance (2005) seeks a balanced mix of unit sizes in new developments with an overall London wide target of 32% one-bed, 38% two & three-bed and 30% four bed or larger units. This may be subject to justified local variation owing to identified local housing needs. Policy 3.8 of the draft replacement London Plan also promotes housing choice in proposed developments.

33 The proposed unit mix is set out in Table 1. The majority of units would be two-bed or larger, which is welcomed, but the mix would be skewed toward the provision of two & three-bed units (59%) with the proportion of four-bed or larger units being only 6%. This skew away from larger family units is justified by the location of the site, which does not readily support the needs

of families who would typically occupy larger units. All these units would, as discussed above, be private residential units and would not therefore meet any of the identified strategic housing need for affordable housing. The acceptability of the housing mix is subject to the resolution of the affordable housing provision and cannot, therefore, be confirmed at this time.

34 The applicant has stated that all residential units will be designed to comply with Lifetime Homes standards and that ten percent of residential units are designed to be wheelchair accessible units and has provided evidence of this. The City of London Corporation should enforce this by planning condition. In summary, the application is currently inconsistent with London Plan Policy 3A.5, pending the resolution of the affordable housing provision.

### **Housing density**

35 London Plan Policy 3A.3 requires development proposals to achieve the maximum intensity of use compatible with the local context, the design principles of Policy 4B.1 and with public transport capacity. Table 3A.2 provides density guidelines in support of this. The site has a public transport accessibility level (PTAL) of 6, on a scale of 1-6, where 6 is most accessible, and has a central setting, as defined by the London Plan. Table 3A.2 specifies a range of 650-1100 habitable rooms (140-405 units) per hectare for highly accessible locations such as this.

36 On this basis the residential element alone would generate a density of 240 units per hectare, which is within the specific range above. In mixed-use schemes, such as this, with more than 35% non-residential floorspace it is also useful to consider density in terms of plot ratio. In this case the residential element alone would have a plot ratio of 4:1 and the scheme as a whole would have a plot ratio of 15:1. That being the case, and subject to the design and transport aspects of the proposal being acceptable, the proposed residential density would be consistent with London Plan Policy 3A.3.

### **Children's play space**

37 Policy 3D .13 of the London Plan states that "the Mayor will and the boroughs should ensure developments that include housing make provision for play and informal recreation, based on the expected child population generated by the scheme and an assessment of future needs." Using the methodology within the Mayor's supplementary planning guidance 'Providing for Children and Young People's Play and Informal Recreation' it is anticipated that there will be approximately 20 children in the development. This figure would likely be divided as follows: 0-4 years – 12 children; 5-10 years – 5 children; and 11-15 years – 3 children.

38 The guidance sets a benchmark of 10 square metres of useable child play space to be provided per child, with under-5 child play space provided on-site. Accordingly the development should ensure provision for 200 square metres of play space to be divided as follows: 0-4 years – 120 square metres on site; 5-10 years – 50 square metres; and 11-15 years – 30 square metres.

39 It should be noted that the concern raised elsewhere in this report regarding the housing mix would, if addressed by provision of affordable housing on site, alter the housing mix and potentially significantly increase the estimated child population of the scheme. Were affordable housing provision pursued on another site then the above policy would be applicable to that site.

40 The applicant has not submitted a play strategy and has, in pre-application discussions, indicated that it does not believe that the scheme would generate a significant requirement for provision of dedicated play and recreation space for children and young people. It has nevertheless provided a dedicated indoor play space of approximately 23 sq.m. on the 22nd floor of the tower. It is acknowledged that the nature of the proposed housing provision, that being

hotel serviced luxury residential apartments in the heart of the City, would likely lead to a lower child yield than the pan-London methodology above would suggest. Notwithstanding this it is not inconceivable that a scheme of 120 residential apartments, the majority of which are 2-bed or larger, would be home to a number of children in the age ranges identified above at certain times. The applicant should therefore show how the scheme would comply with the above policy through the submission of a play and recreation strategy, consistent with the requirements set out in the associated SPG. This should identify existing and proposed provision in the scheme and the wider area. At present the proposal is inconsistent with London Plan Policy 3D.13.

## Urban design

41 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 for development in London. Other design policies in this chapter and elsewhere in the London Plan include 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 London Plan sets out design related policies.

42 The proposed design has been carefully and thoughtfully developed in response to the immediate and wider site context, heritage assets and the comments of stakeholders. The result is a proposal befitting its location and one that can truly be described as representing world-class architecture, as sought by London Plan Policy 4B.2.



Figure 1: The new public square at night. Source: Design & Access Statement, March 2010.

43 The layout would create a well-proportioned new public square fronting Bishopsgate that would be framed by the refurbished buildings on Devonshire Row, the proposed tower and the Heron Tower to the south. This would promote and improve pedestrian connections through the site and would, together with the surrounding retail, hotel and office uses, support a lively public realm through the day. The use of the space beneath the square to accommodate a ball room for the hotel and the expression of this through the articulated skylights in the square which would afford views of the spire of St Botolphs Church is ingenious. The pedestrianisation of the northern end of Houndsditch would improve pedestrian connection between this route and Bishopsgate.



The scheme as a whole would be legible in its own right and support the legibility of the wider area.

### Tall building and views

44 The scale and form of the proposed 44-storey (150.92 metres AOD) tower has been developed in response to both the immediate and wider site context. The site is suitable for a tall building in terms of London Plan policy and is identified as forming part of the eastern city cluster in the draft City Fringe Opportunity Area Planning Framework (February 2008). The tower would sit at the northern edge of this cluster and this is reflected in the slender tapering form that it would adopt which serves to mediate between the scale of the low-to-medium rise development to the north and the Heron Tower, and other tall buildings to the south.



Figure 2: The proposed tower (left) looking southeast. Source: Design & Access Statement, March 2010.

45 The elevation materials and detailing has been developed with the form to give the tower a more fine-grained appearance in response to the residential use of the building. This is particularly successful in juxtaposition with the distinctly commercial appearance of the Heron Tower. The proposed pattern of louvers and the copper alloy used is a key device in achieving this and allows the facades of the building to respond to their respective orientations and other design requirements such as privacy. The overall appearance is appropriately one of a distinctly residential tower.

46 The application is supported by microclimatic and daylight and sunlight studies that demonstrate that it would have an acceptable relationship with the immediate environs. In terms of views and townscape the application is supported by a comprehensive assessment of both near, medium distance and long views, including strategically designated views. The assessment of local and medium distance views, including those associated with heritage assets, demonstrates that the proposal would have a positive visual relationship with its context. This is especially notable in the case of the areas to the north and east where, though the change in built scale is most apparent, the tower would be viewed as a mediating element on the edge of the eastern city cluster.

47 In terms of strategic views the tower would be visible on the edge of the eastern city cluster. In views from Waterloo Bridge to St Paul's Cathedral the proposal would be largely

obscured by the Heron Tower, the upper part just being visible to its left. In views from the Queen's Walk outside City Hall and also from the north Bastion of Tower Bridge the proposal would appear, at its most visible, alongside and subservient to the tower at 30 St. Mary Axe and the Heron Tower. In the case of the latter, the view from the north Bastion of Tower Bridge, the uppermost part of the proposed tower would be subservient in the view to the White Tower of the Tower of London and would not obstruct its silhouette. This is welcome and would preserve the setting of this World Heritage Site. In all cases the assessment demonstrates that the proposal would preserve the ability of the viewer to recognise and appreciate the strategic landmark and other qualities of the individual views.

### **Built heritage**

48 The proposal would affect multiple heritage assets in the vicinity and the wider area. The considered approach to the development of the design and the resulting design quality would result in the proposal preserving, and for the most part, enhancing the character and setting of those heritage assets on which it would have bearing. In terms of those on the site itself, the previous applications and subsequent technical investigations have established the acceptability in principle of the relocation of the shop front at 1 Stone House Court (listed Grade II) and the demolition of 3-5 Stone House Court, the impracticability of the retention of the facade of Stone House and the amendments to the buildings at 142-150 Bishopsgate and 1-17 Devonshire Row (odd numbers).

49 The proposal reflects this and as a whole would enhance the setting of the listed shop front and the appearance of the Bishopsgate Conservation Area in the vicinity. The fishscale design of the new mansard roof structure to the buildings at 142-150 Bishopsgate and 1-17 Devonshire Row (odd numbers) is particularly positive in this regard. The creation of the new public square would enhance the setting of St Botolph without Bishopsgate Church (listed Grade II\*) and its churchyard opposite and facilitate the appreciation of this building.

50 In medium and longer distance views, including those from the vicinity of Liverpool Street Station (listed Grade II) and other conservation areas, the tower would be viewed alongside the Heron Tower and other tall buildings, and would preserve, and arguably enhance, their setting. The impact of the proposal on the Tower of London World Heritage Site and Tower Bridge is considered in the analysis of strategic views above and is found to be acceptable.

### **Residential quality**

51 The plans suggest that the internal configuration of the residential accommodation and the floorspace would be broadly consistent with existing and emerging strategic policy on residential design quality. It is noted that the scale of the building afford limited opportunities for the provision of balconies and private amenity space but that this is compensated for through the provision of Juliet balconies and communal amenity space and facilities. The prevalence of dual aspect units is particularly welcomed and as a whole the material submitted is convincing in demonstrating that the overall standard of residential quality would be high.

### **Summary**

52 In summary the proposal is consistent with London Plan design policies 4B.1, 4B.2, 4B.3, 4B.6, 4B.9, 4B.10, 4B.12, 4B.13, 4B.14 and 4B.18. The applicant should note the comments below regarding Policy 4B.5.

## **Inclusive access**

53 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 the aim to achieve an accessible and inclusive environment consistently across London.

54 An access statement has been submitted in support of the application which demonstrates that the development will be inclusive in access terms. The hotel element of the scheme has been designed to meet part M of Building Regulations and the design ensures level, step-free access through all circulation areas and facilities.

55 The hotel demand study, undertaken by the GLA, looked at the supply of wheelchair accessible hotel accommodation in London and identified a scarcity of wheelchair accessible hotel accommodation in London. This has informed the drafting of Policy 4.5 of the draft replacement London Plan which includes a requirement that 10% of the additional 40,000 new hotel rooms should be wheelchair accessible. This includes the minimum requirement under the Building Act 2000 that 5% of the bedrooms in the hotel will need to be designed for people with disabilities. The applicant has met this requirement and stated that a further 5% of the hotel guestrooms and suites will be designed as wheelchair adaptable. It is, however, unclear what it means by wheelchair adaptable in this context and that should be clarified. In view of current and emerging London Plan Policy the applicant should demonstrate that a full 10% of hotel guestrooms and suites would be wheelchair accessible. The City of London Corporation should enforce this, and all other inclusive access measures, by planning condition.

56 The applicant has stated that all residential units will be designed to comply with Lifetime Homes standards and that ten percent of residential units are designed to be wheelchair accessible units and has provided evidence of this. The City of London Corporation should enforce this by planning condition.

57 The proposals are not currently fully compliant with London Plan Policy 4B.5 and the applicant should address the outstanding issues identified.

## **Climate change mitigation and adaptation**

58 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**

59 The applicant has followed the energy hierarchy in Policy 4A.1 but further information should be provided to understand the proposals as a whole and to verify carbon dioxide savings in principle.

#### Be lean

60 The carbon dioxide emissions of the proposed development have been estimated using building regulations compliance modelling software to be 2,229 tonnes of carbon dioxide per

annum. This figure includes regulated and unregulated emissions in line with London Plan requirements.

61 A range of passive design measures and energy efficient building services will be adopted reducing carbon emissions. Air permeability and u-values will be improved beyond the minimum requirements found within building regulations. Other measures include mechanical ventilation with heat recovery, energy efficient lighting, use of A rated appliances etc.

62 The applicant should confirm the level of savings beyond a building regulations 2006 compliant development that it expects to be achieved through energy efficiency alone. The information provided appears to indicate that the building will not exceed building regulations 2006 compliance through energy efficiency alone. Developments such as these are capable of significantly exceeding building regulations compliance through passive design/energy efficiency alone and this development should achieve similar substantial savings e.g. 20%.

63 Where possible, the applicant should also relate the development to 2010 building regulations by providing an indication of the savings over a 2010 Part L compliant building at each stage of the energy hierarchy.

64 In summary, the baseline carbon dioxide emissions have been appropriately modelled but there is uncertainty regarding the level of savings from energy efficiency measures beyond a building regulations 2006 compliant development. That being the case the proposal is inconsistent with London Plan policies 4A.1, 4A.3 and 4A.4.

#### Be clean

65 The applicant has investigated the possibility of connecting into local district energy networks but none are currently located within the vicinity of the development. The applicant has contacted Citigen who indicated that the proposed development is outside their network. The applicant should provide evidence of correspondence with Citigen to confirm this position.

66 The applicant has provided a commitment to connect to future district heating systems should a scheme arise. This approach is welcomed and is in line with London Plan Policy 4A.6.

67 The applicant should clearly commit to providing communal heating serving the development from a single energy centre. The applicant should provide a schematic of the communal heating showing every dwelling and all other building uses connected and the proposed temperatures of operation. The applicant should indicate the building uses that are to be supplied by very low temperature heating circuits, e.g. space heating for hotel bedrooms, and confirm that these will be connected to the main site district heating network.

68 The applicant is proposing to install a 500kWe combined heat and power (CHP) unit sized to meet the domestic hot water loads. This would reduce carbon emissions by a further 19.86%. The CHP will be the lead boiler for domestic hot water and heating with a ground source heat pump and gas fired boilers used to provide additional capacity in peak periods. The applicant should provide load profiles showing the proportion of the heat supplied from each heat source. Prior to the consideration of renewables, the size of the CHP should be optimised in relation to the total heat demand (domestic hot water and space heating) of the site wide heat network.

69 The applicant indicates that ground source heat pumps will be used to meet the non-residential cooling demands. More information on how the need for active cooling in the development will be avoided should be presented. Information needs to be provided on how the risk of overheating will be minimised through passive design measures.

70 In summary, whilst the proposed approach could be policy compliant the deficiencies in the information provided in respect of the matters identified above preclude confirmation of this at present. The applicant should provide the requested information to the satisfaction of GLA officers. The proposal is currently inconsistent with London Plan policies 4A.5 and 4A.6.

### Be green

71 The applicant is proposing the installation of a ground source heat pump with energy piles to provide the majority of the space heating and cooling for non-domestic properties. This would reduce carbon emissions by a further 3.69%. This is welcomed but the reduction in carbon emissions attributable to the renewable energy technology cannot be confirmed until the figures associated with the other stages of the hierarchy are confirmed. On the basis the proposal is currently inconsistent with London Plan Policy 4A.7.

### **Climate change adaptation**

72 The applicant has submitted a sustainability statement, as required by London Plan Policy 4A.3, as part of the environmental impact assessment. The information provided is sufficient to confirm that the proposal would meet the essential standards set out in London Plan Policy 4A.3, the associated Sustainable Design and Construction SPG and the requirements of London Plan Policy 4A.9 and related policies. The design of the proposal has taken account of climate adaptation issues and would include significant landscaped public realm, green roofs, rainwater harvesting, water efficiency measures, sustainable drainage systems and a range of further measures as appropriate to the proposal.

73 This is welcome and the City of London Corporation should enforce these sustainability measures by planning condition and/or section 106 clause as appropriate. The proposal would be consistent with London Plan Policy 4A.9 and related policies 4A.10, 4A.14 and 4A.16. The proposal would be consistent with London Plan Policy 4A.3 in terms of climate change adaptation but inconsistent in terms of climate change mitigation for the reasons set out above.

### **Summary**

74 The application is inconsistent with London Plan policies 4A.1, 4A.3, 4A.4, 4A.5, 4A.6, 4A.7, and consistent with London Plan policies 4A.9, 4A.10, 4A.14 and 4A.16. The proposals could be acceptable in broad terms subject to the provision of the further information sought, to the satisfaction of GLA officers. The agreed energy strategy, and all elements therein, for the scheme should be secured by section 106 agreement and conditions as appropriate.

### **Transport**

75 Transport for London (TfL) has held pre- and post-application meetings with the applicant to discuss the transport aspects of the scheme. In recognition of the site's excellent accessibility and to accord with London Plan Policy 3C.23 and draft replacement London Plan Policy 6.13, TfL welcomes the car free nature of the scheme. It is further recommended that, by way of conditions, residents and visitors are prevented from obtaining access to on-street parking permits.

76 TfL accepts that due to the specific site constraints, it is not possible to provide a dedicated accessible parking space for disabled users within the site boundary. By means of alternative provision, disabled users will utilise the valet system, which the applicant proposes to operate for all hotel guests and residents. On occasions where the valet system cannot be offered, dedicated blue badge holder parking spaces close to the development (both on Devonshire Square and within the nearby public car park) will be used, and transport will be provided by the hotel

operator to the site. TfL considers this arrangement acceptable, although requests that further information on the proposed agreement with public car park operator is submitted by the applicant.

77 TfL notes that a dedicated coach parking facility has not been proposed on site. In view of the luxury nature of the proposed hotel, and the alternative off-site provision that can be made to accommodate infrequent coach trips, this is considered acceptable. The applicant is aware that the local road traffic order may need to be changed to facilitate this.

78 TfL welcomes the provision of 120 cycle spaces for the residential units and 60 for hotel staff, as this meets TfL's cycle parking standards and complies with London Plan Policy 3C.22 and draft replacement London Plan Policy 6.9. The provision of an additional 28 visitor cycle parking spaces along Cavendish Court and Houndsditch is also considered acceptable.

79 The methodology used in the transport assessment for calculating the likely number of trips generated by all land uses, including the ballroom, within the proposed development is satisfactory. It is accepted that the impact of the proposals on the local public transport network will not be significant and can be accommodated.

80 The likely number of two-way vehicle trips generated by events in the ballroom in the evening peak hour as presented in the transport assessment is over 200, although it is accepted that this represents a worst-case scenario. TfL is satisfied, however, that considering the occasional nature of the ballroom events, which will be held predominantly in the evenings, the traffic impact of these vehicles is acceptable. In any case, the applicant has satisfactorily demonstrated that there is sufficient space within the proposed drop-off bays to accommodate these additional trips, without giving rise to any unacceptable queuing on the local highway network.

81 The transport assessment indicates that taxi demand at the hotel will be high and that the formal taxi rank on Liverpool Street, located directly outside the station entrance and less than 100 metres from the site, will be used. TfL is satisfied with this arrangement.

82 The applicant has confirmed that a construction logistics plan and a delivery and service plan will be produced in line with London Plan Policy 3C.25 and draft replacement London Plan policy 6.14. Both these plans will be secured via planning condition, which is welcomed.

83 The submission of a travel plan in line with London Plan Policy 3C.2 is also welcomed. Further work is, however, required in order to bring the plan in line with TfL Guidance. Whilst TfL continues to engage with the applicant with regard to the operational aspects of the hotel and managed residential units, further thought should be given to the overall coordination of the travel plan.

84 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 a suitably timely and economic manner, contributions will be sought from development likely to add to or create congestion on the public transport network that Crossrail is intended to mitigate. This will be through planning obligations, arrangements for the use of which are established at strategic level in accordance with Policy 3C.12A of the London Plan and policy guidance.

85 An approach has been developed for collecting contributions towards Crossrail and is set out in the Mayor's Supplementary Planning Guidance (SPG) 'Use of planning obligations in the funding of Crossrail' (July 2010). The draft SPG has been through its final stage of consultation, which closed on 18th May 2010. The Mayor has considered the representations made, as well as the final form of the SPG. 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. Applying this approach to floorspace figures confirmed by the applicant, the current uses on site (19,366 sq.m. GEA of office and 3,110 sq.m. GEA of retail) would produce a theoretical contribution of £2,926,822. This amount is greater than that which would be required by applying the charging regime to the proposed uplift in hotel floorspace of 34,394 sq.m. GEA (£2,063,640). Based on this approach a contribution towards Crossrail is not required from the proposed development.

86 In summary, the application is consistent with London Plan policies 3C.1, 3C.2, 3C.12A, 3C.23 3C.22 and 3C.25.

## Local planning authority's position

87 This is unconfirmed at the time of writing.

## Legal considerations

88 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

89 There are no financial considerations at this stage.

## Conclusion

90 London Plan policies on land use, housing, children's play space, 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:

- **Land use principle:** the proposal is consistent with London Plan policies 2A.4, 2A.5, 3D.3, 3D.7, 5C.1-3, and 5G.1-5.
- **Housing:** the proposal is inconsistent with London Plan policies 3A.5, 3A.8, 3A.9 and 3A.10, and consistent with London Plan Policy 3A.3.
- **Children's play space:** the proposal is inconsistent with London Plan Policy 3D.13.
- **Urban design:** the proposal is consistent with London Plan design policies 4B.1, 4B.2, 4B.3, 4B.6, 4B.9, 4B.10, 4B.12, 4B.13, 4B.14 and 4B.18.
- **Inclusive access:** the proposal is inconsistent with London Plan Policy 4B.5.
- **Climate change mitigation and adaptation:** the proposal is inconsistent with London Plan policies 4A.1, 4A.3, 4A.4, 4A.5, 4A.6, 4A.7, and consistent with London Plan policies 4A.9, 4A.10, 4A.14 and 4A.16.

- **Transport:** the proposal is consistent with London Plan policies 3C.1, 3C.2, 3C.12A, 3C.23 3C.22 and 3C.25.

91 On balance, the application does not comply with the London Plan.

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

- **Housing:** the applicant should address the matters raised in this report and demonstrate that the proposal would be consistent with London Plan policies 3A.5, 3A.8, 3A.9 and 3A.10.
- **Children's play space:** the applicant should prepare and submit a play strategy and demonstrate full compliance with London Plan Policy 3D.13.
- **Inclusive access:** the applicant should address the outstanding matter relating to the accessible hotel accommodation to ensure compliance with London Plan Policy 4B.5.
- **Climate change mitigation and adaptation:** the applicant should provide the further information sought, to the satisfaction of GLA officers, in order to confirm compliance with London Plan policies 4A.1, 4A.3, 4A.4, 4A.5, 4A.6, and 4A.7.

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