

<b>Committee:</b> Strategic	<b>Date:</b> 5 <sup>th</sup> February 2019	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
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<b>Report of:</b> Director of Place	<b>Title:</b> Application for Planning Permission
<b>Case Officer:</b> Daria Halip	<b>Ref No:</b> PA/18/03314 – Observation to City of London ( <i>City of London Reference: 18/01213/FULEIA</i> )
	<b>Ward:</b> n/a

## 1. APPLICATION DETAILS

<b>Location:</b>	Land adjacent to 20 Bury Street London EC3A 5AX.
<b>Existing Use:</b>	Existing six storey building providing office, flexible retail (currently unoccupied) and plant. Approximately 3,899sqm in size.
<b>Proposal:</b>	Demolition of existing building and structures and construction of a building to a height of 305.3m AOD for a mixed-use visitor attraction, including viewing areas [2,597sq.m GEA], an education facility [567sq.m GEA] (Sui Generis) and restaurant/bar use (Class A3/A4) [1,535sq.m GEA]; together with a retail unit at ground floor (Class A1); a new two-storey pavilion building [1,093sq.m GEA] (Sui Generis) comprising the principal visitor attraction entrance with retail at ground floor level (Class A1/A3) [11sq.m GEA] and a public roof garden; provision of ancillary cycle parking, servicing and plant and alterations to the public realm. [Total Scheme Area: 17,441sq.m GEA].  <i>This application is accompanied by an Environmental Statement.</i>
<b>Drawing and documents:</b>	n/a
<b>Applicant:</b>	n/a
<b>Ownership:</b>	n/a
<b>Historic Building:</b>	setting of the Tower of London World Heritage Site (600 metres away)
<b>Conservation Area:</b>	setting of the Tower conservation area (600 metres away)

## 2 EXECUTIVE SUMMARY

- 2.1 Under Article 18 of the Town and Country Planning (Development Management Procedure) Order 2015, the City of London has notified Tower Hamlets Council (LBTH) as the adjoining borough on a proposed development within the administrative boundary of City of London Corporation (CoL) and requested the Council's observations.
- 2.2 The proposed development, widely referred to as 'The Tulip', would be a tall building providing a new visitor attraction within the CoL offering viewing areas over the city, an education facility, restaurant and bar spaces, retail accommodation and public realm improvements. It includes the development of the Tulip, a two storey pavilion building and two basement levels connecting the two buildings. The main entry point for the visitors would be through the pavilion building off St Mary Axe.
- 2.3 The main structure of the Tulip extends to 305.3m AOD and is of strategic importance and has been referred to the Greater London Authority (GLA) and therefore presented to the Strategic Development Committee.
- 2.4 LBTH officers attended a pre-application EIA scoping meeting with the applicant's team on 30 November 2018 at the Council's Offices. The scheme was presented before LBTH officers, with the submission to CoL couple of weeks after. The applicant team explained that one of the drivers for developing this proposal was to give greater prominence to the existing office building at 30 St Mary Axe ("the Gherkin") and preserve the site of the Gherkin from being lost amongst the emerging and permitted developments surrounding the site.
- 2.5 This report summarises responses from statutory consultees and sets out the Council's assessment and conclusions which will inform the response to the request for observations.
- 2.6 Officers consider that due to its height and intended use, the development would have a significant adverse impact on the Grade I listed Tower of London, World Heritage Site including its setting and townscape views, as well as having a significant adverse impact on local transport infrastructure and greenhouse gas emissions.

## 3 RECOMMENDATION

- 3.1 That the Committee resolve that Tower Hamlets Council raises objection to the proposed development for the following three key reasons:
- I. **Design and heritage:** the proposal would cause unacceptable less than substantial harm to the significance and setting of the Grade I listed Tower of London World Heritage without significant public benefit to justify such harm. The proposed development would conflict with paragraph 193 and 196 of the NPPF and policies 7.7, 7.8, 7.10, 7.11 and 7.12 of the London Plan, including policies D8, HC1, HC2, HC3 and HC4 of the draft London Plan.
  - II. **Transport:** the proposal is likely to impact onto the LBTH local public transport infrastructure which would have to absorb a proportion of the forecasted visitors to site

annually. Insufficient information has been submitted with the application to allow officers to fully understand the likely impacts on to the transport network. LBTH reserve the right to provide comments when such information is made available.

III. **Environment:** the Environmental Statement does not contain sufficient information to fully assess the proposals and there is likely to significant adverse affects in terms of greenhouse gas emissions.

3.2 These significant adverse effects of the proposed development are not considered to be outweighed by the beneficial effects of the proposed development as a paid tourist attraction, free educational space and a restaurant. Tangible public benefits of this scheme are marginal amounting to approximately 88sqm of educational space. The proposed development would fall substantially short of any public benefits to outweigh the harm to a World Heritage Site, contrary to the provisions of the NPPF.

3.3 Other considerations: Proposed life span: the nature and purpose of the proposed development is to provide access to views across London, predominantly as a tourist attraction. LBTH questions the life span of the proposed development, which is stated in Annex 4 of the ES to be 60 years, given that future developments in CoL may restrict the views from the proposed development, which is dependent upon, before the end of the proposed 60 year life span.

#### 4 SITE AND SURROUNDINGS

4.1 The application site is located at 20 Bury Street, adjacent to the Gherkin development, within the CoL borough's boundary.



Figure 1 The Tulip within the boundary of CoL and the relationship with the Tower of London in LBTH

4.2 It sits approximately 380m west of the western boundary of LBTH and approximately 600m north of Tower of London.



Figure 2 Application site in relation with the LBTH administrative boundaries

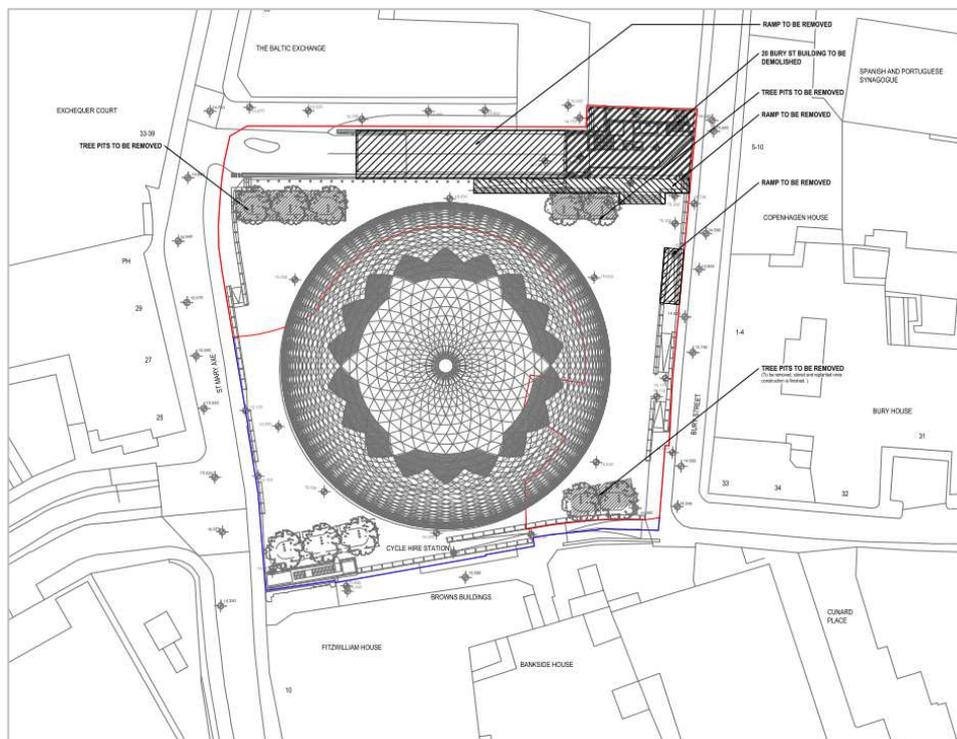


Figure 3 Existing site location plan

## 5 PROPOSED DEVELOPMENT

5.1 The proposal is for creation of a landmark building to serve as visitor attraction in the heart of City of London, providing panoramic views across the city and an interactive cultural and educational centre.

5.2 The development would be formed of two structure, the main body of the building referred as 'the Tulip' and the Pavilion Building, a two storey element built ancillary to the Tulip.

### The Tulip

5.3 The development constitutes a tall slim structure rising to 305.3m in height, amounting to the highest building within the City of London. The main building forming the Tulip comprises a supporting stem which would enclose the lifts and stairs (to approximately 240m in height), widening out to a 12 storey top structure accommodating the main visitor attraction, restaurant/ bar and educational facilities.

5.4 The base of the stem has a triangular footprint located to the north of the Gherkin.

5.5 A breakdown of the usability of each of the proposed upper 12 floors is tabled below

Level(s)	Use	Area (sqm GIA)
1 and 2	Plant / Tuned Mass Dampener	772 sqm
3	Education Facility and back of house	523 sqm
4, 5, 6 and 7	Viewing Gallery / Sky Bridge	2,353 sqm
8 and 9	Restaurant and kitchen	1,034 sqm
10	Kitchen / Building Maintenance Garage	381 sqm
11 and 12	Sky Bar	480 sqm
		<b>TOTAL 5,543 sqm</b>

5.6 Levels 4, 5, 6 and 7 include a sky bridge and two slides running from level 7 to 6 and 5 to 4.

5.7 Also a gondola ride which comprises a short journey running externally around three semi-circular tracks from level 1 to 9 is proposed. Access to the gondolas would be provided from levels 4 and 6 within the viewing gallery and level 8 of the restaurant. A visual representation of the proposed gondola system is demonstrated in figure 5 below.

### The Pavilion Building

5.8 A two storey pavilion building with a rooftop garden is proposed to the west of the application site. The pavilion building would provide the main visitor access to the Tulip housing the welcome desk, ticket checks, cycle parking and plant area (for both the Gherkin and the Tulip).

- 5.9 The pavilion building and the Tulip would be directly linked through connecting tunnels (basement and sub basement) underneath a new pocket park proposed to connect the two buildings at ground floor level.
- 5.10 A dedicated access to the lifts up to the restaurant is also made available within the south side of the base of the Tulip.



Figure 4 Proposed development in the context of existing city scape



Figure 5 Visual representation of the upper 12 storeys of the Tulip with Tower of London and the Shard in the background

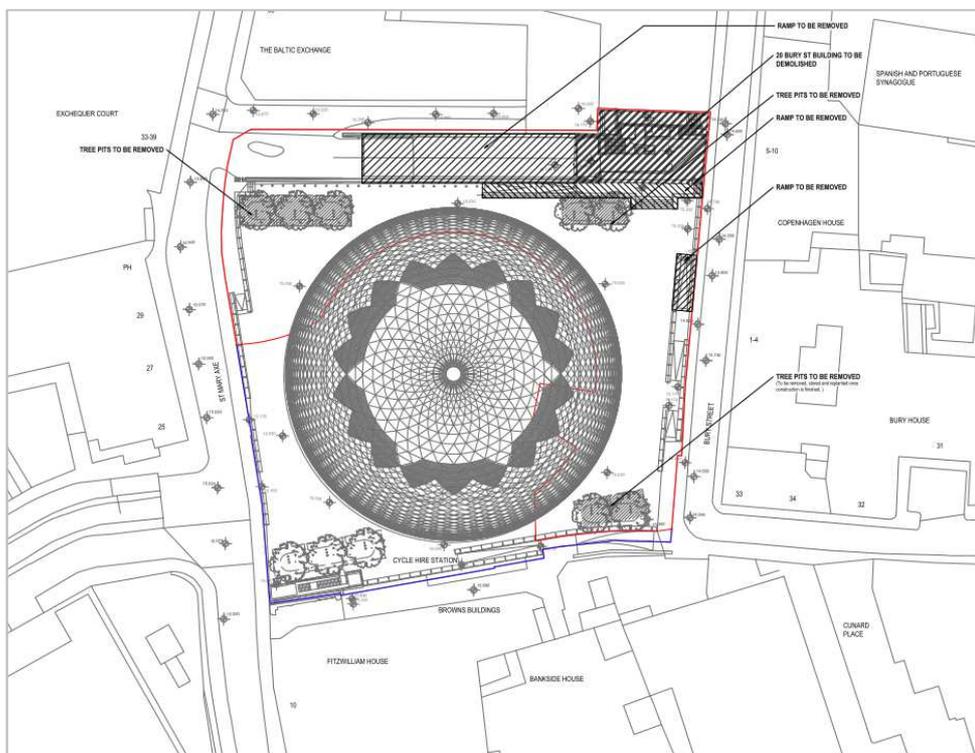


Figure 6 Existing site location plan showing the elements to be demolished on site

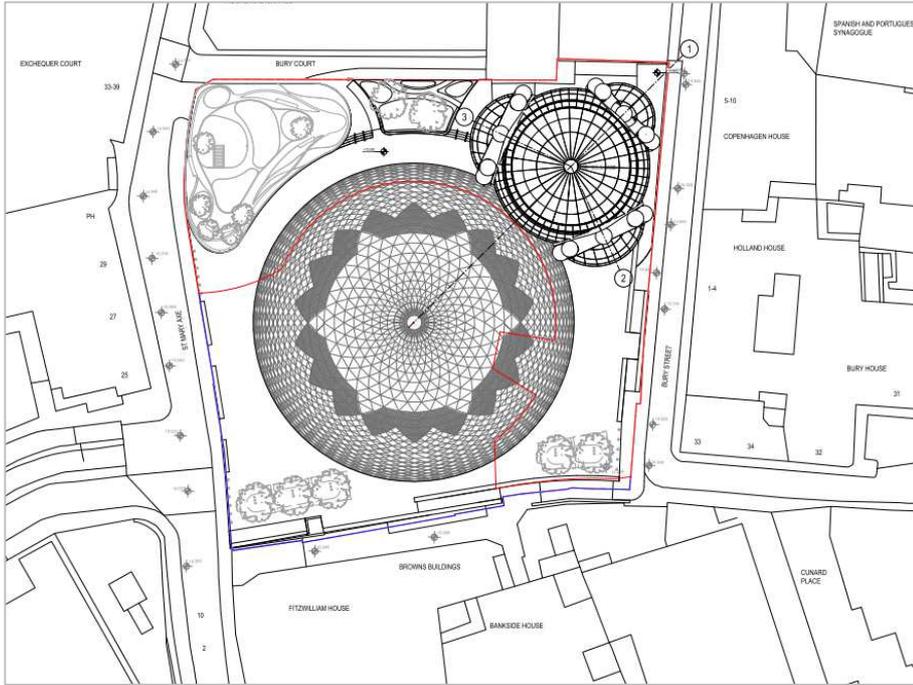


Figure 7 Proposed site plan



Figure 8 Visual representation of the proposed Pavilion Building

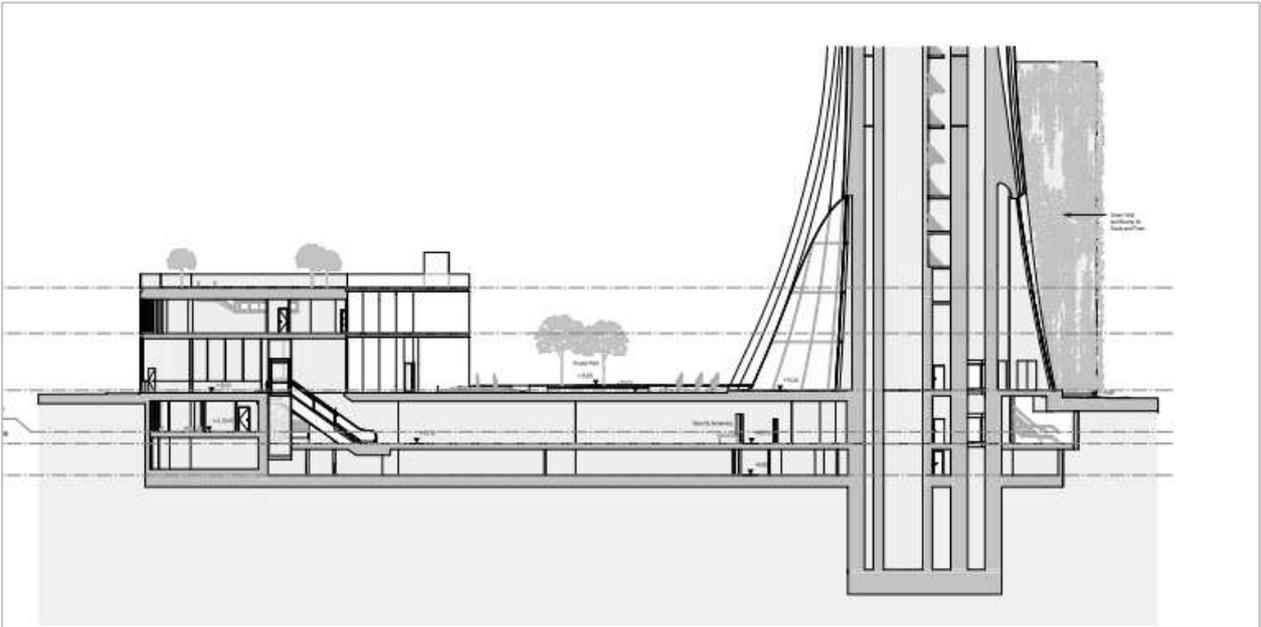


Figure 9 Section through the proposed pavilion building and the Tulip's base

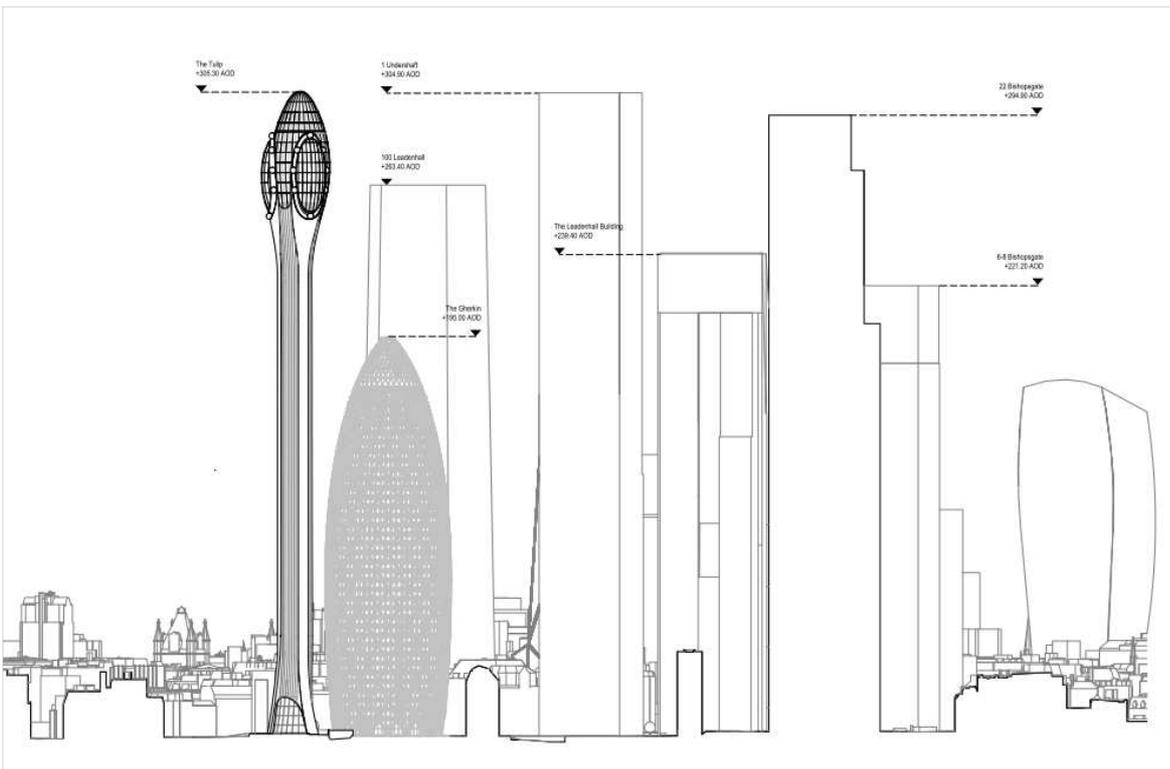


Figure 10 Proposed context elevation (north)

## 6 KEY CONSULTATION RESPONSES

6.1 The following statutory consultees have provided their responses to the City of London.

### GLA

6.2 *The principle of a visitor attraction within a CAZ location would complement the strategic functions of the CAZ. However, the proposal fails to provide free to enter publicly accessible viewing areas and is therefore contrary to London Plan Policy 7.7 and Policy D8 of the draft London Plan.*

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

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

6.5 **Strategic Views:** *The appearance of the proposed development within LVMF views 10A.1 and 25A.1, 2 and 3 would cause harm to these strategic views, contrary London Plan Policies 7.11 and 7.12 and Policies HC3 and HC4 of the draft London Plan*

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

6.7 **Energy:** *The applicant must explore the potential for connection to the City 2 district heat network. The full 'be lean' and 'be green' BRUKL sheets must be submitted. This further information must be submitted before the proposals can be considered acceptable and the carbon dioxide savings verified*

### Historic Royal Palaces

6.8 The proposed 'Tulip' development would be extremely damaging to the setting of the Tower of London World Heritage Site for the following reasons:

- *It would diminish a key attribute of the Tower's Outstanding Universal Value, challenging the Tower's eminence as an iconic, internationally famous monument as seen in the protected LVMFiew 25A.1-3. The development would pose a serious risk to the status of the Tower of London as a WHS.*

- *The claimed public benefit of the development would neither offer enhancement of the WHS, nor fulfil a planning policy objective and would not outweigh the potential harm to the WHS.*
- *The development would conflict with national planning policy for the historic environment and the relevant policies in both the current London Plan and the City of London Local Plan.*

6.9 Notwithstanding the objection above, Historic Royal Palaces are of the view that the proposal should be referred to UNESCO's World Heritage Centre as a new construction likely to affect the Outstanding Universal Value (OUV) of a World Heritage property, in accordance with Paragraph 172 of the Operational Guidelines for the Implementation of the World Heritage Convention.

### **Historic England**

6.10 Historic England objects to the application on heritage grounds.

6.11 *The proposed building, by virtue of its location, will form the eastern edge of the City's Eastern Cluster of tall buildings. This, combined with its height and form, means that the Eastern Cluster forms a sharp backdrop to the Tower of London when seen in the LVMF view from the north bastion of Tower Bridge. In our view, this sharp contrast, combined with the unusual eye-catching form of the proposed building, reduces the visual dominance of the Tower of London and harms an attribute of its Outstanding Universal Value, namely the Tower's role as a symbol of royal power set apart from the City of London and dominating its strategic riverside setting. There is no clear and convincing evidence that this harm would be outweighed by public benefits, and therefore the proposal cannot be supported.*

6.12 Historic England have informed Department of Digital, Culture, Media and Sports (DCMS). It is understood that DCMS would serve a paragraph 172 notification to the World Heritage Centre. Such notifications are sent on development projects which impact onto the Outstanding Universal Value of a World Heritage site, in conformity with paragraph 172 of the *Operational Guidelines for the Implementation of the World Heritage Convention*, World Heritage Commission, UNESCO.

## 7 PLANNING ASSESSMENT

### Design and Heritage

- 7.1 The application site is located approximately 600 meters to the north west of the Tower of London, which is a world heritage site containing a number of listed buildings as well as being located within Tower Hill Conservation Area. The Outstanding Universal Value of the world heritage site is based on, amongst other things, a demonstration and symbol of Norman power, reflecting the last military conquest of England. The strategic location of the site in its prominence in the townscape is a key component of this value.
- 7.2 The proposed development is a tower that would be in excess of 300 meters in height, with a distinctive pod at the top of a narrow shaft. The form of the building has been designed to specifically stand out in appearance from other structures in the eastern cluster of tall buildings in the City of London. Whilst the eastern cluster has become a denser group of tall and dominant buildings in recent years, its separation from the Tower of London in key views has remained just enough to maintain a visual contrast between the two.
- 7.3 The introduction of the proposed development raises serious concerns about the degree of visual separation between the eastern cluster and the Tower of London, which would be harmful to the significance of the world heritage site.
- 7.4 Concerns about the impact of the proposed development are well illustrated in Townscape, Visual and Built Heritage assessment view 8, which demonstrates the visibility of the proposed development when viewed from the north bastion of Tower Bridge on the upstream side. This view correlates with London View Management Framework view 10A.1.



Figure 11 Panorama from Assessment Point 10A.1 Tower Bridge: upstream – the North Bastion (kinetic view)



Figure 12 View of the Tulip in the context of Tower of London view 10A.1 (right hand panel of the full River prospect above). *Excerpt from the applicant's Townscape and Visual and Built Heritage Assessment for Land Adjacent to 20 Bury Street (ES Vol 2 – Townscale, Visual and Built Heritage Assessment, Part 4)*



Figure 13 Excerpt from the applicant's DAS (part 1) showing the proposal in the context of Tower of London and Tower Bridge

- 7.5 In this view, the proposed building would be a clearly visible and distinct element that is detached from the existing cluster and encroaching significantly into the setting of the Tower of London. The effect of this would be to diminish the prominence of the tower to such a degree that it reduces the viewers' ability to appreciate the military architecture and dominance of the site and the symbol of Norman power that it represents.
- 7.6 When viewed in relation to the setting of the Tower of London WHS in this view, the proposal would appear to be located in close proximity to the Tower and would be perceived encroaching upon the clear sky gap between the city cluster and Tower. The lower part of the tulip when viewed in the distance projects as a solid distinctive element which abruptly interrupts the eastern side of the city cluster, appearing overdominant in contrast with the architecture of the Tower of London. The proposal would contest the presence of the Tower of London as a key feature dominating this view.
- 7.7 The proposal would therefore be contrary to the Visual Management Guidance for view 10A.1 of the LVMA and cause a high degree of harm to the setting of the Tower of London WHS in this view.
- 7.8 Further detrimental impacts onto the setting of the Tower of London would be experienced from views towards the 'Tulip' from within the Tower. These views are assessed in the applicant's Townscape and Visual and Built Heritage Assessment and found as 'major' adverse impact. Whilst other consented schemes at 22 Bishopsgate and 1 Undershaft would also intrude into these views when complete, the distinctive form of the 'Tulip' would draw attention to the eye, particularly in the winter months.



Figure 14 View from The Tower of London, centre of the Inner Ward Excerpt from the applicant's Townscape and Visual and Built Heritage Assessment for Land Adjacent to 20 Bury Street (ES Vol 2 – Townscale, Visual and Built Heritage Assessment, Part 7)



Figure 15 View from the Tower of London, inner curtain wall (north)

*Excerpt from the applicant's Townscape and Visual and Built Heritage Assessment for Land Adjacent to 20 Bury Street (ES Vol 2 – Townscale, Visual and Built Heritage Assessment, Part 7)*

- 7.9 In line of the above, LBTH officers conclude that the proposals would result in a significant level of harm to the significance of the Tower of London WHS. The level of harm is particularly observed on the impact the proposal would have onto the LVMF views 10A.1 and the setting of the WHS. The proposal due to its height, design and proposed materials coupled with its proxy distance to the Tower of London WHS, would diminish the ability to appreciate the Outstanding Universal Value of the Tower of London WHS and would substantially harm the significance of the WHS.
- 7.10 Officers consider the level of harm would not constitute substantial harm (or total loss of significance) of the Tower of London World Heritage Site (as detailed in paragraph 195 of the NPPF 2018), the level of harm to the Tower of London World Heritage site would lead to less than substantial harm. This degree of harm would; however, be serious.
- 7.11 Paragraph 196 of the NPPF states that 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighted against the public benefits of the proposal'.
- 7.12 Other than the free educational space proposed, LBTH officers do not consider there to be significant public benefits to outweigh any such harm of such a valuable heritage asset (the Tower of London) as required by the NPPF 2018. Tangible public benefits of this scheme are minimal amounting to approximately 88sqm of educational space. The proposed development would fall substantially short of any public benefits to outweigh the harm to a World Heritage Site, contrary to the provisions of the NPPF.
- 7.13 With regards to education use/space on site, the applicant suggests that 20,000 children would have free access to the proposed development a year. Officers note that this is a tiny proportion of the 8 million school children in England (Department for Education,

National Statistics January 2018). Furthermore, the education facility floor space is less than 523 sqm of the total 5,543sqm proposed floorspace in the tower.

- 7.14 In terms of the employment benefits, the applicant suggests that there would be approximately 71 Full Time Workers and 46 FTE net new jobs created as part of the proposal. Basted on the expenditure of the site, the expected new jobs would be in the region of 1500-3300 new jobs (Employment Density Guide, November 2015). The proposal would be far below the expected return for the local market in terms of employment offer.
- 7.15 LBTH Officers note that Historic England, Historic Royal Palaces and GLA have also objected to the proposal on the above basis, and this has been received by CoL.
- 7.16 Officers recommendation is that the council objects on the basis of the harm caused to the signficance of the heritage asset, as outlined above.



Figure 16 View from Whitechapel Road, adjacent to the Royal London Hospital. Excerpt from the applicant's Design and Access Statement, Part 2.

### Transport

- 7.17 The applicant's forecast is of 1.2m visitors a year to the site. Such demand would have an impact on public transport infrastructure in the immediate vicinity and across a wider area. It is likely that bus, underground, DLR, rail and future Crossrail services operating within Tower Hamlets will need to absorb a proportion of the additional visit trips.
- 7.18 It is recognised that Transport for London as the transport provider in the borough would ought to be consulted and expected to provide appropriate response, the council reserves the right to raise concerns on the transport capacity on the public transport network.

7.19 Based on the information provided, officers are of the opinion that there is likely to be significant impacts to the public transport network which has not been fully assessed in the submitted supporting documentation. Insufficient information has been provided to date to allow officers to fully understand the likely impacts on the network and an objection should be raised to this effect.

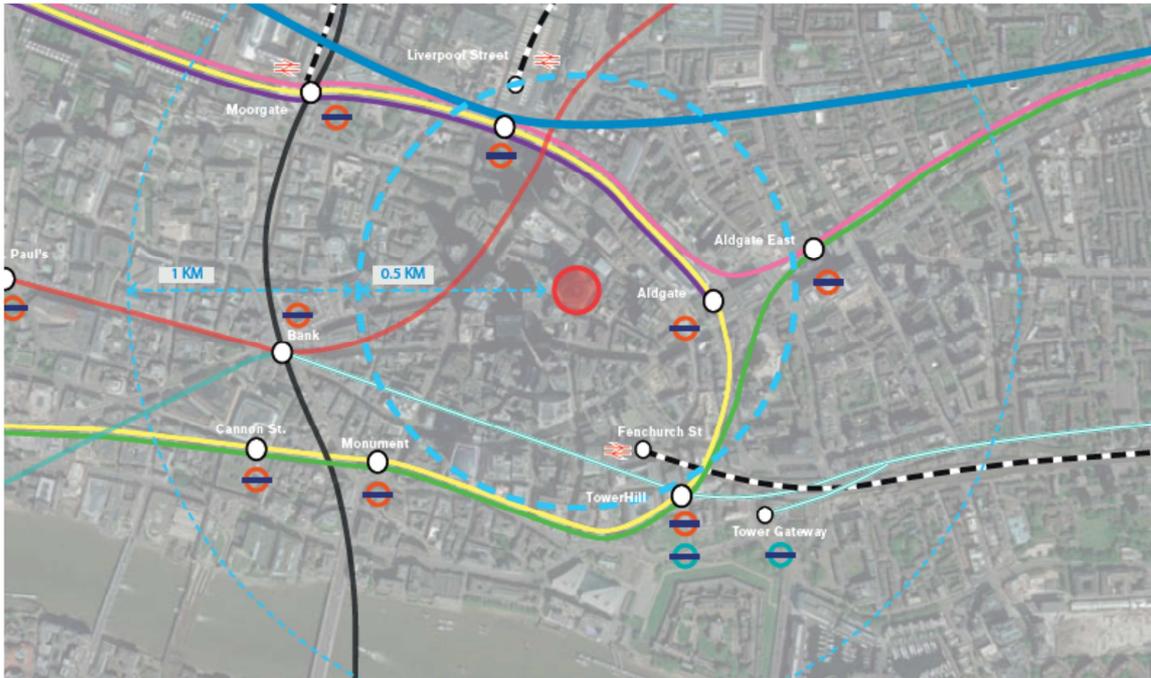


Figure 17 Proposed development in the context of the existing transport infrastructure nearby, including transport links in the borough

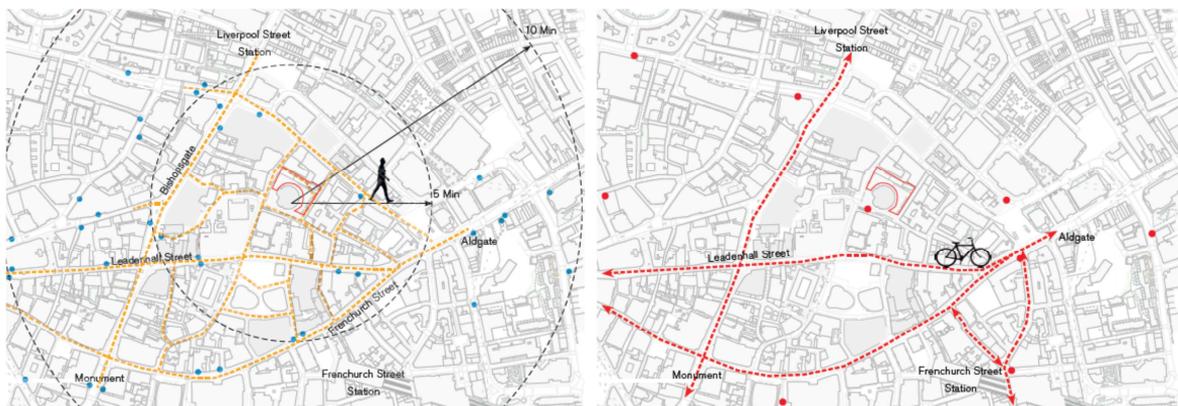


Figure 18 Walking and Cycle distances to LBTH administrative boundaries

Environment

7.20 As detailed in the development description, the application has been accompanied by an Environmental Statement (ES) which has been reviewed by LBTH officers.

- 7.21 LBTH is of the opinion that the ES does not contain sufficient information to assess the effects of the proposal satisfactorily, for example in relation to greenhouse gas emissions. It should be noted that the comments provided above are on the basis that the ES is considered to be adequate by CoL in accordance within the EIA Regulations, and that the methodology adopted is appropriate and does not under or overstate the assessment of effects. The CoL must consider whether further information is required in accordance with Regulation 25 of the EIA Regulations.
- 7.22 Greenhouse gases: Annex 4 of the ES provides an assessment of Greenhouse Gas, which concludes that the proposed development would result in the emission of an estimated 5,236 tonnes of Carbon Dioxide equivalent annually through its 60 year life span. It should be noted that paragraph 4.82 of the ES states this figure to be 5,191 tonnes.
- 7.23 The summary and conclusion section of the NTS and Chapter 14 of the ES does not provide a summary of significant effects on greenhouse gas (GHG) emissions as a result of the Proposed Development, which is considered to be misleading. It is inferred within Paragraph 174 of the NTS, paragraph 4.76 of the ES that emissions as a result of the Proposed Development are significant but this is not directed stated. CoL may wish to consider in light of this whether the NTS and ES meet the requirements of Schedule 4 of the EIA Regulations.

## **8 CONCLUSIONS**

- 8.1 Due to its height and visual prominence , the proposed development would have a significant adverse impact on the Grade I listed Tower of London World Heritage Site, including its setting and townscape views. The level of harm caused would not be off-set by the proposed public benefits.
- 8.2 Transport: the development is likely to have an impact on to the public transport infrastructure in the immediate vicinity and across the wider area. LBTH public infrastructure will likely be required to absorb a proportion of the additional visitors trip forecasted a year to the site; such impact has not been fully assessed and LBTH consider that the applicant has provided insufficient information to date to allow a full assessment of the likely impacts onto the transport network.
- 8.3 Energy efficiency/ greenhouse gas emissions: it is not clear from the documentation submitted with the application the level of CO<sub>2</sub> emissions as a result of the development. It appears that the stated figures in the Non Technical Summary of the ES differs of those stated within the ES and therefore LBTH recommends CoL to challenge the submitted material as to whether it meets the requirements of Schedule 4 of the EIA Regulations.