

R0175

# City Plan 2040 - Reps attached x 4

Peter Bovill



Mon 6/17/2024 8:34 PM

To: Planning Policy Consultations <PlanningPolicyConsultations@cityoflondon.gov.uk>

4 attachments (325 KB)

Model Representation Form for City Plan 2040 MHL.docx; Model Representation Form for City Plan 2040 JAI.docx; Model Representation Form for City Plan 2040 Patrizia.docx; Model Representation Form for City Plan 2040 RUP.docx;

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Please find attached reps on the above x 4

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Many thanks

Peter

**PETER BOVILL**  
**PARTNER**



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## Model Representation Form for Local Plans

 <p><b>CITY OF LONDON</b></p>	<h3>Local Plan</h3> <p>Publication Stage Representation Form</p>	<p><b>Ref: Reg 19</b></p> <p><b>(For official use only)</b></p>
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**Name of the Local Plan to which this representation relates:**

City Plan 2040

**Please return to City of London Corporation BY 11:00PM 31 May 2024**

emailing to: [planningpolicyconsultations@cityoflondon.gov.uk](mailto:planningpolicyconsultations@cityoflondon.gov.uk)

Please note that all representations will be made public on our website in line with the Town and Country Planning (Local Planning)(England) Regulations 2012. This will include the name of the person and, where relevant, the organisation making the representation. All other personal information will remain confidential and managed in line with the City Corporation's privacy notice.

For more information on how we collect and process personal information, and your rights in relation to that information, please refer to the Environment Department's privacy notice available at [Environment Department Privacy Notice \(cityoflondon.gov.uk\)](http://cityoflondon.gov.uk) and the City Corporation's privacy notice available at [www.cityoflondon.gov.uk/privacy](http://www.cityoflondon.gov.uk/privacy)). Please also see our Statement of Representations Procedure available at: [City Plan 2040 - City of London](#).

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This form has two parts –

Part A – Personal Details: need only be completed once.

Part B – Your representation(s). Please fill in a separate sheet for each representation you wish to make.

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### Part A

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#### 1. Personal Details\*

*\*If an agent is appointed, please complete only the Title, Name and Organisation (if applicable) boxes below but complete the full contact details of the agent in 2.*

Title

First Name

Last Name

Job Title   
(where relevant)

#### 2. Agent's Details (if applicable)

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Organisation (where relevant)	Patrizia	[Redacted]
Address Line 1		[Redacted]
Line 2		[Redacted]
Line 3		
Line 4		
Post Code		[Redacted]
Telephone Number		[Redacted]
E-mail Address (where relevant)	c/o Agent	[Redacted]

## Part B – Please use a separate sheet for each representation

Name or Organisation:

3. To which part of the Local Plan does this representation relate?

Paragraph	See representations attached	Policy	See representations attached	Policies Map	See representations attached
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4. Do you consider the Local Plan is:

4.(1) Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
4.(2) Sound	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
4 (3) Complies with the Duty to co-operate	Yes	<input checked="" type="checkbox"/>		<input type="checkbox"/>

Please tick as appropriate

5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

See representations attached

(Continue on a separate sheet /expand box if necessary)

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

See representations attached

(Continue on a separate sheet /expand box if necessary)

**Please note** In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

**After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.**

7. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

**No**, I do not wish to participate in hearing session(s)



**Yes**, I wish to participate in hearing session(s)

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

To explain in more details the matters outlined in these representations

**Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

These representations are submitted on behalf of Patrizia. Patrizia has a number of holdings in the City that it manages on behalf of clients from across the globe. These representations are made solely on behalf of Patrizia UK Limited, but reflect the aspirations of the owners for whom Patrizia works.

These assets are mainly commercial offices, but they include retail assets too.

It is in this context that Patrizia is keen to ensure that the City of London maintains a vital & vibrant economy.

Patrizia welcomes the opportunity to make representations on this key document.

Patrizia agrees with the ambition to grow all aspects of the City's economy. The flexibility that the City Plan is aiming for is agreed with & supported by Patrizia.

We comment below in detail on specific aspects of the draft Plan.

## **Chapter 1 - Strategic Priorities**

Patrizia supports the ambition to grow the City economically, environmentally and socially sustainable.

We comment further on Strategic Policies, as follows:

1. **1.2 Economic Objective** – Patrizia agrees with the City Corporation's aspiration for growth and the need to set out a minimum requirement for net additional office floorspace by 2040. The Strategic Priority recognises the ambition to provide more vibrant and diverse retail, cultural, leisure and visitor attractions. Patrizia endorses the development of Destination City, and the desire to provide a strong attraction and visitor sector within the Square Mile.
2. **1.4 Environmental Objective** – Patrizia notes the ambition for a net zero carbon City of London by 2040. Patrizia supports the 'retrofit first, not retrofit only' approach to development.

## **Chapter 2 – Spatial Strategy**

Patrizia supports the principles of the Spatial Strategy which seeks to retain the City's function as an international and national commercial centre, and support growth and development over the plan period.

## **Chapter 5 - Offices**

The draft Plan identifies the office market as the City's primary function and anticipates significant economic and employment growth over the plan period. Patrizia concurs that to maintain the City's status as a leading global financial and professional services centre, it is crucial to ensure sufficient office space is available to meet the projected employment growth and diverse occupier demand.

### Strategic Policy S4: Offices

Draft policy S4(1) aims to increase the City's office floorspace by at least 1.2 million sqm net during the plan period. This figure is referred to as a "target" in paragraph 5.1.1. Paragraph 5.1.2 explains that this demand target reflects the central projection of three scenarios based on varying office attendance, densities, occupancy rates and employment projections.

However, the Offices Topic Paper notes that current office occupancy and movement trends fall between the Hybrid Peak and Return of In-Person scenarios, suggesting an additional office space requirement of 1.2 million sqm to 1.9 million sqm.

Patrizia asserts that the latest evidence supports planning for the higher floorspace target and the "return of in-person" scenario. Arup/Knight Frank describe this scenario as one where working patterns resemble pre-pandemic behaviours, with office attendance at 80% of 2019 levels. The City's unique composition of financial and professional services, including SMEs that constitute 20% of businesses and generate 40% of jobs, and large firms that account for 60% of the workforce, indicates a predominant return to in-person work with a less pronounced mid-week hybrid peak compared to other

markets. Therefore, the draft Local Plan should aim for a 1.9 million sqm office floorspace target over the plan period to support this scenario.

Patrizia considers that achieving the appropriate office floorspace target will require greater flexibility in the City Cluster Tall Buildings Area to ensure all potential sites are fully optimised. The current evidence base, as indicated in the Office Topic Paper (March 2024), shows limited potential capacity. However, the modelling heavily relies on delivery within the City Cluster (85%), with the Fleet Valley (5%) and the rest of the City (10%) contributing modestly to the overall total.

Therefore, it is essential to define the City Cluster Tall Buildings Area and the 'Jelly Mould' to accommodate the anticipated level of employment growth and occupier demand over the plan period.

#### Policy OF1: Office Development

Draft Policy OF1, which prioritises the retrofitting of existing buildings, is endorsed by Patrizia. The policy clearly indicates that it is not a "retrofit only" approach, aligning with Patrizia's research paper "Retrofit First, Not Retrofit Only: A Focus on the Retrofit and Development of 20th Century Buildings." Patrizia's detailed comments on this are provided in Chapter 9.

Patrizia acknowledges the need for flexibility in Policy OF1 to respond to various occupier types and sizes and to adapt to changing office market trends. Patrizia supports the policy provisions that office developments should strive to meet, including outstanding design, future flexibility, a range of occupiers, healthy and inclusive working environments, and, where appropriate, flexible and affordable workspace. These requirements are well-aligned with the current market and the evidence base prepared by Arup and Knight Frank.

Patrizia endorses these development goals but emphasises that, in certain circumstances, the viability and deliverability of new office floorspace should not be compromised.

Patrizia also recognises the importance of supporting activities that complement office development, such as retail, leisure, education, health facilities, and cultural uses. This approach aligns with the broader Destination City initiative, with detailed comments provided in Chapter 7.

However, Patrizia questions the need for Part F of the policy, which states, "where appropriate, provide a proportion of flexible and affordable workspace suitable for micro and SMEs."

According to London Plan Policy E3 'Affordable Workspace' Part C, boroughs should consider detailed affordable workspace policies based on local evidence of need and viability. The evidence base supporting this policy does not demonstrate a need for affordable workspace. Patrizia believes that the Square Mile's sub-markets offer a variety of inherently affordable office options, including serviced offices. Given that over 98% of City businesses are SMEs, as noted in Arup and Knight Frank's 'Future of Offices' Report, Patrizia supports the principle of affordable workspace in appropriate circumstances but questions its inclusion in Policy OF1 due to the lack of identified need. Therefore, Patrizia recommends omitting Part F of the policy.

#### Policy OF2: Protection of Existing Office Floorspace

Patrizia appreciates the overall approach of the amended Draft Policy OF2, which addresses the need to adapt existing office buildings for alternative uses when upgrading them to meet mandatory EPC A and B requirements or creating additional floorspace for viability is not feasible. The policy's structure into two parts effectively delineates the conditions for demonstrating the loss of office space and provides clear routes to support the total loss or change of use of office space.

#### Support for Retrofit Fast Track Route

Patrizia strongly supports the inclusion of the new "retrofit fast track" route within the second part of the policy. This route is particularly beneficial as it:

1. **Enables Adaptive Reuse:** Allows existing buildings to be converted for hotel, cultural, or educational use without the stringent requirement of a viability justification.
2. **Addresses Stranded Assets:** Helps mitigate the risk of buildings becoming stranded assets due to non-compliance with upcoming EPC standards.
3. **Supports City Plan Initiatives:** Aligns with the City Plan and 'Destination City' initiatives by promoting the growth of supporting functions like hotels at the same pace as office provision.

The acknowledgment that demand for alternative uses is currently limited to hotels, cultural, and educational uses is insightful and aligns with the City's strategic needs. The careful drafting of the policy to ensure it primarily targets non-strategic and unviable office stock is commendable, as it aims to prevent any significant impact on the existing office stock while supporting broader city objectives.

#### Concerns Regarding Office Use SPD

Patrizia questions the consistency between the draft Plan and the 2015 Office Use SPD. Given the potential conflicts and uncertainty arising from referencing an outdated SPD, Patrizia suggests omitting the SPD reference in the context of Draft Policy OF2. This omission would ensure clarity and avoid any discrepancies between the current policy requirements and the outdated guidance of the SPD.

#### Summary

1. **Support Policy Approach:** Continue to support the overall policy approach that enables alternative uses for office buildings where upgrading is not viable.
2. **Endorse Retrofit Fast Track Route:** Maintain and promote the retrofit fast track route, ensuring it remains a viable option for non-strategic office stock conversion to hotel, cultural, or educational uses.
3. **Update Guidance Documentation:** Replace or update references to the 2015 Office Use SPD with current and relevant guidance to avoid conflicts and provide clear, consistent policy direction.

Patrizia believes these measures will effectively balance the need to protect existing office floorspace while allowing necessary flexibility for adaptive reuse, supporting the City's strategic goals and mitigating the risk of creating stranded assets.

## **Chapter 6 - Retail**

### Strategic Policy S5: Retail and Active Frontages

Patrizia supports the strategic approach to diversifying the ground floor economy by incorporating a mix of retail, leisure, entertainment, culture, and other appropriate uses. Recognising the evolution of retail, including 'top-up' and 'pop-up' retail, competitive socialising, experience-based spaces, and the importance of evening and weekend activities aligns with the City Corporation's Destination City vision. However, there are inconsistencies between the strategic policy and subsequent policies.

### RE1: Principal Shopping Centres

Patrizia supports the need for the draft Plan to adapt to changes in occupational demand, providing flexibility for innovative uses and start-ups. The policy should not be overly prescriptive in light of the changes to the Use Class Order and the introduction of Class E. The current policy wording does not align with current retail trends and market directions. Specifically:

1. The policy's resistance to the loss of existing ground floor retail frontages and/or floorspace is unclear when considering complementary uses that increase footfall and provide active frontages.
2. Patrizia suggests clarifying that the loss of existing retail frontages and/or floorspace is acceptable if replaced with complementary uses that increase footfall and provide active frontages.
3. An amendment is recommended: *"The loss of existing ground floor retail frontages and/or floorspace where the existing floorspace does not benefit from an open class E use will be resisted and additional retail provision...."*

### RE2: Active Frontages

Patrizia supports encouraging active frontages but disagrees with the blanket requirement of a 12-month marketing period to justify the loss of existing active frontages. A more flexible approach considering site-specific conditions and qualitative benefits over quantitative measures is recommended. The following amendment to Part 2 of the policy is proposed:

*"The loss of existing active frontage uses will be resisted. Development that proposes their loss should be supported by evidence demonstrating that there is no demand for*

*active frontage uses and that premises have been actively marketed for a period of no less than 12 months. Alternative uses that would support the retail environment should be provided.”*

### RE3: Specialist Retail Uses and Clusters

Patrizia acknowledges the importance of retaining historically and culturally significant specialist retail uses but stresses the need for flexibility if such uses are no longer viable. The draft policy should support alternative viable uses that can also maintain historical and cultural significance. Patrizia objects to the current approach, suggesting the policy should accommodate the evolving retail market and provide clear definitions of historically or culturally significant uses.

Additionally, the policy's focus on enhancing and supporting retail uses within existing and potential clusters lacks clarity. The implications for development within identified 'retail clusters' are not explicitly defined, and the focus should shift from 'retail' to active frontages.

In summary, Patrizia seeks amendments to ensure the policies are adaptable, clear, and supportive of current and future retail trends, facilitating a vibrant and dynamic ground floor economy within the City.

## **Chapter 9 – Design**

The strategic ambition of the Corporation in respect of design, as set out in Strategic Policy S8, to promote and deliver high-quality innovative, inclusive and sustainable buildings, public spaces and streets is supported.

### Draft Policy DE1 (Sustainable Design)

Draft Policy DE1 promotes a 'retrofit first' approach and seeks for all new development to optimise sustainable principles, including circular economy and carbon optioneering. To ensure the draft Plan is effective and consistent with national and regional planning policy, Policy DE1 should make clear that environmental sustainability comprises only one of the three pillars of sustainability as set out in paragraph 8 of the NPPF, and therefore a holistic approach to sustainability is necessary across the environmental, economic and social objectives.

As currently drafted, the policy does not acknowledge that to optimise sites in accordance with Policy GG2 (Making Best Use of Land) of the London Plan 2021, the wider economic and social dimensions of sustainable development must be considered. Without that balance, the policy could be interpreted and applied as one that invariably favours the least carbon-intensive development option without due consideration that such options may not reflect the most sustainable development within the round. In particular, paragraph 2 of draft Policy DE1 stipulates that the City Corporation's Carbon Options Guidance Planning Advice Note is required to be used as the process for establishing the "*most sustainable and suitable approach*" for the site. The focus of the Carbon Options Guidance Planning Advice Note is on environmental sustainability only, and therefore is not suitable to be used to define the most sustainable development option.

In addition, Paragraph 2 of Policy DE1 as currently drafted requires all major development to undertake an assessment of the options for the site in accordance with the Carbon Options Guidance Planning Advice Note. "Major Development" is defined in Part 1 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 as:

*"Means development involving any one or more of the following—*

- a) the winning and working of minerals or the use of land for mineral-working deposits;*
- b) waste development;*
- c) the provision of dwellinghouses where —*
  - (i) the number of dwellinghouses to be provided is 10 or more; or*
  - (ii) The development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within sub-paragraph (c)(i);*
- d) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or*
- e) development carried out on a site having an area of 1 hectare or more.*



A summary of this definition is also provided in the Glossary of the Draft City Plan 2040. It is considered that for the Plan to be justified and effective, Policy DE1 should be amended to specifically reference that the threshold for undertaking an assessment of the options for the site in respect of carbon optioneering, should be major developments which create new floorspace of 1,000 square metres or more. It is not appropriate or justified for all major developments to be required to undertake such assessments, for example those which include the change of use of an existing building over 1,000 square metres, or the provision of new public open space.

Draft Policy DE1 also introduces a requirement for applicants to commit to achieving a minimum NABERS UK rating of 5\*. However, this rating may be impractical or unreasonable for retrofit schemes, particularly those with retained facades, where achieving the necessary fabric efficiencies for higher NABERS ratings may not be possible. Therefore, the Policy DE1 should be amended to secure a proportional and flexible approach to the application of NABERS 5\* ratings, particularly given the scheme's recent introduction in the UK.

#### Policy DE4 (Terraces and Elevated Public Spaces)

Policy DE4 currently drafted requires all tall buildings or major developments to provide free and publicly accessible elevated open spaces. The requirement is not considered to be reasonable or justifiable in many instances, such as developments which do not exceed the 1,000 sqm major development threshold to a significant degree, or when the setting of a proposed building is not in a desirable location for a viewing gallery. In which cases, public access to ground-floor facilities which encourage the use and permeability of open space would be more appropriate. The current draft policy wording also does not align with the London Plan Policy D9 (Tall Buildings) which stipulates that public access should be incorporated into tall buildings where appropriate; with access to the top of a building only encouraged for prominent tall buildings.

It is therefore suggested that draft Policy DE4 is amended as follows:

*“Requiring all tall buildings ~~or major developments~~ to provide free to enter, publicly accessible elevated spaces **where appropriate**, which may include roof gardens, terraces, public viewing galleries, or other retail or leisure facilities to create attractive destinations for people to enjoy the City’s spectacular skyline and views.”*

## **Chapter 10 – Transport**

Patrizia supports the aims of Strategic Policy S9 (Transport and Servicing) to maintain and improve transport infrastructure, including the contribution of developments to the creation of inclusive and accessible streets and key routes, and the promotion of active travel. However, draft Policy AT3 (Cycle Parking), which requires the provision of off-street storage of cargo bikes for proposals which include ground floor retail and hot food takeaway and requires compliance with London Plan cycle parking standards for occupiers and visitors in all instances, is not considered to be appropriately justified, particularly with respect to retail development.

Policy RE2 requires ground floor activation as part of new development, including through the provision of retail uses, both within and outside of the principal shopping areas, as defined by draft Policy RE1. Outside of the principal shopping areas, supporting text to Policy RE2 acknowledge that retail units provide local facilities for the City’s workforce and enhance the City’s vibrancy. Due to the function retail units provide within the City and the communities they serve, primarily being City workers, it is not considered to be appropriate or necessary to require short stay cycle parking provision in accordance with London Plan standards in all circumstances where retail development is proposed; noting that the majority of customers will utilise the retail units in walking distance from their place of work or residential property.

In addition, noting the Corporation’s promotion of retrofit first for development proposals, minimum off-site short stay cycle parking standards are oftentimes not achievable within the current built form and therefore are not considered to be a contributor to good sustainable design or demonstrate the most effective use of land, as per the requirements of the London Plan. It is therefore considered that Policy AT3 as currently drafted conflicts with other policy requirements contained within the Plan, including draft Policy RE2 and Strategic Policy S8 (Design) in respect of making effective use of limited land.

It is therefore suggested that to ensure the policy is positively prepared and appropriately justified, draft Policy AT3 is redrafted to enable sufficient flexibility as is necessary under certain circumstances.

## **Chapter 11 – Heritage and Tall Buildings**

The importance of protecting and positively managing the historic environment of the City, as is sought by Strategic Policy S11, is acknowledged. It is recognised that the development framework is required to be robustly developed to prioritise the preservation and enhancement of the City's historic buildings and spaces, whilst adapting to modern challenges and sustainable development.

It is considered necessary for part of draft Policy HE1 (Managing Change to the Historic Environment) to be made clearer in respect of the justification required for proposals which may result in harm, of any degree, to designated heritage assets, to accord with paragraphs 207-209 of the NPPF. Point 2 of the Policy should provide greater clarity that clear and convincing justification is required for such proposals, with any substantial harm weighted against the public benefits of the proposal, or to the satisfaction of the separate and specific provisions laid out at paragraph 207 of the NPPF.

Regarding tall buildings, draft Strategic Policy S12 defines tall buildings as those over 75m above Ordnance Datum (AOD) and identifies through the Policies Map where tall buildings are considered to be appropriate subject to meeting over development plan requirements; including mitigation of impacts and compliance with maximum permissible building heights identified within the zones considered appropriate for tall buildings.

Our concern with the draft policy as it is currently worded is that it does not acknowledge the need for flexibility in decision-making and the importance of optimising individual sites based on a comprehensive analysis during the application stage. As discussed above, the Plan sets a requirement for a minimum of 1.2 million sqm of net additional office floorspace in the period up to 2040, and it is considered that draft Policy S12 is not sufficiently flexible to deliver the quantum of floorspace required.

Part B of London Plan Policy D9 (Tall Buildings) encourages boroughs to determine the locations where tall buildings may be an appropriate form of development, subject to meeting other development plan requirements. Point 2 of Part B states that appropriate tall building heights should be identified on maps in development plans and Point 3 states that tall buildings should only be developed in locations that are identified as suitable in Development Plans.

In direct response to Policy D9, Part 2 of draft City Plan 2040 Policy S12 states:

*“The tall building areas identified on the Policies Map and Figure 14 are areas where tall buildings may be appropriate, subject to the requirements in this and other relevant policies”*

Two areas have been identified as suitable for tall buildings in the draft Plan; the City Cluster Tall Buildings Area and the Fleet Valley Tall Buildings Area.

The designation of these Tall Building Areas was informed by the Tall Buildings Topic Paper which forms part of the evidence base for the City Plan 2040 and was published in January 2024. The Topic Paper separates the City into a number of Character Areas, within which they are assessed in relation to their sensitivity to further tall building development and to determine areas in which further tall buildings may be appropriate. This assessment of the character areas is in reaction to three main factors: Character and appearance; Strategic views, townscape and skyline; and Heritage significance.

The Topic Paper, which forms part of the evidence base of the Plan, therefore demonstrates that there are cases in which development of tall buildings in areas outside of the identified tall building zones may be acceptable subject to meeting other criteria. As such, it is considered that the policy as drafted is overly restrictive and does not allow for flexibility should a tall building be proposed outside of the two tall building zones, which has been designed and assessed in accordance with the requirements of the other policy requirements and is justified by detailed and robust analysis. Therefore, the policy is not considered to be positively prepared or appropriately justified.

In respect of London Plan Policy D9, against which draft Policy S12 seeks to comply, with regard to the decision of *London Borough of Hillingdon, R (On the Application Of) v Mayor of London* [2021] EWHC 3387 for the former Master Brewer Motel in December 2021, it was found that there is no part of Policy D9 indicates that Parts A (definition of tall buildings) or B (locations of tall buildings) of London Plan Policy D9 are gateways or pre-requisites to Part C (impacts of tall buildings); that is, when considering whether to grant permission for a tall building which did not comply with Part B, a decision-maker is permitted to rely on the factors set out in Part C.

Patrizia therefore proposes that part 2 of draft Policy S12 is required to be amended to provide necessary clarity as follows:

*“2. The tall building areas identified on the Policies Map and Figure 14 are areas where tall buildings may be appropriate, subject to the requirements in this and other relevant policies. **Tall buildings may be considered appropriate outside of areas identified on the Policies Map and Figure 14 where suitably evidenced and justified in accordance with the requirements of relevant policies.**”*

Within the tall building zones themselves, particularly in respect to the City Cluster Tall Building Area, it is considered that the ‘jelly mould’ will prove unduly restrictive; prohibiting the development of the realistic economic and employment growth forecasts over the Plan period.

As per Part 2 of draft Policy S12, there will be instances in which it may well be appropriate for sustainable development to exceed the draft contour lines within the City Cluster. As is made clear by the draft policy, individual applications for a tall building within the City requires comprehensive, site-specific analysis, including the provision of accurate three-dimensional computer models and Accurate Visual Representation. Applicants must conduct a thorough analysis that evaluates a broad array of environmental factors, including the effects of development on local and strategic views, in addition to technical considerations such as microclimate, daylight and sunlight, and solar glare. For this analysis to enhance decision-making, it’s crucial for the policy to include a level of flexibility in professional judgment, applied with the insights gained from the detailed analysis conducted.

The current wording of draft Policy S12 prescribes maximum permission heights across the tall buildings zones, and therefore does not provide space for professional judgement. As a result, the lack of flexibility afforded by the current draft policy is considered likely to prevent the optimisation of sites; at odds with London Plan Policy GG2 which requires developments to make the most efficient use of land.

The Policy should therefore be amended as per the following recommendation:

*“The ~~maximum permissible~~ tall building heights within the identified tall building areas are depicted as contour rings on Policies Maps C and D and Figure 15. Tall buildings should not **generally** exceed the height of the relevant contour rings. In areas between the contour rings, tall buildings should be designed to successfully mediate between the contour ring heights ~~and should not exceed the next higher contour~~. Tall buildings should not necessarily be designed to maximise height; instead they should be thoughtfully designed to create built form that contributes positively to the skyline and townscape character, creating a coherent cluster form and a varied and animated skyline, and should have architectural integrity.”*

As discussed above in respect of draft Policy DE4, Policy S12 also stipulates that tall buildings must *“incorporate publicly accessible open space within the building and its curtilage, including free to enter, publicly accessible elevated spaces at upper levels.”* Additional flexibility should be provided within the policy to reflect that public viewing galleries are not suitable for all tall buildings on account of their surroundings (i.e. are located within the setting of taller buildings) or due to incompatibility with the proposed use. Part H of draft policy S12 should therefore be revised to:

*“H. incorporate publicly accessible open space within the building and its curtilage, including free to enter, publicly accessible elevated spaces at upper levels **where appropriate**, which may include culture, retail, leisure or education facilities, open spaces including roof gardens or public viewing galleries.”*

## Chapter 12 - Open Spaces & Green Infrastructure

The introduction of Urban Greening Factor (UGF) ratings within draft Policy OS2 is welcomed, however recognition needs to be incorporated that it will not always be possible to achieve these targets in the highly urbanised character of the City. Constraints, such as availability of land, roof space, public realm, and proximity of neighbouring buildings must be recognised as potential restrictions on the ability to include features that will assist in achieving urban greening on all developments. Policy OS2 is therefore required to be amended to become justified and effective in accordance with the rests of soundness by allowing flexibility to take account of site-specific circumstances.

Policy OS2 also stipulates that all major development proposals are required to demonstrate that a minimum target of 0.3 UGF can be achieved. As discussed above, the threshold should be reduced to major developments which create new floorspace of over 1,000 sqm to ensure the policy is proportionate and justified. Policy OS2 should therefore be amended as follows:

*“Major development proposals **which create 1,000 sqm or more of new floorspace** will be required to: include an Urban Greening Factor (UGF) calculation demonstrating how the development will meet the City’s target UGF score of 0.3 as a minimum, **unless site specific considerations demonstrate that this is undeliverable**”.*

### Conclusion

We trust the above comments are clear. We look forward to receiving an acknowledgement of the submission of these representations and to reviewing the next draft of the City Plan 2040.