

Draft City Plan 2040 Consultation - Representations On behalf of One Silk Street LLP R0179

Sinead Morrissey [Redacted]

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

Cc: Jonathan Smith [Redacted]

1 attachments (2 MB)

Representations to City Plan 2040 1 Silk Street 170624 FINAL.pdf;

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Dear Planning Policy Team,

Please find enclosed representations in relation to the draft City Plan 2040 on behalf of One Silk Street LLP.

The completed representation forms are included at appendix 2.

Any issues, please do not hesitate to get in touch.

Kind regards,

Sinead

Sinead Morrissey
Associate Director

[Redacted signature block]

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JS/SM/DP6257

17th June 2024

**Development Plans Team
Environment Department
City of London Corporation
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By email to: Planningpolicyconsultations@cityoflondon.gov.uk

Dear Sir/Madam,

REPRESENTATIONS TO THE CITY OF LONDON CORPORATION'S CONSULTATION ON THE PROPOSED SUBMISSION DRAFT CITY PLAN 2040 (REGULATION 19 PUBLICATION)

One Silk Street LLP

We write in relation to the above-mentioned consultation on the Proposed Submission Draft City Plan 2040 ('the Plan') on behalf One Silk Street LLP ('the Client'), owners of 1 Silk Street, EC2Y 8HQ. Montagu Evans LLP have contributed to this representation, focusing on the policies relating to tall buildings and the historic environment.

Context

1 Silk Street comprises two inter-connected office buildings – Milton House and Shire House, located immediately adjacent to the Barbican within the Smithfield and Barbican Key Area of Change ('KAOC'). A site location plan is included at Appendix 1. The existing buildings were constructed in 1982 and were substantially redeveloped in 1996. They extend in height to 80m and 66m AOD respectively. The existing buildings will soon be vacated by their current tenants, and the site therefore presents a significant redevelopment opportunity in a highly sustainable location. The site's redevelopment also presents the opportunity to enhance the setting and function of the listed Barbican complex.

These representations are made to support the realisation of that opportunity, and to ensure the continued success of the City of London as a leading international financial centre.



Summary position

On behalf of our Client, we have carefully considered the content of the Plan and whether the proposed policies would meet the NPPF (December 2023) requirements for soundness and have been prepared to be in general conformity with the London Plan

We are supportive of the Plan's vision for the Square Mile and the strategic priorities it sets out, and we fully appreciate the considerable amount of work that has been put into the Plan to date. We do wonder, however, whether the Plan could go further in its ambition and focus. The world has changed since Covid. The style and strategy of people has changed with Gen X, Y and Z wanting the City to be a different type of place, where there is activity, lifestyle and streetscapes which tell them that they are working in a new revitalised City.

There is a new focus on motivation, mental health, physical health, fun and staff retention. No more factory farming but free range. We need to enable people to feel well connected and productive, and combat loneliness. New development should create special spaces and private spaces – the village green, the town square. New workplaces should be well-lit and with planting, which are known to lead to happier, healthier lives. Every touch point must excel, and people should go home feeling better than when they arrived.

The City must foster a sense of purpose in the community, thinking about how it engages in the community. Technology changes, carbon changes, energy changes. Underpinning this all is climate change and our imperative response.

Notwithstanding this vision, there are elements of the Plan which we consider are not sound i.e. not positively prepared; and/or not justified, effective or consistent with national or London policy. For these elements, we propose that modifications are made to make the Plan sound. Our proposed modifications relate to the following policies:

- Strategic Policy S4: Offices
- Policy OF1: Office Development
- Policy CV2: Provision of Arts, Culture and Leisure Facilities
- Strategic Policy S7: Infrastructure and Utilities
- Strategic Policy S8: Design
- Policy DE2: Design Quality
- Strategic Policy S11: Historic Environment
- Policy HE1: Managing Change to the Historic Environment
- Strategic Policy S12: Tall buildings
- Strategic Policy S23: Smithfield and Barbican

Our detailed representations are set out below, including the elements of the Plan our Client supports and suggested modifications to policies and supporting text as required to ensure the Plan is sound. For the proposed modifications, new text is in bold blue, deletions are struck through.



We also, as an overarching point and acknowledging the need for general conformity with the London Plan, consider the Plan to be overly interventionist and in many places onerous in its number of policies and level of prescription. From managing the dispersal of patrons from night time premises, to risk assessments, facilities for children, requirements for health and sports facilities and requiring engagement with utility companies, the draft Plan has expanded its reach and we would urge the City to consider whether all of these requirements are truly necessary to ensure that development occurs in a dynamic and responsive way that will successfully curate and contribute to the City as a globally important financial centre, and as an attractive piece of city.

Detailed representations

Strategic Policy S4: Offices

Commentary

Draft policy S4(1) seeks to increase the City's office floorspace stock by a minimum of 1.2m sqm net during the Plan period (which for clarity began in 2021, running to 2040). The requirement for new office space in the City has been informed by a number of documents from the City's evidence base, including in particular the 'Future of Office Use' report prepared by Arup and Knight Frank (dated July 2023), which identifies that anywhere between 0.55 and 1.9m sqm of net additional office space will be required by 2042, and the Offices Topic Paper (March 2024).

One key factor in determining the level of demand is the projected response of tenants and the market in respect of office attendance, office densities, occupancy rates and employment projects, which resulted in three different demand scenarios referred to as:

- Return of In-Person (requiring 1.9m sqm)
- Hybrid Peak (requiring 1.2m sqm)
- New Diverse City (requiring 0.55m sqm)

Whilst we agree with Arup and Knight Frank that much of the demand for floorspace will be for best-in-class office space, reflecting a flight to quality, we do not consider that the Plan properly reflects the latest evidence and we consider that the Plan's minimum office floorspace targets are too low.

Para 5.1.2 of the Plan confirms that the Hybrid Peak scenario has been selected by the City as the basis for their demand target. The Offices Topic Paper states that '*current office occupancy and movement trends are showing a middle ground between the Hybrid Peak and Return of In-Person scenarios*', which translates to a requirement for between 1.2m sqm and 1.9m sqm net additional office floorspace over the Plan period.

The Offices Topic Paper describes how the minimum objectively assessed need for office floorspace in the City is 1.2m sqm, derived from the Arup and Knight Frank report. However, this does not reflect the more recent conclusion of the Office Topic Paper, which identifies that a higher minimum requirement closer to 1.55m sqm is likely to be more appropriate. Whilst the 1.2m sqm is a minimum



and does not, of itself, preclude the delivery of higher levels of office floorspace in response to more recent market evidence, it is critical that the Plan is positively prepared to accommodate the amount of floorspace required. In this regard, the work undertaken to inform the approach to tall buildings is of critical relevance. In its current draft it is not clear what amount of additional floorspace the allocated tall building locations can accommodate. However, taking 1 Silk Street as an example, there is clearly scope for significant additional office floorspace within parts of the City that have not been identified as appropriate locations for tall buildings, and it is critical that the Plan allows for and supports the development of these sites when they come forward.

Consequently, we consider that the office floorspace target in the draft City Plan should accommodate and support at least a midpoint between the Return of In Person and Hybrid Peak scenarios, with a minimum target of 1.55m sqm (the midpoint between 1.2 and 1.9m sqm) over the plan period, and that the Plan should ensure that capacity for this floorspace is being planned for and can be accommodated within the tall building locations, and other suitable sites.

Proposed modification (S4)

The following modification is proposed to part 1 of the policy:

*Increasing the City's office floorspace stock by a minimum of ~~1,200,000~~ **1,550,000** m² net during the period 2021 to 2040, phased as follows:*

There would be consequential changes to the phasing of floorspace (as well as to the supporting text), however we would propose for the City to identify these if it agrees to the modification.

Linked to our commentary on Policy OF1 below, the following modification is proposed to part 4 of the policy in relation to affordable office workspace:

*Where appropriate, encouraging the provision of ~~affordable~~ **flexible** office workspace that allows small and growing businesses the opportunity to take up space within the City.*

Policy OF1: Office Development

Commentary

We wholeheartedly support the provision of new, best in class, flexible office space and other workspaces that will ensure the City's pre-eminence as a global financial centre. This includes floorspace to accommodate the full range of business types and sectors. However, we wish to ensure that terminology is used correctly and appropriately in response to evidence, and therefore seek to clarify the use of the term 'affordable' in relation to workspace.

The London Plan defines two main workspace requirements, with policy E2 requiring development proposals of more than 2,500sqm GEA to provide an element of flexible workspace for micro and SMEs, and policy E3 defining circumstances in which subsidised floorspace should be provided.



Draft policy OF1 appears to mix these two requirements in part f, and we would welcome clarification. The requirement under policy E2 does not require evidencing unless the City wish to set a lower threshold, however an affordable workspace policy in line with E3 does need to be evidenced. The evidence base for the Plan does not identify a need for affordable workspace in the City, and it has not been tested through the Local Plan Viability Assessment – other than as a crossover/component of the cultural contribution. Without proper testing through the Local Plan Viability Assessment, a requirement to provide affordable workspace could potentially have viability impacts on development proposals coming forward in the City. We also consider it to be illogical to build new office floorspace to be subsidised, when recent changes in energy regulations and tenant requirements are leaving significant amounts of existing Grade B space empty. This space could be utilised as affordable workspace if it is required, freeing up new Grade A space to accommodate strategic City office demand.

Consequently, we consider that part f of the policy should relate just to flexible floorspace, and references to affordable workspace should be removed to the cultural policies where they are the form of provision for arts, culture or leisure that proves to be appropriate for a particular development scheme, and where that provision forms part of any cultural contribution, and not a separate requirement in addition to it.

Proposed modification (OF1)

The following modification is proposed to part f of the policy:

*Where appropriate **on schemes proposing more than 2,500sqm GEA office floorspace,** provide a proportion of flexible ~~and affordable~~ workspace suitable for micro, SMEs.*

Related modifications to the cultural policies are referenced below.

Policy CV2: Provision of Arts, Culture and Leisure Facilities

Commentary

Draft Strategic policy S6, and policies CV1 and CV2, provide the City's policy approach to cultural facilities. We acknowledge this to be of central importance to the continued success of the City of London as a leading global destination for innovation, a successful piece of London and as a place that will remain attractive and competitive for the types of businesses that the City of London is seeking to retain and attract. However, we consider that the draft policies are not justified, and that their approach will not deliver the strategic vision, which we support.

As an overarching introductory point, we note the outcome of the Independent Review of the City's Destination City programme, which was considered by the Court of Common Council on 23 May 2024, and hope that these recommendations will be reflected in the next version of the City Plan 2040.



The draft policies, and in particular policy CV2, seek to require the provision of new arts, cultural and leisure facilities on seemingly every single site in the City. It currently requires:

- Large scale development proposals of 10,000sqm or more in size to make provision on-site for arts, culture or leisure facilities; and
- Major developments below 10,000sq m in size to make provision for arts, culture or leisure facilities of a scale commensurate with the size of the development, or to provide off-site provision or contributions towards arts, culture or leisure facilities and infrastructure.

Firstly, we would note that the generation of value to provide new uses will only come from uplifts in floorspace, and as such the policy should clarify that the floorspace amounts relate to net additional floorspace rather than total proposed floorspace, which may include, for example, some refurbished space.

However more importantly, given the prominence of larger office buildings in some parts of the City and the spatial nature of arts, cultural and leisure facilities in the City, setting requirements on the basis of floorspace is likely to fail to deliver a coordinated vision which truly supports and enhances the City's cultural landscape.

As referenced below in relation to Strategic Policy S23: Smithfield and Barbican, the City of London is home to an arts, cultural and creative cluster at Barbican/Smithfield. This complex is recognised in the London Plan as of strategic importance to London within the Central Activities Zone (CAZ.). This strategic arts, cultural and creative cluster should be central to the City Plan 2040, and indeed in order for the City Plan to be in general conformity with the London Plan, its cultural policies should ensure that development promotes and sustains that cluster. We consider that a requirement for every development project of more than 10,000sq m (and potentially many below that size) to provide new arts and cultural facilities will potentially compete with or dilute that strategic cultural cluster.

Reference is made in the draft policies to the Cultural Planning Framework, prepared by Publica, which forms part of the evidence base for the Plan. For example, part 1 of draft policy CV2 requires major developments to submit Culture and Vibrancy Plans, informed by the Framework. However, we note that the Framework has not undergone any public consultation and is not proposed to be adopted as SPD, and as such we question the appropriateness of referencing it in the Plan in this way. This is important because the Framework makes specific recommendations which have the potential to cut across other policies of the Plan. For example, in the Barbican and Smithfield 'focal area', the Framework makes a 'suggested cultural contribution for future developments' of affordable creative workspace, for creative industries (prioritising businesses and small-scale organisations with a focus on visual and performing arts). It also suggests contributions (i.e. financial) towards the transformation of the Rotunda Garden as a space to host public events. A requirement for affordable workspace under this policy could duplicate a potential requirement arising from draft policies S4 and OF1, and financial contributions to public realm projects could duplicate requirements for public realm works or improvements required elsewhere in the Plan. As such, if the CPF is to be used to inform the cultural response on individual sites, we would ask that it be adopted as SPD, and undergo an appropriate public consultation exercise so that its content and implications can be properly tested.



We support the adoption of a coordinated strategy by the Corporation for the delivery of its Destination City initiative. However, the Plan as presently drafted is unclear in its requirements, and as such we consider its policies are unjustified. Specifically:

- Policy CV2: Provision of Arts, Culture and Leisure Facilities requires the provision of new arts and cultural facilities on developments of more than 10,000sqm, with the potential for financial contributions only on developments less than 10,000sqm;
- Policy OF1: Office Development states that office development should, where appropriate (with no size thresholds or locational criteria given), provide a proportion of flexible and affordable workspace suitable for micro, SMEs; and
- Policy S26: Planning contributions states that the City will seek appropriate contributions from developers to manage and mitigate the impact of development, including under part 2 (having regard to the impact of the obligation on the viability of development) for, amongst other things, cultural provision.

The Local Plan Viability Assessment (prepared by BNPP Real Estate) is dated November 2023, which is prior to the Cultural Planning Framework of January 2024, but it is assumed that the Framework is being used by the City to inform the nature of cultural provision on individual sites. The Plan should clarify the intended relationship between these different documents. The Local Plan Viability Assessment identifies that cultural contributions are required by policy S27 (S26 in the Regulation 19 draft), and has tested financial contributions of £40 to £180 per sqm (it is unclear as to whether this is uplift or total floorspace, but it is assumed to be uplift).

Our objective is to ensure that the Plan provides clarity for developers, and that any provision of new facilities, or financial contributions, is properly justified on the basis of site-specific considerations that contribute towards a co-ordinated City-wide strategy. It also remains critical that the cumulative burden of these requirements does not make office development unviable – this is particularly important because there is no planning requirement to submit viability information in support of office development schemes, and it would become overly burdensome and uncommercial if office developments were forced to submit financial appraisals where they were not able to support the cumulative burden of financial obligations (comprised of CIL and Section 106 planning obligations). Any such financial burdens must be truly necessary and not merely desirable.

Proposed modification (CV2)

The following modification is proposed to the policy:

- ~~2. Requiring large scale development proposals of 10,000 sqm or more in size to make provision on site for arts, culture or leisure facilities.~~
3. Requiring major developments below 10,000sq m in size to make provision for **contribute to arts, culture or leisure facilities in the City of London of a scale and nature commensurate with the size and location of the development, either in the form of direct provision, or to provide off-site provision or financial contributions towards arts, culture or leisure facilities and infrastructure. On-site provision will be preferred, with off site**



~~provision only being appropriate where a specific project has been identified through partnership working.~~

In support of this proposed modification, we consider it to be important that provision on any individual site contributes towards achieving a clear vision and is appropriate and necessary for the scheme, having been developed through a programme of engagement, and informed by the identified needs of existing cultural organisations and sectors. In connection with our proposed modifications to policy OF1, we suggest that any references in the Plan to affordable workspace sit within the cultural section, relating to the provision of affordable workspace for specific arts, cultural or creative businesses. As such, we anticipate associated modifications to the supporting text.

Strategic Policy S7: Infrastructure and Utilities

Commentary

The need for utilities to serve developments is obvious and understood, so we question the need to make engagement with providers a policy requirement. More importantly, however, utilities are strategic infrastructure, and utility providers are notoriously difficult to engage with. If individual developments are left to conduct negotiations on their own there is a risk that key strategic outcomes will be missed, and so we consider that the most effective way to approach utilities would be for the City to lead and assist developers with their individual project requirements.

Consequently, we would suggest that in order for the policy to be fully justified and effective, a limb should be added which describes the role that the City will play in supporting new development by ensuring that utility providers are operating strategically and constructively to support the City's growth requirements.

Proposed modification (S7)

The following modification is proposed to policy S7. We would suggest that it is inserted as a new part 1:

The City Corporation will utilise, retain and strengthen its links with infrastructure providers to coordinate and facilitate infrastructure planning and delivery and the transition towards a zero carbon and climate resilient City, in line with its Utility Infrastructure Strategy. It will assist developers in their engagement with infrastructure providers, utilising its powers where appropriate to ensure that the City's growth targets can be met, and that development can occur in a coordinated and timely manner.



Strategic Policy S8: Design

Commentary

We generally support the overall policy and the City's promotion of innovative, sustainable and high-quality buildings, streets and spaces. However, in relation to part 8, it is considered that the word 'appropriate' should replace 'right' to refer to design aspects of proposed buildings and spaces, because the current wording implies there is a right or wrong solution which is a vague outcome which is subjective in nature. The word 'appropriate' allows for evidence-based justification.

This suggested modification would also introduce consistency with Policy DE2 part 2a) which states that the design of new development must have a "layout, form, scale, massing and appearance" that is "appropriate in relation to their surroundings..." (our emphasis).

Proposed modification (S8)

The following modification is proposed to part 8 of the policy:

Delivers buildings and spaces that have ~~the right~~ an appropriate scale, massing, built form and layout, with due regard to the existing and emerging urban structure, building types, form and proportions identified in the Character Areas Study.

Policy DE2: Design Quality

Commentary

The drafting of part 4 of Policy DE2: Design Quality is unclear. It requires Applicants to provide 'digital 3D visualisations' – which could reasonably be understood as verified or non-verified views or other images – and later in the provision mentions 3D digital modelling technology. It would be helpful if the draft Plan could be clearer about whether it is only images that are being required, or if models are also being required in order to import into the City's software.

Proposed modification (DE2)

Clarification of what exactly is meant by 'digital 3D visualisations' in part 4 and an indication of their purpose.

Strategic Policy S11: Historic Environment and Policy HE1: Managing Change to the Historic Environment

Commentary

There are two main points we wish to make in respect of Strategic Policy S11 Historic Environment and Policy HE1 Managing Change to the Historic Environment. They are concerned with the approach to setting and the balancing provisions associated with harm to a heritage asset set out by the NPPF.



i. The Approach to Setting

There are several policy provisions which do not reflect the correct approach and best practice guidance for the setting of heritage assets as set out in the NPPF and expounded in various Secretary of State decision.

In short, the policy as drafted treats 'setting' as an asset in its own right, when in fact setting is relevant only to the extent it either contributes to significance or to the appreciation and/or experience of significance..

The definition for setting in the NPPF is clear that it is necessary for a judgement to be made on whether the contribution that setting makes to the significance or appreciation of a heritage asset is positive, negative or neutral. It is the effect on the contribution to significance that is relevant in development proposals, rather than a requirement for setting to be preserved or maintained for its own sake if it were part of the heritage asset. This is confirmed by the best practice guidance, *Historic England Good Practice Advice in Planning Note 3: The Setting of Heritage Assets* (Historic England, 2017) ('GPA3'), which is well-established.

Proposed modification (S11 and HE1) in relation to Setting

We therefore suggest that the following provisions are modified as follows to ensure consistency with best practice:

1. Policy S11:

- *Part 2: Conserving and enhancing heritage assets and ~~their settings~~ **any positive contribution that setting makes to their significance or appreciation of the asset**; ...*
- *Part 3a: placing heritage at the heart of placemaking and delivering high quality buildings and spaces which enrich and enhance the ~~settings of heritage assets~~ **contribution that setting makes to the significance or appreciation of heritage assets**;...*

2. Policy HE1:

- *Part 1 – Development should preserve and where possible enhance and better reveal the special architectural or historic interest and the significance of heritage assets and ~~their settings~~ **the contribution that setting makes to their significance**;*
- *Part 6 – Development in conservation areas should preserve, and where possible, enhance and better reveal the character, appearance and significance of the conservation area and ~~its setting~~ **any contribution that setting makes to its significance**.*
- *Part 7 – Development should preserve, and where possible, enhance and better reveal the significance, character and appearance of the City's registered historic parks, gardens and open spaces and should protect ~~their settings~~ **any positive contribution that their setting and views from and towards these spaces makes to their significance** ~~and views from and towards these spaces~~;*



It is noted that part 8 of draft Policy HE1 which refers specifically to the setting of the Bevis Marks Synagogue and The Monument is worded to reflect the correct approach to setting, and our suggested wording for Policy HE1 parts 1, 6 and 7 would create consistency in the Plan.

ii. The Balancing Provisions

The NPPF recognises that development may have an adverse effect on the significance of heritage assets, and the definition of ‘conservation’ for heritage policy is ‘managing change’ (see the Glossary to the NPPF). An adverse effect on a heritage asset is referred to as ‘harm’, and the NPPF has two policies for how to consider harm in decision-making. In both policies, for substantial harm (paragraph 207) and less than substantial harm (paragraph 208), there is a balancing provision. The balancing provision requires the harm to be weighed against the planning benefits of the proposals, which may include heritage benefits.

The NPPF balancing provisions are recognised at paragraph 11.2.3 of the supporting text in the draft Plan to Policy HE1, however this is not clearly reflected in the policy wording.

Part 2 of draft Policy HE1 states:

“There will be a presumption against heritage harm and development causing harm to, or total loss of, the significance of designated heritage assets will be refused unless it is clearly demonstrated that the heritage and/or wider public benefits outweigh that harm or loss. Applicants should clearly demonstrate that all reasonable efforts have been made to sustain the existing use, find new appropriate uses, or mitigate the extent of the harm to the significance of the asset; and whether the works proposed are the minimum required to secure the long-term use of the asset;”

We suggest that the current draft is not positively worded, and the presumption could instead be in favour of proposals that conserve the significance of heritage asset and deliver heritage benefits.

The draft Policy HE1 does not discriminate between substantial and less than substantial harm. As drafted, it could be interpreted as saying that any level of harm to an asset was equivalent the total loss of significance and would be refused. The policy then goes on to introduce the balancing provision, but without modification it would be out of step with the NPPF.

The draft Policy does not differentiate between total loss/substantial harm and less than substantial harm, or the different policy test which are attached to those levels of harm. This is very important, because those policies are fundamental to the delivery of sustainable development and they are important in the NPPF.

The final sentence in part 2 of draft Policy HE1 is similar to the requirements for substantial harm under NPPF paragraph 207. These tests are not required by the NPPF in cases of less than substantial harm (NPPF paragraph 208) and this would likewise introduce inconsistency and disproportionate requirements on the Applicant for even a very low level of harm.

Furthermore, the references to the use of the asset at the end of part 2 would appear to be more relevant to part 3 of the Policy.



On this basis, we suggest that Policy HE1 is modified to be more consistent with the NPPF and include the balancing provisions as they relate to the different levels of harm ('substantial' and 'less than substantial').

Proposed modifications (HE1) in relation to the Balancing Provisions

The following modification is proposed to part 2 of the policy:

Proposals which conserve or enhance the significance of heritage assets will be supported subject to other policy considerations. Any harm to the significance of a designated asset will require a clear and convincing justification which will be established on the balance of public benefits including heritage benefits. ~~There will be a presumption against heritage harm and development causing harm to, or total loss of, the significance of designated heritage assets will be refused unless it is clearly demonstrated that the heritage and/or wider public benefits outweigh that harm or loss. Applicants should clearly demonstrate that all reasonable efforts have been made to sustain the existing use, find new appropriate uses, or mitigate the extent of the harm to the significance of the asset; and whether the works proposed are the minimum required to secure the long-term use of the asset;~~

Strategic Policy S12: Tall Buildings

Commentary

We have reviewed in detail the evidence base for the Plan that has informed the policy approach to tall buildings. We recognise that London Plan D9 requires the City to identify appropriate locations for tall buildings, and to set maximum heights within those locations. We also recognise and support the strategy to cluster tall buildings so that their impacts can be properly managed and so that strategic heritage assets and views can be managed.

For many sites this provides a clear and understandable policy position; however for 1 Silk Street, we do not consider that the Plan properly allows for its redevelopment, taking into account the specific circumstances of the site. These circumstances are, in our experience, not unique to this site and in fact are to be found on many sites developed for office accommodation since the 1980s.

The policy as drafted needs to be amended to enable these sites to come forward for redevelopment, consistent with a development plan policy, and recognising the City's growth requirements and its strategic vision. As drafted, the policy imposes artificial limitations on the development capacity of this and other potential redevelopment sites, and for this reason we conclude amendments are required to ensure it meets the NPPF requirements for plans to be deliverable and positively worded.

We wish to comment on three aspects of Policy S12: location, conservation areas and public access.

The specific circumstances of 1 Silk Street are:



- It is located within the Barbican and Golden Lane Character Area within the Tall Buildings Topic Paper, which was 'sieved out' through the Character Area Sieving Exercise as an area that is not appropriate for tall buildings;
- It is located within the Smithfield and Barbican Key Area of Change (KAOC);
- The existing Milton House is 80m AOD, which meets the definition of a tall building under the Plan;
- It is highly accessible, with a PTAL of 6B located between and close to two Elizabeth Line stations, Moorgate and Liverpool Street;
- It is neither a designated nor undesignated heritage asset; and
- The current buildings have an EPC rating of B and E, and are compromised in terms of their quality and ability to meet the current and future needs of office tenants.

National policy requires that the best use be made of highly accessible sites, and the London Plan identifies the CAZ as a focus for new jobs and homes as a result of its hyper-connectivity. This is to be achieved subject to the principles of Good Growth, which includes optimising the development capacity of sites in relation to their character. 1 Silk Street is a site which, by virtue of its size and location, can and should be optimised for jobs in line with national and strategic policies, and in order to contribute towards the delivery of the City's predicted demand for new and improved office floorspace.

However, we consider there to be two aspects of the draft Plan which would not support the optimisation of the site or indeed of this part of the City, which are:

1. That the character area appraisal which categorises the Barbican and Golden Lane Character Area as inappropriate for tall buildings is flawed. It fails to recognise the existence of a number of tall buildings in the area and which contribute to the character of this area. and
2. That policy S12 does not currently stipulate how redevelopment proposals for existing tall buildings that are not within areas identified as being appropriate for tall buildings are to be assessed.

If the Plan is adopted in its current form, any redevelopment proposal for a site containing an existing tall building, but not located within a tall building area, would either need to reduce the height of the buildings to sit below 75m AOD, or would be required to promote a planning application for a tall building potentially in conflict with parts of Policy S12 and therefore potentially part B of London Plan policy D9. Such a position is not consistent with the way D9 has works, supporting tall buildings on allocated sites and on others where the proposals meet the criteria of the policy.

Such . We do not consider it appropriate or necessary for this site or other such sites to rely on the existing tall building as a material consideration, and instead consider that Policy S12 could accommodate such a proposal in principle without compromising the evidence base.

Guidance on how to approach this situation in respect of London Plan policy D9 is provided in the Mayor's Characterisation and Growth Strategy London Plan Guidance (LPG). Paragraphs 4.4.7 to 4.4.9 identify that (inter alia):



- In areas with existing tall buildings, an assessment should be made as to whether further tall buildings (including the redevelopment of existing tall buildings) may be appropriate;
- Where a tall building or buildings negatively impact the character of an area, this existing tall building/s should not be used as a justification for the area being appropriate for tall buildings; and
- If an existing tall building is considered acceptable in principle to be redeveloped, it should be identified in the development plan and maximum acceptable height for the site should be specified.

The City's Tall Building Policy Paper ('the Paper') describes the Barbican and Golden Lane Character Area (at para 18.3) in the following way: *'The scale of development is generally of mid-rise, modern blocks which fall below the datum of 75 m AOD, however these also incorporating (sic) taller elements, sometimes taking the form of towers. Barbican & Golden Lane's defining character is of a strongly mixed-use area beyond the financial core'*. The existing tall buildings are not used as justification for the area being appropriate for tall buildings, however they are also not considered to negatively impact on the character of the area.

Figure 3 at p10 of the Paper identifies existing tall buildings, and para 18.9 describes the following tall buildings within the Barbican and Golden Lane Character Area:

'the scale and prevailing height of buildings in the Character Area is generally modern – of mid to high-rise level. The majority of the Character Area features large buildings, on large plots. There are several towers: the four on the Barbican Estate (Shakespeare, Cromwell, Lauderdale and the Blake), as well as the later 'Heron' and City Point towers to the east. Alban Gate straddles the boundary of the CA across London Wall, while the taller element of London Wall Place lies just along London Wall to the east. 100 Aldersgate, Bastion House (just) and Moor House also meet the tall building threshold of 75 meters (sic) AOD.'

100 Aldersgate and Blake House are referenced but are not tall buildings. Milton House is identified on Figure 3, but is not referenced in para 18.9. It does extend to 80m AOD and is consequently a tall building. In total, therefore, the Character Area contains 10 tall buildings according to the 75m AOD definition.

In respect of the potential acceptability of replacing any of these existing tall buildings, para 18.23 states that:

*'The Character Area is **sensitive** to tall buildings in Character and Appearance terms. A sense of completeness to the urban form has been established through the sheer scale as well as a material and decorative consistency across the Golden Lane and Barbican Estates. Further tall buildings which fall outside the post-war idiom are likely to have a disruptive quality, including to longer range views along the river front, in which the Barbican Towers can be appreciated as a distinct composition. However, it is acknowledged that there is an established post-war tradition of tall buildings in this location, and the overall character of the area is variable and modern in terms of its built form and urban structure. Notwithstanding the limitations outlined above there maybe opportunities for further or replacement tall buildings that*



improve the relationship with the wider context, and Cathedral in particular but this is likely to be extremely limited.' (emphasis added)

The full Character Area assessment contains three conclusions in relation to Character and Appearance, Strategic Views, Townscape and Skyline, and Heritage Significance. The conclusions rate these as sensitive, very sensitive and sensitive respectively, with an overall conclusion of very sensitive.

Whilst we acknowledge the sensitivity of all parts of the City of London to tall buildings, we do consider the assessment of the 'character' of the Barbican and Golden Lane Character Area to be flawed, given that the character of this part of the City (as for others) is so heavily influenced by tall buildings as a typology. With five tall buildings over 100m AGL (Above Ground Level) tall (CityPoint at 127m, the three Barbican towers at 123m and The Heron at 112m), it is second only to the City Cluster Character Area in terms of the concentration of tall buildings of this height. Indeed there are limited parts of London with this number and height of buildings, and we think this needs to be more explicitly acknowledged given its limited geographical area and contrast with other City Character Areas, other than the City Cluster.

Milton House is an existing tall building that we consider could be redeveloped with a replacement tall building. At its current height it is not visible in the strategic views that are identified later in the Paper, and so in order to make the best use of the site as required by national policy and the London Plan, we consider it necessary for the Plan to facilitate its replacement with a new tall building. Whilst we have not undertaken a full analysis of all City sites, there are likely to be other similar sites for which a clear policy route should be provided.

The Plan does not make any Site Allocations, nor does Policy S12 expressly identify specific sites as being appropriate for tall buildings. As such, and considering the commentary above, we propose to modify Policy S12 to provide a general route for proposals to redevelop existing tall buildings with replacement tall buildings in locations that have not been identified as being appropriate as a result of the Character Area 'sieving exercise'.

Likewise, we consider that draft Policy S12 should expressly clarify that applications generally for tall buildings outside of the identified areas will need to comply with the non-locational requirements of the policy, so that there is no question that they may be considered in a 'vacuum' having regard to case law relating to the Policy D9 of the London Plan¹.

In this regard, we also note that the supporting text to draft Policy S12 at paragraph 11.5.4 states –

"...Outside the identified tall building areas, tall buildings would be likely to very significant (sic) impacts on heritage assets and on protected views from places within and outside the Square Mile, and could significantly undermine the prevailing townscape and character of the area."

¹ R (The London Borough of Hillingdon) v Mayor of London (and others) [2021] EWHC 3387 (Admin)



We consider that this broad statement overlooks that there may be site specific circumstances where a tall building could be appropriate outside of the identified areas, such as locations where there are existing tall buildings as noted above. This paragraph should be amended and refined, as we do not consider that there is sound evidence to support the assertion that all tall building applications outside of the identified areas would be likely to have very significant impacts on heritage etc. This supporting text should clarify again that tall buildings outside of the identified areas would also need to comply with the non-locational requirements of the policy.

The second aspect of Policy S12 we wish to comment on relates to the removal of the presumption that planning permission is to be refused for tall building proposals in conservation areas, as required by the adopted Local Plan 2015 (Policy CS13, part 2), which we support. Whilst we appreciate that generally tall buildings will not be appropriate in conservation areas, the City of London is a unique piece of urban development, where tall buildings are often appropriate in very close proximity to heritage assets. In many cases, this juxtaposition is a positive form of development that contributes to the City of London's essential character. The Character Area sieving exercise undertaken to inform the tall building locations often identifies existing tall buildings as part of the existing character, and in many cases these are located in close proximity to conservation areas. We consider there to be sufficient policy and statutory controls available to the Local Planning Authority to prevent inappropriate development in conservation areas, and as such we endorse the removal of the presumption against tall buildings in conservation areas, in recognition of the unique nature of the City of London's built environment and urban form.

In addition to the principle relating to the replacement of existing tall buildings outside identified tall building areas, we consider that the policy is overly prescriptive on the provision of public access. London Plan Policy D9 Part D states that *'Free to enter publicly-accessible areas should be incorporated into tall buildings where appropriate, particularly more prominent tall buildings where they should normally be located at the top of the building to afford wider views across London'* (emphasis added).

Policy S12 requires all tall buildings to provide publicly accessible elevated spaces at upper levels, which we do not consider to have been substantiated, especially in light of the number of existing planning permissions that have already been granted with public viewing galleries, and the additional carbon cost of providing the additional lifting and other infrastructure to support a public use at the upper levels of a tall building. We consequently propose modifications to better align this policy with the London Plan.

Furthermore, we consider that the language relating to daylight and sunlight within draft Policy S12 should align within draft Policy DE7, to ensure that Policy S12 is not seen as seeking to disregard that daylight and sunlight levels should take account of the city centre context.

Proposed modification (S12)

The following modifications are proposed to the Location and heights part of the policy:

Location and heights



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.*
3. *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 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.*

NEW *On sites with existing tall buildings that are not located in the areas identified on the Policies Map C and D and Figure 15 as areas where tall buildings may be appropriate, replacement tall buildings may be appropriate, subject to the non-locational requirements of this and other policies, and Part C of London Plan Policy D9.*

4. *The height and form of tall buildings must take account of strategic and local views.*
5. *The suitability of sites for tall buildings within the identified areas and their design, height, scale and massing should take into consideration local heritage assets and other localised factors relating to townscape character and microclimate.*
6. *Applicants will be required to submit accurate three-dimensional computer models to support the analysis of their proposals. Accurate Visual Representations (AVRs) should be submitted as part of the application.*
7. *Applicants will be required to ensure that any cross-boundary impacts of proposed schemes are fully addressed.*
8. **All applications for tall buildings (both within and outside of the identified areas) must have regard to:**
...
9. **All applications for tall buildings (both within and outside of the identified areas) must not adversely affect the operation of London's airports, nor exceed the Civil Aviation Authority's maximum height limitation for tall buildings in central London.**
10. **The design of tall buildings (both within and outside of the identified areas) must:**
...
c. **provide adequate acceptable levels of daylight and sunlight within the new development consistent with a city centre location;**
...



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

....

The following modification is proposed to the supporting text at paragraph 11.5.4–

*"...Outside the identified tall building areas, tall buildings ~~would be likely to very~~ **may have** significant impacts on heritage assets and on protected views from places within and outside the Square Mile, and ~~could~~ **may** significantly undermine the prevailing townscape and character of the area. **Replacement tall buildings may be appropriate on sites that are not located in the identified areas, and all applications for tall buildings outside of the identified tall building areas must be assessed against the non-location policy criteria and Part C of London Plan Policy D9.**"*

These modifications would ensure, amongst other changes that a clear policy route is provided for the redevelopment of sites with existing tall buildings, further supporting the delivery of the Plan's growth requirements on appropriate sites.

The other changes are considered necessary to ensure that the policy is justified.

Strategic Policy S23: Smithfield and Barbican

Commentary

1 Silk Street is located within the Smithfield and Barbican Key Area of Change (KAOC). Whilst we support and endorse much of the Plan's approach to the area, we do consider that there are some additional points that should be added into Policy S23 to ensure that the focus for this policy reflects the area's specific characteristics, and in order to support its improvement.

The first point relates to the Barbican Centre, which the Plan acknowledges to be the focus of a strategic cultural area, also including the Museum of London and other nearby institutions such as the Guildhall School of Music and Drama. Policy S23 currently states, at Part 1, that the City Corporation will improve the Smithfield and Barbican area by: *'Encouraging culture-led mixed-use development on major sites in the area as well as cultural infrastructure and complementary uses, and delivering art and cultural attractions and public realm improvements'*.

The London Plan, at paragraph 2.4.14, states that it is *'important to promote and sustain'* the arts, cultural and creative cluster at Barbican/Smithfield. In order to do this, we think that development in the KAOc should as a first priority 'promote and sustain' the area's existing cultural infrastructure, which complements and does not compete with these institutions, and helps to consolidate and enhance the existing cluster of arts, cultural and creative activities. In this context, we consider that the reference in Policy S23 to encouraging culture-led development on major sites as well as delivering



art and cultural attractions is perhaps the wrong emphasis, and could be modified to clarify the role of development in this part of the City.

We also consider that clarification needs to be brought to the way in which the policy identifies appropriate land uses, and also to delineate more clearly between what the Corporation will deliver and what the Corporation will encourage and support development by others to do. Parts 4 and 10 of the policy already support and promote residential and hotel uses, and so we do not consider that part 1 needs to encourage 'culture-led mixed-use' development, as it is not clear what this is, nor is it clear how this would support the delivery of new and improved office floorspace. It is more appropriate to align with the London Plan requirements which relate to the promotion and sustenance of the strategic cultural area as the overriding policy priority.

Proposed modification (S23)

The following modification is proposed to part 1 of the policy:

*Encouraging ~~culture-led mixed-use~~ development on major sites in the area **to promote and enhance the existing cluster of arts, cultural and creative uses**, as well as **supporting new cultural infrastructure and complementary uses**, and **by** delivering art and cultural attractions and public realm improvements;*

The following modification is proposed to part 2 of the policy:

*Ensuring the retention and improvement of pedestrian permeability and connectivity through large sites such as Smithfield Market, and Barbican whilst seeking to preserve privacy, security and noise abatement for residents and businesses. **Improving pedestrian footfall in areas in need of regeneration, especially where it will promote and sustain the arts, cultural and creative cluster at Barbican/Smithfield.***

This is considered necessary to ensure that the policy is justified.

Conclusion

In summary, we consider that the draft City Plan 2040 sets out a bold and ambitious vision for the City of London, but in order for the Plan to be considered sound, it requires a number of minor modifications to ensure that its policies operate in a coordinated manner which will support and encourage the development that the City needs.

We respectfully request that due consideration is given to these representations and would like to be kept informed of progress with the Plan. In addition, we would like the opportunity to attend and participate in relevant examination hearing sessions.

Should you wish to discuss any aspect of these representations, please contact Jonathan Smith or Sinead Morrissey of this office.



Yours faithfully

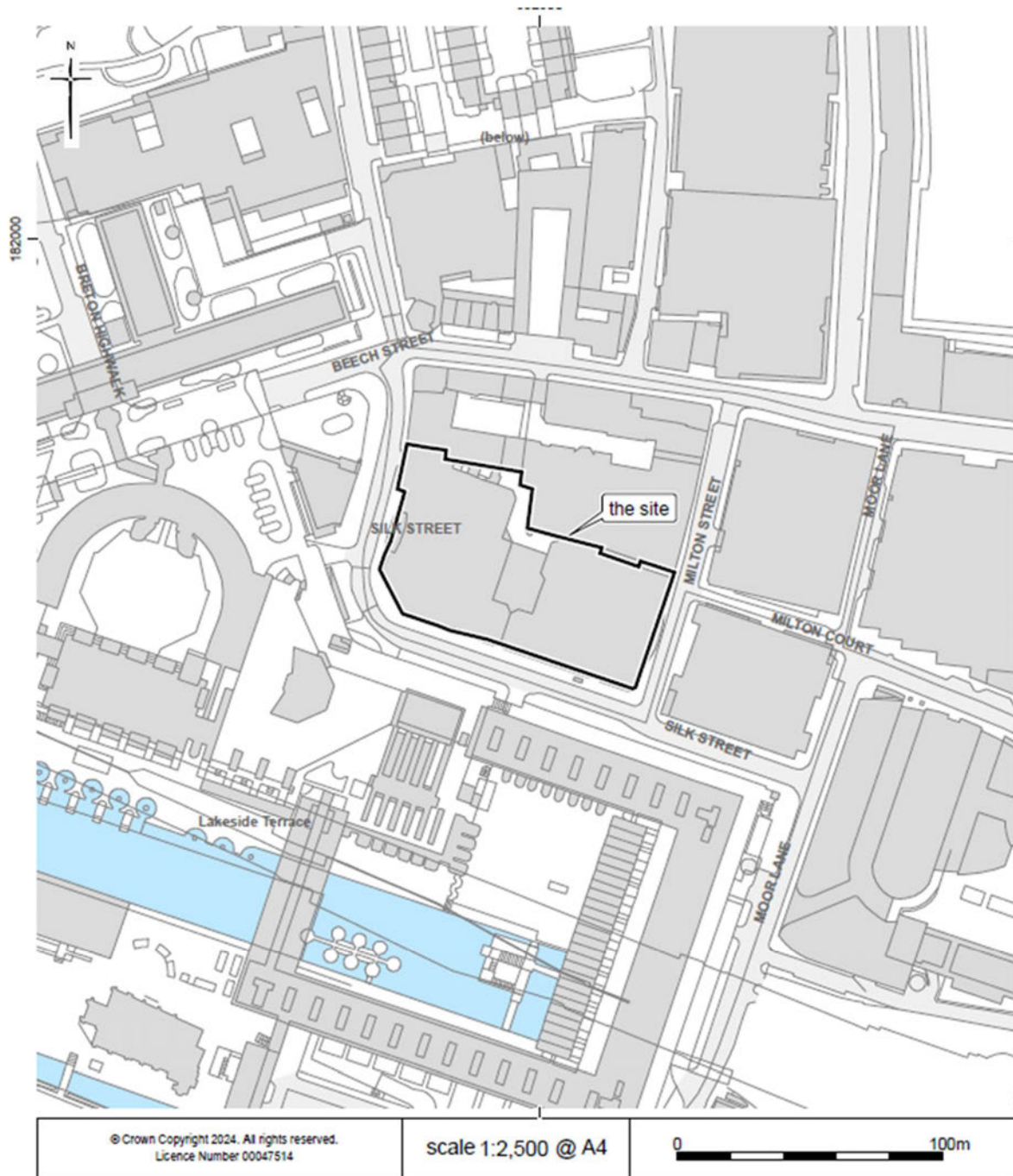
DP9 Ltd

DP9 Ltd.

Encs.



APPENDIX 1 – SITE LOCATION PLAN






APPENDIX 2 – COMPLETED RESPONSE FORM



Model Representation Form for Local Plans

 CITY OF LONDON	Local Plan Publication Stage Representation Form	Ref: Reg 19 (For official use only)
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Name of the Local Plan to which this representation relates:

Please return to City of London Corporation **BY 11:00PM 31 May 2024** emailing to: 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/Environment_Department_Privacy_Notice) and the City Corporation’s privacy notice available at www.cityoflondon.gov.uk/privacy. Please also see our Statement of Representations Procedure available at: City Plan 2040 - City of London.

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.

Part A

1. Personal Details*	2. Agent’s Details (if applicable)
*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 <input type="text"/>	<input type="text" value="Mr"/>
First Name <input type="text"/>	<input type="text" value="Jonathan"/>
Last Name <input type="text"/>	<input type="text" value="Smith"/>
Job Title (where relevant) <input type="text"/>	<input type="text" value="Senior Director"/>



Organisation (where relevant)	One Silk Street LLP	[Redacted]
Address Line 1	C/O agent	[Redacted]
Line 2		[Redacted]
Line 3		
Line 4		
Post Code		[Redacted]
Telephone Number		[Redacted]
E-mail Address (where relevant)		[Redacted]



Part B – Please use a separate sheet for each representation

Name or Organisation: One Silk Street LLP

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

Paragraph Policy Policies Map

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

We consider that the office floorspace target in the draft City Plan should accommodate and support at least a midpoint between the Return of In Person and Hybrid Peak scenarios, with a minimum target of 1.55m sqm (the midpoint between 1.2 and 1.9m sqm) over the plan period, and that the Plan should ensure that capacity for this floorspace is being planned for and can be accommodated within the tall building locations, and other suitable sites. It is considered the current minimum floorspace is not justified or therefore sound.

This is discussed in further details within our representation letter.

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.

The following modification is proposed to part 1 of the policy:

*Increasing the City's office floorspace stock by a minimum of ~~1,200,000~~ **1,550,000** m² net during the period 2021 to 2040, phased as follows:*

There would be consequential changes to the phasing of floorspace, however we would propose for the City to identify this if it agrees to the modification.



Linked to our commentary on Policy OF1 below, the following modification is proposed to part 4 of the policy in relation to affordable office workspace:

Where appropriate, encouraging the provision of ~~affordable~~ flexible office workspace that allows small and growing businesses the opportunity to take up space within the City.

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:

As an active real estate developer in the City of London, we would like the opportunity to participate in the relevant hearing sessions to discuss these representations and be part of the wider discussion to ensure the continued success of the City of London as a leading international financial centre.

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.



Part B – Please use a separate sheet for each representation

Name or Organisation: One Silk Street LLP

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

Paragraph Policy Policies Map

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

The London Plan defines two main workspace requirements, with policy E2 requiring development proposals of more than 2,500sqm GEA to provide an element of flexible workspace for micro and SMEs, and policy E3 defining circumstances in which subsidised floorspace should be provided.

Draft policy OF1 appears to mix these two requirements in part f, and we would welcome clarification. The requirement under policy E2 does not require evidencing unless the City wish to set a lower threshold, however an affordable workspace policy in line with E3 does need to be evidenced. The evidence base for the Plan does not identify a need for affordable workspace in the City, and it has not been tested through the Local Plan Viability Assessment – other than as a crossover/component of the cultural contribution. Without proper testing through the Local Plan Viability Assessment, a requirement to provide affordable workspace could potentially have viability impacts on development proposals coming forward in the City. We also consider it to be illogical to build new office floorspace to be subsidised, when recent changes in energy regulations and tenant requirements are leaving significant amounts of existing Grade B space empty. This space could be utilised as affordable workspace if it is required, freeing up new Grade A space to accommodate strategic City office demand.

Consequently, we consider that part f of the policy should relate just to flexible floorspace, and references to affordable workspace should be removed.



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.

The following modification is proposed to part f of the policy:

Where appropriate **on schemes proposing more than 2,500sqm GEA office floorspace**, provide a proportion of flexible ~~and affordable~~ workspace suitable for micro, SMEs.

Related modifications to the cultural policies are referenced below.

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:

As an active real estate developer in the City of London, we would like the opportunity to participate in the relevant hearing sessions to discuss these representations and be part of the wider discussion to ensure the continued success of the City of London as a leading international financial centre.

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.



Part B – Please use a separate sheet for each representation

Name or Organisation: One Silk Street LLP

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

Paragraph Policy Policies Map

4. Do you consider the Local Plan is:

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

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.

Please see our representation letter for full details. Key points raised:

Firstly, we would note that the generation of value to provide new uses will only come from uplifts in floorspace, and as such the policy should clarify that the floorspace amounts relate to net additional floorspace rather than total proposed floorspace, which may include, for example, some refurbished space.

However more importantly, given the prominence of larger office buildings in some parts of the City and the spatial nature of arts, cultural and leisure facilities in the City, setting requirements on the basis of floorspace is likely to fail to deliver a coordinated vision which truly supports and enhances the City's cultural landscape.

We consider that a requirement for every development project of more than 10,000sq m (and potentially many below that size) to provide new arts and cultural facilities will potentially compete with or dilute that strategic cultural cluster.

Reference is made in the draft policies to the Cultural Planning Framework, prepared by Publica, which forms part of the evidence base for the Plan. However, we note that the Framework has not undergone any public consultation and is not proposed to be adopted as SPD, and as such we question the appropriateness of referencing



it in the Plan in this way. If the Cultural Planning Framework is to be used to inform the cultural response on individual sites, we would ask that it be adopted as SPD, and undergo an appropriate public consultation exercise so that its content and implications can be properly tested.

A requirement for affordable workspace under this policy could duplicate a potential requirement arising from draft policies S4 and OF1, and financial contributions to public realm projects could duplicate requirements for public realm works or improvements required elsewhere in the Plan.

We support the adoption of a coordinated strategy by the Corporation for the delivery of its Destination City initiative. However, the Plan as presently drafted is unclear in its requirements, and as such we consider its policies are unjustified. Specifically:

- Policy CV2: Provision of Arts, Culture and Leisure Facilities requires the provision of new arts and cultural facilities on developments of more than 10,000sqm, with the potential for financial contributions only on developments less than 10,000sqm;
- Policy OF1: Office Development states that office development should, where appropriate (with no size thresholds or locational criteria given), provide a proportion of flexible and affordable workspace suitable for micro, SMEs; and
- Policy S26: Planning contributions states that the City will seek appropriate contributions from developers to manage and mitigate the impact of development, including under part 2 (having regard to the impact of the obligation on the viability of development) for, amongst other things, cultural provision.

Our objective is to ensure that the Plan provides clarity for developers, and that any provision of new facilities, or financial contributions, is properly justified on the basis of site-specific considerations that contribute towards a co-ordinated City-wide strategy. It also remains critical that the cumulative burden of these requirements does not make office development unviable – this is particularly important because there is no planning requirement to submit viability information in support of office development schemes, and it would become overly burdensome and uncommercial if office developments were forced to submit financial appraisals where they were not able to support the cumulative burden of financial obligations (comprised of CIL and Section 106 planning obligations). Any such financial burdens must be truly necessary and not merely desirable.

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.



The following modification is proposed to the policy:

~~2. Requiring large scale development proposals of 10,000 sqm or more in size to make provision on-site for arts, culture or leisure facilities.~~

3. Requiring major developments below 10,000sq m in size to make provision **for contribute to arts, culture or leisure facilities in the City of London of a scale and nature commensurate with the size and location of the development, either in the form of direct provision,** ~~or to provide off-site provision or financial contributions towards arts, culture or leisure facilities and infrastructure. On-site provision will be preferred, with off site provision only being appropriate where a specific project has been identified through partnership working.~~

In support of this proposed modification, we consider it to be important that provision on any individual site contributes towards achieving a clear vision and is appropriate and necessary for the scheme, having been developed through a programme of engagement, and informed by the identified needs of existing cultural organisations and sectors. In connection with our proposed modifications to policy OF1, we suggest that any references in the Plan to affordable workspace sit within the cultural section, relating to the provision of affordable workspace for specific arts, cultural or creative businesses. As such, we anticipate associated modifications to the supporting text.

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:



As an active real estate developer in the City of London, we would like the opportunity to participate in the relevant hearing sessions to discuss these representations and be part of the wider discussion to ensure the continued success of the City of London as a leading international financial centre.

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.



Part B – Please use a separate sheet for each representation

Name or Organisation: One Silk Street LLP

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

Paragraph Policy Policies Map

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

The need for utilities to serve developments is obvious and understood, so we question the need to make engagement with providers a policy requirement. More importantly, however, utilities are strategic infrastructure, and utility providers are notoriously difficult to engage with. If individual developments are left to conduct negotiations on their own there is a risk that key strategic outcomes will be missed, and so we consider that the most effective way to approach utilities would be for the City to lead and assist developers with their individual project requirements.

Consequently, we would suggest that in order for the policy to be fully justified and effective, a limb should be added which describes the role that the City will play in supporting new development by ensuring that utility providers are operating strategically and constructively to support the City's growth requirements.

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.



The following modification is proposed to policy S7. We would suggest that it is inserted as a new part 1:

The City Corporation will utilise, retain and strengthen its links with infrastructure providers to coordinate and facilitate infrastructure planning and delivery and the transition towards a zero carbon and climate resilient City, in line with its Utility Infrastructure Strategy. It will assist developers in their engagement with infrastructure providers, utilising its powers where appropriate to ensure that the City's growth targets can be met, and that development can occur in a coordinated and timely manner.

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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)

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Part B – Please use a separate sheet for each representation

Name or Organisation: One Silk Street LLP

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

Paragraph Policy Policies Map

4. Do you consider the Local Plan is:

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

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.

We generally support the overall policy and the City’s promotion of innovative, sustainable and high-quality buildings, streets and spaces. However, in relation to part 8, it is considered that the word ‘appropriate’ should replace ‘right’ to refer to design aspects of proposed buildings and spaces, because the current wording implies there is a right or wrong solution which is a vague outcome which is subjective in nature. The word ‘appropriate’ allows for evidence-based justification.

This suggested modification would also introduce consistency with Policy DE2 part 2a) which states that the design of new development must have a “layout, form, scale, massing and appearance” that is “appropriate in relation to their surroundings...” (our emphasis).

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.



The following modification is proposed to part 8 of the policy:

*Delivers buildings and spaces that have ~~the right~~ **an appropriate** scale, massing, built form and layout, with due regard to the existing and emerging urban structure, building types, form and proportions identified in the Character Areas Study.*

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The drafting of part 4 of Policy DE2: Design Quality is unclear. It requires Applicants to provide 'digital 3D visualisations' – which could reasonably be understood as verified or non-verified views or other images – and later in the provision mentions 3D digital modelling technology. It would be helpful if the draft Plan could be clearer about whether it is only images that are being required, or if models are also being required in order to import into the City's software.

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Clarification of what exactly is meant by 'digital 3D visualisations' in part 4 and an indication of their purpose.



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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.

There are two main points we wish to make in respect of Strategic Policy S11 Historic Environment and Policy HE1 Managing Change to the Historic Environment. They are concerned with the approach to setting and the balancing provisions associated with harm to a heritage asset set out by the NPPF.

There are several policy provisions which do not reflect the correct approach and best practice guidance for the setting of heritage assets as set out in the NPPF and expounded in various Secretary of State decision.

In short, the policy as drafted treats 'setting' as an asset in its own right, when in fact setting is relevant only to the extent it either contributes to significance or to the appreciation and/or experience of significance.

Please see our representation letter for full details.

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.



We therefore suggest that Policy S11 is modified as follows to ensure consistency with best practice:

- *Part 2: Conserving and enhancing heritage assets and ~~their settings~~ any positive contribution that setting makes to their significance or appreciation of the asset; ...*
- *Part 3a: placing heritage at the heart of placemaking and delivering high quality buildings and spaces which enrich and enhance the ~~settings of heritage assets~~ contribution that setting makes to the significance or appreciation of heritage assets;...*

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There are two main points we wish to make in respect of Strategic Policy S11 Historic Environment and Policy HE1 Managing Change to the Historic Environment. They are concerned with the approach to setting and the balancing provisions associated with harm to a heritage asset set out by the NPPF.

There are several policy provisions which do not reflect the correct approach and best practice guidance for the setting of heritage assets as set out in the NPPF and expounded in various Secretary of State decision.

In short, the policy as drafted treats 'setting' as an asset in its own right, when in fact setting is relevant only to the extent it either contributes to significance or to the appreciation and/or experience of significance.

In relation to the balancing provisions, we suggest that the current draft is not positively worded, and the presumption could instead be in favour of proposals that conserve the significance of heritage asset and deliver heritage benefits.

The draft Policy HE1 does not discriminate between substantial and less than substantial harm. As drafted, it could be interpreted as saying that any level of harm to an asset was equivalent the total loss of significance and would be refused. The policy then goes on to introduce the balancing provision, but without modification it would be out of step with the NPPF.



The draft Policy does not differentiate between total loss/substantial harm and less than substantial harm, or the different policy test which are attached to those levels of harm. This is very important, because those policies are fundamental to the delivery of sustainable development and they are important in the NPPF.

The final sentence in part 2 of draft Policy HE1 is similar to the requirements for substantial harm under NPPF paragraph 207. These tests are not required by the NPPF in cases of less than substantial harm (NPPF paragraph 208) and this would likewise introduce inconsistency and disproportionate requirements on the Applicant for even a very low level of harm.

Furthermore, the references to the use of the asset at the end of part 2 would appear to be more relevant to part 3 of the Policy.

On this basis, we suggest that Policy HE1 is modified to be more consistent with the NPPF and include the balancing provisions as they relate to the different levels of harm ('substantial' and 'less than substantial').

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We therefore suggest that Policy HE1 is modified as follows to ensure consistency with best practice on 'setting':

- *Part 1 – Development should preserve and where possible enhance and better reveal the special architectural or historic interest and the significance of heritage assets and ~~their settings~~ **the contribution that setting makes to their significance**;*
- *Part 6 – Development in conservation areas should preserve, and where possible, enhance and better reveal the character, appearance and significance of the conservation area and ~~its setting~~ **any contribution that setting makes to its significance**.*
- *Part 7 – Development should preserve, and where possible, enhance and better reveal the significance, character and appearance of the City's registered historic parks, gardens and open spaces and should protect ~~their settings~~ **any positive contribution that their setting and views from and towards these spaces makes to their significance** ~~and views from and towards these spaces~~*

It is noted that part 8 of draft Policy HE1 refers specifically to the setting of the Bevis Marks Synagogue and The Monument is worded to reflect the correct approach to setting, and our suggested wording for Policy HE1 parts 1, 6 and 7 would create consistency in the Plan.

In addition, on 'balancing provisions', the following modification is proposed to part 2:



Proposals which conserve or enhance the significance of heritage assets will be supported subject to other policy considerations. Any harm to the significance of a designated asset will require a clear and convincing justification which will be established on the balance of public benefits including heritage benefits. ~~There will be a presumption against heritage harm and development causing harm to, or total loss of, the significance of designated heritage assets will be refused unless it is clearly demonstrated that the heritage and/or wider public benefits outweigh that harm or loss. Applicants should clearly demonstrate that all reasonable efforts have been made to sustain the existing use, find new appropriate uses, or mitigate the extent of the harm to the significance of the asset; and whether the works proposed are the minimum required to secure the long-term use of the asset;~~

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

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Part B – Please use a separate sheet for each representation

Name or Organisation: One Silk Street LLP

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

Paragraph Policy Policies Map

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The policy as drafted needs to be amended to enable 1 Silk Street and similar sites to come forward for redevelopment, consistent with a development plan policy, and recognising the City's growth requirements and its strategic vision. As drafted, the policy imposes artificial limitations on the development capacity of this and other potential redevelopment sites, and for this reason we conclude amendments are required to ensure it meets the NPPF requirements for plans to be deliverable and positively worded.

Please see our representation letter for full details. It provides detailed comments on three aspects of Policy S12: location, conservation areas and public access.

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.



The following modifications are proposed to the Location and heights part of the policy:

Location and heights

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.*

3. *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 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.*

NEW *On sites with existing tall buildings that are not located in the areas identified on the Policies Map C and D and Figure 15 as areas where tall buildings may be appropriate, replacement tall buildings may be appropriate, subject to the non-locational requirements of this and other policies, and Part C of London Plan Policy D9.*

4. *The height and form of tall buildings must take account of strategic and local views.*

5. *The suitability of sites for tall buildings within the identified areas and their design, height, scale and massing should take into consideration local heritage assets and other localised factors relating to townscape character and microclimate.*

6. *Applicants will be required to submit accurate three-dimensional computer models to support the analysis of their proposals. Accurate Visual Representations (AVRs) should be submitted as part of the application.*

7. *Applicants will be required to ensure that any cross-boundary impacts of proposed schemes are fully addressed.*

8. **All applications for tall buildings (both within and outside of the identified areas) must have regard to:**

9. **All applications for tall buildings (both within and outside of the identified areas) must not adversely affect the operation of London's airports, nor exceed the Civil Aviation Authority's maximum height limitation for tall buildings in central London.**

10. **The design of tall buildings (both within and outside of the identified areas) must:**

...

c. provide adequate **acceptable** levels of daylight and sunlight within the new development **consistent with a city centre location;**



...

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

....

The following modification is proposed to the supporting text at paragraph 11.5.4-

*"...Outside the identified tall building areas, tall buildings ~~would be likely to very~~ **may have** significant impacts on heritage assets and on protected views from places within and outside the Square Mile, and ~~could~~ **may** significantly undermine the prevailing townscape and character of the area. **Replacement tall buildings may be appropriate on sites that are not located in the identified areas, and all applications for tall buildings outside of the identified tall building areas must be assessed against the non-location policy criteria and Part C of London Plan Policy D9.**"*

These modifications would ensure, amongst other changes that a clear policy route is provided for the redevelopment of sites with existing tall buildings, further supporting the delivery of the Plan's growth requirements on appropriate sites.

The other changes are considered necessary to ensure that the policy is justified.

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Name or Organisation: One Silk Street LLP

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1 Silk Street is located within the Smithfield and Barbican Key Area of Change (KAOC). Whilst we support and endorse much of the Plan's approach to the area, we do consider that there are some additional points that should be added into Policy S23 to ensure that the focus for this policy reflects the area's specific characteristics, and in order to support its improvement.

The first point relates to the Barbican Centre, which the Plan acknowledges to be the focus of a strategic cultural area, also including the Museum of London and other nearby institutions such as the Guildhall School of Music and Drama. Policy S23 currently states, at Part 1, that the City Corporation will improve the Smithfield and Barbican area by: *'Encouraging culture-led mixed-use development on major sites in the area as well as cultural infrastructure and complementary uses, and delivering art and cultural attractions and public realm improvements'*.

The London Plan, at paragraph 2.4.14, states that it is *'important to promote and sustain'* the arts, cultural and creative cluster at Barbican/Smithfield. In order to do this, we think that development in the KAOCC should as a first priority *'promote and sustain'* the area's existing cultural infrastructure, which complements and does not compete with these institutions, and helps to consolidate and enhance the existing cluster of arts, cultural and creative activities. In this context, we consider that the reference in Policy S23 to encouraging culture-led development on major sites as



well as delivering art and cultural attractions is perhaps the wrong emphasis, and could be modified to clarify the role of development in this part of the City.

We also consider that clarification needs to be brought to the way in which the policy identifies appropriate land uses, and also to delineate more clearly between what the Corporation will deliver and what the Corporation will encourage and support development by others to do. Parts 4 and 10 of the policy already support and promote residential and hotel uses, and so we do not consider that part 1 needs to encourage 'culture-led mixed-use' development, as it is not clear what this is, nor is it clear how this would support the delivery of new and improved office floorspace. It is more appropriate to align with the London Plan requirements which relate to the promotion and sustenance of the strategic cultural area as the overriding policy priority.

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The following modification is proposed to part 1 of the policy:

*Encouraging ~~culture-led mixed-use~~ development on major sites in the area **to promote and enhance the existing cluster of arts, cultural and creative uses**, as well as **supporting new** cultural infrastructure and complementary uses, and **by** delivering art and cultural attractions and public realm improvements;*

The following modification is proposed to part 2 of the policy:

*Ensuring the retention and improvement of pedestrian permeability and connectivity through large sites such as Smithfield Market, and Barbican whilst seeking to preserve privacy, security and noise abatement for residents and businesses. **Improving pedestrian footfall in areas in need of regeneration, especially where it will promote and sustain the arts, cultural and creative cluster at Barbican/Smithfield.***

This is considered necessary to ensure that the policy is justified.

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