

The City of London's draft Local Plan – City Plan 2040 (the Plan)

MAIN MATTERS, ISSUES AND QUESTIONS (MIQs)

FR05 – Fred Rodgers Statement re Main Matter 7 – Heritage and Tall Buildings (Policies S11 to S13 and HE1 to HE3)

NOTE: I submitted a full and detailed response to **S11** and **S12** in May 2024 and this should be considered as part of my evidence.

1. Are the Heritage and Tall Buildings policies justified by appropriate available evidence, having regard to national policy and guidance and local context; and are they in 'general conformity' with the LP?

FR: No. See below.

2. Heritage

- 2.1 Are the Heritage policies justified by appropriate available evidence, having regard to national guidance and local context; and are they in 'general conformity' with the LP?

FR: City Corporation's Heritage Policies do not define "heritage" although "heritage assets" are defined in the Glossary (page 304):

A building, monument, site, place, area, or landscape identified in having a degree of significance meriting consideration in planning decisions because of heritage interest.

Not only does this involve a subjective consideration, it is a circular definition which is only of any meaning to whoever is tasked with interpreting it on behalf of City Corporation. However, S11 has to be read in that context:

S11.1. There is no evidence to support that City Corporation's contention that it celebrates its heritage. The opposite is the case in respect of the Monument, which has infrequent opening and the Roman House and Bath House which opens only on Saturday mornings both at restricted times and for part of the year. Like St Paul's Cathedral but unlike the Roman Amphitheatre, The City Wall at Vine Street and the Temple of Mithras, neither is free to enter.

S11.2. City Corporation should be required to evidence its claim. It owns the freehold of Golden Lane HRA Estate and the Barbican, which includes the Barbican Residential Estate with over 2,000 flats. Despite the heritage listings of both buildings and landscape as well as the overall encompassing of a conservation area, City Corporation has permitted harmful development on all sides of the Estates within the authority boundary. At the same time, it has ignored its obligations to protect the fabric of its buildings, including the residential ones, particularly the Grade II* Crescent House.

Even though it has approved plans to upgrade Crescent House, it now appears that work won't commence before 2028. This delay – from proposals agreed in 1998 – will not only affect the fabric, it will continue to

have a detrimental effect on the health and wellbeing of its residents. Coupled with the renewal of the Barbican Arts Centre, replacement of the Barbican podium and, hopefully, upgrading the heating, insulation and ventilation of the 2,000 plus flats, the Guildhall and Mansion House also require urgent attention. And City Corporation's financial resources are finite.

S11.3 This might be uncontroversial were it not that the opposite is the case.

S11.3a Again, City Corporation should evidence this claim, which is subjective, particularly regarding "high quality" buildings.

S11.3b City Corporation should reveal examples in support of its claim. Certainly, there are no obvious examples. Historic England (HE) suggested to me over five years ago that Crescent House might be a candidate for its Heritage at Risk Register. That is even more relevant in view of the protracted delay in carrying out the renovation necessary for its continued use.

S11.3c This is meaningless without a record of action taken.

S11.3d There is no public list of non-designated heritage assets (NDHA) nor any evidence of enthusiasm on the part of City Corporation to produce one. Instead, there is an ad hoc system which, City Corporation claims is based on HE guidelines but seemingly applied subjectively. In the case of Barber-Surgeons Hall, its, self-serving identification as an NDHA was blatantly overlooked a few weeks later.

Even where NDHA have been identified, the number destroyed in recent years is significant, with Certificates of Immunity from Listing (CoILs) requested from and seemingly handed out by HE with gay abandon. The refusal to identify buildings as NDHA has enabled the issue ever more CoILs. In the absence of a published and maintained list of NDHA, which this examination could require, there is little to be said for City Corporation's conservation and preservation of the historic environment!

S11.3e Again, there is no evidence of this. Indeed, the available evidence suggests the opposite in that heritage assets near development sites are an inconvenience to the overriding perceived need for continuing growth and never mind the consequences.

S11.3f This policy has a great deal of merit. However, several heritage sites have restricted access for one reason or another. The acceptance of Tempo Time Credits would help access to heritage assets to be socially and economically inclusive.

S11.4 The recent "find" at 85 Gracechurch Street is a good example of policy working but City Corporation must appreciate that recent history is as important as Roman.

S11.4 It shouldn't be forgotten that City Corporation supported the construction of the Tulip, despite its acknowledged effect on the Tower of London.

As far as **HE1** is concerned:

- HE1.1** Again, subjective, but this criterion is difficult to understand, let alone implement.
- HE1.2** It is difficult to understand how a proposal which will adversely affect heritage assets unless, inter alia, there is a heritage case outweighing any harm or loss.
- HE1.3** The new London Museum is a good positive example here. Ironically the restoration results partly from the failure of City Corporation to maintain its heritage assets, in this case, Smithfield General Market. Had that building been properly maintained, the Museum of London and Bastion House might be safe from destruction now. However, the refusal to acknowledge NDHA and/or the constant use of CoIL questions the implementation of this policy.
- HE1.4** The reinstatement of historic routes and the creation of new ones can only come with development that could cause harm to heritage assets.
- HE1.5** Unless there is a list of identified NDHA, along with the reasons for such identification, the policy is meaningless. In the circumstance, the Plan should require City Corporation to produce and maintain such a list.
- HE1.6** Before considering this policy, City Corporation should disclose its policy regarding the creation of conservation areas, particularly when so much of the Square Mile contains heritage assets. Indeed, there is a good case for the whole of the City being one whole conservation area.

After over ten years since the creation of the last conservation area, two new ones have been created in the last seven years. However, both are political, rather than concern for the heritage. If it is not prepared to create a single area, City Corporation should be required to introduce a clear policy regarding the creation of new conservation areas and the extension of existing ones. That should remove some of the subjectivity from the current "process".

The Barbican and Golden Lane Conservation Area, created in 2018, is significantly smaller than the area both proposed by The Barbican Association and Golden Lane Estate Residents' Association and supported by public consultation. There was no justification, other than the protection of developers for City Corporation's decision and what passed as an appraisal was a simple subjective self-serving, almost cynical, exercise by the then responsible officers. Something made clear by their peers at a joint HE/Twentieth Century Society Workshop that year, celebrating 50 years of conservation areas.

The Creechurch Conservation Area was a political response to a different situation which, subject to appeal, seems to have failed. Again, buildings that should have been included were excluded and a building under construction was included. There was also a significant difference in the presentation of the appraisals undertaken by City Corporation. The latter being much more

professional and well presented, compared to the hatchet job for the former.

HE1.7 It is difficult to understand the need for this policy as falls under Strategic Policy 14.

HE1.8 If this policy does not protect these assets any better than current policy then it is difficult to understand its relevance. The latest planning application affecting Bevis Marks was refused despite officer's recommendation to approve. The possibility of an appeal succeeding is real.

HE1.9 Unfortunately, the constant approval of increased heights of buildings, including heritage assets, within the Square Mile make this policy unsustainable.

NOTE: There are many assets within the Square Mile which, because of age, rejection as NDHA or the issue of CoILs, are ignored despite their heritage value, whether historic, architectural or otherwise. Bastion House and the Museum of London being good examples here with City Corporation spending around £40,000. On consultants to ensure those buildings can be destroyed. It either fails or refuses to acknowledge the value these assets contribute to the City's heritage suggests that, coupled to the above comments in respect of its recognised heritage assets, it fails in its duty as a custodian of our heritage. That failure must be addressed, urgently.

2.2 Do the policies set a positive strategy for the conservation and enjoyment of historic environment in a manner appropriate to its significance?

No. As stated above, heritage, unless Roman, is an inconvenience.

2.3 Is Policy HE1 (8) clearly defined and unambiguous in regard to the setting of heritage assets so that it is evident how a decision-maker should react to development proposals in a manner consistent with the statutory requirements in the Planning (Listed Buildings and Conservation Areas) Act 1990 and which gives sufficient protection to heritage assets?

No. There is a hierarchy of policies growth, at virtually all costs, above other policies.

2.4 Are the Heritage policies clearly defined and unambiguous so that it is evident how a decision maker should react to development proposals?

No. There is no clarity and the perceived need for growth distorts objectivity in decision making. The recent case of 31 Bury Street and Holland House (24/00021/FULEIA) seems to confirm that decision makers' objectivity is confused by the interpretation of policy by officers

3. Tall buildings

3.1 Is Policy S12 (Tall Buildings) consistent with Policy D9 of the London Plan and is it informed by a proportionate evidence base?

FR: The London Plan, Policy D9 Tall buildings states:

Definition

A Based on local context, Development Plans should define what is considered a tall building for specific localities, the height of which will vary between and within different parts of London but should not be less than 6 storeys or 18metres measured from ground to the floor level of the uppermost storey.

Clearly, it is up to City Corporation to determine the height of a tall building, so, in determining 75 metres and taller, there is compliance with the London Plan. However, Policy D9 is qualified as follows:

3.9.3 *Tall buildings are generally those that are substantially taller than their surroundings and cause a significant change to the skyline. Boroughs should define what is a 'tall building' for specific localities, however this definition should not be less than 6 storeys or 18 metres measured from ground to the floor level of the uppermost storey. This does not mean that all buildings up to this height are automatically acceptable, such proposals will still need to be assessed in the context of other planning policies, by the boroughs in the usual way, to ensure that they are appropriate for their location and do not lead to unacceptable impacts on the local area...*

3.9.4 *The higher the building the greater the level of scrutiny that is required of its design. In addition, tall buildings that are referable to the Mayor, must be subject to the particular design scrutiny requirements set out in Part D of Policy D4 Delivering good design.*

The above raises two points. Firstly, that proposed buildings in the City of less than 75 metres are almost 2.5 times as tall as many tall buildings are in adjoining boroughs but 3.9.3 only applies to those buildings as an afterthought. Secondly, since buildings over 150 metres tall or with a floor area of greater than 100,000 m² are referable to the Mayor of London, it is clear that the Plan does not conform with Policy D4 D. Further, City Corporation refuses to consider conforming as its response to the London Plan consultation set out in **FR02**.

3.2 Are the policies relating to Tall Buildings clearly defined and unambiguous so that it is evident how a decision maker should react to development proposals?

Tall buildings, per se, are not the problem. Embodied carbon, location, and height are but that is also the case for buildings of under 75 metres.

03 March 2025

Fred Rodgers

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2099 words

