



Charlotte Glancy
C/O Banks Solutions
80 Lavinia Way
East Preston
West Sussex
BN16 1DD

By email:

bankssolutionsuk@gmail.com
localplan@cityoflondon.gov.uk

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Dear Charlotte Glancy,

Examination in Public of City Plan 2040 – Addendum Hearing Statement & Note to inform discussions: Main Matter 7, Heritage and Tall Buildings

Introduction

Avison Young, on behalf of clients, submitted representations to the Draft City Plan at Regulation 19 stage (R0161).

One of our clients, AmTrust, is promoting a tall building development on the site of Exchequer Court, 33 St. Mary Axe, EC3, located within the City Cluster Tall Building Area. Pre-application discussions are on-going, and a planning application will be lodged in due course for a development comprising up to 300m AOD, totalling around 120,000sqm including an uplift in office floorspace on the Site of approximately 130,000sqm GIA.

Accordingly, Carlyne King, International Group Real Estate & Facilities Leader of AmTrust, along with the appointed heritage & townscape consultant on the project, Lois Wheller from Tavernor Consultancy, are due to appear at the Examination in Public following Avison Young's representations.

In summary, the Site can provide a significant, strategic contribution towards meeting the City Plan 2040's minimum requirement for new office floorspace (comprising 10.8% of the total minimum target for the whole City Plan Period of 1.2 million sqm up to 2040). The provision of this floorspace is critical to achieving City Plan objectives, including the spatial development pattern and Good Growth objectives set out in the London Plan, and the strategic priorities of the City of London as set out in the City Plan, to ensure that the use of this Site (and sites like it within the City Cluster) are fully optimised for their development capacity. It is also likely to

comprise heritage improvements to the setting of the Grade I St. Helen's Church within its local context, with likely neutral or positive impacts in LVMF views.

Making the best use of the Site is reliant on the City Plan height contours (through draft Policy S12) providing sufficient capacity. The scale of development described above can be accommodated within the tall building height contours that are proposed for the Site in the Draft City Plan 2040.

Consequently, Avison Young and AmTrust supports the inclusion of this Site within the City Cluster Tall Building Area, at the maximum heights currently proposed by Strategic Policy S12 and shown in the contours in Figure 15 and on the Policies Map.

Whilst the City of London's recent SVIA and HIA Addendum documents are not relevant to Exchequer Court (because the three additional sites are in the south-east of the cluster with the new tall building site allocation at Broadgate), it still demonstrates that there are likely to be further sites coming forward which also break the contours, while not deviating from the principles by which the contours were formed, and so the policy relating to the contours needs to be flexible enough to allow for this over the plan period.

Accordingly, we would therefore re-iterate that 'Strategic Policy S12: Tall Buildings' should be appropriately flexible, as set out in our original representations of 17th June, as follows:

*"The ~~maximum permissible~~ tall building heights within the identified tall building areas are depicted as contour rings on Policies Maps C and D and Figure 15. Tall buildings should not **generally** exceed the height of the relevant contour rings. In areas between the contour 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".*

This ensures the plan is flexible and deliverable, as set out in Paragraph 35 of the NPPF (limbs b), c) and d)).

7. 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?

We agree with the City of London's position, including its updated evidence base in respect of supporting further amendments to the Cluster, including a new Tall Building Zone (in particular Document Ref. LD31 - Revised Policies Map (Maps C + E); Document Refs, ED-HTB36, ED-HTB37, ED-HTB38, ED-HTB39 – comprising the SVIA & HIA Addendum), that:

- Yes, chapter 11 has been drafted as a cohesive whole, is justified by appropriate available evidence and is in 'general conformity' with the London Plan (LP). The policies within it should be read as one unified framework for protecting and enhancing the City's

historic environment, informed by and helping to deliver the City Plan's spatial strategy, and enabling the delivery of the City Plan's objectively assessed need in the most appropriate locations while ensuring development enhances the City's skyline, protects strategic views, celebrates the City's heritage and minimises the potential for harm to heritage assets.

- The evidence base for the City Plan constitutes an extensive level of assessment and refinement (with over 50 views assessed), including from a range of officers and independent experts, in consultation with external stakeholders. The SVIA & HIA Addendum considers relevant and new views relating to the proposed updates to the contours, providing an appropriate updated evidence base.
- This exercise does not preclude and should not seek to replicate the comprehensive interrogation at full planning application stage as individual developments come forward for determination, with their impacts fully considered through the decision-making process, consulted on with statutory consultees and other stakeholders, in line with the requirements of legislation, national policy and the Development Plan.
- As a result, flexibility in the policy wording is important if the results of more detailed, site specific analysis and consultation are to be fully taken into account in the decision-making process.

Heritage

7.1 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?

We agree with the City of London's position that:

- Yes, the heritage policies (S11, HE1, HE2, HE3) are justified by a comprehensive suite of evidence tailored to the local context, with regard to national policy and guidance, and are in conformity with the LP.

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

We agree with the City of London's position that:

- Yes, paragraph 196 of the NPPF states that 'plans should set out a positive strategy for the conservation and enjoyment of the historic environment'. Policies S11, HE1, HE2, and HE3 are consistent with this as they recognise the contribution heritage makes to the unique character of the City, the public benefits of this heritage, and outlines a positive framework for its ongoing conservation and enjoyment.

7.3 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?

We agree with the City of London's position that:

- Yes. The immediate setting policy (HE1 (8)) is included as the elements of setting which contribute positively to the significance of these highly significant Grade I listed buildings are especially clear-cut and therefore capable of clear identification and promotion through this policy. The policy is modelled on that which already exists for the Monument in the 2015 Local Plan (and carried through to CP 2040), though tailored to the specific circumstance of Bevis Marks Synagogue.
- The wording of HE1 (8) is clear that it relates to the defined immediate setting of these listed buildings, rather than purporting to be a mechanism for control of works to their setting as a whole, including their wider setting. Planning policy cannot vitiate or override the duty to have 'special regard' to the desirability of preserving setting, as set out in section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The starting point is always, and will continue to be, the legislation, as decision-makers would fully understand. Moreover, policy HE1 is structured in such a way so as to make it clear that there is a need for the setting of any heritage asset in the City, and development within them, to be considered in the round (HE1 (1) and HE1 (2)); HE1 (8) provides an additional level of consideration in the case of these two highly significant listed buildings.

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

We agree with the City of London's position that:

- Yes. Policy HE1 follows the well understood process for proposals that affect heritage assets as set out in paragraphs 200 – 214 of the NPPF. Read on its own, the policy text is clear and intelligible, and achieves the ambition for a 'positive strategy' set out at paragraph 196 of the NPPF. Furthermore, these policies work seamlessly with the remaining policies in chapter 11 (policies S12 & S13) to ensure a decision maker has a comprehensive and unambiguous framework to rely on when assessing proposals.
- The first paragraph of policy HE1 states that these applications should be supported by both a Statement of Heritage Significance and a Heritage Impact Assessment, in line with NPPF paragraph 200. These two documents should 'ensure any impacts of the proposals on the significance of heritage assets or their settings have been fully assessed', and the supporting text at 11.2.2 makes it clear that 'applicants should provide a clear and comprehensive understanding of the heritage significance of [the] building including any contribution made by their setting'. This is an explicit policy requirement that a decision maker will use as the first checkpoint when assessing an application.

Tall Buildings

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

We agree with the City of London's position that:

- Yes, policy S12 follows the approach in LP Policy D9(a) as it first defines that buildings over 75 metres AOD are considered tall in the City of London. It then goes on to identify two areas that may be suitable for tall buildings (City Cluster and Fleet Valley) and, through the Cluster contour line mechanism, sets out in a way which reflects the specific needs and circumstances of the City, clear height parameters, in accordance with LP Policy D9(b). Further explanation is given at paragraphs 3.1 – 3.3 in the Heritage and Tall Buildings Explanatory Note (HTBEN, LD24), and consistency with LP Policy D9 is confirmed in the Mayor of London’s regulation 19 response (R0292) where he states ‘We consider therefore that the approach now meets the requirements of Policy D9.’
- To be consistent with LP Policy D9, Policy S12 must be positively drafted to identify areas where tall buildings may be appropriate. Therefore, there has been a shift in the overall approach to tall buildings when compared to the adopted Local Plan (including the approach to tall buildings in conservation areas). An additional sentence has been proposed to the supporting text at 11.2.6 to reinforce that ‘All new development, including tall buildings, within a conservation area will need to demonstrate how it would preserve and (where possible) enhance the conservation area’ (PC80).

Turning specifically to the issue of tall buildings within Conservation Areas, which is relevant to Exchequer Court (in the context of the Regulation 19 City Plan and updated SVIA & HIA evidence base), Lois Wheller from Tavernor Consultancy on behalf of Avison Young and AmTrust, who will be appearing at the Examination in Public, has provided a further statement below:

- It is acknowledged that Conservation Areas (CA) are often characterised by their small scale of building due to the historic nature of the townscape included within the areas. However, particularly in urban situations, some Conservation Areas are already characterised by tall development. In the City there are three CAs with tall buildings: the Barbican CA (which includes the 3 towers of the original estate); the Bishopsgate CA (which includes 1 Bishopsgate Plaza); Bank CA (which includes 20 Gracechurch St, the Rothschild Bank HQ, and the refurbished 125 Old Broad Street and 1 Angel Court) and the recently designated Creechurch CA (which includes One Creechurch Place).
- It is noted that HE consider the amendment to the wording of Policy S12 to be a weakening of protection for the historic environment. However, this is not the case; the protection to Conservation Areas afforded by the NPPF, PPG and relevant legislation provides a robust framework by which to protect Conservation Areas, without stating that Conservation Areas should not include tall buildings. Furthermore, this is supported by Historic England’s own current tall building guidance (2022, Advice Note 4) which also does not specify that conservation areas are inappropriate for tall development. To the contrary, it references case studies such as the 2020 scheme Hadrian Tower – 26 storeys, located in the Central Conservation Area of Newcastle (case study 7) and similarly new tall development within the Deansgate/Peter Street CA in Manchester (case study 8). In relation to case study 8, it notes that the development retained important unlisted heritage assets and evolved in response to consultation, from two towers to one tower set away from key historic buildings. In this way, taking the balanced approach to planning and heritage assessment set out in the NPPF and PPG, HE acknowledge that it is possible for tall development to be acceptable in conservation areas in certain

circumstances. This should also be the case for the nation's capital city, which includes the tallest buildings in the UK, almost all of which are already located close to some of the capital's most historically important, small-scale buildings.

- With the amended wording of the Policy S12, all proposals for tall development within conservation areas in the City would still have to pass the relevant stringent national policy tests and meet relevant legislation. With the blanket approach of refusal of tall buildings in conservation areas, opportunities for the creation of new public space within a conservation area for example, is considerably less likely to occur. That is one situation in which a tall development may be justified in a conservation area given the public benefits offered (such as providing space and enhancing heritage assets), however the proposal would need to meet the relevant policy tests. There will be other situations in which tall development is appropriate in a conservation area, however these will likely be limited and exceptional. The harm and benefits brought by each proposal (where present) will be considered on a case by case basis against relevant policy and legislation.
- The City of London is characterised both by very tall urban development and by very historic buildings, situated cheek by jowl within the streetscape. It follows therefore that, while tall development within City of London conservation areas is likely to be atypical, as it is elsewhere, that there will also be situations in which tall development may be acceptable and may in fact facilitate the enhancement of the heritage significance of the conservation area in some respects.

7.6 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?

We agree with Col's position that:

- Yes, Policy S12 is clear, implementable, and is consistent with the well understood operation of LP Policy D9 in the circumstances of the City. Policy S12 extends the general approach to assessing tall buildings within the LP Policy D9 framework whereby a decision maker will judge an application against a set of 'impacts'. It provides several impacts and design considerations that are both congruent with the LP but also specific to the City context. Some City specific impacts are: the potential effect on the City and wider London skyline; the relationship with existing and consented tall buildings; the significance of heritage assets and their immediate and wider setting; the inclusion of free to enter, elevated public spaces (where proposed/ relevant); and the consolidation of servicing and delivery vehicles. These 'impacts' provide a clear and contextually appropriate set of requirements for a decision maker to evaluate a proposal against.

7.7 Is Policy S13 justified by appropriate available evidence, having regard to national guidance and local context; and are they in 'general conformity' with the LP?

We agree with Col's position that:

- Policy S13 is justified in its approach because it is a conduit for the implementation of long-established and sophisticated view management frameworks: on a pan-London

level, the Mayor's London View Management Framework SPG (LVMF), and on a more local level the City's St Paul's Heights code, Monument views and historic City Landmarks and skyline features – the latter three of which as set out in the City's Protected Views SPD (2012).

- The need to protect and sensitively manage views that are of strategic importance to London, and views of local importance to the City, is not in dispute, nor is there a debate about the effectiveness or validity of these existing view management frameworks. This is largely due to the wide acceptance of the LVMF SPG and the long-established, successful operation of the City's local view protection frameworks, especially the St Paul's Heights code which has existed since the 1930s and enshrined in local policy since the 1980s. The Policy does not propose a substantive change to these frameworks that would need to be justified by new evidence.

7.8 Is the Policy S13 clearly defined and unambiguous so that it is evident how a decision maker should react to development proposals to ensure adequate protect and enhance significant City and strategic London Views?

We agree with CoL's position that:

- Policy S13 is clearly defined and unambiguous since its primary function is to implement the existing, and well understood, view management frameworks. Each framework is supported by substantial guidance documents and SPGs that will give decision makers the specific guidance they require on each view. The policy text cannot advise on the important minutiae of every specific view, instead it sets the overall expectation that significant City and strategic London wide views will be protected by implementing the appropriate view frameworks.

General Statement

It may be the case that further oral evidence that builds on, and is in addition to our representations to date, is required following receipt of further consultation responses from others as part of this process.

Yours sincerely



Laura Jenkinson

Principal | Senior Director

Tel. +44(0)7949 268 453

laura.jenkinson@avisonyoung.com

For and on behalf of Avison Young