

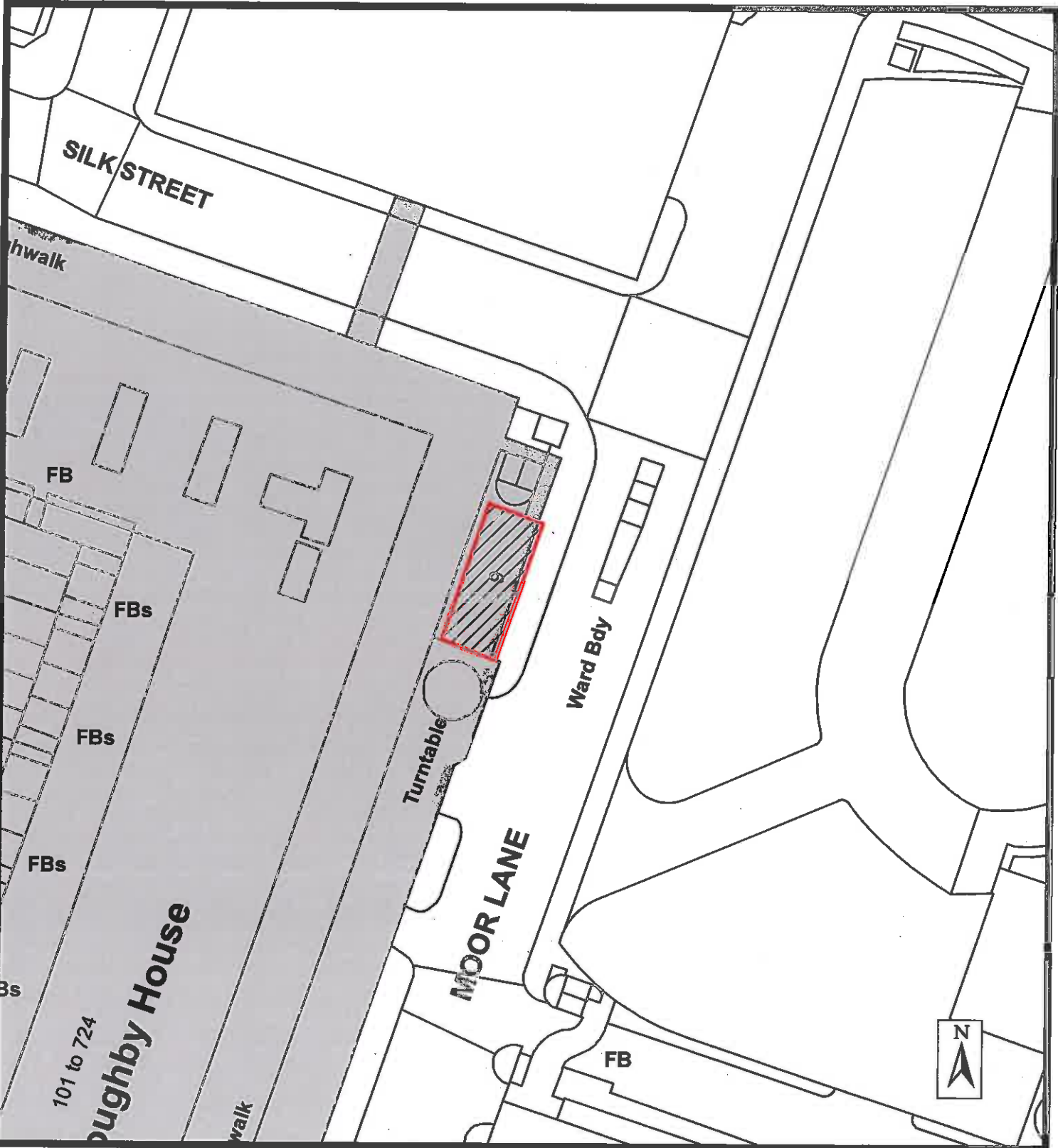
Committee:	Date:
Planning and Transportation	4 June 2013
Subject: Land At Moor Lane Barbican London EC2 Non-material amendment under Section 96A of the Town and Country Planning Act 1990 to planning permission reference 09/00302/FULL dated 28th July 2009 and as amended by non material amendment reference 12/00675/NMA dated 17th August 2012, to allow the marketing pavilion to remain in use (in connection with the Milton Court development) until 30 June 2013.	
Ward: Cripplegate	Public For Decision
Registered No: 13/00373/NMA	Registered on: 19 April 2013
Conservation Area: No	Listed Building: Grade II
<p><u>Summary</u></p> <p>The application relates to the marketing pavilion on Moor Lane which is used to facilitate the sale of the residential units in the adjacent Milton Court Development.</p> <p>Planning permission and listed building consent were granted for the pavilion on the 28th July 2009 for a temporary period of three years (until 27th July 2012). A subsequent listed building consent and non-material amendment were granted in August 2012 to enable the marketing suite to remain in place until the 31st March 2013.</p> <p>At present the pavilion is unauthorised and 22 of the apartments are unsold. A further non-material amendment and listed building consent are sought to enable the marketing suite to remain in place until the 30th June 2013. Heron wish to continue to use the unit and maintain a ground floor presence until completion of the development when the facilities can be moved into the main building.</p> <p>To date 12 letters of objection have been received from Barbican residents, the Willoughby House and Speed House Groups and the Barbican Association. The matters raised relate to: 1. frustration over the continued applications for renewal of the time limit that the marketing suite can remain in place; 2. the majority of units have been sold as such there is little need for the marketing suite; 3. the marketing suite is preventing the Moor Lane enhancement works from being implemented and 4. the pavilion detracts from the setting of the Barbican Estate.</p> <p>The City's Officers working on the Moor Lane project have confirmed that if the pavilion is to remain in place until the 30th June 2013, it would not prevent the implantation of the enhancement works. The construction package and detailed design of the scheme are still being finalised.</p> <p>On the basis of previous decisions it could not be argued that the pavilion would detract from the appearance of Moor Lane or the setting of the Barbican if it remained in place for the proposed limited time period.</p>	

The following recommendation relates to the non-material amendment. There is a separate recommendation before your Committee relating to an application for Listed Building Consent but both applications are considered in this report.

Recommendation

- (i) The amendment to condition 1 of planning permission 09/00302/FULL, to enable the marketing pavilion to remain in place until the 30th June 2013, constitutes a non-material amendment to the original permission in accordance with the details set out in the attached schedule.
- (ii) See paragraph 27 of this report.

Site Location Plan



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ADDRESS:
Milton Court Marketing Pavilion, Moor Lane, Barbican EC2

CASE No.
13/00374/LBC, 13/00373/NMA

-  **SITE LOCATION**
-  **LISTED BUILDINGS**
-  **CONSERVATION AREA BOUNDARY**



THE HERON

PAVILION

THE HERON



Site

1. The proposal relates to the marketing pavilion on Moor Lane which is used to facilitate the sale of residential flats in the adjacent Milton Court development.
2. The marketing pavilion comprises a modular two storey unit. It has clear glazing at ground floor level and a painted fibre reinforced resin skin at the upper level. It is constructed on a concrete base and supported by stainless steel columns.
3. The marketing suite has exhibition space on the ground floor with the upper level laid out as an example studio flat.
4. The grade II listed Speed House and Willoughby House of the Barbican Estate immediately adjoin the west side of the site. The site is within the listed area of the Barbican and the Barbican Area Street and Walkways Enhancement Strategy.

Relevant Planning History

5. Planning permission and listed building consent were granted (references 09/00302/FULL and 09/00303/LBC) for the marketing pavilion on the 28th July 2009 for a temporary period of three years. The temporary loss of open space was judged to be acceptable and it was not considered that the pavilion would jeopardise the proposed street scene enhancements to the Barbican area. The design of the pavilion was considered acceptable due to its temporary nature. Residential amenity was protected through the conditioning of opening hours.
6. On the 17th August 2012 listed building consent and a non-material amendment to planning permission 09/00302/FULL were granted to enable the marketing suite to be retained for a further temporary period until the 31st March 2013. The extension was sought as it was anticipated that 50 of the units would be released in the latter part of 2012 and the remaining 29 units in early 2013.

Proposals

7. Listed building consent and a non-material amendment are sought to retain the marketing suite and enable it to remain in place until the 30th June 2013. The rationale behind the request for a further time extension is that 22 apartments remain unsold and Heron want to continue to use the existing sales area to maintain a presence until the physical completion of the development when the marketing facilities can be moved into the building. Of the 22 unsold apartments 13 comprise the panoramic and penthouse apartments above the 30th floor. The marketing of these units is scheduled from June when Heron would have a completed panoramic show apartment on the 32nd floor.
8. This report deals with the applications for a non material amendment (13/00373/NMA) and listed building consent (13/00374/LBC).

Consultations

9. The occupants of Speed House and Willoughby House on the Barbican Estate have been notified of the proposal. To date 12 letters of objection have been received from residents, the Barbican Association and the Speed and Willoughby House Groups. The planning concerns raised can be summarised as follows:

- The current renewal applications were submitted on the 19th April 2013 nearly three weeks after the previous extension had lapsed. The applications are likely to be presented to the Planning and Transportation in June by which time the extension period would almost be over. Due process has not been followed. The City should enforce against the marketing suite. It is irritating that the proposal is constantly being revisited and with the development being nearly finished it is not considered that the pavilion is needed anymore.
- The minutes from the Planning and Transportation Committee meeting where the original application was considered in 2009 state "The Committee might be able to suggest that they would not be minded to grant an extension if the applicant were to apply for one in three years, but Members could not pre-determine an application before all the facts were before them and would have to consider it on its merits at the time". The minutes further note "Following a vote of 13 in favour and 7 against, the Chairman asked whether the Committee might state that they would not be minded to approve an extension, and the Comptroller and City Solicitor stated that suitable words could be added provided the Committee was not fettering its consideration of any future application". If the proposal is granted how can residents be assured that it would not be granted again?
- The apartments are being advertised by the agent – Alan Selby, in addition to 15 other agents including Jones Lang LaSalle, Savills, Hamptons and Knight Frank. It would be more effective to use the apartments that have been built for sales as opposed to trying to attract buyers by the viewing of a mock up prefab. As most of the apartments have been sold the marketing suite is redundant.
- It is inappropriate for a temporary building to remain so long beyond its original permission. This could set a precedent to applicants that a series of temporary permissions is an acceptable alternative to a permanent planning permission.
- The presence of the pavilion is likely to be further delaying the street scene improvement works to Moor Lane originally scheduled for 2011. Residents and workers stand to gain from the improvements in this area. The need for the marketing pavilion has expired.
- The pavilion detracts from the character of the Barbican Estate

when viewed from Moor Lane. The pavilion needs to be removed so that features of the site for example Barbican signage and the parapet wall can be restored to view. The proposal is therefore contrary to policy CS12 of the Core Strategy.

10. English Heritage does not wish to comment on the proposal and have advised that the applications should be determined in accordance with national and local policy guidance.

Policy Context

11. The development plan consists of the London Plan, the saved policies of the Unitary Development Plan and the Core Strategy. The London Plan, UDP and Core Strategy policies that are most relevant to the consideration of this case are set out in Appendix A to this report.
12. On the 14th January 2013 public consultation commenced on the Draft Local Plan and this ended on 11th March. It is expected that a revised Local Plan will be issued in autumn 2013 and the final plan adopted in 2014. At this stage the policies in the Draft Local Plan are of limited weight and the weight to be given to relevant policies will increase as the plan advances towards approval and adoption.
13. The Draft Local Plan incorporates the Core Strategy which has been carried forward with limited alterations. It includes new policies for Development Management. Government Guidance is contained in the National Planning Policy Framework (NPPF).

Considerations

14. The Corporation, in determining the planning application has the following main statutory duties to perform:-
 - to have regard to the provisions of the development plan, so far as material to the application and to any other material considerations. (Section 70 Town & Country Planning Act 1990);
 - to determine the application in accordance with the development plan unless other material considerations indicate otherwise. (Section 38(6) of the Planning and Compulsory Purchase Act 2004).
15. The principal issues in considering this application are:
 - The extent to which the proposals comply with Government policy advice (NPPF).
 - The extent to which the proposals comply with the relevant policies of the London Plan, Core Strategy and the saved policies of the Unitary Development Plan.
 - The impact of the proposal on the setting of the Barbican Estate.
 - The impact of the proposal on the commencement of the Moor Lane enhancement strategy.

The Current Status of the Marketing Pavilion

16. As of the 31st March 2013 the marketing pavilion is unauthorised and in

breach of planning control. However, Heron are entitled to submit the relevant applications in order to regularise the position. The current submissions were received on the 19th April 2013 and the City has a duty to consider them.

17. The agent for the current submissions has confirmed that the marketing suite within the Heron development will be completed by the end of June and as such there will be no further applications to extend the time period for retention.
18. The principal considerations are whether the amendment to condition 1 of planning permission 09/00302/FULL, to allow the pavilion to remain in place until the 30th June 2013, would constitute a non-material amendment to the original planning permission and whether the variation of condition 1 of listed building consent 12/00676/LBC would be acceptable.
19. In assessment of the applications the NPPF notes that "Local planning authorities should approach decision-taking in a positive way...and look for solutions rather than problems, decision-takers at every level should seek to approve applications for sustainable development where possible".

Design of the Pavilion and Impact on the Setting of the Barbican

20. Objections have been received on the grounds that the pavilion detracts from the setting of the Barbican contrary to policy CS12 of the Core Strategy.
21. In 2009 listed building consent and planning permission were granted for the marketing suite on the basis that its design was representative of its temporary nature. It was accepted that the pavilion had been designed as a counterpoint to the Barbican's heavy brick and exposed concrete while still following the horizontal emphasis of Willoughby House, the podium parapet and the car park wall. The structure was designed to fit neatly between the projecting car park ramp and lift and stair structure in order to reduce the sense of street clutter. The pavilion was not physically attached to the adjacent listed buildings and as such there was judged to be no impact on historic fabric. It was not considered that the marketing suite was contrary to policy ENV18 of the UDP.
22. The same conclusion was reached in 2012 when applications were made to retain the marketing suite until March 2013. Given the temporary nature of the construction it was judged that it would not detract from the setting of the Barbican Estate to the extent that it would be contrary to policy CS12 of the Core Strategy.
23. Since there has been no material change in circumstances it is not considered that there would be sufficient justification to argue that the pavilion would detract from the setting of the Barbican if it were to remain in place for an additional very limited period. Assurance has been given from the agent for the submission that no further extensions of time will be sought. It would be conditioned that the pavilion be removed and the land restored to its original condition by the 30th June 2013 or on sale of the last unit, whichever is the sooner.

24. If the current proposal is allowed the marketing suite would have been in place for nearly four years which is considered to constitute a sufficient temporary time period. The applicant has been advised that any submissions for a further extension of time would not be viewed favourably. It is likely that the pavilion would then start to impact on the programme of works for the Moor Lane enhancements.

Impact on the Moor Lane Enhancement Works

25. Concern has been raised that the marketing pavilion is causing a delay in the implementation of the Moor Lane enhancement works. The officers working on this project have confirmed that this is not the case.
26. The construction package and detailed design of the project are still being finalised. Works would not be ready to commence until mid-summer 2013.

Conclusions

27. It could not be argued that the retention of the marketing suite until the 30th June 2013 would detract from the appearance of Moor Lane or the setting of the Barbican for this limited time period. It was ensured in the initial 2009 application that the design of the pavilion was appropriate for the site on a temporary basis. The proposal would not jeopardise the Moor Lane enhancement work which is programmed to take place mid-summer 2013.
28. If Members are of the view that this extension of time is the last that they would regard as acceptable that they authorise the City Planning Officer to instigate enforcement proceedings if the pavilion is not removed by the 30th June 2013.

Background Papers

External

Site location plan number HP_DW_01_E0000

16.04.2013 Letter DP9

23.04.2013 Email Luke Emmerton, DP9

29.04.2013 Letter Geoff Tuffs

29.04.2013 Email Cherry and Peter Smith

30.04.2013 Letter English Heritage

06.05.2013 Email Trevor Kavanagh

06.05.2013 Email Tim Bishop

07.05.2013 Letter Dr Garth Leder, Chair of the Barbican Association Planning Committee

07.05.2013 Email Yuen-Wei Chew

09.05.2013 Email B Parkes, Chair, Speed House Group

09.05.2013 Email Tim Macer, Chair, Willoughby House Group

12.05.2013 Email Christopher Makin

13.05.2013 Email Professor Michael Swash

14.05.2013 Email Luke Emmerton, DP9

15.05.2013 Email Anne Napthine

16.05.2013 Email Beatriz Phipp

Internal

26.04.2013 Email Patrick Hegarty, Open Spaces Department

26.04.2013 Email Jean Hewitt (Robert Barker's emails of 26.03.2012 and 27.03.2012 attached)

Appendix A

London Plan Policies

The London Plan policies which are most relevant to this application are set out below:

Policy 7.8 Development should identify, value, conserve, restore, re-use and incorporate heritage assets, conserve the significance of heritage assets and their settings and make provision for the protection of archaeological resources, landscapes and significant memorials.

Unitary Development Plan and Core Strategy Policies

CS12 Conserve or enhance heritage assets

To conserve or enhance the significance of the City's heritage assets and their settings, and provide an attractive environment for the City's communities and visitors.

CS19 Improve open space and biodiversity

To encourage healthy lifestyles for all the City's communities through improved access to open space and facilities, increasing the amount and quality of open spaces and green infrastructure, while enhancing biodiversity.

CS21 Protect and provide housing

To protect existing housing and amenity and provide additional housing in the City, concentrated in or near existing residential communities, to meet the City's needs, securing suitable, accessible and affordable housing and supported housing.

ENV6 Design of alterations to buildings

To ensure that all alterations or extensions to an existing building take account of its scale, proportions, architectural character, materials and setting.

SCHEDULE

APPLICATION: 13/00373/NMA

Land At Moor Lane Barbican London

Non-material amendment under Section 96A of the Town and Country Planning Act 1990 to planning permission reference 09/00302/FULL dated 28th July 2009 and as amended by non material amendment reference 12/00675/NMA dated 17th August 2012, to allow the marketing pavilion to remain in use (in connection with the Milton Court development) until 30 June 2013.

INFORMATIVES

- 1 The City of London considers that amendment to condition 1 of planning permission 09/00302/FULL and the addition of a new condition as set out below is a non material amendment to this planning permission.

The building hereby permitted shall be removed and the land restored to its former condition on or before the 30th June 2013 or on exchange of contracts related to the sale of the last dwelling in the Milton Court development whichever is the sooner, in accordance with a scheme of work which shall be submitted to and approved in writing by the Local Planning Authority in writing prior to the removal of the development hereby permitted.

REASON: To ensure that the visual amenities of the area and the setting of the listed building are not prejudiced when the building is removed in accordance with the following policies of the Core Strategy: CS12, CS19.

London Plan Policies

Policy 7.8 To protect heritage assets.

Unitary Development Plan and Core Strategy Policies

CS12 Conserve or enhance heritage assets

CS19 Improve open space and biodiversity

CS21 Protect and provide housing

ENV6 Design of alterations to buildings

535 Willoughby House

Barbican

London EC2Y 8BT.

29th April 2013

Your refs 13/00374/LBC & 13/00373/HMA

Attn. Emma Delves

Land at Moon Lane, Barbican

Dear Sirs,

I refer to Mr. Raymond's letter of the 25th April. Predictably, Heron have applied for an extension in respect of their marketing period to 30th June 2013.

The gazing of Moon Lane has regularly been subordinated to the developer's interests and has been far too long in gestation. Lying immediately adjacent to, arguably, the busiest street in the Square Mile, I have long welcomed the City's admirable enhancement proposals but they continue to remain elusive.

And after the 30th June, what happens? If Heron decide they have not sold enough of their expensive flats to investors and, who knows, even to a few permanent residents, will they submit an application for yet another extension? I will not answer my own questions and I expect neither will you; suffice to say that I oppose the application as set out in your letter.

Yours faithfully,

Geoff. Tofts

PLANNING & TRANSPORTATION		
SDD	OPD	PPD
TPD	U 1 MAY 2013	LTP
OM		SRF
No	113060	
FILE		

Begum, Shupi

Subject: FW: Milton Court Marketing Pavilion - Objection

From: Cherry Hart [mailto:]
Sent: 29 April 2013 15:24
To: Delves, Gemma

Subject: Milton Court Marketing Pavilion - Objection

Ref: 13/00374?LBC & 13/000373/NMA
Ted Rayment's letter dated 25 April 2013.
Town & Country Planning Act 1990
Location: Land at Moor Lane Barbican London EC2
Application under Section 19 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to vary condition 1 of listed building consent reference 12/-676/LBC dated 17th August 2012 to extend the use of the site for the Milton Court Marketing Pavillion (in connection with the Milton Court development) until 30th June 2013.

Dear Miss Delves

We are extremely annoyed that this matter is constantly being revisited and our time spent in lodging objections to these extensions. Any properly managed business would be well aware when their planning approval expired and it must therefore be assumed that they either do not care, or believe they are above the City of London planning rules, otherwise, this latest extension request would have been submitted well before the 31 March 2013 expiry date. We are at a loss to understand why they were able to continue operating in this site without the appropriate permission because it seems as though they have been given special dispensation that most other parties would not enjoy.

We believe that initially marketing activity had been conducted abroad with the prospect of attracting wealthy overseas buyers/investors. However, we have seen for some considerable time (certainly long before the last extension for the marketing suite) that apartments have been advertised by the Agent, Alan Selby, and the number of agents has grown steadily ever since. A quick check on Rightmove and PropertyFinder.com this morning shows there are now 16 agents actively marketing Milton Court, namely:

Alan Selby	MyLondonHome
Jones Lang LaSalle	1 st Avenue
Savills	Hastings International
Hamptons	Celestial Globe
Chesterton Humberts	Life Residential
Knight Frank	Moving City
Stirling Ackroyd	Complete Prime Residential
Fraser & Co	Garton Jones

At an informal evening meeting McAlpine provided to Barbican Residents (around Christmas 2012) we were told that several apartments had been completed and the finish achieved in them was considered superior to that in the marketing suite. Surely, during the last three months some effort could have been made to create access to show apartments within the building to remove the need for this latest extension. After all, the building was due to be completed by Spring 2013.

With the building virtually finished and the refurbishment of the approach on the Ropemaker Street side having been completed, there seems to be no justification for another extension to keep the marketing suite operating. Seldom is anyone seen in there. Added to which is the further disruption that will be caused to pedestrians and traffic when the 'black box' is eventually dismantled and the area made good.

McAlpine also showed pictures of some of the interiors and they included fold-down furniture which, in Liberata's view when applied to Frobisher Crescent studios, renders the apartments furnished and liable for Council Tax. Are The Heron, therefore, delaying access to a show apartment in order to avoid paying Council Tax?

ACKNOWLEDGED 88 30/04/13



It is our belief that The Heron are being allowed enormous latitude in their dealings, particularly planning matters. These actions very possibly encourage the GSMD in their various applications with the latest proposals being mooted that the Arts Centre be allowed to extend hours and public use of the facilities more and more. Whereas, the Arts Centre will not even permit Frobisher Crescent residents to use the large lift when moving sizeable items of furniture into or out of the property and yet private residents are expected to act as good and conciliatory neighbours!

Once occupied, the City of London will receive a great deal of revenue from the residents of Milton Court. We also consider it would be far more effective to sell ACTUAL apartments in situ rather than trying to attract buyers by means of viewing a mock up version in a prefab. It would, therefore, seem to be in the City's own interest to disallow this latest extension application.

Yours sincerely
Cherry & Peter Smith
80 Speed House

Delves, Gemma

From: PInComments@cityoflondon.gov.uk
Sent: 06 May 2013 20:05
To: Delves, Gemma
Subject: Application Comments for 13/00373/NMA

Planning Application comments has been made. A summary of the comments is provided below.

Comments were submitted at 8:04 PM on 06 May 2013 from Mr Trevor Kavanagh.

Application Summary

Address: Land At Moor Lane Barbican London EC2

Proposal: Non-material amendment under Section 96A of the Town and Country Planning Act 1990 to planning permission reference 09/00302/FULL dated 28th July 2009 and as amended by non material amendment reference 12/00675/NMA dated 17th August 2012, to allow the marketing pavilion to remain in use (in connection with the Milton Court development) until 30 June 2013.

Case Officer: Gemma Delves

[Click for further information](#)

Customer Details

Name: Mr Trevor Kavanagh
Email:
Address: 55 Speed House Barbican London

Comments Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Reasons for comment: - Traffic or Highways

Comments: The application to establish the pavilion was granted with a clear and specific expiry date. The request to extend this termination date was apparently kept from residents until after its expiry and too late for objections to be effectively registered. More than 90 per cent of the Heron apartments have now been sold and the remainder are being marketed by a large number of agents. The pavilion is therefore of less importance in disposing of these. As long as the building remains in place, the improvements planned for this road cannot be started. The decision to simply remain in place while lodging a surreptitious application to delay its removal is in our view a gesture of arrogance and bad manners towards the residents of the adjacent buildings.

Delves, Gemma

From: PlnComments@cityoflondon.gov.uk
Sent: 06 May 2013 11:06
To: Delves, Gemma
Subject: Application Comments for 13/00373/NMA

Planning Application comments has been made. A summary of the comments is provided below.

Comments were submitted at 11:05 AM on 06 May 2013 from mr tim bishop.

Application Summary

Address: Land At Moor Lane Barbican London EC2

Proposal: Non-material amendment under Section 96A of the Town and Country Planning Act 1990 to planning permission reference 09/00302/FULL dated 28th July 2009 and as amended by non material amendment reference 12/00675/NMA dated 17th August 2012, to allow the marketing pavilion to remain in use (in connection with the Milton Court development) until 30 June 2013.

Case Officer: Gemma Delves

[Click for further information](#)

Customer Details

Name: mr tim bishop

Email:

Address: 84 speed house barbican london

Comments Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Reasons for comment:

- Noise
- Residential Amenity
- Traffic or Highways

Comments: Residential Amenity The box is an eyesore and does not fit in the residential amenity of the area. It abuts a listed building and is not in keeping with the area or the listed building. Traffic or Highways A range of pavement and traffic improvements are currently being made in the area and the box is in the way of completion of that scheme. Noise Because of the above, the road and pavement works will take longer causing noise nuisance for a longer period of time than is necessary.



Representing the interests of Barbican Residents

Dr Garth Leder
85 Defoe House
Barbican
London EC2Y 8DN
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The City Planning Officer
Department of Planning and Transportation
City of London
PO Box 270
Guildhall
London EC2P 2EJ

7 May 2013

For the attention of Gemma Delves

Re: Objection to applications 13/00373/NMA, 13/00374/LBC

Dear Sir/Madam,

I write on behalf of the Barbican Association, a Recognised Tenants' Association representing residents of the Barbican Estate, to ask the City to reject the applications to extend for a second time, from 31 March to 30 June, the temporary permission for the Heron Pavilion on Moor Lane.

1. The City needs to be seen to be serious about planning

These applications were submitted on 19 April, nearly three weeks after the previous extension had lapsed, and are likely to come before the Planning and Transportation Committee in June, by which time the extension period will itself be almost over. The applicant's timing suggests they believe City of London planning is a formality, and need not be treated with respect. We submit the City should counter any impression it is not serious about planning, by enforcing its own planning decisions.

2. Duty not to allow repeated temporary permissions to bypass full planning

Heron's original application was granted on 28 July 2009, with the Pavilion to be gone by 27 July 2012, the middle of last summer. Permission was undoubtedly

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ACKNOWLEDGED

granted more easily for a temporary Pavilion than for a permanent structure, which we do not believe the Committee would ever have countenanced for the Moor Lane site: witness their prescient nervousness that the Pavilion would not be gone within the three years they allowed. We find it highly inappropriate that a temporary building should remain so long beyond its original permission: future applicants to the City of London could be forgiven for thinking that repeated temporary extensions are an acceptable alternative to permanent planning permission.

3. Unacceptable further delay to Streetscene work

The presence of the Heron Pavilion beyond its time must be further delaying the Streetscene improvements to Moor Lane originally scheduled for as long ago as 2011, yet the Heron is now far enough built for remaining flats to be marketed using an actual, fitted-out unit: the need for a separate marketing pavilion has already expired. Residents and workers stand to reap substantial benefit from the Streetscene work on Moor Lane, in line with the City's Core Strategy CS19, paragraph 2, "improving access to new and existing open spaces."

4. Duty to safeguard the setting of Barbican Estate

The Heron pavilion continues to despoil the Barbican Estate of its distinctive character as seen from Moor Lane, the massive concrete forms integral to the iconic design of the Barbican's architects Chamberlin, Powell and Bon. The Pavilion therefore remains in direct contravention of the City's Core Strategy Policy CS12, paragraph 1, "safeguarding the City's listed buildings and their settings."

We therefore ask the City to reject any further extension of the Heron Pavilion's temporary planning permission, and to ensure the Pavilion is removed as soon as possible.

Yours faithfully,



Dr Garth Leder

Chair, Barbican Association Planning Committee

Wells, Janet (Built Environment)

From: Delves, Gemma
Sent: 07 May 2013 16:43
To: DBE - PLN Support
Subject: FW: 13/00373/NMA, 13/00374/LBC objection
Attachments: Heron Pavilion 7.5.2013.pdf

Hi

Please can this be acknowledged and put on the web.

Thanks

Gemma

From: Garth Leder [mailto:garth.leder@barbican.org.uk]
Sent: 07 May 2013 15:54
To: Delves, Gemma; PlanningQueue
C
Subject: 13/00373/NMA, 13/00374/LBC objection

For attention of Gemma Delves

Dear Sir/Madam,

Please find enclosed the Barbican Association's objection to planning applications 13/00373/NMA and 13/00374/LBC (Heron Pavilion, Moor Lane).

Yours faithfully,

Dr Garth Leder
Chair, Barbican Association Planning Committee

85 Defoe House, Barbican, London EC2Y 8DN

Delves, Gemma

From: PlnComments@cityoflondon.gov.uk
Sent: 07 May 2013 09:33
To: Delves, Gemma
Subject: Application Comments for 13/00373/NMA

Planning Application comments has been made. A summary of the comments is provided below.

Comments were submitted at 9:32 AM on 07 May 2013 from Mr Yuen-Wei Chew.

Application Summary

Address: Land At Moor Lane Barbican London EC2

Proposal: Non-material amendment under Section 96A of the Town and Country Planning Act 1990 to planning permission reference 09/00302/FULL dated 28th July 2009 and as amended by non material amendment reference 12/00675/NMA dated 17th August 2012, to allow the marketing pavilion to remain in use (in connection with the Milton Court development) until 30 June 2013.

Case Officer: Gemma Delves

[Click for further information](#)

Customer Details

Name: Mr Yuen-Wei Chew

Email:

Address: 32 Speed House Barbican London

Comments Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Reasons for comment:

Comments: Sir or Madam, I wish to object on the following grounds:
1. The continuing presence of the Heron Pavilion marketing suite is hampering the completion of the beautification of the Moor Lane. When it is removed, the streetscape upgrade may go ahead. 1. the late application (past a deadline) appears to be deliberately manipulative and unnecessary 2. the Heron flats are nearly sold out. The marketing pavilion serves no future purpose

B. Parkes C.Eng. M.I.C.E.,
Chair, Speed House Group
21 Speed House
EC2Y 8AT

The City Planning Officer
Dept. Of Planning & Transportation
City of London
PO Box 270
Guildhall
London EC2P 2EJ

9 May 2013

Town & Country Planning Act 1990
Land at Moor Lane Barbican EC2

For the attention of Gemma Delves

Re: Objection to applications 13/00373/NMA and 13/00374/LBC

Dear Sir/Madam,

I write in objection to the above applications, both in my personal capacity and as Chair of Speed House Group, a Registered Tenants Association, to request the City to reject the application for a second extension of time from 31 March 2013 to 30 June 2013 for the placement of the Heron Pavilion on Moor Lane.

1. Repeated temporary permissions

The developer's original application was granted on 28 July 2008. The Pavilion was permitted to be in place until 27 July 2012, almost twelve months ago. The consent was no doubt granted due to it being only a temporary structure. I understand that Members of the Committee were apprehensive at the time about the duration of the Pavilion's presence, which apprehension has now come to pass. It is completely inappropriate that repeated temporary permissions are seen as a method of bypassing planning applications that, were they for permanent structures, would otherwise be rejected. In this regard I would point you to the following from 2008:

- a. The Officer's Report which stated: *"The Applicant has requested a permission of three years. This is considered an acceptable amount of time for a temporary consent. A condition would be attached to ensure that at the end of that time the pavilion would be removed and the land returned to its former state."*
- b. The Minutes of the Meeting which stated: *"The Committee might be able to suggest that they would not be minded to grant an extension if the applicant were to apply for one in three years, but Members could not pre-determine an application before all the facts were before them and would have to consider it on its merits at the time."* and further: *"Following a vote of 13 in favour and 7 against, the Chairman asked whether the Committee might state that they would not be minded to approve an extension, and the Comptroller and City Solicitor stated that suitable words could be added provided the Committee was not fettering its consideration of any future application."*

Heron have failed to remove the building both by the original deadline as granted by the Committee and by a further granted deadline. How can residents then be assured that said building will be promptly removed if this further extended deadline application is regrettably granted? How can they also be assured that no further extension will be made and then granted?

2. Planning process

The current application was submitted on 19 April 2103, some three weeks after the previous extension expired. It is likely that it will not be determined before the Committee's June meeting, when the period applied for will be nearly over. Meanwhile it remains in place, actively carrying out its tasks. The Committee should perhaps consider the possible motive behind such late application.

Additionally, the timing surely implies a disrespect for the City's Planning Committee and its processes and arguably also a disregard for the residents of Speed and Willoughby Houses. By permitting this extension and not closing the Pavilion immediately, the City may well be seen to be sending out the wrong message to other future developers.

3. Unnecessary presence

It has been reported within the last few weeks that sales of the units in the Heron have reached 92%, and it appears that some sixteen estate agents are currently employed in marketing the remainder. With the Heron now approaching completion, it is surely time to make arrangements to show an internal completed unit rather than the composite sample within the Pavilion. It would therefore seem that the Pavilion has done its work and can be removed forthwith without materially harming future sales.

4. Safeguarding the Barbican Estate's setting

The continued presence of the Pavilion remains in direct contravention of the City's Core Strategy Policy CS12, para.1 "safeguarding the City's listed buildings and their settings". It is at complete variance with the essential character as evidenced by the heavy and dominating concrete design of the Barbican's structure.

5. Further delay to Moor Lane Streetscene works.

The continued presence of the Heron Pavilion is leading to yet more delays to the Moor Lane Streetscene improvements, which have been delayed well beyond the originally scheduled date of 2011. Residents and workers will all gain considerable benefits from the improvement work in line with the City's Core Strategu CS19, para.2, "improving access to new and existing open spaces".

I therefore ask the city to reject this application and any further extension of the Heron Pavilion's temporary planning permission, and to ensure that the Pavilion is removed forthwith.

Yours faithfully

B Parkes C.Eng., M.I.C.E.
Chair
Speed House Group



Willoughby House Group

Residents' group and recognised tenants' association

Chair Tim Macer
603 Willoughby House
Barbican
London EC2Y 8BN

The City Planning Officer
Department of Planning and Transportation
City of London
PO Box 270
Guildhall
London
EC2P 2EJ

9 May 2013

For the attention of Gemma Delves

Dear Sirs

Objection to Planning application 13/00373/NMA and 13/00373/LBC

I wrote in June 2009 to object to the original application for this temporary building, and again in April 2012 when this developer sought his first extension, which has now lapsed. As we consider all of the reasons set out then to remain valid today, Willoughby House Group once more objects to this latest proposal to extend the temporary permission.

Our objections are four-fold:

1. Inappropriate use of temporary permission

A temporary permission should be limited in duration, and not one which is repeatedly extended such that it becomes permanent by stealth. This building is in a location where a permanent consent would not be granted because of its environmental and architectural sensitivity, and because the space is needed for street scene regeneration planned for the site. We urge your committee to reject this applicant and to apply the appropriate enforcement to ensure this site is returned to the public realm immediately.

2. The building continues to obscure important architectural details of the Grade II Listed Estate and Grade II* Highwalks

This can only be remedied by careful removal of the building so that the features of the site, and particularly, the Barbican signage and parapet wall and projecting balcony that the building obscures are restored to view. This building is exactly the kind of accretion that Listing is intended to prevent.

3. Further delay to the regeneration scheme for Moor Lane

Street scene improvements have already been made to the area in front of and around this temporary building. The continued presence of the building means that the remaining work cannot be completed until it has been removed.

We therefore urge your committee to refuse this application, so that improvement works that will benefit the community as a whole may now proceed in full without further delay.

4. Due process

Furthermore, we are greatly concerned that this developer has chosen to disregard your conditions, and is setting a precedent not only for temporary permissions, but also more widely, for planning conditions to be disregarded where it serves the commercial imperative of a particular developer.

As residents, we not only appreciate but also depend on the planning conditions that officers of your department and members of your committee are diligent in applying to development schemes, to provide us with protection in areas where commercial pressures could easily overpower the expectation of residents to the peaceful enjoyment of their homes.

We are anxious that this vital safeguarding process is not jeopardised because developers are able to pick and chose the conditions they will adhere to.

Yours sincerely

Tim Macer
Chair,
Willoughby House Group

Delves, Gemma

From: PlnComments@cityoflondon.gov.uk
Sent: 12 May 2013 18:06
To: Delves, Gemma
Subject: Application Comments for 13/00373/NMA

Follow Up Flag: Follow up
Flag Status: Flagged

Planning Application comments has been made. A summary of the comments is provided below.

Comments were submitted at 6:05 PM on 12 May 2013 from Mr Christopher Makin.

Application Summary

Address: Land At Moor Lane Barbican London EC2

Non-material amendment under Section 96A of the Town and Country Planning Act 1990 to planning permission reference 09/00302/FULL dated 28th July 2009 and as amended by non material amendment reference 12/00675/NMA dated 17th August 2012, to allow the marketing pavilion to remain in use (in connection with the Milton Court development) until 30 June 2013.

Proposal:

Case Officer: Gemma Delves

[Click for further information](#)

Customer Details

Name: Mr Christopher Makin

Email: Not specified

Address: 21 Speed House Barbican London

Comments Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Reasons for comment: - Residential Amenity

Comments: Dear Sir or Madam I write to object to the this proposal on the following grounds: 1: Abuse of due process. This applicant has blatantly ignored your Committee's previous conditions and a further extension will only encourage others to fail to take your Committee's decisions seriously. 2: Delay to the agreed Moor Lane improvements Although some improvements have been made to the junction of Moor Lane and Silk Street, these improvements cannot be completed whilst this structure in situ. These works, which will benefit both City workers and residents should be given priority over a sales office for a development that has more than 90% its units sold. 3: Respecting the Grade II listing of the Barbican This temporary structure has obscured interesting architectural details and the original signage for too long. I urge the committee to reject the application and to

apply the necessary enforcement so that that improvement works that will benefit the community as a whole can be carried out without further delay.

Delves, Gemma

From: PlnComments@cityoflondon.gov.uk
Sent: 13 May 2013 11:41
To: Delves, Gemma
Subject: Application Comments for 13/00373/NMA

Planning Application comments has been made. A summary of the comments is provided below.

Comments were submitted at 11:41 AM on 13 May 2013 from Professor Michael Swash.

Application Summary

Address: Land At Moor Lane Barbican London EC2

Proposal: Non-material amendment under Section 96A of the Town and Country Planning Act 1990 to planning permission reference 09/00302/FULL dated 28th July 2009 and as amended by non material amendment reference 12/00675/NMA dated 17th August 2012, to allow the marketing pavilion to remain in use (in connection with the Milton Court development) until 30 June 2013.

Case Officer: Gemma Delves

[Click for further information](#)

Customer Details

Name: Professor Michael Swash

Email:

Address: 106 Willoughby House Barbican

Comments Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Reasons for comment: - Residential Amenity

Comments: Heron was granted planning permission on the explicit understanding that permission was granted for a limited period of three years (3 years). There was extensive discussion at the time and firm promises were made both by Heron and by the City planners. This 3-year permission has already been extended once. The City is in danger of appearing indeterminate, vacillating and even foolish by contemplating a further extension. Promises made should be promises kept. There is no sensible justification for permission to be extended. Indeed, by granting such permission the planned and partially completed amenity improvements in Moor Lane will be further delayed. The application should be denied
Michael Swash

Delves, Gemma

From: PinComments@cityoflondon.gov.uk
Sent: 15 May 2013 19:54
To: Delves, Gemma
Subject: Application Comments for 13/00373/NMA

Planning Application comments has been made. A summary of the comments is provided below.

Comments were submitted at 7:53 PM on 15 May 2013 from Mrs Anne Naphthine.

Application Summary

Address: Land At Moor Lane Barbican London EC2

Proposal: Non-material amendment under Section 96A of the Town and Country Planning Act 1990 to planning permission reference 09/00302/FULL dated 28th July 2009 and as amended by non material amendment reference 12/00675/NMA dated 17th August 2012, to allow the marketing pavilion to remain in use (in connection with the Milton Court development) until 30 June 2013.

Case Officer: Gemma Delves

[Click for further information](#)

Customer Details

Name: Mrs Anne Naphthine

Email: _____

Address: 110 Speed House The Barbican London

Comments Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Reasons for comment: - Residential Amenity

Comments: There appears to be no valid reason for the continued existence of the pavilion, since local information suggests most flats have been sold. The main objection I have is that the longer it is there the longer the delay in improvements to the street scene, which I as a resident have been looking forward to after a long period of disruption.

Wells, Janet (Built Environment)

13/00373/
NMA

From: Delves, Gemma
Sent: 16 May 2013 09:29
To: DBE - PLN Support
Subject: FW: Subject: Land At Moor Lane Barbican London EC2 - Heron Pavillion

Hi

Please can this be put on the web and acknowledged.

Thanks

Gemma

Barbican
London
EC2
8AU

From: beatriz phipp [redacted]
Sent: 15 May 2013 19:37
To: Delves, Gemma
Subject: Subject: Land At Moor Lane Barbican London EC2 - Heron Pavillion

Town and Country Planning Act 1990

Dear Mrs Delves

Considering that the 30th March 2013 was the end of the planning permission for the Heron Pavillion, I object to the extension of the permission because it shows

- disregard for the residents of Willoughby and Speed House; and
- it delays the Moor Lane improvement scheme.

Yours sincerely

Beatriz Phipp
83 Speed House

S

ACKNOWLEDGED

Delves, Gemma

From: Hewitt, Jean
Sent: 26 April 2013 11:53
To: Delves, Gemma
Subject: Marketing Pavilion for Milton Court - extension until June 2013

Hi Gemma

Although Robert Barker's previous comments remain valid, I cannot see too much fuss about a few months longer. There does not appear to be anything for me to respond to the applicant about, so please accept this email as my response.

Kind regards

Jean

Jean Hewitt
Access Adviser

T 020 7332 1995
E jean.hewitt@cityoflondon.gov.uk

From: Hewitt, Jean
Sent: 10 April 2012 15:09
To: Delves, Gemma
Subject: FW: Marketing Pavilion for Milton Court

Gemma

I don't have any access comments on this one, other than supporting the access groups remarks about the inconvenience caused. Do I need to prepare a formal note on this for your files or will Robert's comments previously forwarded suffice please?

Regards

Jean

Jean Hewitt
Access Adviser

T 020 7332 1995
E jean.hewitt@cityoflondon.gov.uk

From: Hewitt, Jean
Sent: 02 April 2012 11:23
Subject: RE: Marketing Pavilion for Milton Court

Thanks Robert, this is very useful and I am forwarding all of this to Gemma Delves who will be reviewing the application,

Kind regards

Jean

Jean Hewitt
Access Adviser

T 020 7332 1995
E jean.hewitt@cityoflondon.gov.uk

From: [redacted]
Sent: 27 March 2012 15:29
To: Hewitt, Jean
Subject: Fwd: Marketing Pavilion for Milton Court

Jean,

Entertainingly, the minutes of the planning committee for once are consistent with my recollection. This was the July 28, 2009 meeting.

There was a fair bit of discussion concerning the unfortunate likelihood that 3 years would become longer. The Barbican Association made this point in its objection. In response, the City planning officer said:

The Committee might be able to suggest that they would not be minded to grant an extension if the applicant were to apply for one in three years, but Members could not pre-determine an application before all the facts were before them and would have to consider it on its merits at the time

Further,

Following a vote of 13 in favour and 7 against, the Chairman asked whether the Committee might state that they would not be minded to approve an extension, and the Comptroller and City Solicitor stated that suitable words could be added provided the Committee was not fettering its consideration of any future application.

Robert

-----Original Message-----

From: rc
To: Jean.Hewitt <Jean.Hewitt@cityoflondon.gov.uk>
Sent: Mon, 26 Mar 2012 15:53
Subject: Fwd: Marketing Pavilion for Milton Court

Jean,

Additional detail - For access, it is important to note that the Moor Lane Street Scene work is the program that is supposed to address the appalling incline falling away from the doors of the public lift on the pavement by street level. (This public lift links the pavement level with the Barbican podium-level upper walkway.)

More thanks,
Robert

-----Original Message-----

From: robbarker <[redacted]>
To: Jean.Hewitt <Jean.Hewitt@cityoflondon.gov.uk>
Sent: Mon, 26 Mar 2012 15:46
Subject: Re: Marketing Pavilion for Milton Court

Jean,

There is much distress at the thought of this eyesore remaining any longer than the previous permission as we were promised faithfully that it would only be for three years.

The great concern is that this two-storey marketing pavilion / hulk occupies an important space that is to be landscaped, and that really must not be jeopardised. Whilst this "pavilion" is in place, it holds up the approved Street Scene project for sorting out Moor Lane (south of the junction with Silk Street). That street Scene project is supposed to make it easier for wheelchair users and others with mobility problems to cross Moor Lane.

So, in short, what the applicant is seeking is a breach of promises previously made by the City and an 18-month delay to Street Scene improvements that would make life easier for the less able,

Thank you,
Robert

Robert B. Barker
Chair
City of London Access Group

-----Original Message-----

From: Hewitt, Jean <Jean.Hewitt@cityoflondon.gov.uk>
To: robbbarker <r>
Sent: Fri, 23 Mar 2012 17:46
Subject: Marketing Pavilion for Milton Court

Hello Robert

I have just seen the following application come in:

Land at Moor Lane, Barbican, London EC2 12/00228/NMA Non-material amendment under s96a of TCPA to permission 09/00302/FULL of 28/7/09 to allow marketing pavilion to remain in use, in connection with Milton Court development, for a further 18mths.

Could I just check with you whether the continuing use of the space as a Marketing Pavilion causes any on-going and considerable inconvenience to residents please?

Regards

Jean

Jean Hewitt

Access Adviser

Access Team

Department of the Built Environment

City of London

P O Box 270 Guildhall London EC2P 2EJ

T 020 7332 1995

E jean.hewitt@cityoflondon.gov.uk

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