

Committee:	Date:
Planning and Transportation	20 February 2018
Subject: 1 & 2 Garden Court & 3 Garden Court (Blackstone House) Middle Temple London EC4Y 9BL Change of use of 1 x residential unit (C3) to office use (B1) at fourth floor level and external alterations including the formation of new openings in the rear of 2 Garden Court at second, third and fourth floor levels (located in the City of London) in association with a proposed three storey extension (located in the City of Westminster) linking 2 Garden Court with Blackstone House.	Public
Ward: Farringdon Without	For Decision
Registered No: 17/00937/FULL	Registered on: 12 September 2017
Conservation Area: Temples	Listed Building: Grade II

Summary

The proposal relates to 1 & 2 Garden Court, a pair of red brick chamber buildings comprising four storeys plus basement. 1 & 2 Garden Court are grade II listed buildings within the Temple Conservation Area.

The site includes 3 Garden Court (Blackstone House) and the land between the rear of Blackstone House and 1& 2 Garden Court which falls within the adjoining administrative area of Westminster City Council and are located within the Strand Conservation Area.

Planning permission is sought for alterations to the Grade II listed 1 and 2 Garden Court. The works to 1 and 2 Garden Court include; change of use of one residential unit (Class C3) to office (Class B1), removal of structural and non-structural partitions, creation of openings at second, third and fourth floor level at the rear of 1 & 2 Garden Court, refurbishment and repair works, installation of two new glazed lifts in the existing locations.

An identical application has been submitted to Westminster City Council. The works within the administrative boundary of Westminster include the erection of a glazed infill extension between Blackstone House and 1 and 2 Garden Court to create a new atrium connecting the two buildings at second, third and fourth floor levels and associated alterations including new rooftop plant equipment.

A total of 10 representations have been received. The representations are summarised in the body of the report. The issues raised include the impact of the proposed link extension on daylight and sunlight, privacy, overlooking and an increased sense of enclosure to nearby residential properties, harm to the Strand and Temples Conservation Area, noise and disturbance during construction and devaluation of nearby residential properties.

The proposals would result in less than substantial harm to the significance of the Temples Conservation Area and would result in less than substantial harm to the setting and significance of the Grade II listed 1 & 2 Garden Court as a designated heritage asset. The harm is outweighed by the benefits of the proposal which comprises larger and high quality office space for the Chambers and improved access between the two buildings, enabling the Chambers to remain within the Middle Temple Estate.

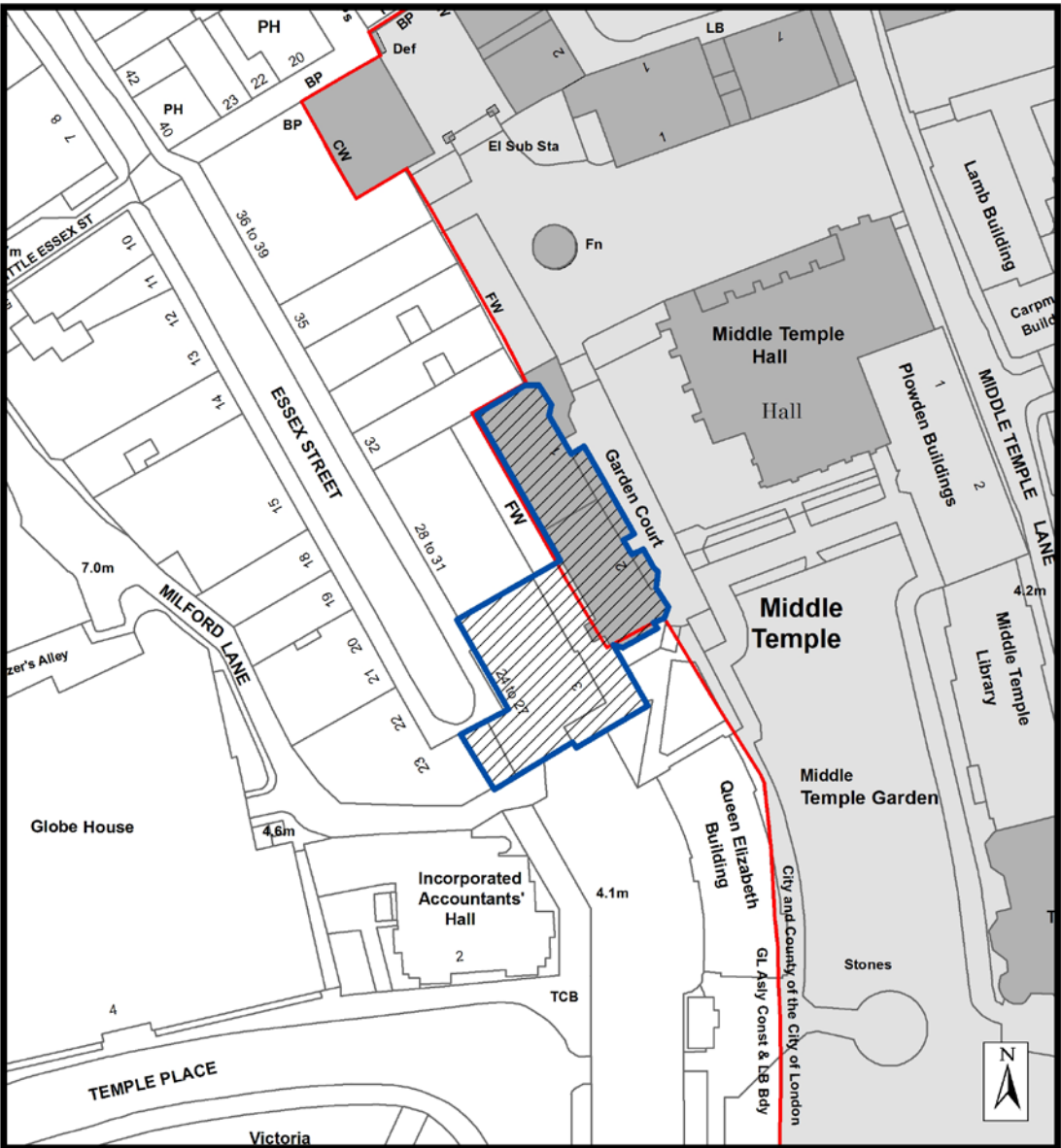
It is considered that the development complies with the NPPF and the Development Plan as a whole and is appropriate subject to conditions.

Recommendation

Recommendation

(1) That planning permission be granted for the above proposal in accordance with the details set out in the attached schedule.

Site Location Plan



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ADDRESS:
1-2 Garden Court

CASE No.
17/00937/FULL

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



DEPARTMENT OF THE BUILT ENVIRONMENT



Main Report

Site

1. 1 & 2 Garden Court are a pair of red brick chamber buildings dating to 1885 with stone dressings and prominent 'Elizabethan' features.
2. 1 & 2 Garden Court are grade II listed buildings comprising four storeys plus basement within the Temple Conservation Area. They are in use as barristers' chambers (Class B1) with residential uses (Class C3) at upper levels.
3. The Grade II registered Middle Temple park and garden extends to the edge of the site to the east and south, with the section immediately south of the site in long-standing use as a carpark. Middle Temple Hall (grade I listed) is to the east of 2 Garden Court.
4. The site includes 3 Garden Court (Blackstone House) and the land between the rear of Blackstone House and 1& 2 Garden Court which are within the adjoining administrative area of Westminster City Council and within the Strand Conservation Area.
5. 1 & 2 Garden Court and Blackstone House are currently linked by a glazed part one, part two storey extension between 2 Garden Court Blackstone House.

Relevant Planning History

6. In July 2007 planning permission and listed building consent were granted for the erection of a part one, part two storey glazed link extension between Blackstone House and 2 Garden Court to provide additional office space (Class B1). Associated alterations to Blackstone House included the formation of new openings in the rear elevation, installation of additional mechanical plant at roof level and associated alterations. Alterations to 1&2 Garden Court included the formation of a new opening in the rear elevation and associated alterations.

Proposals

7. Planning permission is sought for alterations to the grade II listed 1 and 2 Garden Court. The works to 1 & 2 Garden Court include:
 - Change of use of one residential unit (Class C3) on the fourth-floor level to office use (Class B1) (62sqm)
 - Refurbishment and repair works to 1 and 2 Garden Court including replacement of all services, full façade clean and repairs to the roof
 - Creation of new openings at the rear of 2 Garden Court at second, third and fourth floor levels (in association with a glazed structure linking 1 and 2 Garden Court and Blackstone House).

8. An identical application has been submitted to Westminster City Council. The works within the administrative boundary of Westminster include:
 - A glazed infill extension between Blackstone House and 1 and 2 Garden Court to create a new atrium connecting the buildings at second, third and fourth floor levels and associated alterations, including installation of rooftop plant at Blackstone House.

Cross boundary Application

9. As the application site is within two boroughs the applicant has submitted two identical applications. One has been submitted to Westminster ("the Westminster Application") and one to the City ("the City Application"). Unless one authority delegates its LPA functions to the other, each authority should separately determine the Application which has been made to it. In determining the City Application, the City is obliged to have regard to the development plan so far as material, and to make the determination in accordance with the development plan unless material considerations indicate otherwise. The considerations are set out in paragraph 20.
10. This report deals with the application for planning permission (17/00937/FULL).

Consultations

11. The views of other City of London departments have been taken into account in the preparation of this report and some detailed matters remain to be dealt with under conditions.
12. The application has been advertised in the press and a site notice was put up around the site, and statutory and non-statutory bodies were consulted.
13. Historic England does not wish to comment on the proposal and has deferred to the view of the local planning authority.
14. Westminster City Council has concerns with the visual impact of the proposed infill extension with regards to its scale, design, materiality, and its relationship with neighbouring buildings and its surroundings. They consider that the proposal would harm the character and appearance of Blackstone House and the Strand Conservation Area; and would harm the setting of the Temple Conservation Area, the neighbouring Grade II registered Middle Temple Garden and the Grade II listed 1 & 2 Garden Court. Concern is raised that the infill extension may have an un-neighbourly impact on residents at the rear in Aldwych Chambers (29 Essex Street) with regards to loss of light and an increased sense of enclosure. The application was prepared for the Planning Applications Sub Committee in early January, but the application was deferred in order to allow the applicant to enter into further technical discussions with officers and residents, and for members to visit the site. (The comments sent to the City by Westminster and the deferred report to Westminster's Planning

Application's Sub Committee are available for Members in the Consultation Response bundle).

15. City of London Conservation Area Advisory Committee raised no objections.
16. Affected residential properties have been consulted. A total of 9 objections have been received from residential occupiers at Aldwych Chambers (29 Essex Street) within the area of Westminster City Council. They are summarised below:
 - The proposed link structure is out keeping with the historic buildings that make up the area known as Middle Temple and would cause substantial harm to the Strand and Temple Conservation Area with no public benefit to the proposal.
 - The proposed link structure would have a significant impact on the loss of daylight, sunlight, privacy, overshadowing and an increased sense of enclosure to the residential properties at Aldwych Chambers (29 Essex Street).
 - Concerns about the disturbance during construction
 - Proposed link structure would impact on the character of the property
 - Devaluation of their property
 - The applicant should investigate the removal of the adjoining external fire escape stair.

Policy Context

17. The development plan consists of the London Plan and the City of London Local Plan. The London Plan and Local Plan policies that are most relevant to the consideration of this case are set out in Appendix A to this report.
18. Although Westminster's identification and analysis of its policies relevant to the Westminster Application do not form part of the development plan, for the purposes of determining the City Application, they are a material consideration and should be taken into account.
19. Government Guidance is contained in the National Planning Policy Framework (NPPF).

Considerations

20. 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, to local finance considerations 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). For development within a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area and its setting (S72 (1) Planning (Listed Buildings and Conservation Areas) Act 1990)

- In considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. (S66 (1) Planning (Listed Buildings and Conservation Areas) Act 1990). In this case the duty is to have special regard to the desirability of preserving the setting of listed buildings;
21. In determining the City Application, the City is obliged to have regard to the London Plan and the development plan documents adopted for the City.
 22. Considerable importance and weight should be given to the desirability of preserving a listed building and/or its setting, and to the desirability of preserving or enhancing the character or appearance of a conservation area, when carrying out any balancing exercise in which harm to the setting of listed buildings or conservation areas is to be weighed against public benefits. A finding that harm would be caused to a listed building or its setting or to a conservation area gives rise to a strong presumption against planning permission being granted.
 23. In considering the planning application before you, account has to be taken of the statutory and policy framework, the documentation accompanying the application, and the views of both statutory and non-statutory consultees.
 24. It is necessary to assess all of the policies and proposals in the Development Plan and to come to a view as to whether in the light of the whole plan the proposal does or does not accord with it.
 25. The principal issues in considering this application are:
 - The extent to which the proposals comply with the Development Plan and policy advice (including the NPPF) and the desirability of preserving the setting of listed buildings and preserving or enhancing the character and appearance of the conservation area;
 - The extent to which the proposals impact on the amenity of neighbouring residential occupiers.

HERITAGE

Identification of Heritage Assets and their significance

26. Paragraph 129 of the NPPF states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including the setting of any

asset). The assessment of significance should be taken into account when considering the impact of a proposal.

27. The designated heritage assets of relevance in the consideration of this case are:
 - 1 & 2 Garden Court – Grade II listed
 - Temples Conservation Area (City of London)
 - Strand Conservation Area (Westminster)
28. As well as the setting of:
 - Essex Watergate, Essex Street – Grade II listed (Westminster)
 - Middle Temple Garden - Grade II registered park or garden (City of London and Westminster)
29. There are no non-designated heritage assets in the City of London of relevance to this application. Westminster have identified Blackstone House as an unlisted building of merit.
30. 1 & 2 Garden Court have aesthetic and historical significance as a high quality example of a Victorian chambers building with long-standing associations with the site and Temples area.
31. The Temples Conservation Area, its individual buildings and landscape have a shared historical and communal value for their early association with the Knights Templar and long-established legal use over five centuries. The area and many of its buildings are rare or unique in London and some possess national and international significance.
32. The Strand Conservation Area has historical and aesthetic significance for its contrasting building scales and characters, including notable London landmarks and key views from the Thames.
33. Essex Watergate has historical and aesthetic significance as a former gateway from the Thames dating to c.1676.
34. Middle Temple Garden is one of the City's largest and most historic open spaces, with associations ranging from the Knights Templar to the construction of the Victoria Embankment.

Heritage Policies

35. Policy 7.8 of the London Plan states that "Development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail." Paragraph 7.31A of the supporting text states "Substantial harm to or loss of a designated heritage asset should be exceptional, with substantial harm to or loss of those assets designated of the highest significance being wholly exceptional. Where a development proposal will lead to less than substantial harm to the significance of a designated asset, this harm should be weighed against the public benefits of the proposal, including securing its optimal viable use. Enabling development that would otherwise not comply with planning policies, but which would secure the future conservation of a

heritage asset should be assessed to see if the benefits of departing from those policies outweigh the disbenefits.”

36. Policy CS12 of the Local Plan seeks to conserve or enhance the significance of the City’s heritage assets and their settings by: safeguarding the City’s listed buildings and their settings, while allowing appropriate adaptation and new uses, and preserving and enhancing the distinctive character and appearance of the City’s conservation areas, while allowing sympathetic development within them.
37. Policy DM12.1 of the Local Plan relates to managing change affecting all heritage assets and ensuring that the proposals sustain and enhance heritage assets, their settings and significance. Policy DM12.2 relates to development within conservation areas. It seeks to ensure that development in conservation areas is only permitted where it preserves and enhances the character or appearance of the conservation area. Policy DM12.3 relates to listed buildings and seeks to ensure that listed building consent is granted for the alteration of a listed building only where this would not detract from its special architectural or historic interest, character and significance or its setting. Furthermore that “Development will be required to respect the significance, character, scale and amenities of surrounding heritage assets and spaces and their settings”. (12.1.4)
38. Paragraph 134 of the NPPF states that “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including securing its optimum viable use”.
39. Paragraph 138 of the NPPF states that the “Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 133 or less than substantial harm under paragraph 134, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage site as a whole.

Extent to which the proposed development complies with the heritage policies of Development Plan

40. The proposal has been assessed in relation to the relevant heritage policies of the London Plan and Local Plan. The proposed new openings in the rear elevation and the external repairs and maintenance works would not have a detrimental impact on the special interest of the listed building, the character and appearance of the Temples Conservation Area or the setting of Middle Temple Garden. The proposed internal alterations would be sympathetic to the special architectural and historic interest of the listed building and would ensure its continued use in the purpose for which it was designed.
41. The proposed openings in the rear elevation would be formed in connection with a proposed link extension which is under consideration

in an associated listed building consent application. These works would fall within the administrative area of Westminster City Council. A condition would be added to the planning permission and listed building consent to ensure that the openings at the rear of 1 & 2 Garden Court shall not be implemented until the associated glazed link extension (within Westminster City Council) is approved and implemented.

42. It is acknowledged that the proposed link extension would result in some harm to the setting and significance of 1& 2 Garden Court as a designated heritage asset due to the visual prominence of the structure. It is considered that this harm would be less than substantial, and would be outweighed by the benefits of the proposal which include larger and higher quality office space, likely to be used for the Chambers and improved access between the two buildings.
43. Concerns about the visual assertiveness of the link are further mitigated by refinements that have been incorporated into the design, which include the proposed set-down below the cornice of the listed building, and the set-back of the link from the southern elevation, the provision of low reflectivity glazing with a metallic interlayer, and a sensitively designed internal lighting scheme.

Impact on the setting and significance of the listed buildings

44. The exterior brick and stonework of 1 & 2 Garden Court would be cleaned and repaired where required.
45. Four existing window openings in the west elevation of 2 Garden Court would be enlarged to provide connections to the proposed new link structure. The openings affected would comprise one at second floor, one at third floor and two at fourth floor level.
46. The existing modern atrium structure at ground and first floor levels would be removed and the brick elevation of 2 Garden Court exposed and made good. Modern service ducts and antennae would be removed and brickwork repaired.
47. The carrying out of the cleaning and repairs would be secured by condition, and details and a method statement would be required by condition to agree the extent and nature of the repair and alterations of works.
48. The external works to the listed building would not result in any harm to its significance. The external alterations would be confined to its rear elevation where there is less sensitivity to change, and where alterations have already occurred. The alterations throughout would be accompanied by an extensive package of repair works that would enhance the significance of the listed building.
49. Historic maps and photographs illustrate that prior to WWII there were structures occupying the site of Blackstone House, abutting the rear of 1 and 2 Garden Court. The existing gap between the buildings is a relatively recent development in the site's history and the proposed link would reinstate this earlier condition.

50. The proposed development would not have a significant impact on the setting of the Essex Watergate due to its set back behind Blackstone House.
51. Westminster City Council have assessed the harm to 1 and 2 Garden Court to be less than substantial, and do not consider that the benefits of the scheme outweigh this harm. Westminster City Council have not assessed the impact of the proposed development on the Essex Watergate.

Impact on the significance of the Conservation Areas

52. The impact of the works on the significance of the Temples Conservation Area has been assessed with reference to The Temples Conservation Area Character Summary and Historic England Advice Note 1 'Conservation Area Designation, Appraisal and Management' which provides guidance on assessing positive contributors at paragraph 16.
53. The Temples Conservation Area Character Summary identifies The Temples as a subtle combination of buildings and spaces with a character and environmental quality that is reminiscent of the collegiate atmosphere of Oxford and Cambridge. It emphasises that the area's character is influenced by the activities of the legal profession which has evolved and continues to carry on.
54. 1 and 2 Garden Court make a positive contribution to the character and appearance of the Temples Conservation Area due to their architectural quality, historical associations and relationship with adjacent buildings in terms of age, materials and style.
55. Aside from general repair and maintenance, the works would be confined to the western rear elevation of 1 and 2 Garden Court. The proposed openings in the rear elevation would not have a significant impact on the appearance of the building or its contribution to the Temples Conservation area.
56. The proposed link structure would be outside the boundary of the Temples Conservation Area. It would result in less than substantial harm to the significance of the conservation area due to the introduction of a modern glazed structure immediately adjacent to its boundary. It is considered that this harm would be outweighed by the benefits of the scheme.
57. The proposed link would be within the boundary of the Strand Conservation Area. It is considered that the proposed development would result in a degree of less than substantial harm to the significance of the designated heritage asset, but that this harm would be outweighed by the benefits of the proposals, which are discussed below.
58. Westminster City Council have assessed the harm to the Temples Conservation Area and Strand Conservation Area to be less than substantial, and do not consider that the benefits of the scheme outweigh this harm.

Impact on the setting and significance of the Middle Temple Garden

59. 1 and 2 Garden Court are located immediately outside the western boundary of the designated Middle Temple Garden. The boundary of the garden extends to the south of the buildings where there is a section in long-established use as a car park.
60. The proposed external works to 1 and 2 Garden Court, including the new openings in the rear elevation of the building would not have any detrimental impact on the significance or setting of the garden. The alterations to the rear would only be glimpsed from the south where they would be obscured by the proposed link extension.
61. The proposed link extension would be visible from the southern car park section of the Garden. From this location the development would have a visual impact on the landscape and would appear as a simple contemporary glazed structure set between traditional masonry buildings. The link would be glimpsed in views from the Garden to the east of Garden Court and Queen Elizabeth Building but would appear as a slim, subservient modern element between two substantial masonry buildings.
62. The proposed link extension is not considered to be harmful to the setting and significance of Middle Temple Garden.
63. Westminster City Council have assessed the harm to the setting of Middle Temple Garden to be less than substantial, and that this harm is not outweighed by the benefits of the proposal.

DESIGN

Design policies

64. Policy 7.4 of the London Plan states that “development should have regard to the form, function, and structure of an area, place or street and the scale, mass and orientation of surrounding buildings.”
65. Policy CS12 of the Local Plan sets out the City’s design policies: “To promote a high standard of design and sustainable buildings, streets and spaces, having regard to their surroundings and the historic and local character of the City...”
66. And seeks to ensure that “...bulk, height, scale, massing, quality of materials and detailed design of buildings are appropriate to the character of the City and the setting and amenities of surrounding buildings and spaces.” Whilst “Encouraging design solutions that make effective use of limited land resources. Ensuring that development has an appropriate street level presence and roofscape and a positive relationship to neighbouring buildings and spaces.”
67. 3.10.8 “In assessing development schemes detailed consideration will be given to the bulk and massing and special characteristics of their locality. All development proposals are expected to have a high standard of design and detailing”.

68. 3.10.13 “The design and execution of extensions and alterations to buildings, such as entrances and windows, are of considerable importance since they have a cumulative effect on the overall character and appearance of the City. Extensions or alterations should be considered in relation to the architectural character of the building, designed to minimise their impact and integrated with the design of the building. Alterations and extensions should achieve a successful design relationship with their surroundings, taking full account of the local context and the setting of the building”.
69. Chapter 14 of the NPPF sets out the key policy considerations in relation to design. Paragraph 60 states “Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.”
70. NPPF paragraphs 63 and 64 state that “In determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.” and “Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.”

Extent to which the proposed development complies with the design policies of the Development Plan and NPPF Guidance

71. The proposal has been assessed in relation to the relevant design policies of the London Plan and Local Plan and guidance in the NPPF. It is considered that the design of the proposed development would be high quality and would make an appropriate addition to the area.
72. The proposed alterations to 1 and 2 Garden Court would be minor in nature, and would not result in any substantial change to the appearance of the listed buildings.
73. The proposed link extension to the rear would partially replace and extend an existing ground and first floor glazed link that was constructed in 2008. The new link would comprise a series of bridged walkways at second, third and fourth floor levels at the southern part of the site. These would be in addition to the existing first floor bridge. At the northern part of the space meeting rooms would be created at ground, first and second floor levels, with a double-height break-out space above. The new linking structures would be enclosed with a glazed curtain wall and roof.
74. The scale and massing of the link structure has been designed to relate sympathetically to the adjoining buildings and provide a subservient addition to the listed building. It would be set back from the south elevation of 2 Garden Court and by four bays from the south elevation of Blackstone House. At its highest point the link would be below the eaves and cornice line of 2 Garden Court.

75. Historic maps and photographs illustrate that prior to WWII there were structures occupying the site of Blackstone House, abutting the rear of 1 and 2 Garden Court. The existing gap between the buildings is a relatively recent development in the site's history and the proposed link would echo this condition.
76. The curtain wall enclosing the link at the southern end would incorporate a mesh interlayer and low-reflectivity glazing in order to minimise its visual impact. To further subdue its appearance after dark, a discreet lighting scheme has been designed inside the southern section of the link, with inset light fittings in the link bridges only.
77. The link would be lightweight and contemporary in design to allow the architectural character of each brick elevation to remain fully exposed when viewed from within the structure, and perceptible when viewed from external vantage points. The design and appearance of the link would be a departure from the prevailing character of the local area, which is formed of predominantly traditional masonry buildings.
78. The proposed link extension has been assessed in local views from the south and east. From Middle Temple Garden there would be glimpsed views of the south-western corner of the link, with the new structure entirely obscured by Garden Court in the northern part of the garden, and by Queen Elizabeth Building in the southern part. In views immediately south of Garden Court and Blackstone House the link would be fully visible, but would be set back from the building elevations and below the cornice line to avoid obscuring the Garden Court roofline. In these views the link would obscure the existing unsightly fire escape that would remain to the north between the two buildings. From Victoria Embankment the link would be glimpsed in a direct view from the south, although it would be obscured by mature trees and would appear as a distinct and subservient element in relation to surrounding buildings.
79. The City of Westminster have assessed the application against relevant design and conservation policies in the Westminster City Plan (November 2016) and consider that the proposed link building would result in less than substantial harm to the significance of the Strand Conservation Area and Temples Conservation Area, and the setting of 1 & 2 Garden Court. They consider that this harm is not outweighed by any perceived benefits and that there should be a presumption to refuse the application. City of London are in agreement that there is less than substantial harm to the designated heritage assets but consider that this is outweighed by the benefits of the overall scheme.

Benefits of the Proposal

80. The Temples Conservation Area character summary emphasises that the area's character is influenced by the use to which the activities of the legal profession has evolved and continues to carry on.
81. The Honourable Society of the Middle Temple (the applicant) makes the case that they are committed to ensuring that the Estate is able to provide accommodation to retain and attract barristers' chambers. The

applicants have undertaken a comprehensive evaluation of its Estate and have identified a number of historic buildings which are not fit for modern offices and are in need of modernisation. 1 & 2 Garden Court were identified as the first set of buildings in need of significant modernisation. The applicants state they are very dependent on retaining larger sets of chambers as they provide a significant proportion of their financial income. Without this financial income, the Middle Temple would not be able to provide the collegiate and unique environment.

82. Blackstone Chambers (located across both Blackstone House and 1 & 2 Garden Court) has been established for over 70 years and has been based in the Middle Temple since its inception. The nature of the practice has evolved and it has become multi-jurisdictional offering its services both in the UK and internationally. The Chambers have grown to more than 100 practitioners, 4 pupils and 30 staff. The applicants have made a case that the proposals for the expansion and linking of Blackstone House and 1 & 2 Garden Court is an integral part of the future growth and success of the Chambers and to enable them to remain within the Middle Temple Estate.
83. The existing building's limitations have been identified by the Chambers'. They have expressed concerns that staff are currently spread out over three buildings and the separation of staff creates a fragmented, inefficient workplace and there is a real need for the Chambers to be located in one building. Furthermore, they identify the need for improved vertical connectivity between the two buildings.
84. The applicants state that there are no other buildings within the Middle Temple Estate that are large enough to accommodate the Chambers. If the proposals to link 1 & 2 Garden Court and Blackstone House are not able to be delivered, then the Chambers would be forced to vacate the Middle Temple Estate due to the lack of suitable chambers of the required size.
85. Additional benefits of the scheme would comprise the restoration works to the external elevations of the Grade II listed 1 & 2 Garden Court, including stone repairs, cleaning and removal of redundant services, supporting the long-term conservation of the listed buildings. The occupation of the development is not restricted to barrister's chambers by planning controls. However, the Inn states that the provision of accommodation for the bar is stipulated under the Letters Patent granted to it in 1608 by James I.

Assessment of the Benefits

86. The proposals have been assessed in relation to the relevant heritage and design policies of the London Plan and Local Plan. Whilst it is acknowledged that the proposed link structure would be within Westminster, in assessing the full application, the proposed link structure would result in less than substantial harm to the designated heritage asset but consider that this is outweighed by the overall benefits of the proposal which include larger and high quality office

space for the Chambers and improved access between the two buildings, enabling the Chambers to remain within the Middle Temple Estate. Your officers accept the case that if the Chambers move out of the Middle Temple Estate, it would impact on the character of the Temples Conservation Area.

Change of Use

87. The proposal would result in the loss of one residential unit located on the fourth-floor level at 2 Garden Court. Local Plan Policy DM21.4 permits adjustments between professional and residential accommodation where it is important to the functioning of the Temples to enable the continuing use. The residential unit at fourth floor level is an isolated unit and the change of use to office use would omit any residential use at fourth floor level, providing only office space at fourth floor level which would allow for improved privacy for the Chambers.

Daylight, Sunlight and Overlooking

88. There are residential units within 1 and 2 Garden Court, Aldwych Chambers (29 Essex Street) and New Court Chambers. The flats in Aldwych Chambers have windows which face into the gap between Blackstone House and 1 & 2 Garden Court.
89. A number of representations have been received from residents at Aldwych Chambers located within Westminster Council area, raising concerns that the proposed infill extension would substantially reduce the daylight and sunlight to their homes, create an increased sense of enclosure and loss of privacy.
90. Local Plan Policy DM10.7 'Daylight and Sunlight' resists development which would reduce noticeably the daylight and sunlight available to nearby dwellings and open spaces to unacceptable levels, taking account of the Building Research Establishment's (BRE) guidelines. The policy requires new development to provide acceptable levels of daylight and sunlight for occupiers. Paragraph 3.10.41 of the Local Plan indicates that BRE guidelines will be applied consistent with BRE advice that ideal daylight and sunlight conditions may not be practicable in densely developed city centre locations. Local Plan Policy DM12.3 seeks to protect residential amenity and requires that all developments should be designed to avoid overlooking and seeks to protect privacy, day lighting and sun lighting levels to adjacent residential accommodation.
91. The proposed link extension would result in three additional stories to the boundary with Aldwych Chambers and the link would visually fill the gap between the Garden Court and Essex Street properties. There is an existing fire escape which already encloses these properties and the amount of daylight received in the existing situation is already compromised as a result.
92. A daylight and sunlight report has been submitted in support of the application assessing the impact of the proposed infill extension on the daylight and sunlight received by the residential properties at Aldwych

Chambers (29 Essex Street) and New Court Chambers in accordance with the assessments suggested in the BRE guide to good practice 'Site Layout Planning for Daylight and Sunlight'. In response to the concerns raised by the residents, Malcolm Hollis prepared an addendum to the Daylight and Sunlight Report dated 9 August 2017.

Daylight

93. Of the 67 windows tested, 63 would continue to meet BRE target values. The report identifies that the properties at New Court Chambers would not be affected in terms of daylighting.
94. The report identifies four windows in Aldwych Chambers which would experience a loss of daylight which would exceed BRE guidelines. These windows (at basement, lower ground, upper ground and first floor levels) are adjacent to the proposed infill extension and directly behind the existing fire escape stair. Three of the affected windows serve bedrooms (basement, upper ground and first floor) and the BRE guidelines state that bedrooms have a lower requirement for daylight than principal living areas. The remaining window (at lower ground floor) serves a living room, but this room is also served by two further windows that would remain unaffected. The BRE guidelines state where a room benefits from more than one window, where the other windows are BRE compliant, the occupiers of that room cannot reasonably be said to suffer a detrimental loss of light.

Sunlight

95. BRE guidance states that sun light levels to residential properties may be affected if a new development is situated within 90 degrees due south of a main window. None of the windows of the residential properties at Aldwych Chambers face 90 degrees of due south and would not be impacted upon in terms of loss of sunlight.
96. Eight windows located on the south elevation of New Court Chambers were assessed for any impact on sun lighting levels. All the windows would continue to meet the target values set out in the BRE guidelines.
97. It is considered that the proposed link extension would have a minor adverse impact on the daylight currently enjoyed by the residential properties at Aldwych Chambers (29 Essex Street). However, it is noted that the existing daylight levels are compromised by the fire escape stair.
98. Local Plan Policy DM10.7 states ideal daylight and sunlight conditions may not be practicable in densely developed city centre locations. Overall, the daylight and sunlight implications for neighbouring properties are considered to be acceptable and in accordance with the requirements of Local Plan Policy DM10.7 and DM21.3.

Overlooking and Loss of Privacy and Enclosure

99. Representations have been received from residents in Westminster raising concerns that the proposed glazed link extension would result in

overlooking of the gardens of the properties at Aldwych Chambers (29 Essex Street).

100. Local Plan Policy DM21.3 requires developments to be designed to avoid overlooking and seek to protect the privacy of neighbouring occupiers.
101. The glazing of the link extension would include a metal mesh which would help to reduce the transparency of the glazing. A condition is recommended to provide further details of the glazing to ensure that it is of sufficient density to prevent overlooking from the glazed structure. The Local Plan states due to the density of development in the City avoidance of overlooking may not always be possible.
102. In relation to residential amenity, the impacts would arise to residents in Westminster and this would primarily be for Westminster City Council to determine as the extension falls within their area. Westminster City Council consider the proposed development would unacceptably increase the sense of enclosure experienced by residents at Aldwych Chambers and consider that the proposed development would not meet the requirements of Policy S29 of Westminster's City Plan (November 2016). Westminster City Council's assessment that the proposal would not be acceptable due to the sense of enclosure has been considered as a material consideration.
103. However, if considered against the City of London Local Plan policies, it is considered that the residential units already experience a sense of enclosure due to the existing fire escape stair and that the proposed glazed link extension would not increase the sense of enclosure to an unacceptable degree over the existing situation.

Access

104. The proposed development would provide improved accessibility and circulation between Blackstone House and 1 & 2 Garden Court. A new lift would be installed within Blackstone and the existing lifts within 1 & 2 Garden Court would be replaced with new glazed lifts, which would be extended to serve the lower level of the building. The new lifts would eliminate the need to use multiple lifts to access offices between the two buildings.

Archaeology

105. The site is in an area of high archaeological potential where remains from all periods may be expected to survive. This area is outside the Roman and medieval walled city and south of the Roman route, now Fleet Street. There has been gradual encroachment into the river and there is potential for prehistoric, Roman, Saxon and later medieval foreshore remains as well as structures, garden features and associated remains from later periods. An Historic Environment assessment has been submitted with the application.

106. The proposed alterations including extensions to existing lift pits, localised excavation within the sub-basement would have an archaeological impact.
107. Conditions are recommended to cover a programme of archaeological work to record remains that would be disturbed by the proposed works of the internal lift pits and new basement slab groundworks.

Construction Impact

108. Representations have been received raising concerns about the effect of the construction works. The amenity of nearby residents and commercial occupiers would be protected by a condition which would require the applicants to submit for approval a scheme for protecting nearby residents and commercial occupiers from noise, dust and other environmental factors during demolition and construction prior to any works commencing.

Refuse Collection

109. 95. Details of waste storage and collection have not been provided. A condition is proposed to provide further details of refuse storage and collection facilities.

Rooftop Plant (3 Garden Court within Westminster CC)

110. Plant equipment is proposed at roof level on Blackstone House. The existing plant room would be extended and six new external air conditioning units would be installed. A noise survey has been submitted in support of the application. A condition is proposed to manage the noise levels from the new plant equipment.

Other Matters

111. Concerns have been raised by residents in Westminster that the proposals would impact on the value of their properties. This would not be a material planning consideration. Residents have suggested that the existing external fire escape stair is removed. The escape stair is not within the red line of the application site or within the ownership of the applicants. The escape stair would be required as a secondary means of escape for the upper level of Blackstone House and a neighbouring building.

Conclusions

112. The proposal has been assessed in accordance with the relevant statutory duties, having regard to the development plan and other relevant policies, and relevant advice including the NPPF.
113. The proposal has been assessed in accordance with the London Plan, City of London Local Plan policies and Westminster City Council's assessment has been taken into account as a material consideration in the determination of this application.

114. The proposal would result in less than substantial harm to the significance of the Temples Conservation Area and Strand Conservation Area. The proposal would result in less than substantial harm to the setting and significance of 1 & 2 Garden Court as a designated heritage asset. It is considered that this harm would be outweighed by the benefits of the proposal which includes larger and high quality Chambers and improved access between the two buildings, enabling the Chambers to remain within the Middle Temple Estate.
115. The proposal accords with the development plan when considered as a whole, meeting the requirements of Policy 7.8 of the London Plan and policies CS10, DM10.7, CS 12, DM12.1, DM12.2, DM12.3 and CS 21, DM21.3, DM21.4 of the local plan.

Background Papers

Internal

Nil

External

Representation 12.10.2017 Clark Property Developments Limited
Representation 22.11.2017 Mr Brian Reinker
Representation 22.11.2017 Mrs Faye Milburn
Representation 23.11.2017 Mr Ronald Chua
Representation 23.11.2017 Mr Sean Coxall
Representation 27.11.2017 Mr Jules Antoine Marie Michel Becci-Morin
de la Riviere
Representation 28.11.2017 Ms Sarah Allen
Representation 03.12.2017 Mr Russell French
Representation 03.12.2017 Ms Natasha D'Souza
Letter Indigo Planning dated 08 September 2017
Letter Indigo Planning dated 31.10.2017
Letter Indigo (to Westminster City Council) dated 01 December 2017
Letter City of Westminster Observation dated 8 November 2017
Letter Conservation Area Advisory Committee dated 05 October 2017
Energy and Sustainability Statement dated 05 September 2017
Planning Statement dated September 2017
Daylight and Sunlight Report prepared by Malcolm Hollis dated 09 August 2017
Daylight and Sunlight Addendum Letter, prepared by Malcolm Hollis dated 24 October 2017
Design and Access Statement dated 25 August 2017
Additional Information Document, prepared by Morey Smith
Photograph of Middle Temple Library and OS Map
Historic Building Report December 2017
Historic Environment Assessment dated August 2017
Environmental Noise Survey dated 8 September 2017
Geotechnical and Geo-Environmental Interpretative Report (prepared by Fairhurst) dated September 2017
Statement on Damp Proof Injection dated 05 December 2017
Garden Court Drainage Drawings
Letter Blackstone Chambers dated 23 November 2017
Letter The Honourable Society of the Middle Temple dated 22 November 2017
Committee Report City of Westminster dated 09 January 2018

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.

Relevant Local Plan Policies

Relevant Local Plan Policies

CS10 Promote high quality environment

To promote a high standard and sustainable design of buildings, streets and spaces, having regard to their surroundings and the character of the City and creating an inclusive and attractive environment.

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.

CS15 Creation of sustainable development

To enable City businesses and residents to make sustainable choices in their daily activities creating a more sustainable City, adapted to the changing climate.

CS17 Minimising and managing waste

To support City businesses, residents and visitors in making sustainable choices regarding the minimisation, transport and management of their waste, capitalising on the City's riverside location for sustainable waste transfer and eliminating reliance on landfill for municipal solid waste (MSW).

CS21 Protect and provide housing

To protect existing housing and amenity and provide additional housing in the City, concentrated in or near identified residential areas, as shown in Figure X, to meet the City's needs, securing suitable, accessible and affordable housing and supported housing.

DM10.1 New development

To require all developments, including alterations and extensions to existing buildings, to be of a high standard of design and to avoid harm to the townscape and public realm, by ensuring that:

- a) the bulk and massing of schemes are appropriate in relation to their surroundings and have due regard to the general scale, height, building lines, character, historic interest and significance, urban grain and materials of the locality and relate well to the character of streets, squares, lanes, alleys and passageways;

- b) all development is of a high standard of design and architectural detail with elevations that have an appropriate depth and quality of modelling;
- c) appropriate, high quality and durable materials are used;
- d) the design and materials avoid unacceptable wind impacts at street level or intrusive solar glare impacts on the surrounding townscape and public realm;
- e) development has attractive and visually interesting street level elevations, providing active frontages wherever possible to maintain or enhance the vitality of the City's streets;
- f) the design of the roof is visually integrated into the overall design of the building when seen from both street level views and higher level viewpoints;
- g) plant and building services equipment are fully screened from view and integrated in to the design of the building. Installations that would adversely affect the character, appearance or amenities of the buildings or area will be resisted;
- h) servicing entrances are designed to minimise their effects on the appearance of the building and street scene and are fully integrated into the building's design;
- i) there is provision of appropriate hard and soft landscaping, including appropriate boundary treatments;
- j) the external illumination of buildings is carefully designed to ensure visual sensitivity, minimal energy use and light pollution, and the discreet integration of light fittings into the building design;
- k) there is provision of amenity space, where appropriate;
- l) there is the highest standard of accessible and inclusive design.

DM10.7 Daylight and sunlight

- 1) To resist development which would reduce noticeably the daylight and sunlight available to nearby dwellings and open spaces to unacceptable levels, taking account of the Building Research Establishment's guidelines.
- 2) The design of new developments should allow for the lighting needs of intended occupiers and provide acceptable levels of daylight and sunlight.

DM10.8 Access and inclusive design

To achieve an environment that meets the highest standards of accessibility and inclusive design in all developments (both new and refurbished), open spaces and streets, ensuring that the City of London is:

- a) inclusive and safe for of all who wish to use it, regardless of disability, age, gender, ethnicity, faith or economic circumstance;

- b) convenient and welcoming with no disabling barriers, ensuring that everyone can experience independence without undue effort, separation or special treatment;
- c) responsive to the needs of all users who visit, work or live in the City, whilst recognising that one solution might not work for all.

DM12.1 Change affecting heritage assets

- 1. To sustain and enhance heritage assets, their settings and significance.
- 2. Development proposals, including proposals for telecommunications infrastructure, that have an effect upon heritage assets, including their settings, should be accompanied by supporting information to assess and evaluate the significance of heritage assets and the degree of impact caused by the development.
- 3. The loss of routes and spaces that contribute to the character and historic interest of the City will be resisted.
- 4. Development will be required to respect the significance, character, scale and amenities of surrounding heritage assets and spaces and their settings.
- 5. Proposals for sustainable development, including the incorporation of climate change adaptation measures, must be sensitive to heritage assets.

DM12.2 Development in conservation areas

- 1. Development in conservation areas will only be permitted if it preserves and enhances the character or appearance of the conservation area.
- 2. The loss of heritage assets that make a positive contribution to the character or appearance of a conservation area will be resisted.
- 3. Where permission is granted for the demolition of a building in a conservation area, conditions will be imposed preventing demolition commencing prior to the approval of detailed plans of any replacement building, and ensuring that the developer has secured the implementation of the construction of the replacement building.

DM12.3 Listed buildings

- 1. To resist the demolition of listed buildings.
- 2. To grant consent for the alteration or change of use of a listed building only where this would not detract from its special architectural or historic interest, character and significance or its setting.

DM12.4 Archaeology

1. To require planning applications which involve excavation or ground works on sites of archaeological potential to be accompanied by an archaeological assessment and evaluation of the site, including the impact of the proposed development.
2. To preserve, protect, safeguard and enhance archaeological monuments, remains and their settings in development, and to seek a public display and interpretation, where appropriate.
3. To require proper investigation and recording of archaeological remains as an integral part of a development programme, and publication and archiving of results to advance understanding.

DM15.6 Air quality

1. Developers will be required to consider the impact of their proposals on air quality and, where appropriate, provide an Air Quality Impact Assessment.
2. Development that would result in deterioration of the City's nitrogen dioxide or PM10 pollution levels will be resisted.
3. Major developments will be required to maximise credits for the pollution section of the BREEAM or Code for Sustainable Homes assessment relating to on-site emissions of oxides of nitrogen (NOx).
4. Developers will be encouraged to install non-combustion low and zero carbon energy technology. A detailed air quality impact assessment will be required for combustion based low and zero carbon technologies, such as CHP plant and biomass or biofuel boilers, and necessary mitigation must be approved by the City Corporation.
5. Construction and deconstruction and the transport of construction materials and waste must be carried out in such a way as to minimise air quality impacts.
6. Air intake points should be located away from existing and potential pollution sources (e.g. busy roads and combustion flues). All combustion flues should terminate above the roof height of the tallest building in the development in order to ensure maximum dispersion of pollutants.

DM15.7 Noise and light pollution

1. Developers will be required to consider the impact of their developments on the noise environment and where appropriate provide a noise assessment. The layout, orientation, design and use of buildings

should ensure that operational noise does not adversely affect neighbours, particularly noise-sensitive land uses such as housing, hospitals, schools and quiet open spaces.

2. Any potential noise conflict between existing activities and new development should be minimised. Where the avoidance of noise conflicts is impractical, mitigation measures such as noise attenuation and restrictions on operating hours will be implemented through appropriate planning conditions.
3. Noise and vibration from deconstruction and construction activities must be minimised and mitigation measures put in place to limit noise disturbance in the vicinity of the development.
4. Developers will be required to demonstrate that there will be no increase in background noise levels associated with new plant and equipment.
5. Internal and external lighting should be designed to reduce energy consumption, avoid spillage of light beyond where it is needed and protect the amenity of light-sensitive uses such as housing, hospitals and areas of importance for nature conservation.

DM17.1 Provision for waste

1. Waste facilities must be integrated into the design of buildings, wherever feasible, and allow for the separate storage and collection of recyclable materials, including compostable material.
2. On-site waste management, through techniques such as recycle sorting or energy recovery, which minimises the need for waste transfer, should be incorporated wherever possible.

DM21.3 Residential environment

1. The amenity of existing residents within identified residential areas will be protected by:
 - a) resisting other uses which would cause undue noise disturbance, fumes and smells and vehicle or pedestrian movements likely to cause disturbance;
 - b) requiring new development near existing dwellings to demonstrate adequate mitigation measures to address detrimental impact.
2. Noise-generating uses should be sited away from residential uses, where possible. Where residential and other uses are located within the same development or area, adequate noise mitigation measures must be provided and, where required, planning conditions will be imposed to protect residential amenity.

3. All development proposals should be designed to avoid overlooking and seek to protect the privacy, day lighting and sun lighting levels to adjacent residential accommodation.
4. All new residential development proposals must demonstrate how potential adverse noise impacts on and between dwellings will be mitigated by housing layout, design and materials.
5. The cumulative impact of individual developments on the amenity of existing residents will be considered.

DM21.4 The Temples

Within the Temples adjustments between professional and residential accommodation will be permitted where:

- a) the overall balance of residential and professional chambers is maintained;
- b) it is important to the functioning or character of the Temples, or to the continuing use of their buildings.

SCHEDULE

APPLICATION: 17/00937/FULL

**1 & 2 Garden Court & 3 Garden Court (Blackstone House) Middle Temple
London**

Change of use of 1 x residential unit (C3) to office use (B1) at fourth floor level and external alterations including the formation of new openings in the rear of 2 Garden Court at second, third and fourth floor levels (located in the City of London) in association with a proposed three storey extension (located in the City of Westminster) linking 2 Garden Court with Blackstone House.

CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To ensure compliance with the terms of Section 91 of the Town and Country Planning Act 1990.
- 2 Before any works thereby affected are begun the following details shall be submitted to and approved in writing by the Local Planning Authority and all development pursuant to this permission shall be carried out in accordance with the approved details:
 - a) particulars and samples of the materials to be used on all external faces of the building including external ground and upper level surfaces;
 - b) details of soffits, hand rails and balustrades;
 - c) details of the integration of plant, flues, fire escapes and other excrescences at roof level;
 - d) details of plant and ductwork to serve the premises;
 - e) details of alterations to the west elevation of 1 and 2 Garden Court, including new openings, and details of all junctions with the link structure;REASON: To ensure that the Local Planning Authority may be satisfied with the detail of the proposed development and to ensure a satisfactory external appearance in accordance with the following policies of the Local Plan: DM10.1, DM12.2, DM12.3.
- 3 The openings at the rear of 1 and 2 Garden Court in association with the proposed glazed link extension shall not be implemented until the associated glazed link extension is approved and implemented.
REASON: To ensure that the Local Planning Authority may be satisfied with the detail of the proposed development and to ensure a satisfactory external appearance in accordance with the following policies of the Local Plan: DM10.1, DM12.2, DM12.3.

- 4 Works shall not begin until a scheme for protecting nearby residents and commercial occupiers from noise, dust and other environmental effects has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be based on the Department of Markets and Consumer Protection's Code of Practice for Deconstruction and Construction Sites and arrangements for liaison and monitoring (including any agreed monitoring contribution) set out therein. A staged scheme of protective works may be submitted in respect of individual stages of the development process but no works in any individual stage shall be commenced until the related scheme of protective works has been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved scheme (including payment of any agreed monitoring contribution)

REASON: To protect the amenities of nearby residents and commercial occupiers in accordance with the following policies of the Local Plan: DM15.6, DM15.7, DM21.3. These details are required prior to any work commencing in order that the impact on amenities is minimised from the time that development starts.
- 5 Works shall not begin until a scheme and methodology for cleaning and repair of brickwork has been submitted and approved by the Local Planning Authority and the development shall not be carried out other than in accordance with the approved scheme.

REASON: To ensure that the Local Planning Authority may be satisfied with the detail of the proposed development and to ensure a satisfactory external appearance in accordance with the following policies of the Local Plan: DM10.1, DM12.2, DM12.3.
- 6 Before any works thereby affected are begun, no works shall take place until the developer has secured the implementation of a programme of archaeological work to be carried out in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. This shall include all on site work, including details of any temporary works which may have an impact on the archaeology of the site and all off site work such as the analysis, publication and archiving of the results. All works shall be carried out and completed as approved, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In order to allow an opportunity for investigations to be made in an area where remains of archaeological interest are understood to exist in accordance with the following policy of the Local Plan: DM12.4.
- 7 No works except demolition to basement slab level shall take place before details of the lift pits, basement slab groundworks and any foundations, to include a detailed design and method statement, have been submitted to and approved in writing by the Local Planning Authority, such details to show the preservation of surviving archaeological remains which are to remain in situ.

REASON: To ensure the preservation of archaeological remains following archaeological investigation in accordance with the following policy of the Local Plan: DM12.4.

- 8 Refuse storage and collection facilities shall:
(a) be provided within the curtilage of the site to serve each part of the development in accordance with details which must be submitted to and approved in writing by the Local Planning Authority prior to work commencing; and
(b) thereafter be maintained as approved throughout the life of the building.
REASON: To ensure the satisfactory servicing of the building in accordance with the following policy of the Local Plan: DM17.1. These details are required prior to commencement in order that any changes to satisfy this condition are incorporated into the development before the design is too advanced to make changes.
- 9 (a) The level of noise emitted from any new plant shall be lower than the existing background level by at least 10 dBA. Noise levels shall be determined at one metre from the window of the nearest noise sensitive premises. The background noise level shall be expressed as the lowest LA90 (10 minutes) during which plant is or may be in operation.
(b) Following installation but before the new plant comes into operation measurements of noise from the new plant must be taken and a report demonstrating that the plant as installed meets the design requirements shall be submitted to and approved in writing by the Local Planning Authority.
(c) All constituent parts of the new plant shall be maintained and replaced in whole or in part as often is required to ensure compliance with the noise levels approved by the Local Planning Authority.
REASON: To protect the amenities of neighbouring residential/commercial occupiers in accordance with the following policies of the Local Plan: DM15.7, DM21.3.
- 10 The development shall not be carried out other than in accordance with the following approved drawings and particulars or as approved under conditions of this planning permission: MS01, MS180, MS181, MS182, MS183, MS184, MS200 Rev D, MS201 Rev C, MS202 Rev A, MS203 Rev A, MS204 Rev A, MS205, MS206 Rev A, MS20R, MS220, MS221, MS222, MS223, MS224, MS225, MS320, MS321, MS330, MS331, MS332, MS333, MS334, MS340, MS341, MS342, MS600, MS610, MS611, MS700, MS701, MS702, MS703, MS704, MS705
REASON: To ensure that the development of this site is in compliance with details and particulars which have been approved by the Local Planning Authority.

INFORMATIVES

- 1 In dealing with this application the City has implemented the requirements of the National Planning Policy Framework to work with the applicant in a positive and proactive manner based on seeking solutions to problems arising in dealing with planning applications in the following ways:

detailed advice in the form of statutory policies in the Local Plan, Supplementary Planning documents, and other written guidance has been made available;

a full pre application advice service has been offered;

where appropriate the City has been available to provide guidance on how outstanding planning concerns may be addressed.