



## Planning and Transportation Committee

**Date:** MONDAY, 26 MARCH 2018  
**Time:** 10.00 am  
**Venue:** LIVERY HALL - GUILDHALL

**Members:**

Christopher Hayward (Chairman)	Oliver Lodge
Deputy Alastair Moss (Deputy Chairman)	Alderman Nicholas Lyons
Rehana Ameer	Paul Martinelli
Randall Anderson	Andrew Mayer
Sir Mark Boleat	Deputy Brian Mooney
Mark Bostock	Sylvia Moys
Deputy Keith Bottomley	Barbara Newman
Henry Colthurst	Graham Packham
Peter Dunphy	Susan Pearson
Emma Edhem	Judith Pleasance
Sophie Anne Fernandes	Deputy Henry Pollard
Marianne Fredericks	Jason Pritchard
Graeme Harrower	James de Sausmarez
Christopher Hill	Oliver Sells QC
Alderman Robert Howard	Graeme Smith
Deputy Jamie Ingham Clark	Deputy James Thomson
Alderman Gregory Jones QC	William Upton
Alderman Vincent Keaveny	

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Lunch will be served in Guildhall Club at 1PM  
**NB:** Part of this meeting could be the subject of audio video recording

John Barradell  
Town Clerk and Chief Executive

# **AGENDA**

## **Part 1 - Public Agenda**

1. **APOLOGIES**
2. **MEMBERS' DECLARATIONS UNDER THE CODE OF CONDUCT IN RESPECT OF ITEMS ON THE AGENDA**
3. **MINUTES**  
To agree the public minutes and summary of the meeting held on 20 February 2018  
  
**For Decision**  
(Pages 1 - 10)
4. **DELEGATED DECISIONS**  
Report of the Chief Planning Officer and Development Director.  
  
**For Information**  
(Pages 11 - 30)
5. **VALID APPLICATIONS LIST FOR COMMITTEE**  
Report of the Chief Planning Officer and Development Director.  
  
**For Information**  
(Pages 31 - 36)
6. **BUILDING CONTROL CHARGES REPORT**  
Report of the Director of the Built Environment.  
  
**For Decision**  
(Pages 37 - 80)
7. **FORMER RICHARD CLOUDESLEY SCHOOL - GOLDEN LANE ESTATE LONDON EC1Y 0TZ**  
Report of the Chief Planning Officer and Development Director  
  
**For Decision**  
(Pages 81 - 416)
8. **1 & 2 GARDEN COURT & 3 GARDEN COURT (BLACKSTONE HOUSE) MIDDLE TEMPLE LONDON EC4Y 9BL**  
Report of the Chief Planning Officer and Development Director  
  
**For Decision**  
(Pages 417 - 454)

9. **1 & 2 GARDEN COURT & 3 GARDEN COURT (BLACKSTONE HOUSE) MIDDLE TEMPLE LONDON EC4Y 9BL - LISTED BUILDING CONSENT**  
Report of the Chief Planning Officer and Development Director

**For Decision**  
(Pages 455 - 470)

10. **QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE**

11. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT**

12. **EXCLUSION OF THE PUBLIC**

MOTION – That under Section 100(A) of the Local Government Act 1972, the public be excluded from the meeting for the following items on the grounds that they involve the likely disclosure of exempt information as defined in Part I of the Schedule 12A of the Local Government Act.

**For Decision**

**Part 2 - Non-public Agenda**

13. **NON-PUBLIC QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE**

14. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT AND WHICH THE COMMITTEE AGREES SHOULD BE CONSIDERED WHILST THE PUBLIC ARE EXCLUDED**

**Any drawings and details of materials submitted for approval will be available for inspection by Members in the Livery Hall from Approximately 9:30 a.m.**

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## PLANNING AND TRANSPORTATION COMMITTEE

**Tuesday, 20 February 2018**

Minutes of the meeting of the Planning and Transportation Committee held at Livery Hall - Guildhall on Tuesday, 20 February 2018 at 10.30 am

### **Present**

#### **Members:**

Christopher Hayward (Chairman)	Deputy Jamie Ingham Clark
Deputy Alastair Moss (Deputy Chairman)	Paul Martinelli
Rehana Ameer	Sylvia Moys
Randall Anderson	Barbara Newman
Sir Mark Boleat	Graham Packham
Deputy Keith Bottomley	Susan Pearson
Peter Dunphy	Judith Pleasance
Emma Edhem	Deputy Henry Pollard
Marianne Fredericks	Jason Pritchard
Graeme Harrower	Oliver Sells QC
Christopher Hill	Graeme Smith
Alderman Robert Howard	

### **In Attendance**

#### **Officers:**

Simon Murrells	- Assistant Town Clerk
Amanda Thompson	- Town Clerk's Department
Jennifer Ogunleye	- Town Clerk's Department
Simon Owen	- Department of the Built Environment
Deborah Cluett	- Comptrollers & City Solicitor
Alison Hurley	- City Suveyor's Department
Carolyn Dwyer	- Director of Built Environment
Annie Hampson	- Department of the Built Environment
Paul Beckett	- Department of the Built Environment
Iain Simmons	- Department of the Built Environment
Gwyn Richards	- Department of the Built Environment
Craig Stansfield	- Department of the Built Environment

### **1. CHAIRMAN'S ANNOUNCEMENTS** **Chief Commoner**

The Chairman welcomed the Chief Commoner, Wendy Mead, to the meeting.

## **Planning Protocol**

The Chairman reported that he had asked the Town Clerk to circulate a copy of the Planning Protocol to all Committee Members in advance of the meeting and also to lay copies around the table. He asked that Members remind themselves of the contents and conduct themselves accordingly.

A member commented that all Members should receive training on the protocol and that it should be a mandatory requirement before sitting on the Committee.

The Chairman advised that members could only be encouraged to do so.

### **2. APOLOGIES**

Apologies for absence were received from Mark Bostock, Henry Colthurst, Alderman Vincent Keaveny, Oliver Lodge, Alderman Nicholas Lyons, Andrew Mayer, James de Sausmarez, Deputy James Thomson and William Upton.

### **3. MEMBERS' DECLARATIONS UNDER THE CODE OF CONDUCT IN RESPECT OF ITEMS ON THE AGENDA**

The Chairman declared an interest in agenda items 8 and 9 relating to 1 and 2 Garden Court and 3 Garden Court.

The Town Clerk advised that this item had been withdrawn from the agenda by the Chief Planning Officer.

### **4. MINUTES**

**RESOLVED** – That the minutes of the meeting held on 29 January be agreed as a correct record subject to amendments agreed at the meeting the final wording of which was delegated to the Town Clerk in consultation with the Chairman and Deputy Chairman.

### **21. ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT**

The Chairman had been consulted and agreed in advance of the meeting that the following item be considered as urgent business the reason for urgency being that should delegation to Islington be agreed consultees should be advised in good time before the application is determined. This is programmed for early March. A decision at the next Committee (26 March) would be too late for consultees to be advised and for Islington to process the delegated application.

## **Richard Cloudesley School-Site**

That the third paragraph (beginning with the words “The report recommended that the Planning....”) be deleted and replaced with the following:

The report recommended that the Planning and Transportation Committee request Court of Common Council to delegate the Planning and Transportation

Committee's function of deciding the application to the London Borough of Islington (subject to Islington agreeing).

A member pointed out that this matter had been added at agenda item 21 after 4 pm on Friday 26 January for a meeting which was held at 10 am on Monday 29 January. The member noted that the application had been filed five months earlier, and the possibility of the decision on it being delegated to Islington had existed since then.

The member asked why this matter had therefore not been brought to this Committee at any of the Committee meetings which had been held since the application was filed, and was now being treated as urgent.

The Comptroller and City Solicitor responded that this matter had not previously been brought to this Committee because the Corporation was unsure as to whether Islington would accept the delegation, and Islington had only clarified on 25 January that it would be prepared to consider doing so. The application was to be reported to its planning committee on 1 March.

Another member stated that as it was still uncertain as to whether Islington would accept the delegation, and as the possibility of its doing so had existed for the previous five months, that explanation was unsatisfactory. In view of this, the member expressed concern over the matter being put on the agenda in this way. The Comptroller and City Solicitor replied that there was nothing untoward.

**5. OUTSTANDING REFERENCES**

**RESOLVED** – That the Outstanding References be noted and updated as appropriate.

The Chairman reminded Members that the purpose of this document was to track actions arising at meetings and not for day to day ward issues which should still be directed to the relevant officers in the first instance.

A member requested that the arrangement of a training session on Building Design be included and this was agreed.

**6. DELEGATED DECISIONS**

The Committee received a report of the Chief Planning Officer and Development Director in respect of development and advertising applications determined by the Chief Planning Officer and Development Director or those so authorised under their delegated powers since the last meeting.

**RESOLVED** - That the report be noted.

**7. VALID APPLICATIONS LIST FOR COMMITTEE**

The Committee received a report of the Chief Planning Officer and Development Director detailing valid development applications received by the Department of the Built Environment since the last meeting.

**RESOLVED** - That the report be noted.

**8. 21 MOORFIELDS, LAND BOUNDED BY MOORFIELDS, FORE STREET AVENUE, MOOR LANE & NEW UNION STREET**

The Committee received a report of the Chief Planning Officer in relation to the construction of a mixed use development at 21 Moorfields to deliver a development that would provide trading floors and accommodation for Deutsche Bank's European headquarters.

The Chief Planning Officer introduced the application and advised that an addendum detailing some minor amendments to the application had been tabled.

Mr Michael Swash spoke in objection to the application on the grounds that there would be a marked increase in traffic at unsocial hours along Moor Lane, which was predominantly a residential street with bedrooms facing onto the street. He urged members to consider the welfare of residents who would also suffer from the increase in environmental pollution.

Mr Ross Sayers from Landsec and Ms Kathryn Harrison from Deutsche Bank were heard in support of the application which would enable the retention of approximately 5000 City jobs, significant public realm improvements, including the reinstatement of the City Walkway between the station, Moorgate and the Barbican, and the delivery of an underused site that had not been developed since the 1970s.

Members asked a number of questions in relation to the management and servicing of the building, public consultation, how the objections raised by residents might be mitigated, and whether or not consolidation could take place offsite.

Debate ensued and many Members spoke in support of the application which they felt, on balance, was in substantial compliance with the development plan policies that related to it. In particular, the retention of a major European bank with 7,000 employees in London would support the objective of promoting the City as the leading international financial and business centre.

Members were also mindful of the concerns of residents, but overall considered that the developer had gone to great lengths to mitigate these and had committed to managing any potential issues on an ongoing basis.

Arising from the discussion the application was put to the vote and approval was UNANIMOUS.

**RESOLVED –**

- 1) That Planning permission be GRANTED for the above proposal in accordance with the details set out in the attached schedule subject to planning obligations and other agreements being entered into in respect

of those matters set out in the report, the decision notice not to be issued until such obligations have been executed;

- 2) That officers be instructed to negotiate and execute obligations in respect of those matters set out in the report under Section 106 and any necessary agreements under Section 278 of the Highway Act 1980; and
  - 3) That the draft statement set out at Appendix A and in the report are agreed as the Reasons for Grant and the Reasoned Conclusion of the Local Planning Authority on the significant effects of the proposals.
9. **1 & 2 GARDEN COURT & 3 GARDEN COURT (BLACKSTONE HOUSE) MIDDLE TEMPLE LONDON EC4Y 9BL - 17/00937/FULL**  
This item was withdrawn.
10. **1 & 2 GARDEN COURT & 3 GARDEN COURT, MIDDLE TEMPLE LONDON EC4Y 9BL - 17/00938/LBC**  
This item was withdrawn.
11. **FREIGHT AND SERVICING SUPPLEMENTARY PLANNING DOCUMENT - UPDATES AND ADOPTION**  
The Committee received a report of the Director of the Built Environment presenting further revisions to the Freight and Servicing Supplementary Planning Document (SPD) following member comments at the Planning and Transportation Committee on 9 January 2018.
- Members noted that references to river servicing had now been including, and the wording in relation to 'out of hours loading' had now been strengthened to ensure overnight deliveries in all parts of the City were subject to quiet delivery agreements to minimise impact on residential amenity.
- A Member advised that he had asked for some additional wording in relation to a DSP for a building in or immediately adjacent to a residential area unlikely to be approved if it relied upon night time or weekend delivery and servicing which had not been included.
- The Chairman suggested that approval be granted subject to approval of the final wording by the Deputy Chairman and himself and this was agreed.
- RESOLVED – That subject to approval of the final wording by the Chairman and Deputy Chairman, the amendments to the draft SPD be approved and the document be adopted.
12. **RENAMING OF PEDESTRIAN ROUTE: BARKER BRIDGE**  
The Committee received a report following a request made by the Streets and Walkways Sub-Committee, on behalf of Barbican Residents, that an application be made to rename a section of St Alphage Highwalk as the 'BARKER BRIDGE'.

This would commemorate John Alfred Barker OBE, the former Chief Commoner and Member for Cripplegate Ward who died in May 2017.

The Committee was advised that the naming of streets or structures/buildings after living or recently deceased persons was contrary to the City Corporation's published Advice Note, however the proposal before Members was to consider whether an exception was merited on this occasion.

The Committee UNANIMOUSLY

**RESOLVED** to:

1. Agree the name 'BARKER BRIDGE' for the new footbridge, and approve a statutory consultation on the proposed name; and
2. Agree that if the statutory consultation results in no objections, then the Director of the Built Environment be delegated to approve the name 'BARKER BRIDGE', and require that a statutory order be issued.

The Chairman advised that an opening ceremony would also be arranged.

**13. CITY CORPORATION'S RESPONSE TO CONSULTATION ON THE DRAFT LONDON PLAN**

The Committee received a report concerning the CoL's response to the Mayor of London's consultation on the draft London Plan.

The Committee was advised that the draft Plan sought to implement the Mayor's election manifesto commitments and set out detailed policies for the future development of London in the period 2019-2041.

Members noted that this draft London Plan was intended to be very different from previous London Plans, providing a much more ambitious, detailed and prescriptive Plan that could be implemented as soon as it was adopted, rather than waiting for boroughs and the City to prepare and update local plans.

Members considered that while there was much in the draft Plan that could be supported, there were several key elements of the draft Plan that would have adverse impacts on the City of London and to which objection should be raised. In particular, the draft Plan required external design review of development proposals over 30m in height, which would add greater complexity, cost and uncertainty to development in the City and ignored the significant experience on design matters within the City Corporation.

Members considered that the draft Plan target for new housing in the City was achievable and therefore did not agree with an objection to it. Members also wished the City's response to refer to the City Corporation's separate commitment to the delivery of 3,700 new homes for Londoners by 2026.

**RESOLVED** – That subject to the comments made by Members being included, to agree the key points and the detailed comments on individual

policies in Appendix 1 as the City Corporation's response to the draft London Plan.

**14. COMMITTEE TERMS OF REFERENCE**

The Committee received the annual report of the Town Clerk seeking confirmation of the Committee's Terms of Reference and frequency of meetings.

It was noted that the Terms of Reference should refer to the 'Chief Planning Officer and Development Director' and not the 'Chief Planning Officer'

**RESOLVED** - that the terms of reference of the Committee as set out in Appendix 1 of the report be approved for submission to the Court, and that any further changes required in the lead up to the Court's appointment of Committees be delegated to the Town Clerk in consultation with the Chairman and Deputy Chairman.

**15. INTERNATIONAL COMPARATIVE STUDY**

The Committee received the final report relating to the International Comparative Study which had examined international traffic management best practice and benchmarked the City of London Corporation's approach against 11 other cities.

Members noted that the study found that the City Corporation and Transport for London's approaches to traffic management and reduction were in line with international best practice. In some aspects, such as improving the experience of walking and cycling, congestion charging and public transport provision, the City and London were seen as global leaders.

The report made a series of recommendations for future transport policies, projects and programmes which would help inform the development of the City of London Transport Strategy and Local Implementation Plan.

A Member commented that the river in Paris was being used to enable the transportation of goods and so there should be no excuse for London not to do so.

**RESOLVED** – That the report be noted.

**16. MILLENNIUM INCLINATOR PROJECT**

This item was originally listed in Part 2 of the agenda but on further advice it was agreed that the item should be considered in public.

At the meeting on 29 January the Committee Members expressed concern that the Millennium Inclinor would be out of service for a significant length of time and asked that a full report on the works being undertaken including an equality assessment and future maintenance regime be reported back to the next Committee.

The report before Members set out the detail of the current project being undertaken which was scheduled to run until the end of April 2018, however the City Surveyor advised that officers were proactively working with the contractor to complete the project as soon as possible to bring the inclinator back in to service earlier.

Several Members expressed concern that such an important public lift would be out of action for so long and asked what could be done to prevent a recurrence in the future.

The City Surveyor advised that there was no guarantee that the inclinator would not break down again in future however an appropriate maintenance plan would be put in place to reduce the risk of it doing so.

It was agreed that Members should be kept informed and advised of any issues immediately as they arose in order that resident's queries could be addressed.

**RESOLVED** – That the report be noted.

**17. QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE**

**Questions from Sir Mark Boleat (notice given in advance of the meeting)**

Para 2.1 of the Planning Protocol refers to the Committee on Standards in Public Life recommendation that members of planning committees should receive appropriate training. The Protocol states that appointment to the Committee “effectively creates a requirement for members to undertake such training, both on appointment and periodically thereafter”. What training has been arranged for members since the Committee was reconstituted in May 2017 and how many members have participated?

2. Para 5 of Annex B to the Protocol requires that persons wishing to address the Committee “must submit a written statement of their case in order that any factual or new points can be investigated prior to the meeting”. Has this been complied with?

The Town Clerk advised that training sessions on the Planning Protocol had been arranged in advance of the first meeting in May 2017 and that all Members, particularly those new to the Court, had been invited to attend. General sessions were also provided for new members in relation to standards in public life by the Comptroller.

Sessions on the impact of wind and lighting had also been arranged although take up wasn't good.

In response to a suggestion that training should be mandatory, the Town Clerk advised that the Committee could not insist on this as the Protocol was not enforceable.



In response to the second question, the CPO advised that Speakers did complete a form but to a varying standard.

In response to a question concerning the legal consequences of not having training, the Comptroller advised that although non-attendance at training by a Member would not in itself make any decision unlawful, it was a very good idea as the key issue was that Members must reach their decision properly, and the training assists in ensuring that.

A Member suggested on-line training which could be done at the member's convenience, and each person's completion could be monitored.

Another Member commended external training that had been arranged in the past.

The Town Clerk suggested that If Members would like more training and would like to indicate what areas they would like to be covered and in what format they would find most helpful then this could be provided and it was agreed that a report be prepared for a future meeting.

**18. ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT**

There were no urgent items of business.

**19. EXCLUSION OF THE PUBLIC**

**RESOLVED** - That under Section 100(A) of the Local Government Act 1972, the public be excluded from the meeting for the following items on the grounds that they involve the likely disclosure of exempt information as defined in Part I of Schedule 12A of the Local Government Act.

**20. NON-PUBLIC QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE**

There were no non-public questions.

**21. ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT AND WHICH THE COMMITTEE AGREES SHOULD BE CONSIDERED WHILST THE PUBLIC ARE EXCLUDED**

None.

**The meeting ended at 12.50 pm**

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Chairman

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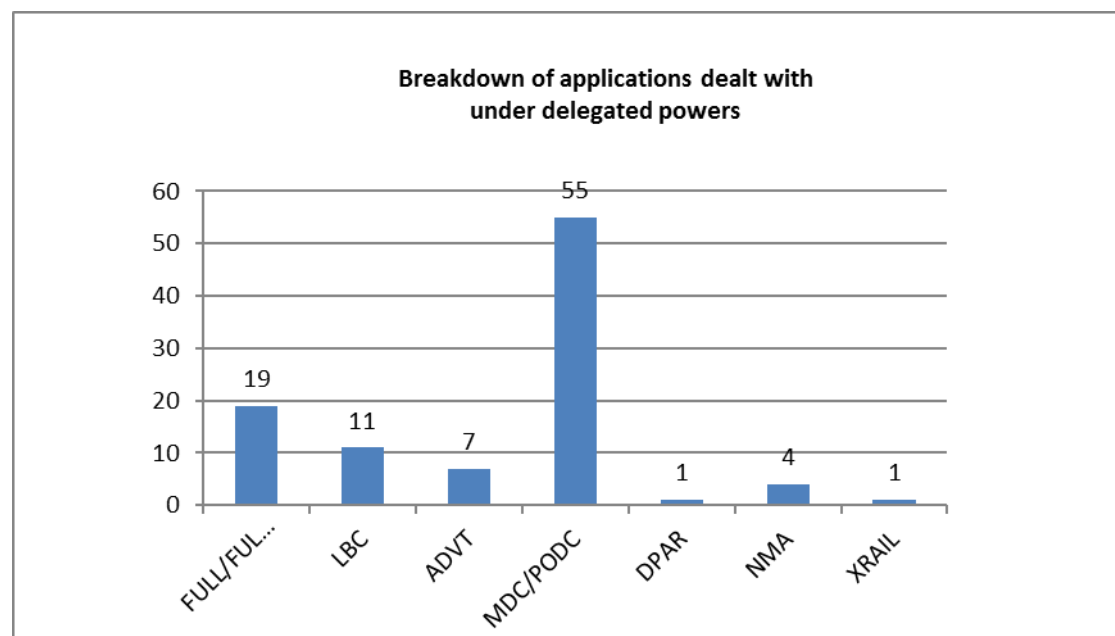
<b>Committee(s)</b>	<b>Dated:</b>
Planning and Transportation	<b>26/03/2018</b>
<b>Subject:</b> Delegated decisions of the Chief Planning Officer and Development Director	<b>Public</b>
<b>Report of:</b> Chief Planning Officer and Development Director	<b>For Information</b>

## Summary

Pursuant to the instructions of your Committee, I attach for your information a list detailing development and advertisement applications determined by the Chief Planning Officer and Development Director or those so authorised under their delegated powers since my report to the last meeting.

In the time since the last report to Planning & Transportation Committee Ninety-eight (98) matters have been dealt with under delegated powers. Fifty-five (55) relate to conditions of previously approved schemes. Eleven (11) for works to listed buildings

Nineteen (19) applications for development have been approved including 466sq.m floorspace created and Ten (10) applications for change of use.



**FULL**- Full Planning Permission  
**FULMAJ** - Full Major Application  
**LBC** - Listed Building Consent  
**ADVT** - Advertisement Consent  
**MDC** - Submission of Details (Planning)

**PODC** - Planning Obligations  
**DPAR**-Determination whether prior app req.  
**NMA** - Non-Material Amendments  
**XRAIL**-Crossrail Construction Arrangements

Any questions of detail arising from these reports can be sent to [plans@cityoflondon.gov.uk](mailto:plans@cityoflondon.gov.uk).

### Details of Decisions

Registered Plan Number & Ward	Address	Proposal	Decision & Date of Decision
17/01304/FULL Aldgate	69 Leadenhall Street & 94-95 Fenchurch Street London EC3A 2DB	Use of part of ground floor and basement as a shop (Class A1) in lieu of a restaurant (Class A3). (426sq.m)	Approved 22.02.2018
18/00008/MDC Aldgate	52-54 Lime Street & 21-26 Leadenhall Street (Prudential House), 27 & 27A Leadenhall Street (Allianz Cornhill House) And 34-35 Leadenhall Street London EC3M 7BS	Details of a ventilation extract strategy pursuant to condition 14 of planning permission (application no. 14/00027/FULMAJ) dated 30th June 2014.	Approved 27.02.2018
17/01177/MDC Aldgate	52-54 Lime Street & 21-26 Leadenhall (Prudential House), 27 & 27A Leadenhall Street (Allianz Cornhill House) & 34-35 Leadenhall Street & 4-5 Billiter Street (Winterthur House) London, EC3	Details of high level louvres pursuant to condition 8(a) [In Part] of planning permission (application no. 14/00027/FULMAJ) dated 30th June 2014.	Approved 01.03.2018
17/01246/MDC Aldgate	52-54 Lime Street & 21-26 Leadenhall (Prudential House), 27 & 27A Leadenhall Street (Allianz Cornhill	Details of the integration of window cleaning equipment and garaging thereof, plant, flues, fire escapes and other excrescences at roof level pursuant to condition 8(e) of	Approved 01.03.2018

	House) & 34-35 Leadenhall Street & 4-5 Billiter Street (Winterthur House) London, EC3	planning permission (application no. 14/00027/FULMAJ) dated 30th June 2014.	
17/01104/LBC  Broad Street	Drapers' Hall Throgmorton Avenue London EC2N 2DQ	1) Installation of five grilles in Court Room window cills. 2) Replacement of a radiator case with a timber panel in the Livery Hall.	Approved  22.02.2018
17/01047/FULL  Bridge And Bridge Without	52 - 54 Gracechurch Street London EC3V 0EH	Installation of a balustrade, removal of two windows and installation of door and glazed panel at fifth floor level.	Approved  13.02.2018
17/01233/FULL  Bridge And Bridge Without	1 Lovat Lane London EC3R 8DT	Retention of use of ground floor entrance lobby and part basement level as a drinking establishment (Class A4). [322sq.m]	Approved  08.03.2018
17/00859/FULL  Bishopsgate	Ground Floor Retail Unit 210 Bishopsgate London EC2M 4NR	Retention of use comprising a mix of retail, cafe and hot food takeaway (sui generis) in lieu of restaurant (class A3).	Approved  06.02.2018
17/01272/FULL  Bishopsgate	9 Devonshire Square London EC2M 4YF	Change of use of part of the first and second floors from office (Class B1) to a flexible use for either office (Class B1) or health clinic (Class D1) (74.5sq.m).	Approved  06.02.2018
17/01196/MDC  Bishopsgate	Site Bounded By Stone House And Staple Hall Bishopsgate Devonshire Row London EC2	Submission of details of measures to protect nearby residents and commercial occupiers from noise, dust and other environmental effects during construction pursuant to Condition 3 of planning permission 14/01151/FULL dated 02.02.2017.	Approved  08.02.2018
17/01294/MDC  Bishopsgate	100 Liverpool Street & 8-12 Broadgate London	Details of the position and size of the green roofs, the type of planting and the contribution	Approved  15.02.2018

	EC2M 2RH	of the green roofs to biodiversity and rainwater attenuation pursuant to condition 22 of planning permission 17/00276/FULL dated 5 June 2017.	
18/00024/NMA Bishopsgate	Broadgate Tower 201 Bishopsgate London EC2M 3AB	Non-material amendment under Section 96A of the Town and Country Planning Act 1990 (as amended) to planning permission 15/01013/FULL dated 12th November 2015 to allow the installation of 18 microwave dishes mounted on support poles and 4 associated cabinets in lieu of the installation of 19 microwave dishes mounted on support poles and 5 associated dishes.	Approved  27.02.2018
17/01224/FULL Bishopsgate	8 Devonshire Row London EC2M 4RH	Change of use of the ground floor and basement from a shop (Class A1) to a wine bar (Class A4) 98sq.m.	Approved  01.03.2018
17/01222/ADVT Bishopsgate	1 Finsbury Avenue London EC2M 2PA	Installation and display of eight non-illuminated hoarding advertisements measuring (i) 2.44m high by 16.9m wide; (ii) 2.44m high by 20.8m wide; (iii) 2.44m high by 5.5m wide; (iv) 2.44m high by 25.7m wide; (v) 2.44m high by 13.2m wide; (vi) 2.44m high by 42.3m wide; (vii) 2.44m high by 20.2m wide; and (viii) 2.44m high by 19.3m wide to be located at ground level.	Approved  08.03.2018
17/01245/MDC Bread Street	2 - 6 Cannon Street London EC4M 6YH	Details of service yard gates pursuant to condition 9 (g) of planning permission 14/00780/FULMAJ dated 01.12.14.	Approved  15.02.2018
17/01112/MDC Bread Street	1 - 3 St Paul's Churchyard London EC4M 8AJ	Submission of a delivery management plan pursuant to condition 3 of planning permission 17/00890/FULL dated 12.10.17.	Approved  22.02.2018

17/00323/PODC Bread Street	2 - 6 Cannon Street London EC4M 6YH	Submission of the revised Open Space Specification and Open Space Method Statement pursuant to Schedule 3 Paragraph 12.1.1 of the Section 106 Agreement dated 30 July 2015 in relation to Planning Permission: 14/00780/FULMAJ.	Approved  27.02.2018
18/00002/FULL Bread Street	1 New Change London EC4M 9AF	Change of use of part first floor (Retail Unit SU35/36) from shop (Class A1) to medical clinic/sports rehabilitation centre (Class D1) (455sq.m).	Approved  27.02.2018
18/00011/MDC Bread Street	Scandinavian House 2 - 6 Cannon Street London EC4M 6YH	Submission of amended landscaping drawings and planting schedule (previously approved under 17/00497/MDC), pursuant to condition 11 of planning permission 14/00780/FULMAJ dated 30.07.15.	Approved  08.03.2018
17/01296/FULL Billingsgate	The Guild Church of St Margaret Pattens Eastcheap London EC3M 1HS	Change of use of part of the gallery level within the church from a community room (Class D1) to office (Class B1) use (36sq.m).	Approved  15.02.2018
18/00016/MDC Billingsgate	Sugar Quay Lower Thames Street London EC3R 6EA	Detailed drawings pursuant to parts g), h) and i) of condition 22 of planning permission dated 16th September 2013 (planning application reference 14/01006/FULMAJ).	Approved  20.02.2018
17/01241/FULL Castle Baynard	Ye Olde Cheshire Cheese Public House 145 Fleet Street London EC4A 2BU	(i) The installation of five new condensing units at roof level (requiring the removal of six existing units) (ii) provision of new lead work and slate roof tiles to pitched roofs where missing/damaged; and (iii) installation of a new access gangway at roof level for maintenance purposes.	Approved  12.02.2018
17/01242/LBC Castle Baynard	Ye Olde Cheshire Cheese Public House 145 Fleet Street London	(i) The installation of five new condensing units at roof level (requiring the removal of six existing units) (ii) provision of new lead work and slate roof	Approved  12.02.2018

	EC4A 2BU	tiles to pitched roofs where missing/damaged; and (iii) installation of a new access gangway at roof level for maintenance purposes.	
17/01282/MDC Castle Baynard	75 Shoe Lane And The International Press Centre 76 Shoe Lane And Merchant Centre 1 New Street Square London EC4	Submission of details of doors and louvres pursuant to Condition 11 b of planning permission 15/01071/FULL dated 13.05.2016 as amended by 17/00455/NMA dated 02.06.2017.	Approved  15.02.2018
17/01312/PODC Castle Baynard	Fleet House 8 - 12 New Bridge Street London EC4V 6AL	Submission of a Highway Schedule of Condition Survey pursuant to Schedule 3, Paragraph 8.1 of the Unilateral Undertaking Deed dated 02 April 2015 in relation to the planning permission 14/00254/FULMAJ.	Approved  15.02.2018
18/00026/PODC Castle Baynard	Salisbury Square House 8 Salisbury Square London EC4Y 8AP	Submission of the Interim Travel Plan pursuant to Schedule 3 Paragraph 8.1 of the Section 106 Agreement dated 16 June 2015 in relation to Planning Permission 14/01141/FULL.	Approved  20.02.2018
18/00117/MDC Castle Baynard	8 - 12 New Bridge Street London EC4V 6AL	Details of measures to resist structural damage arising from an attack by a road vehicle pursuant to condition 13 of planning permission 14/00254/FULMAJ dated 02.04.15.	Approved  22.02.2018
18/00118/MDC Castle Baynard	8 - 12 New Bridge Street London EC4V 6AL	Details of a site survey pursuant to condition 14 of planning permission 14/00254/FULMAJ dated 02.04.15	Approved  22.02.2018
18/00130/MDC Castle Baynard	8 - 12 New Bridge Street London EC4V 6AL	Submission of a deconstruction logistics plan pursuant to condition 4 of planning permission 14/00254/FULMAJ dated 02.04.15	Approved  22.02.2018
18/00134/MDC Castle Baynard	8-12 New Bridge Street London EC4V 6AL	Details of a scheme for protecting nearby residents and commercial occupiers	Approved  22.02.2018



		from noise, dust and other environmental effects pursuant to condition 2 of planning permission 14/00254/FULMAJ dated 02.04.15	
17/01218/FULL Castle Baynard	The Old Deanery Dean's Court London EC4V 5AA	Refurbishment of the Bishop of London's residence located on the top floor of the Old Deanery and the upgrading of facilities and services on the basement, ground and first floors. Improvement of level access into the house by the introduction of a new platform lift to the main entrance and associated works to the railings, steps and paving.	Approved  01.03.2018
17/01219/LBC Castle Baynard	The Old Deanery Dean's Court London EC4V 5AA	Refurbishment of the Bishop of London's residence located on the top floor of the Old Deanery and the upgrading of facilities and services on the basement, ground and first floors. Improvement of level access into the house by the introduction of a new platform lift to the main entrance and associated works to the railings, steps and paving.	Approved  01.03.2018
17/01141/FULL Castle Baynard	St Andrews House 18 - 20 St Andrew Street London EC4A 3AG	(i) Use of part of ground floor and part basement for a flexible use for either Class B1 or Class A3 in lieu of permitted flexible use for either Class B1 or Class A1 (478sq.m) (ii) minor external alterations to Robin Hood Court.	Approved  06.03.2018
17/01266/LBC Cripplegate	122 Cromwell Tower Barbican London EC2Y 8DD	Reconfiguration of non-structural internal walls and refurbishment.	Approved  06.02.2018
17/00141/MDC Cripplegate	Great Arthur House Golden Lane Estate London EC1Y 0RD	Details of curtain wall system, typical bay of each elevation of the building, replacement balcony doors, alterations to the existing facade, the replacement cleaning gantry	Approved  08.02.2018

		and its supporting structure, window cleaning cradle and garaging pursuant to condition 3 (b), (c), (e), (f) and (g) of planning permission dated 26 September 2013 (ref: 13/00240/FULL).	
17/00142/LDC Cripplegate	Great Arthur House Golden Lane Estate London EC1Y ORD	Details of curtain wall system, typical bay of each elevation of the building, replacement balcony doors, alterations to the existing façade, new work and work in making good of the interior of the building, cill safety rail and window operating furniture, the replacement cleaning gantry and its supporting structure, window cleaning cradle and garaging pursuant to condition 2 (b), (c), (e), (f), (g), (h), and (l) of listed building consent dated 30 October 2013 (ref: 13/00241/LBC).	Approved  08.02.2018
17/01231/LBC Cripplegate	Golden Lane Community Centre Golden Lane Estate London EC1Y 0RJ	Application under Section 19 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to vary condition 3 (approved plans) of listed building consent (application no. 17/00249/LBC) dated 29th June 2017 to refer to a revised list of drawings amended to reflect changes to the roof build-up following a structural assessment of the roof.	Approved  13.02.2018
17/01252/NMA Cripplegate	Golden Lane Community Centre Golden Lane Estate London EC1Y 0RJ	Non-material amendment under Section 96A of the Town and Country Planning Act 1990 (as amended) to planning permission 17/00248/FULL dated 29th June 2017 to vary the wording of Condition 3 to refer to a revised list of drawings amended to reflect changes to the roof build-up following a structural assessment of the roof.	Approved  13.02.2018

17/01295/ADVT Cornhill	Royal Exchange Threadneedle Street London EC3V 3DG	Installation and display of canopy canvases, with valances, incorporating host building/retailer names and brand logos each measuring 1.8m high by 3.5m wide situated at a height above ground of 2.2m.	Approved  15.02.2018
17/01313/DPAR Cornhill	O/S 15 Bishopsgate London EC2N 3AR	Determination under Part 24 of Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) Order 2001 that prior approval is not required for the relocation of a telephone kiosk.	Prior approval refused  21.02.2018
18/00050/ADVT Cornhill	15 Bishopsgate London EC2N 3AR	Installation and display of a set of halo illuminated lettering measuring 2.10m high by 0.49m wide at a height of 6.03m above ground floor level located on the rear elevation of building.	Approved  08.03.2018
17/01283/MDC Candlewick	32 Lombard Street London EC3V 9BQ	Submission of a Servicing Management Plan pursuant to condition 19 of planning permission dated 21st July 2015 (App No 14/01103/FULL).	Approved  20.02.2018
18/00044/PODC Candlewick	24 - 32 King William Street London EC4R 9AJ	Submission of the Interim Travel Plan and the Delivery and Servicing Management Plan pursuant to Schedule 3 Paragraphs 8.1 and 9.1 of the Section 106 Agreement dated 11 October 2017, in relation to Planning Permission 14/01096/FULMAJ.	Approved  27.02.2018
18/00094/MDC Candlewick	32 Lombard Street London EC3V 9BQ	Submission of details of integration of window cleaning equipment, plant and other excrescences at roof level pursuant to condition 9 (c) of planning permission dated 30th May 2015 (14/01103/FULL).	Approved  06.03.2018
18/00020/PODC Coleman Street	55 Moorgate London EC2R 6PA	Submission of the Local Procurement Strategy and the Local Training, Skills and Job	Approved  20.02.2018

		Brokerage Strategy pursuant to Schedule 4 Clause 1.1 and 2.2 of the Section 106 Agreement dated 11th October 2017 in relation to Planning permission 16/00405/FULMAJ.	
18/00045/PODC Coleman Street	55 Moorgate London EC2R 6PA	Submission of a Highway Schedule of Condition Survey pursuant to Schedule 4 Paragraph 8.1 of the Section 106 Agreement dated 11 October 2017 in relation to (Planning Permission 16/00405/FULMAJ.	Approved  20.02.2018
17/00845/PODC Coleman Street	21 Moorfields, Land Bounded By Moorfields, Fore Street Avenue, Moor Lane & New Union Street London EC2P 2HT	Submission of Local Procurement Strategy pursuant to Schedule 3 Paragraph 3.1 of the Section 106 Agreement dated 25.11.2015 related to Planning Permission 14/01179/FULEIA.	Approved  22.02.2018
17/01136/MDC Coleman Street	55 Moorgate London EC2R 6PA	Details of a construction management plan pursuant to condition 2 of planning permission 16/00405/FULMAJ dated 11 October 2017.	Approved  22.02.2018
18/00061/XRAIL Coleman Street	Liverpool Street Station Moorgate Ticket Hall London EC2	Details of external finishes to the Moorgate Shaft pursuant to condition 1(a) [In Part] of approval under Schedule 7 of Crossrail Act 2008 (application no. 11/00312/XRAIL) dated 28th June 2011.	Approved  27.02.2018
18/00076/MDC Cheap	Saddlers' Hall 40 - 44 Gutter Lane London EC2V 6BR	Submission of details of plant noise levels pursuant to condition 9 and 10 of planning permission dated 09.05.2017 (ref: 17/00197/FULL)	Approved  20.02.2018
17/01267/FULL Cordwainer	Queens House 8 - 9 Queen Street London EC4N 1SP	Minor alterations to existing office entrance, including new external entrance reveal cladding within existing reveal and replacement of office entrance door.	Approved  06.02.2018
17/01284/LBC Cordwainer	1 Poultry London EC2R 8EJ	Installation of two external building name signs to match those around the building to	Approved  13.02.2018

		sign post the new office entrance.	
17/01106/FULL Cordwainer	1 Poultry London EC2R 8EJ	Installation of a plant deck and screen at roof level.	Approved 15.02.2018
17/01107/LBC Cordwainer	1 Poultry London EC2R 8EJ	Installation of a plant deck and screen at roof level.	Approved 15.02.2018
17/01278/FULL Cordwainer	Unit 3A 45 Cannon Street London EC4M 5SB	Use of private land for the placing of 3 tables and 6 chairs ancillary to the adjoining shop (Class A1) use.	Approved 15.02.2018
17/01298/MDC Cordwainer	45 Cannon Street London EC4M 5SB	Submission of a report demonstrating compliance with the City of London's noise criteria pursuant to condition 22 of planning permission 13/00339/FULMAJ dated 27/02/14.	Approved 15.02.2018
17/01117/MDC Cordwainer	Land Bounded By Cannon Street, Queen Street, Queen Victoria Street, Bucklersbury & Walbrook, London EC4	Submission of details of the Temple of Mithras layout and materials and associated display areas pursuant to condition 17 of planning permission dated 30/3/2015 (application number 11/00935/FULEIA) and condition 2 of listed building consent dated 28.04.16, (application number 15/01291/LBC).	Approved 08.03.2018
18/00234/PODC Cordwainer	Land Bounded By Cannon Street, Queen Street, Queen Victoria Street, Bucklersbury & Walbrook, London EC4	Submission of details of the Temple of Mithras layout and materials and associated display areas pursuant to Submission 1 and Submission 2 submitted pursuant to Clause 4.3.5 (part) of the Management Agreement dated 29.12.2006 and S106 Agreement dated 30.03.2012.	Approved 08.03.2018
18/00108/PODC Dowgate	Cannon Green Building 27 Bush Lane London EC4R 0AN	Submission of a Delivery & Servicing Management Plan pursuant to Schedule 3 Paragraph 7.1 of the Section 106 Agreement dated 04	Approved 27.02.2018

		November 2016 in relation to Planning Permission: 16/00102/FULL.	
17/01305/MDC  Farringdon Within	80 - 83 Long Lane London EC1A 9ET	Submission of window and external security bar details pursuant to condition 3 of planning permission 16/00989/FULL dated 29.11.16.	Approved  13.02.2018
17/00968/PODC  Farringdon Within	Site Bounded By 34-38, 39-41, 45-47 & 57B Little Britain & 20, 25, 47, 48-50, 51-53, 59, 60, 61, 61A & 62 Bartholomew Close, London EC1	Submission of details of the Retail Management Strategy (for Units 8, 9 and 10), pursuant to Schedule 2, Clause 14 of the Section 106 Agreement dated 29 May 2013 related to planning permission 12/00256/FULEIA (as varied by: 14/00432/FULMAJ, 15/00417/FULMAJ, 16/00164/FULL and 16/00165/FULMAJ).	Approved  15.02.2018
18/00025/PODC  Farringdon Within	Site Bounded By 34-38, 39-41, 45-47 & 57B Little Britain & 20, 25, 47, 48-50, 51-53, 59, 60, 61, 61A & 62 Bartholomew Close, London EC1	Submission of Utility Proposals and the Utility Connection Programme (for Phase 2) pursuant to Schedule 2 Paragraphs 12.1.1 and 12.1.2 of the Section 106 Agreement dated 29th May 2013 related to planning permission 12/00256/FULEIA (as varied by: 14/00432/FULMAJ, 15/00417/FULMAJ, 16/00164/FULL and 16/00165/FULMAJ).	Approved  15.02.2018
18/00019/MDC  Farringdon Within	Site Bounded By 34-38, 39-41, 45-47 & 57B Little Britain & 20, 25, 47, 48-50, 51-53, 59, 60, 61, 61A & 62 Bartholomew Close, London EC1	Submission of details of the alterations to the soffit in Middlesex Passage pursuant to the discharge of condition 34(c) of planning permission reference 16/00165/FULMAJ dated 16th March 2017.	Approved  20.02.2018
18/00023/MDC  Farringdon	Land Bounded By Charterhouse Street, Lindsey	Details to demonstrate compliance with BREEAM target rating of Excellent and	Approved  22.02.2018

Within	Street, Long Lane And Hayne Street London EC1	details of the connection to the district heating network pursuant to conditions 11 (in part) and 12 of planning permission 13/00605/FULEIA (Appeal Ref. App/K5030/A/15/3069991) dated 20 January 2016.	
17/01257/MDC  Farringdon Within	Livery Hall, Butchers' Hall 87 - 89 Bartholomew Close London EC1A 7EB	Submission of details of a scheme to protect nearby occupiers from noise, dust and other environmental effects during development works and details of logistics plans to manage all freight movements during demolition and construction works pursuant to Conditions 2, 3 and 4 of planning permission 16/00328/FULL dated 11.08.2016.	Approved  06.03.2018
18/00034/FULL  Farringdon Within	1 - 2 St Andrew's Hill London EC4V 5BY	Replacement of rooftop extension and roof level alterations (16sq.m), together with replacement plant within a new enclosure.	Approved  08.03.2018
17/01288/NMA  Farringdon Without	90 Fetter Lane London EC4A 1EN	A non-material amendment under section 96A of the Town and Country Planning Act 1990 (as amended) to planning permission 16/00299/FULMAJ to add a roof light and window height alterations to the west core and alterations to the loading bay gate and ventilation shaft.	Approved  15.02.2018
17/01289/MDC  Farringdon Without	Dewhurst House 24 - 30 West Smithfield London EC1A 9HB	Particulars and samples of materials and details of ground floor hotel entrance pursuant to conditions 9(a), (b), (d), (e), (f), (g), (h) and 9 (c) [PART] of planning permission 16/00215/FULMAJ dated 17.11.16.	Approved  15.02.2018
17/00939/FULL  Farringdon Without	Garden Court Middle Temple London EC4	Provision of a ramp at the entrance of 1 Garden Court and the provision of two platform lifts adjacent to steps north and south of Garden Court.	Approved  22.02.2018

17/00940/LBC Farringdon Without	Garden Court Middle Temple London, EC4	Provision of a ramp at the entrance of 1 Garden Court and the provision of two platform lifts adjacent to steps north of Garden Court.	Approved  22.02.2018
17/01265/MDC Farringdon Without	1 - 6 Dyer's Buildings London EC1N 2JT	Details of anti-vibration plant mounting pursuant to condition 15 of planning permission dated 01 July 2013 (ref: 11/00885/FULMAJ).	Approved  22.02.2018
17/00991/ADVT Farringdon Without	335 High Holborn London WC1V 7PX	Installation and display of: (i) one non-illuminated set of pin mounted fascia lettering measuring 0.30m high, 1.97m wide, at a height above ground of 4.16m; (ii) one non-illuminated projecting sign measuring 0.53m high, 0.53m wide, at a height above ground of 2.99m; (iii) one internally illuminated internal sign measuring 0.8m high, 0.8m wide, at a height above ground of 1.89m.	Approved  27.02.2018
17/01061/LBC Farringdon Without	335 High Holborn London WC1V 7PX	(i) installation of one set of non-illuminated pin mounted aluminium letters to the building fascia; (ii) installation of one projecting sign to the High Holborn frontage at ground floor level; (iii) installation of one internally illuminated internal hanging sign suspended behind the shopfront glazing.	Approved  27.02.2018
18/00073/MDC Farringdon Without	Site Bounded By 34-38, 39-41, 45-47 & 57B Little Britain & 20, 25, 47, 48-50, 51-53, 59, 60, 61, 61A & 62 Bartholomew Close, London EC1	Submission of details for Phase 3 of the Barts Square development: details of proposed finished floor levels at basement and ground floor levels in relation to the existing highway levels pursuant to condition 3 of planning permission dated 16 March 2017 (ref: 16/00165/FULMAJ).	Approved  27.02.2018
18/00048/LDC Farringdon Without	St Bartholomew's Hospital West Smithfield London	Further details of new internal openings pursuant to condition 2(h) of listed building consent dated 24.02.15	Approved  06.03.2018



	EC1A 7BE	(reference: 14/01281/LBC).	
17/01127/MDC Langbourn	Land Bounded By Fenchurch Street, Fen Court, Fenchurch Avenue & Billiter Street (120 Fenchurch Street) London EC3	Submission of details of signage to the roof garden and dedicated lifts pursuant to condition 18g of planning permission (application no. 14/00237/FULMAJ) dated 8th February 2016.	Approved  20.02.2018
17/01200/MDC Langbourn	Land Bounded By Fenchurch Street, Fen Court, Fenchurch Avenue & Billiter Street (120 Fenchurch Street) London EC3	Details of lighting to the north and south pedestrian route and central hall pursuant to condition 18(h) (in part) of planning permission dated 8th February 2016 (14/00237/FULMAJ).	Approved  20.02.2018
17/01201/MDC Langbourn	Land Bounded By Fenchurch Street, Fen Court, Fenchurch Avenue & Billiter Street (120 Fenchurch Street) London EC3	Details of louvres and plant enclosures pursuant to condition 18(l) of planning permission dated 8th February 2016 (14/00237/FULMAJ).	Approved  20.02.2018
17/01202/MDC Langbourn	Land Bounded By Fenchurch Street, Fen Court, Fenchurch Avenue And Billiter Street (120 Fenchurch Street), London EC3	Details of the lift over-run, fire escapes, flues or other structures at roof level pursuant to condition 18(m) of planning permission dated 8th February 2016 (14/00237/FULMAJ).	Approved  20.02.2018
17/01203/MDC Langbourn	Land Bounded By Fenchurch Street, Fen Court, Fenchurch Avenue	Details of soffits pursuant to condition 18(i) (part) of planning permission dated 8th February 2016	Approved  20.02.2018

	And Billiter Street (120 Fenchurch Street), London EC3	(14/00237/FULMAJ).	
17/01212/MDC Langbourn	Land Bounded By Fenchurch Street, Fen Court, Fenchurch Avenue & Billiter Street (120 Fenchurch Street) London EC3	Submission of details of other structures at roof level pursuant to condition 18 (m) of planning permission dated 08.02.2016 (ref: 14/00237/FULMAJ)	Approved  20.02.2018
17/01276/ADVT Langbourn	29 Lime Street London EC3M 7HR	Installation and display of (i) one set of non-illuminated letters measuring 0.4m high by 0.88m wide situated at a height above ground of 3.1m (ii) one externally illuminated projecting sign measuring 0.5m high by 0.61m wide situated at a height above ground of 3.1m.	Approved  22.02.2018
17/01260/ADVT Lime Street	22 Bishopsgate London EC2	Installation and display of 22 non-illuminated individual advertisements comprising printed vinyl lettering positioned on 8 non- illuminated hoardings. Advertisements measuring: 1 no. 0.46m high by 1.1m wide at a height of 1.5m above ground; 1 no. 0.41m high by 1.1m wide at a height above ground of 0.2m; 4 no. 19.6cm high by 1.1m wide and a height above ground of 1.66m; 2 no. 0.32m high by 1.1m wide at a height above ground of 1.46m; 1 no. 0.46m high by 1.1m wide at a height above ground of 1.5m; 2 no. 0.29m high by 1.1m wide at a height of 1.5m above ground; 2 no. 0.2m high by 1.1m wide at a height of 1.7m above ground;	Approved  08.02.2018

		2 no. 0.65m high by 2m wide at a height of 1.61m above ground; 2 no. 0.1m high by 1m wide at a height of 0.3m above ground; 4 no. 0.7m high by 5.1m wide at a height of 3.1m above ground; 1 no. 2.1m high by 3.4m wide at a height of 2.9m above ground.	
17/01314/NMA Lime Street	Leadenhall Court 1 Leadenhall Street London EC3V 1PP	Non-material amendment under Section 96A of the Town and Country Planning Act 1990 (as amended) to planning permission 16/00859/FULEIA dated 18th December 2017 to allow alterations to the ground floor layout, street block and tower facades.	Approved  22.02.2018
17/01123/MDC Lime Street	6 - 8 Bishopsgate & 150 Leadenhall Street London EC2N 4DA & EC3V 4QT	Details of a site survey indicating the proposed finished floor levels at basement and ground floor levels in relation to existing highway levels and a survey of the perimeter of the existing site pursuant to conditions 5 and 6 of planning permission (application no. 15/00443/FULEIA) dated 17th December 2015.	Approved  27.02.2018
17/01238/MDC Lime Street	6 - 8 Bishopsgate & 150 Leadenhall Street London EC2N 4DA & EC3V 4QT	Details of a deconstruction logistics plan pursuant to condition 7 of planning permission (application no. 15/00443/FULEIA) dated 17th December 2015.	Approved  08.03.2018
17/01054/FULL Portsoken	St Botolph Without Aldgate Aldgate High Street London EC3N 1AB	Demolition of existing ancillary building, and construction of new two storey building comprising community hall and kitchen ancillary to the Church (Class D1), ground floor cafe (Class A3) and first floor office space (Class B1), (450sq.m. gea)	Approved  15.02.2018
17/01302/FULL Portsoken	Aldgate House 33 Aldgate High Street London	Change of use of part of the basement, basement mezzanine and ground floor	Approved  27.02.2018

	EC3N 1AH	(1,130s.qm) from office (Class B1) to gym (Class D2) and associated works including new entrance from Aldgate High Street.	
18/00056/MDC Portsoken	9 - 13 Aldgate High Street London EC3N 1AH	Submission of details of plant noise levels and details of plant mountings pursuant to Conditions 8 and 9 of planning permission 16/00742/FULL dated 24.11.2016.	Approved 01.03.2018
17/01303/FULL Queenhithe	Apartment 132 Globe View 10 High Timber Street London EC4V 3PS	Installation of four new conservation roof lights.	Approved 08.03.2018
17/01143/MDC Tower	Emperor House 35 Vine Street London EC3N 2PX	Submission of a site survey and survey of highway and other land at the perimeter of the site pursuant to condition 2 of planning permission dated 9th November 2017 (17/00239/FULMAJ).	Approved 20.02.2018
18/00007/MDC Tower	10 Trinity Square London EC3N 4AJ	Details of a noise impact assessment pursuant to condition 17 of planning permission (application no. 11/00317/FULMAJ) dated 29th march 2012.	Approved 27.02.2018
18/00021/PODC Tower	15 - 16 Minories & 62 Aldgate High Street London EC3N 1AX	Submission of the Local Training, Skills and Job Brokerage Strategy and the Local Procurement Strategy pursuant to Schedule 3 Paragraph 2.1 and 9.1 of the Section 106 Agreement dated 30 June 2014, in relation to the development at 15 - 16 Minories & 62 Aldgate High Street (Planning Permission 13/01055/FULMAJ).	Approved 01.03.2018
17/01315/NMA Tower	76 - 86 Fenchurch Street, 1 - 7 Northumberland Alley & 1 & 1A Carlisle Avenue London EC3N 2ES	Non-Material Amendment under Section 96A of the Town and Country Planning Act 1990 to planning permission 15/00702/FULMAJ dated 20th January 2016 to reflect minor detail amendments to the facades	Approved 08.03.2018

		including the fenestration, floor level heights, stone coursing, office entrance, atrium cladding, atrium profile and relocation of retail entrance. Internally, minor alterations to the cycle parking access, cycle parking provision, changes to floor heights at basement levels 1 and 2, reconfiguration of refuse storage and fire protection measures and amendments to lift and toilet cores.	
18/00121/MDC Tower	Ibex House 41-47 Minories London EC3N 1DY	Details of proposed louvre screen including material, colour and finish pursuant to condition 2(a) of planning permission and listed building consent (application nos. 17/00680/FULL and 17/00681/LBC) dated 9th November 2017.	Approved  08.03.2018
17/00980/FULL Tower	2 Seething Lane London EC3N 4AT	Application under Section 73 of the Town and Country Planning Act 1990 to amend conditions 15 (cycle parking spaces) and 17 (refuse storage) and to vary condition 18 (approved drawings) of planning permission 16/00319/FULL (12th January 2017) to enable minor material amendments: (i) to remove the proposed 8th floor extension including the PV panels; (ii) the reconfiguration of internal layout and minor design amendments; and (iii) the removal of two cycle parking spaces (reducing the total to 31).(Total additional floorspace 490sq.m GEA).	Approved  09.03.2018
17/01234/FULL Vintry	Ormond House 63 Queen Victoria Street London EC4	Replacement of existing glazed entrance door, windows and granite surrounds with black metal framed double doors, glazing and black metal surround.	Approved  22.02.2018

17/01235/ADVT Vintry	Ormond House 63 Queen Victoria Street London EC4	Installation and display of i) one halo illuminated fascia sign measuring 0.2m in height x 3.5m in height, situated at a height of 3m above ground level; and ii) one internally illuminated projecting sign measuring 0.2m in height x 0.3m in width, situated at a height of 3m above ground level.	Approved  22.02.2018
17/01133/LBC Walbrook	1 Prince's Street London EC2R 8BP	Installation of internal wireless access points.	Approved  06.02.2018
18/00041/MDC Walbrook	111 Cannon Street London EC4N 5AR	Details of the position and size of the green roof(s), the type of planting and the contribution of the green roof(s) to biodiversity and rainwater attenuation pursuant to condition 23 of planning permission 15/01368/FULL dated 24/11/2016.	Approved  06.03.2018

<b>Committee(s)</b>	<b>Dated:</b>
Planning and Transportation	<b>26/03/2018</b>
<b>Subject:</b> Valid planning applications received by Department of the Built Environment	<b>Public</b>
<b>Report of:</b> Chief Planning Officer and Development Director	<b>For Information</b>

## Summary

Pursuant to the instructions of your Committee, I attach for your information a list detailing development applications received by the Department of the Built Environment since my report to the last meeting.

Any questions of detail arising from these reports can be sent to [plans@cityoflondon.gov.uk](mailto:plans@cityoflondon.gov.uk).

## Details of Valid Applications

<b>Application Number &amp; Ward</b>	<b>Address</b>	<b>Proposal</b>	<b>Date of Validation</b>
18/00085/FULL Aldersgate	Ironmongers' Hall, Shaftesbury Place, London, EC2Y 8AA	Two storey extension to the existing office building at Ferroner's House.	09/02/2018
18/00115/FULL Aldgate	Gartmore House, 8 Fenchurch Place, London, EC3M 4AJ	Installation of two air handling units and screening on the existing roof structure at roof level.	02/02/2018
18/00152/FULEIA Aldgate	100 Leadenhall Street, London, EC3A 3BP	Demolition of the existing buildings and construction of a ground plus 56 storey building (263.4m AOD) for office use (Class B1) [102,043sq.m GEA], retail use (Class A1/A3/A4) [882sq.m GEA] at lower levels, a publicly accessible viewing gallery (Sui Generis) and after hours Restaurant/Bar (Sui Generis) [1,934sq.m GEA] at levels 55 and 56, new and improved Public Realm, ancillary basement cycle parking, servicing area and plant. [Total Scheme Area: 122,091sq.m GEA] This application is accompanied by an Environmental Statement which is available for inspection with the planning application. Copies of a CD	16/02/2018

		containing the Environmental Statement may be obtained from DP9, 100 Pall Mall, London, SW1Y 5NQ	
18/00157/FULL Bishopsgate	Exchange Square, London, EC2A 2BR	Use of Exchange Square for a temporary art installation.	16/02/2018
18/00169/FULL Bishopsgate	Andaz Hotel, 40 Liverpool Street, London, EC2M 7QN	Refurbishment of part ground floor including alterations to the bar entrance on the Bishopsgate elevation comprising erection of a canvas awning above the entrance door; extension of lobby steps; refurbishment of and extension of railings; replacement and new lighting and associated works.	23/02/2018
18/00206/FULL Bishopsgate	19 - 33 Liverpool Street, London, EC2M 7PD	Change of use at 19-33 Liverpool Street from shop (A1), financial and professional (A2), cafe/restaurant (A3), non-residential institution (D1) and office (B1) uses to provide (i) shop (A1) and cafe/restaurant (A3) uses at ground floor level; (ii) shop (A1), cafe/restaurant (A3) and office (B1) uses at first floor level; (iii) Office (B1) use at second floor level; and (iv) ancillary plant/storage associated with the cafe/restaurant (A3) uses at third floor level; refurbishment and external alterations to existing elevations including the provision of new retail shopfronts; removal of existing dormer windows on rear elevation; installation of new plant and services; and other works incidental to the development.	28/02/2018
18/00128/FULL Bread Street	1 - 3 St Paul's Churchyard, London, EC4M 7AA	Installation of two CCTV cameras on existing fascia panels.	08/03/2018
18/00178/FULL Bridge And Bridge Without	The Parish Church of St Magnus The Martyr, Lower Thames Street, London, EC3R 6DN	Installation of a black metal channel over the north aisle roof.	20/02/2018
18/00200/FULL Broad Street	23 Great Winchester Street, London, EC2P 2AX	Alterations and additions to the existing mechanical and electrical plant in the light well area to the west of main frontage building.	27/02/2018



18/00138/FULL Castle Baynard	Hill House , 1 Little New Street, London, EC4A 3TR	External ground floor alterations including the installation of a new access door and upgrading and extension of an existing access ramp, removal of cladding, removal of railings and installation of external boundary planters and alterations to an existing staircase enclosure comprising recladding, new windows and the insertion of a new door.	09/02/2018
18/00145/FULL Coleman Street	120 Moorgate, London, EC2M 6UR	Refurbishment and alterations to the building, including change of use from Class A1 to Class D2 (gym) at part ground and part upper basement levels and change of use from Class B1 to Class D2 (gym) at part upper, middle and part lower basement levels, and change of use from Class A2 to Class A1 at part ground and part upper basement levels; conversion of roof top plant enclosure to office floorspace; creation of second floor roof terrace and refurbishment of existing seventh floor roof terrace; new plant at roof and first floor levels; recladding to exterior elevations and replacement fenestration; re-provision of main office entrance on Moorgate; replacement ATMs on South Place; alterations to rear service bay area; the provision of cycle parking and associated facilities at upper basement level and other incidental works.	14/02/2018
18/00210/FULL Cordwainer	Unit 2A, 1 Poultry, London, EC2R 8EJ	Flexible use of part of the ground floor for either a sui-generis use of mixed shop/cafe/wine bar (Class A1/A3/A4 ) uses or a shop (Class A1) use (131sq.m).	28/02/2018
18/00101/FULL Dowgate	Livery Hall Dyers Hall , 10 Dowgate Hill, London, EC4R 2ST	Provision of new lift and associated external lift shaft to north west corner of site, associated excavation for lift pit, alterations to area of existing pitched roof and alterations to and replacement of three existing windows to north elevation.	06/02/2018
18/00124/FULL Farringdon Within	15 Old Bailey, London, EC4M 7EF	Change of use from offices (Class B1), retail (Class A1 and A3) and betting shop (Sui Generis use) to a hotel (Class C1, 93 bedrooms) with ancillary bar/restaurant and back of	06/02/2018

		house functions at basement and ground floor level, the infilling of the lightwell on Green Arbour Court, insertion of a mezzanine level and associated elevational alterations including the provision of a roof terrace (343sq.m floor area increase).	
18/00137/FULL Farringdon Within	16 Old Bailey, London, EC4M 7EG	Refurbishment and extension works comprising: Erection of a two storey roof extension (1,417sq.m GEA) plus plant room for office use (Class B1) with the associated formation of new terrace areas, infilling of an atrium (755sq.m GEA) and external alterations to the Fleet Place façade including the introduction of greening, alterations to the ground floor of the Old Bailey façade including the insertion of new doors and windows, provision of additional cycle parking and other works incidental to the development.	09/02/2018
17/01274/FULL Farringdon Without	17 Fleet Street, London, EC4Y 1AA	Installation of replacement shopfront and secondary glazing to the Prince Henry room and associated internal alterations.	18/01/2018
18/00216/FULL Farringdon Without	2 King's Bench Walk, London, EC4Y 7DE	The formation of a new gutter on the upper surface of the lead weathered cornice of a grade 1 listed building to reduce water penetration into the fabric of the building.	02/03/2018
17/01129/FULL Lime Street	36 Great St Helen's, London, EC3A 6AP	Demolition of part of the existing third floor to provide a new sheer extension at third floor level and creation of a double mansard roof at fourth and fifth floor levels to provide six additional hotel bedrooms and 136sq.m (GIA) additional floorspace Class C1 hotel use.	22/01/2018
18/00080/FULL Tower	Minories Public House, 64 - 73 Minories, London, EC3N 1JL	Extension of the existing external seating area in association with the adjacent public house (Class A4), erection of a pergola, siting of a food hut and associated landscaping.	07/02/2018
18/00144/FULL Tower	122 Minories And 14 Crosswall, London, EC3N 1NT	Demolition of the existing retail/office building and construction of a new building (ground plus basement and six upper floors) for use as retail/restaurant/bar (Class A1/A3/A4) and 17 no. dwellings (Class C3) and associated works.	16/02/2018



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<b>Committee(s):</b>	<b>Date:</b>
<b>Planning and Transportation</b>	26 March 2018
<b>Subject:</b> Building Control Charges Report	<b>Public</b>
<b>Report of:</b> Director of the Built Environment	<b>For Decision</b>
<b>Report author:</b> Gordon Roy	

## Summary

The propose of this report is to seek approval to increase the existing fees and charges, for service users of the District Surveyors Service to ensure full cost recovery of the service is maintained.

The District Surveyor's Building Control Division, currently charges users of the service, through "cost recovery" Charges Schemes. These are known as the "City of London Building Regulations Charging Scheme", for work associated with applications under the Building Regulations, and the "Building Control Miscellaneous Charges" of work associated with Notices under the London Building Act (Amendment) Act 1939, and the Building Act 1984. This report is to recommend changes to the Charges Schemes, which is aimed at increasing income on these activities, as part of the departments 2% efficiency savings/additional income generation and to maintain full cost recovery following increases in inflation, etc.

In conjunction with these two charges scheme's it is proposed to amend the hourly rate for the Building Control Surveyors from £104 per hour to £107 per hour plus VAT.

These changes in fees and charges are expected to raise £18,000 additional income per annum, mainly on the non-chargeable activities, therefore reducing the costs to the "City".

## Recommendations

I RECOMMEND that: -

Your committee approves the new "City of London Building Control Charges Scheme No 2; 2018", the new "Miscellaneous Building Control Charges No 2", and the revised hourly rate of £107 per hour, to come into effect 1<sup>st</sup> April 2018.

## **Main Report**

### **Background.**

The District Surveyors Building Control division raises income through two approved charges schemes. CIPFA guidance on the allocation and apportionment of reporting requires the division's budget to be split into three defined categories of: -

- Chargeable Building Regulations
- Non-Chargeable Building Regulations, and
- Other Building Control Activities.

The two current charges schemes are;

- The City of London Charges Scheme No1; 2010, which applies charges for "Chargeable Building Regulation" activities, and
- The Miscellaneous Building Control Charges which applies charges for "Other Building Control Activities".

CIPFA guidance lists a wide range of activities associated with Building Regulations which are chargeable and non-chargeable for the purposes of these schemes. Chargeable activities include checking of plan charges, site inspections, building notice charges, reversion charges and chargeable advice. Non-chargeable activities, include the control of unauthorised works, general advice to the public and other departments, the first hour of any Building Regulation advice and carrying out Building Regulation functions in relation to work providing facilities for disabled people.

Originally Building Regulation fees, for the approval or rejection of building plans and for the inspection of building works were prescribed by central government and as a result standardised fees were applied to every local authority in England and Wales.

The Building (Local Authority Charges) Regulations 1998 came into effect on the 1<sup>st</sup> April 1999 and for the first time, required each local authority to prepare a scheme fixing charges for the performance of their building control functions aimed at recovering the full cost of the service. The Building Regulations Charging Scheme 1999 for the City of London was made on the 1<sup>st</sup> April 1999, and subsequent amendments to the scheme have been made since.

In 2010, the government introduced The Building (Local Authority Charges) Regulations 2010, being the legal framework for setting a Building Regulation charging scheme and a new scheme was implemented on the 1<sup>st</sup> October 2010, known as the City of London Charges Scheme No1, 2010. See Appendix A.

The Building (Local Authority Charges) Regulations 2010 extended the devolution of building regulation charge setting to local authorities and applies to the chargeable element of the building control service.

The City of London Building Regulation Charges Scheme No1, 2010, Annex A, comprises of a range of fixed charges for small scale works with a construction cost up to £5million, and for larger projects over £5million, fees are individually assessed based on the average hourly rate of building control services. Current charges are set out in Appendix B

Other Building Control activities include dealing with temporary structures applications, dealing with dangerous structures, responding to Demolition Notices, and the keeping of public registers including Initial Notices, and Competent persons schemes. Existing charges associated temporary Structures are set out in Appendix F, with other activity charges are set out in “Building Control Miscellaneous Charges” in Appendix G.

## Current Position

It was anticipated in 2010 that chargeable works should break even ideally over a 3-year period, however a 5-year period maybe more appropriate where unusually high deficits/surpluses have accrued. The income derived from Building Regulation applications has from 2014/15 to 2016/17 contrary to CIPFA guidance provided a surplus operating profit in relation to chargeable works. Over the course of the period covered by Table 1 the District Surveyor has strived for efficiencies in all areas of his divisions work with staff levels reducing from 31 to 25, and keeping other costs to a minimum. Costs however have started to rise, and as a result, to maintain the objective of full cost recovery, the existing standard (fixed) charges, time spent on projects and the hourly rate have been reviewed.

Table 1

TABLE 1						
Budgetary Performance 2014-15 to 2018-19						
	Chargeable			Non- Chargeable	Total (Expenditure)/ Income	
	Expenditure	Income	(Deficit)/surplus			
	£'000	£'000	£'000	£'000	£'000	
2018-19 (Original Budget)	(1,334)	1,200	(134)	(634)	(768)	
2017-18 (Forecast Outturn)	(1,234)	1,130	(104)	(566)	(670)	
2016-17	(1,192)	1,296	104	(515)	(411)	
2015-16	(1,169)	1,355	186	(514)	(328)	
2014-15	(1,283)	1,364	81	(472)	(391)	
Total			133			

In accordance with the scheme, Local Authorities must calculate their charges by relating the average hourly rate of building control services in relation to the costs of building work and of project descriptions. The emphasis is to accurately recharge staff time employed against individual jobs with an agreed set of hourly rates to ensure only full cost recovery of chargeable works.

The method of recording time against projects currently operating within the District Surveyors are corporate Time master software and the CAPS Uniform software

shared with planning. These charges are monitored continually to ensure that the correct fees are being charged.

## **Proposals**

Having reviewed the existing Building Regulations Charges scheme No 1: 2010, the scheme, due to changes in the Building Regulations since 2010, needs to be revised to ensure references made in the Charges Scheme to the Building Regulations remain accurate. A revised scheme, to be known as The City of London Building Regulations Charges Scheme No 2: 2018, to commence on the 1<sup>st</sup> April 2018 is shown in Appendix C which updates the necessary clauses.

The proposed amended scheme has an amended fee schedule as set out in Appendix D to ensure full budgetary compliance by means of both standard and individually determined charges by increasing the standard charges by approximately 10%. The opportunity has also been taken to simplify the number of standard charges and allow more applications to be calculated individually.

Using the financial statements from previous years, the costs associated with the divisions hourly rate has been recalculated and amended accordingly from £104 to £107 per hour.

Fees and charges associated with other Building Control activities have also been similarly reviewed and benchmarked against similar charges with those of surrounding authorities, and to ensure full cost recovery a number of standard charges are required to be amended. A revised charging scheme is attached in Appendix G.

The 2018/19 budget is shown in Table 2 below, incorporating chargeable and non-chargeable and other activities with the proposed amendments to the fees and charges incorporated into the budget.



<b>Table 2</b>			
<b>CIPFA Recommended Income &amp; Expenditure 2018/19</b>			
	<b>Chargeable (66.5%) £'000</b>	<b>Non- Chargeable (33.5%) £'000</b>	<b>Total £'000</b>
<b>Local Risk Expenditure</b>			
Employees	(1,047)	(527)	(1,574)
Premises	0	0	0
Transport	(1)	0	(1)
Supplies and Services	(33)	(17)	(50)
<b>Total Expenditure</b>	<b>(1,081)</b>	<b>(544)</b>	<b>(1,625)</b>
<b>Local Risk Income</b>			
Fees & Charges	1,200	110	1,310
<b>Net Local Risk</b>	<b>119</b>	<b>(434)</b>	<b>(315)</b>
<b>Central Risk</b>			
Admin Buildings	(47)	(24)	(71)
Support Service - Central Support	(42)	(21)	(63)
- City Procurement	(1)	(1)	(2)
- IS Staff Recharge	(81)	(41)	(122)
- Liability Insurance	(5)	(3)	(8)
- Directorate Recharge	(21)	(82)	(103)
Depreciation and Impairment Losses	(44)	(22)	(66)
Capital Financing Costs (notional interest)	(12)	(6)	(18)
<b>Net Central Risk</b>	<b>(253)</b>	<b>(200)</b>	<b>(453)</b>
<b>Net (Expenditure)/Income</b>	<b>(134)</b>	<b>(634)</b>	<b>(768)</b>

A projected deficit is expected in both 2017/18 and 2018/19. The District Surveyors Building Control Division will be submitting a report shortly to the committee on its long term proposals, but has started to address the matter by looking at alternative income sources outside of the City. An agreement has been made with the London Legacy Development Corporation to provide Building Regulation advice with a view to providing Building Regulation approvals in partnership with London Borough of Newham, which will generate additional income up to a maximum of £300,000 over the next few years. Other similar opportunities are currently being investigated.

### Transitional Arrangements

It is proposed that the City of London Building Regulation Charges Scheme No 2, 2018 and the City of London Building Control Miscellaneous Building Control Charges No 2 are implemented from 1<sup>st</sup> April 2018.

The revised hourly rate of £107 per hour to be adopted from 1<sup>st</sup> April 2018 which is projected to generate an additional £18,000 per annum mainly on non-chargeable activity.

The proposed schemes of charges have been devised to ensure full budgetary control by means of standard and individually determined charges. The opportunity has been taken to simplify charges where possible

## **Legal Implications.**

The Building (Local Authority Charges) Regulations 2010 impose a legal obligation on the City of London to have a Building Regulation charging scheme in place, to ensure that the overriding objective of the charges being set at a level that equates to cover the costs of providing the service, and to annually review and publish figures to ensure that this objective is been maintained. These changes will maintain this objective being obtained.

## **Strategic Implications**

There are no equal opportunity implications arising from this report save that Regulation 4 of the Building Regulations (Local Authority Charges) Regulations 2010 outlines the principles of the charging scheme in relation to building work solely required for disabled persons. No building regulation charge can be authorised in relation to providing means of access solely to an existing dwelling occupied as a permanent residence by a disabled person or for the provision of facilities and accommodation (including the provision or extension of a room in limited circumstances) designed to secure the greater health, safety, welfare or convenience of such a disabled person. Similarly, no building regulation charge can be authorised in relation to an existing building to which members of the public are admitted in similar circumstances as stated above.

## **Conclusion**

The report identifies the measures being taken by the District Surveyors Division to set a revised hourly rate and charging schemes which accurately reflect actual time employed against individual projects to ensure full cost recovery.

## **Appendices**

Appendix A- Current "City of London Building Regulations Charges Scheme No 1, 2010".

Appendix B- Current "City of London Building Regulations Charges Scheme No 1, 2010", Annex A. Charges

Appendix C- Proposed "City of London Building Regulations Charges Scheme No 2, 2018".

Appendix D- Proposed "City of London Building Regulations Charges Scheme No 2:2018, Annex A, Charges

Appendix E- Proposed "City of London Building Regulations Charges Scheme No 2:2018, Annex B

Appendix E - Current "Miscellaneous Building Control Charges No 1."

Appendix F- Current "Section 30 London Building Act (Amended) Act 1939" charges.

Appendix G- Proposed "Miscellaneous Building Control Charges No 2, 2018"

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# Appendix A- Existing Building Regulations Charges Scheme No 1:2010

CITY OF LONDON	
*Derivation (see footnote)	<b>The Building (Local Authority Charges) Regulations 2010</b>
Regulation No 1	<p><b>BUILDING REGULATIONS CHARGES SCHEME No. 1, 2010</b></p> <p>1. This scheme may be cited as the Building Regulations Charges Scheme No. 1, 2010 of the City of London Corporation (the Charges Scheme) and shall come into force on 1st October 2010.</p> <p><b><u>INTRODUCTION</u></b></p> <p>2. The Charges Scheme is made under the Building (Local Authority Charges) Regulations, 2010 (the Charges Regulations). The Charges Scheme includes following paragraphs, the definitions in paragraph 5 below and the tables of charges set out in Annex A. Where clarification of the Charges Scheme is required reference should be made to the Charges Regulations. The numbers in the margin represent the relevant regulation.</p>
3(1)	<p>3. The City of London Corporation is authorised, subject to and in accordance with the Charges Regulations, to fix charges by means of the Charges Scheme and to recover such charges as it determines for or in connection with the performance of its functions relating to building regulations, as provided by the Charges Regulations.</p> <p>4. The City of London Corporation is authorised, subject to and in accordance with the provisions of the Charges Regulations, to amend and to revoke and replace any scheme which has been made by it.</p> <p><b><u>DEFINITIONS</u></b></p>
2	<p>5. The following definitions apply to the Charges Scheme:</p> <p><b>"building"</b> means any permanent or temporary building but not any other kind of structure or erection, and a reference to a building includes a reference to part of a building;</p> <p><b>"building notice"</b> means a notice given in accordance with regulations 12(2)(A)(a) and 13 of the Principal Regulations;</p> <p><b>"building work"</b> means:</p> <ul style="list-style-type: none"> <li>a) the erection or extension of a building;</li> <li>b) the provision or extension of a controlled service or fitting in or in connection with a building;</li> <li>c) the material alteration of a building, or a controlled service or fitting;</li> <li>d) work required by Building Regulation 6 of the principal regulations (requirements relating to material change of use);</li> <li>e) the insertion of insulating material into the cavity wall of a building;</li> <li>f) work involving the underpinning of a building;</li> <li>g) work required by building regulation 4A (requirements relating to thermal elements);</li> <li>h) work required by building regulation 4B (requirements relating to a change of energy status);</li> <li>i) work required by building regulation 17D (consequential improvements to energy performance);</li> </ul>

**Note:** "All Other Work" (final column) should be used for the installation of a service or fitting and for work involving the underpinning of a building.

# Appendix A- Existing Building Regulations Charges Scheme No 1:2010

Regulation No

**"chargeable function"** means a function relating to the following –

- a) the passing or rejection of plans of proposed building work which has been deposited in accordance with section 16 of the Building Act 1984 (as amended) - (Plan Charge)
- b) the inspection of building work for which plans have been deposited in accordance with the Principal Regulations and with section 16 of the Building Act 1984 (as amended) – Inspection Charge
- c) the consideration of a building notice which has been given in accordance with the Principal Regulations – Building Notice Charge)
- d) the consideration of building work reverting to the Council under the Building (Approved Inspectors etc.) Regulations 2000 (as amended) – (Reversion Charge)
- e) the consideration of a regularisation application submitted under regulation 21 of the Principal Regulations – (Regularisation Charge).

**"chargeable advice"** is a charge made in relation to a request for building regulation advice as regards any particular case where such a charge is made in anticipation of the future exercise of their chargeable functions in relation to that case, save that no charge is made for the first hour of time spent in providing such chargeable advice.

**"cost"** does not include any professional fees paid to an architect, quantity surveyor or any other person;

**"dwelling"** includes a dwelling-house and a flat;

**"estimate"** in relation to the cost of carrying out building work, means an estimate, accepted by the local authority, of such reasonable amount as would be charged for the carrying out of that building work by a person in business to carry out such building work (excluding the amount of any value added tax chargeable);

**"estimated cost of building work"** means the estimated cost of that work which requires approval for building regulations by the City of London Corporation. If appropriate the City of London Corporation may require estimates to be aggregated or disaggregated to establish the appropriate charge;

**"extension"** means an extension which has no more than three storeys, each basement level (if any) counting as one storey;

**"floor area"** of a building or extension' is the total floor area calculated by reference to the finished internal faces of the walls enclosing the area, or, if at any point there is no enclosing wall, by reference to the outermost edge of the floor.

**"the Principal Regulations"** means the Building Regulations 2000 as amended from time to time;

**"relevant person"** means:

- a) in relation to a plan charge, inspection charge, reversion charge or building notice charge, the person who carries out the building work or on whose behalf the building work is carried out;
- b) in relation to a regularisation charge, the owner of the building; and
- c) in relation to chargeable advice, any person requesting advice for which a charge may be made pursuant to the definition of 'chargeable advice'

**"total floor area of a building"** is the total of the floor area of all the storeys which comprise that building.

**"total floor area of an extension"** is the total of the floor areas of all the storeys in the extension.

**Note:** "All Other Work" (final column) should be used for the installation of a service or fitting and for work involving the underpinning of a building.

# Appendix A- Existing Building Regulations Charges Scheme No 1:2010

Regulation No	<b><u>SUMMARY OF BUILDING REGULATIONS FUNCTIONS AND CHARGES</u></b>
5(1)	<p>6. The City of London Corporation has determined:</p> <ul style="list-style-type: none"> <li>a) plan charges for or in connection with the passing or rejection of plans of proposed building work deposited with them in accordance with Section 16 of the Building Act 1984;</li> <li>b) inspection charges for or in connection with the inspection of building work for which plans have been deposited in accordance with the Principal Regulations and with Section 16 of the Building Act 1984;</li> <li>c) building notice charges for or in connection with the consideration of a building notice which has been given to the City of London Corporation in accordance with the Principal Regulations;</li> </ul> <p>The charges for the foregoing functions are as set out in the attached tables in Annex A.</p>
5(2)	<p>7. The City of London Corporation is also authorised within its Charges Scheme to make a charge in relation to a request for advice as regards any particular case where such a charge is made in anticipation of the future exercise of its chargeable functions in relation to that case (referred to as “chargeable advice”); save that no charge is to be made for the first hour of time spent by an officer in providing such chargeable advice.</p>
6(3)	<p>8. This Charges Scheme has been fixed such that its objective is to ensure that, taking one financial year with another, the income to be derived by the City of London Corporation from performing chargeable functions and providing chargeable advice (referred to as “chargeable income”) as nearly as possible equates to the costs incurred by the City of London Corporation in performing chargeable functions and providing chargeable advice (referred to as “chargeable costs”). At the end of the financial year within which the City of London Corporation first made this Charges Scheme and of each subsequent financial year, the City of London Corporation will conduct a review of the level of charges set out under this Charges Scheme for the purpose of achieving the Charges Scheme’s objective above.</p>
6(2)	
6(4-6)	<p>9. Immediately following the review of the level of charges, the City of London Corporation will prepare a “building control statement” setting out as regards the financial year to which it relates, the chargeable costs, the chargeable income and the amount of any surplus or deficit. Such “building control statement” will be approved by the City of London Corporation’s Section 6 Officer and will be published not more than six months after the end of the financial year to which the statement relates.</p>
6(7-8)	<p>10. Each charge determined within the Charges Scheme has been related to the costs of providing building regulation services in relation to particular building work or building work of particular descriptions having regard to the objective outlined in clause 8 above. Where this Charges Scheme is first made and takes effect at any time other than the beginning of a financial year, the City of London Corporation will have regard to any estimated</p>

**Note:** "All Other Work" (final column) should be used for the installation of a service or fitting and for work involving the underpinning of a building.

## Appendix A- Existing Building Regulations Charges Scheme No 1:2010

Regulation No	surplus or deficit arising for that part of the financial year for which its existing scheme made under the Building (Local Authority Charges) Regulations 1998 continues to have effect.
7(1-2)	11. The costs of providing City of London Corporation building regulation services in relation to chargeable functions or chargeable advice has been calculated using the hourly rate at which the time of its officers will be charged and the factors which have been taken into account in estimating the time required by its officers for performing a chargeable function or providing chargeable advice (in relation to particular building work or building work of particular descriptions).
7(4)	12. The hourly rate of the City of London Corporation building regulation officers is set out herewith: £104.
7(3)	13. Where the City of London Corporation consider it necessary to engage and incur the costs of a consultant to provide specialist advice or services in relation to a particular aspect of building work, those costs will be included in the determination of the charges referred to in this Charges Scheme.
7(5)	14. In calculating the costs and in estimating the time required by its officers for performing a chargeable function or providing chargeable advice (in relation to particular building work or building work of particular descriptions), both in relation to standard and assessed charges, the City of London Corporation has taken some or all of the following factors into account: <ul style="list-style-type: none"> <li>a) the existing use of a building, or the proposed use of the building after completion of the building work;</li> <li>b) the different kinds of building work described in regulation 3(1)(a) to (i) of the Principal Regulations. (<i>see definition of 'building work' in clause 5 above</i>);</li> <li>c) the floor area of the building or extension. (<i>see definitions of 'floor area of a building or extension', 'total floor area of a building' and 'total floor area of an extension' in clause 5 above</i>);</li> <li>d) the estimated duration of the building work and the anticipated number of inspections to be carried out.</li> <li>e) the estimated cost of the building work;</li> </ul>
7(5)	15. In calculating the costs and in estimating the time required by its officers for performing a chargeable function or providing chargeable advice (in relation to particular building work or building work of particular descriptions), in relation to assessed charges for individual projects, the City of London Corporation will take some or all of the following additional factors into account in assessing the charges <ul style="list-style-type: none"> <li>f) the nature of the design of the building work and whether innovative or high risk construction techniques are to be used;</li> <li>g) whether the person who intends to carry out part of the building work is a person named in a self-certification scheme or list of exemptions under schedule 2A of the Principal Regulations; or is carrying out the descriptions of work where no building notice or deposit of full plans is required under schedule 2B of the Principal Regulations both as mentioned in building regulation 12(5), or is a person who is registered</li> </ul>

**Note:** "All Other Work" (final column) should be used for the installation of a service or fitting and for work involving the underpinning of a building.



# Appendix A- Existing Building Regulations Charges Scheme No 1:2010

Regulation No	<p>by the British Institute of Non-destructive Testing under regulation 20B(4) of the Principal Regulations;</p> <p>h) whether in respect of the building work a notification has been made that design details approved by Robust Details Limited are to be used as outlined in regulation 20A(4) of the Principal Regulations;</p> <p>i) whether an application or building notice is in respect of two or more buildings or building works all of which are substantially the same as each other;</p> <p>j) whether an application or building notice is in respect of building work which is substantially the same as building work in respect of which plans have previously been deposited or building works inspected by the City of London Corporation;</p> <p>k) whether chargeable advice has been given which is likely to result in less time being taken by the City of London Corporation to perform the chargeable function; and</p> <p>l) whether it is necessary to engage and to incur the costs of a consultant to provide specialist advice or services in relation to a particular aspect of the building work.</p>
	<p>16. On receipt of an application or notice relating to particular building work or building work of particular descriptions, the City of London Corporation in determining its building regulation charges by reference to a standard charge published in the scheme (see schedule of standard charges listed in Annex A), has taken into account the factors listed in clause 14 above</p>
	<p>17. On receipt of a request for advice, an application or notice relating to particular building work or building work of particular descriptions, the City of London Corporation in determining its building regulation charges by reference to an individual assessment of the charge to be made (see guidance on assessed charges in Annex B), will take into account the factors listed in clauses 14 and 15 above and such individually determined charges will be confirmed in writing specifying the amount of the charge and the factors which have been taken into account.</p>
5(2)	<p>18. No charge will be made for the first hour of an officer's time in respect of chargeable building regulation advice given by such officer.</p> <p>19. The sum of the plan charge and the inspection charge is equal to the building notice charge. With the exception of those circumstances detailed in paragraphs 14 and 21 below, the plan charge is 25% of the building notice charge and the inspection charge is 75% of the building notice charge.</p> <p>20. The preceding paragraphs 6, 8, 9 and 10 are subject to paragraph 21 below.</p> <p>21. Where:</p> <p>a) one application or building notice is in respect of two or more buildings or building works all of which are substantially the same as each other; or</p> <p>b) an application or building notice is in respect of building work which is substantially the same as building work in respect of which plans have previously been approved or building works inspected by the City of London Corporation and where the City of London Corporation is satisfied that the owner of the plans who deposits them or who gives a</p>

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## Appendix A- Existing Building Regulations Charges Scheme No 1:2010

Regulation No	<p>building notice in respect of them is the same person who originally deposited the plans or gave a building notice in respect of them, a reduction not exceeding 30% in the plan charge or building notice charge payable may be applied and a reduction not exceeding 30% in the inspection charge payable may also be applied, but only at the absolute discretion of the City of London Corporation.</p>
	<p>24. Where the appropriate total charge is £600 or below a plan charge is payable, which incorporates that charge which would be made for an inspection of building work, although no separate inspection charge is made.</p>
	<p>25. Standard charges set in accordance with clause 14 above are shown on Table 1 in annex A.</p>
	<p>26. The following applications may be dealt with by individually assessed charges in accordance with clauses 14 &amp; 15 above.</p> <ul style="list-style-type: none"> <li>a) Full Plans (both the passing or rejection of plans and the associated inspections) where the cost of the work exceeds £1m.</li> <li>b) Building Notice where the cost of the work exceeds £1m.</li> <li>c) All stand alone new buildings.</li> <li>d) Reversion for or in connection with the consideration of building work reverting to the control of the City of London Corporation.</li> <li>e) Regularisation submitted under regulation 21 of the Principal Regulations (unauthorised building work).</li> </ul>
	<p>27. Where building work comprises -</p> <ul style="list-style-type: none"> <li>a) the installation of cavity fill insulation in accordance with Part D of Schedule 1 to the Principal Regulations where the installation is not certified to an approved standard or is not installed by an approved installer or is not part of a larger project comprising other building work; or</li> <li>b) the installation of an unvented hot water system in accordance with Part G of Schedule 1 to the Principal Regulations where the installation is not part of a larger project comprising other building work,</li> </ul> <p>the City of London Corporation has fixed its charges by reference to the estimated cost of the building work only, and no plan charge will be made in respect of such building work.</p>
	<p>28. Where building work comprises:</p> <ul style="list-style-type: none"> <li>a) the installation of cavity fill insulation in accordance with Part D of Schedule 1 to the Principal Regulations where the installation is certified to an approved standard, or is installed by an approved installer or is part of a larger project comprising other building work; or</li> <li>b) the installation of an unvented hot water system in accordance with Part G of Schedule 1 to the Principal Regulations where the installation is part of a larger project comprising other building work, no charges will be made in respect of such building work.</li> </ul>
4(1)	<p>29. The City of London Corporation has not fixed by means of its scheme, nor intends to recover a charge in relation to an existing dwelling which is, or</p>

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## Appendix A- Existing Building Regulations Charges Scheme No 1:2010

Regulation No	<p>is to be, occupied by a disabled person as a permanent residence; and where the whole of the building work in question is solely-</p> <ul style="list-style-type: none"> <li>a) for the purpose of providing means of access for the disabled person by way of entrance or exit to or from the dwelling or any part of it, or</li> <li>b) for the purpose of providing accommodation or facilities designed to secure the greater health, safety, welfare or convenience of the disabled person.</li> </ul>
4(2)	<p>30. The City of London Corporation has not fixed by means of its scheme, nor intends to recover a charge for the purpose of providing accommodation or facilities designed to secure the greater health, safety, welfare or convenience of a disabled person in relation to an existing dwelling, which is, or is to be, occupied by that disabled person as a permanent residence and as outlined in clause 6 (b) above, where such work consists of-</p> <ul style="list-style-type: none"> <li>a) the adaptation or extension of existing accommodation or an existing facility or the provision of alternative accommodation or an alternative facility where the existing accommodation or facility could not be used by the disabled person or could be used by the disabled person only with assistance; or</li> <li>b) the provision of extension of a room which is or will be used solely- <ul style="list-style-type: none"> <li>(i) for the carrying out for the benefit of the disabled person of medical treatment which cannot reasonably be carried out in any other room in the dwelling, or</li> <li>(ii) for the storage of medical equipment for the use of the disabled person, or</li> <li>(iii) to provide sleeping accommodation for a carer where the disabled person requires 24-hour care.</li> </ul> </li> </ul>
4(3)	<p>31. The City of London Corporation has not fixed by means of its scheme, nor intends to recover a charge in relation to an existing building to which members of the public are admitted (whether on payment or otherwise); and where the whole of the building work in question is solely-</p> <ul style="list-style-type: none"> <li>a) for the purpose of providing means of access for disabled persons by way of entrance or exit to or from the building or any part of it; or</li> <li>b) for the provision of facilities designed to secure the greater health, safety, welfare or disabled persons.</li> </ul>
4(4)	<p><i>Note: 'disabled person' means a person who is within any of the descriptions of persons to whom Section 29(1) of the National Assistance Act 1948, as extended by virtue of Section 8(2) of the Mental Health Act 1959, applied but disregarding the amendments made by paragraph 11 of Schedule 13 to the Children Act 1989.</i></p>
<b><u>PAYMENT OF CHARGES</u></b>	
8(1)a	<p>32. Any plan charge shall be payable when the plans of the building work are deposited with the City of London Corporation but see also clause 40 below.</p>
8(1)b	<p>33. Any inspection charge shall be payable on demand made after the City of</p>

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## Appendix A- Existing Building Regulations Charges Scheme No 1:2010

Regulation No		London Corporation carries out the first inspection in respect of which the charge is payable but see also clause 40 below.
8(1)c	34.	Any building notice charge shall be payable when the building notice is given to the City of London Corporation.
8(1)d	35.	Any reversion charge shall be payable for building work in relation to a building: <ul style="list-style-type: none"> <li>i) which has been substantially completed before plans are first deposited in accordance with regulation 20(2)(a)(i) of the Building (Approved Inspectors etc.) Regulations 2000 as amended; or</li> <li>ii) in respect of which plans for further building work have been deposited with the City of London Corporation in accordance with regulation 20(3) of the Building (Approved Inspectors etc.) Regulations 2000 as amended,</li> </ul> on the first occasion on which those plans are deposited.
8(1)e	36.	Any regularisation charge shall be payable at the time of the application to the City of London Corporation in accordance with regulation 21 of the Principal Regulations (unauthorised building work).
8(1)f	37.	Any charge for chargeable advice shall be payable on demand after the City of London Corporation has given notice to the relevant person in writing specifying the amount to be charged and the factors which have been taken into account as listed in clauses 14 and 15 above.
8(1)g	38.	Any plan charge, inspection charge, building notice charge, reversion charge, regularisation charge and charge for chargeable advice is to be payable by the relevant person ( <i>see definition, clause 5 above</i> ).
Regulation No 8(1)h	39.	Any plan charge, inspection charge, building notice charge which is payable to the City of London Corporation shall be paid together with an amount equal to any value added tax payable in respect of that charge.
8(1)i	40.	Part of any charge which is payable to the City of London Corporation, may, at its absolute discretion, be paid in instalments of such amounts payable on such dates as the City of London Corporation shall specify.
8(1)j	41.	There is no entitlement to a complete refund of any regularisation charge paid, if the City of London Corporation, after incurring costs, subsequently cannot determine what work is required to comply with the relevant requirements.
8(1)h	42.	Where a plan charge has been paid and not refunded, the City of London Corporation may in any case they consider reasonable, decide not to make a further plan charge in respect of plans subsequently deposited for substantially the same building work.
11(1)	43.	Where for any reason the City of London Corporation do not give notice of passing or rejection of plans within the period required by Section 16 of the Building Act 1984 (as amended), any plan charge paid will be refunded.
11(2)	44.	No refund will be given by the City of London Corporation where the

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## Appendix A- Existing Building Regulations Charges Scheme No 1:2010

Regulation No		reason for not giving notice of passing or rejection of plans within the period required by section 16 of the Building Act, 1984 is due to the failure by the person by whom or on whose behalf the plans were deposited to supply information within a reasonable time, necessary to meet the City of London Corporation duty under that section.
11(3)	45.	Where the City of London Corporation has determined a charge in relation to a chargeable function or chargeable advice, payment of the charge has been made to the City of London Corporation and the actual amount of work required of an officer of the City of London Corporation is less than that which was originally assessed, the City of London Corporation (subject to clause 45 below) will make a refund in respect of the proportion of the charge relating to the excess payment.
11(4)	46.	Where the City of London Corporation has determined a charge in relation to a chargeable function or chargeable advice, payment of the charge has been made to the City of London Corporation and the actual amount of work required of an officer of the City of London Corporation is more than that which was originally estimated in the assessment, the City of London Corporation (subject to clause 45 below) may raise a supplementary charge in respect of any additional work carried out its officer.
11(5)	47.	In relation to the assessment of a refund or supplementary charge, the City of London Corporation may discount one hour of an officer's time from the calculation of the refund or, as the case may be, the supplementary charge.
11(6)	48.	Where in respect of plans deposited with the City of London Corporation under section 16 of the Building Act, 1984, the plan charge and inspection charge are to be aggregated for the purposes of calculating any refund or supplementary charge.
11(7)	49.	The payment of any refund or request for a supplementary charge will be accompanied by a statement setting out the reason for the assessment and the calculation of the refund or supplementary charge.
	50.	Plans which are deposited otherwise than in accordance with the requirement imposed under paragraph 24 above or an agreement under paragraph 30 above are not deposited in accordance with building regulations for the purposes of section 16 of the Act; and a building notice given otherwise than in accordance with a requirement imposed under paragraph 26 above or an agreement under paragraph 30 above is not validly given for the purposes of the Principal Regulations.
	51.	Where an individual assessment of a plan charge or building notice charge has been made, (other than a standard charge) any individually assessed plan charge or building notice charge shall not be payable until such plan charge or building notice charge has been specified by the City of London Corporation and confirmed in writing if such confirmation is provided later than the deposit of the plan or (as the case may be) the giving of the building notice.
	52.	The City of London Corporation is authorised to require the supply of any information where such information is necessary to determine any building

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## Appendix A- Existing Building Regulations Charges Scheme No 1:2010

	regulation charge listed in clause 9 above.
53.	<p>The City of London Corporation operates, maintains and makes available on request, to any interested party, an appropriate complaints procedure regarding its building regulations services. If a person is dissatisfied with the decision made relating to the determination of charges for building work and wishes to make a complaint, such complaint will be dealt with within the Council's agreed complaint's procedure. In the first instance, such complaints should be addressed at a local level to:</p> <p>The District Surveyor Department of Environmental Services Guildhall London EC2P 2EJ</p> <p>Telephone: 020 7332 1000 Fax: 020 7332 1968 email: district.surveyor@cityoflondon.gov.uk Telephone 020 7332 1000</p>
11(2)	54. Where building work reverts to the control of the City of London Corporation any plans relating to that building work given to the City of London Corporation in accordance with regulation 18 of the Building (Approved Inspector etc) Regulations 1985 as amended, shall be accompanied by a current estimate in writing of the cost of that building work.
13	55. Contravention of the Building (Local Authority Charges) Regulations 2010 and or the non- payment of any charge which becomes payable are not treated as offences under Section 35 of the Building Act 1984 (penalty for contravening building regulations).
Regulation No	<b><u>TRANSITIONAL PROVISIONS AND REVOCATION</u></b>
15(2-3)	56. The Building Regulations Charges Scheme No. 1, 1999 of the City of London Corporation made under the Building (Local Authority Charges) regulations 1998, will continue to apply to building work within the City of London Corporation area for which plans were first deposited or a building notice was given or a reversion charge became payable, or a regularisation certificate was made, before 1 October 2010.
15(1)	57. The Building (Local Authority Charges) Regulations 1998 are revoked by the Building (Local Authority Charges) Regulations 2010.
	<b><u>INFORMATIVE</u></b>
12(3)	<p>58. Further information and advice concerning building regulation charges and the Building Regulations Charges Scheme, can be obtained from:</p> <p>The District Surveyor</p>

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## Appendix A- Existing Building Regulations Charges Scheme No 1:2010

Department of Environmental Services  
Guildhall  
London EC2P 2EJ

Telephone: 020 7332 1000  
Fax: 020 7332 1968  
email: district.surveyor@cityoflondon.gov.uk

**Signed:**



.....  
(The officer appointed for this purpose)

**Dated:**

\* Derivation = Building (Local Authority Charges) Regulations 2010.

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## Appendix B- Existing Building Regulation Charges Scheme No 1:2010 Annex A

Cost of Works	Current charges			Proposed charges from 1st October 2010						
				Work Categories						
1,000	New Build	Fit-out		CAT A - CAT B	Refurbishments & Extensions	Simple office alterations	Material Change of Use	Retail	Small Residential Alterations *	Other
10	340	340		560	600	360	860*	560	560*	For works not described on the table a specific individually assessed charge will be provided.
20	540	540				560			760*	
40	716	716		720	800	720	1000*	720	1000*	
70	980	980		1080	1100	1080	1300*	1080	1300*	
100	1244	1244			1300				1500*	
									SEE 'OTHER'	
150	1444	1244		1200	1500	1200	1800*	1200		
200	1644	1315.2			1700		2000*			
300	2044	1635.2		1560	2100	1560	2700*	1600		
400	2444	1955.2		1840	2500	1840		1900		
500	2844	2275.2		2160	2900	2160		2200		
600	3244	2595.2		2440	3300	2440	4100*	2500#		
700	3644	2915.2		2740	3700	2740		3000#		
800	4044	3235.2		3000	4100	3000				
900	4444	3555.2		3360	4500	3360	5700*			
1000	4844	3875.2		3600	4900	3600		4600#		
1250	5644	4515.2		4000	5700 (5400)	4000				
1500	6444	5155.2		5000	6700	5000	6500			
2000	8044	6435.2		6000	8000	6000	8000	7000#		
2500	9644	7175.2		7300	9600	7300	9600	8000#		
3000	11244	8995.2		8600	11300	8600	11300	10000#		
								(12000#)		
3500	12844	10275.2		9700	12900	9700	12900	11300#		
4000	14444	11555.2		10500	14600	10500	14600	12000		
4500	16044	1235.2		12000	16000	12000	16000	14000		
5000	17644	14115.2		13500	18000	13500	18000			
For works over £5.0 million a specific individually assessed charge will be provided										
* If Part P electrics are not applicable or if they are dealt with under the Competent Persons Scheme - Deduct £200 per unit/flat										
# deduct £400 if no structural alterations are included in the works										
Revision A - correction of 2 typing errors. Altered figures in red and previous amount in red thus: (xyza)										

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# Appendix C- Building Regulation Charges Scheme No 2:2018

CITY OF LONDON	
*Derivation (see footnote)	<b>The Building (Local Authority Charges) Regulations 2010</b>
Regulation No 1	<p><b>BUILDING REGULATIONS CHARGES SCHEME No. 2, 2018</b></p> <p>1. This scheme may be cited as the Building Regulations Charges Scheme No. 2, 2018 of the City of London Corporation (the Charges Scheme) and shall come into force on 1st April 2018.</p> <p><b><u>INTRODUCTION</u></b></p> <p>2. The Charges Scheme is made under the Building (Local Authority Charges) Regulations, 2010 (the Charges Regulations). The Charges Scheme includes following paragraphs, the definitions in paragraph 5 below and the tables of charges set out in Annex A. Where clarification of the Charges Scheme is required reference should be made to the Charges Regulations. The numbers in the margin represent the relevant regulation.</p>
3(1)	<p>3. The City of London Corporation is authorised, subject to and in accordance with the Charges Regulations, to fix charges by means of the Charges Scheme and to recover such charges as it determines for or in connection with the performance of its functions relating to building regulations, as provided by the Charges Regulations.</p> <p>4. The City of London Corporation is authorised, subject to and in accordance with the provisions of the Charges Regulations, to amend and to revoke and replace any scheme which has been made by it.</p> <p><b><u>DEFINITIONS</u></b></p>
2	<p>5. The following definitions apply to the Charges Scheme:</p> <p><b>"building"</b> means any permanent or temporary building but not any other kind of structure or erection, and a reference to a building includes a reference to part of a building;</p> <p><b>"building notice"</b> means a notice given in accordance with regulations 12(2)(a) and 13 of the Principal Regulations;</p> <p><b>"building work"</b> means:</p> <ul style="list-style-type: none"> <li>a) the erection or extension of a building;</li> <li>b) the provision or extension of a controlled service or fitting in or in connection with a building;</li> <li>c) the material alteration of a building, or a controlled service or fitting;</li> <li>d) work required by Building Regulation 6 of the principal regulations (requirements relating to material change of use);</li> <li>e) the insertion of insulating material into the cavity wall of a building;</li> <li>f) work involving the underpinning of a building;</li> <li>g) work required by building regulation 23 (requirements relating to thermal elements);</li> <li>h) work required by building regulation 22 (requirements relating to a change of energy status);</li> <li>i) work required by building regulation 28 (consequential improvements to energy performance);</li> </ul>

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## Appendix C- Building Regulation Charges Scheme No 2:2018

Regulation No

**"chargeable function"** means a function relating to the following –

- a) the passing or rejection of plans of proposed building work which has been deposited in accordance with section 16 of the Building Act 1984 (as amended) - (Plan Charge)
- b) the inspection of building work for which plans have been deposited in accordance with the Principal Regulations and with section 16 of the Building Act 1984 (as amended) – Inspection Charge
- c) the consideration of a building notice which has been given in accordance with the Principal Regulations – Building Notice Charge)
- d) the consideration of building work reverting to the Council under the Building (Approved Inspectors etc.) Regulations 2010 (as amended) – (Reversion Charge)
- e) the consideration of a regularisation application submitted under regulation 18 of the Principal Regulations – (Regularisation Charge).

**"chargeable advice"** is a charge made in relation to a request for building regulation advice as regards any particular case where such a charge is made in anticipation of the future exercise of their chargeable functions in relation to that case, save that no charge is made for the first hour of time spent in providing such chargeable advice.

**"cost"** does not include any professional fees paid to an architect, quantity surveyor or any other person;

**"dwelling"** includes a dwelling-house and a flat;

**"estimate"** in relation to the cost of carrying out building work, means an estimate, accepted by the local authority, of such reasonable amount as would be charged for the carrying out of that building work by a person in business to carry out such building work (excluding the amount of any value added tax chargeable);

**"estimated cost of building work"** means the estimated cost of that work which requires approval for building regulations by the City of London Corporation. If appropriate the City of London Corporation may require estimates to be aggregated or disaggregated to establish the appropriate charge;

**"extension"** means an extension which has no more than three storeys, each basement level (if any) counting as one storey;

**"floor area"** of a building or extension' is the total floor area calculated by reference to the finished internal faces of the walls enclosing the area, or, if at any point there is no enclosing wall, by reference to the outermost edge of the floor.

**"the Principal Regulations"** means the Building Regulations 2010 as amended from time to time;

**"relevant person"** means:

- a) in relation to a plan charge, inspection charge, reversion charge or building notice charge, the person who carries out the building work or on whose behalf the building work is carried out;
- b) in relation to a regularisation charge, the owner of the building; and
- c) in relation to chargeable advice, any person requesting advice for which a charge may be made pursuant to the definition of 'chargeable advice'

**"total floor area of a building"** is the total of the floor area of all the storeys which comprise that building.

**"total floor area of an extension"** is the total of the floor areas of all the storeys in the extension.

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## Appendix C- Building Regulation Charges Scheme No 2:2018

Regulation No	<b><u>SUMMARY OF BUILDING REGULATIONS FUNCTIONS AND CHARGES</u></b>
5(1)	<p>6. The City of London Corporation has determined:</p> <ul style="list-style-type: none"> <li>a) plan charges for or in connection with the passing or rejection of plans of proposed building work deposited with them in accordance with Section 16 of the Building Act 1984;</li> <li>b) inspection charges for or in connection with the inspection of building work for which plans have been deposited in accordance with the Principal Regulations and with Section 16 of the Building Act 1984;</li> <li>c) building notice charges for or in connection with the consideration of a building notice which has been given to the City of London Corporation in accordance with the Principal Regulations;</li> </ul> <p>The charges for the foregoing functions are as set out in the attached tables in Annex A.</p>
5(2)	<p>7. The City of London Corporation is also authorised within its Charges Scheme to make a charge in relation to a request for advice as regards any particular case where such a charge is made in anticipation of the future exercise of its chargeable functions in relation to that case (referred to as “chargeable advice”); save that no charge is to be made for the first hour of time spent by an officer in providing such chargeable advice.</p>
6(3)	<p>8. This Charges Scheme has been fixed such that its objective is to ensure that, taking one financial year with another, the income to be derived by the City of London Corporation from performing chargeable functions and providing chargeable advice (referred to as “chargeable income”) as nearly as possible equates to the costs incurred by the City of London Corporation in performing chargeable functions and providing chargeable advice (referred to as “chargeable costs”). At the end of the financial year within which the City of London Corporation first made this Charges Scheme and of each subsequent financial year, the City of London Corporation will conduct a review of the level of charges set out under this Charges Scheme for the purpose of achieving the Charges Scheme’s objective above.</p>
6(2)	<p>9. Immediately following the review of the level of charges, the City of London Corporation will prepare a “building control statement” setting out as regards the financial year to which it relates, the chargeable costs, the chargeable income and the amount of any surplus or deficit. Such “building control statement” will be approved by the City of London Corporation’s Section 6 Officer and will be published not more than six months after the end of the financial year to which the statement relates.</p>
6(4-6)	<p>10. Each charge determined within the Charges Scheme has been related to the costs of providing building regulation services in relation to particular building work or building work of particular descriptions having regard to the objective outlined in clause 8 above. Where this Charges Scheme is first made and takes effect at any time other than the beginning of a financial year, the City of London Corporation will have regard to any estimated</p>

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## Appendix C- Building Regulation Charges Scheme No 2:2018

Regulation No	surplus or deficit arising for that part of the financial year for which its existing scheme made under the Building (Local Authority Charges) Regulations 2010 continues to have effect.
6(7-8)	11. The costs of providing City of London Corporation building regulation services in relation to chargeable functions or chargeable advice has been calculated using the hourly rate at which the time of its officers will be charged and the factors which have been taken into account in estimating the time required by its officers for performing a chargeable function or providing chargeable advice (in relation to particular building work or building work of particular descriptions).
7(1-2)	12. The hourly rate of the City of London Corporation building regulation officers is set out herewith: £107.
7(4)	13. Where the City of London Corporation consider it necessary to engage and incur the costs of a consultant to provide specialist advice or services in relation to a particular aspect of building work, those costs will be included in the determination of the charges referred to in this Charges Scheme.
7(3)	14. In calculating the costs and in estimating the time required by its officers for performing a chargeable function or providing chargeable advice (in relation to particular building work or building work of particular descriptions), both in relation to standard and assessed charges, the City of London Corporation has taken some or all of the following factors into account:
7(5)	<ul style="list-style-type: none"> <li>a) the existing use of a building, or the proposed use of the building after completion of the building work;</li> <li>b) the different kinds of building work described in regulation 3(1)(a) to (i) of the Principal Regulations. (<i>see definition of 'building work' in clause 5 above</i>);</li> <li>c) the floor area of the building or extension. (<i>see definitions of 'floor area of a building or extension', 'total floor area of a building' and 'total floor area of an extension' in clause 5 above</i>);</li> <li>d) the estimated duration of the building work and the anticipated number of inspections to be carried out.</li> <li>e) the estimated cost of the building work;</li> </ul>
7(5)	15. In calculating the costs and in estimating the time required by its officers for performing a chargeable function or providing chargeable advice (in relation to particular building work or building work of particular descriptions), in relation to assessed charges for individual projects, the City of London Corporation will take some or all of the following additional factors into account in assessing the charges <ul style="list-style-type: none"> <li>f) the nature of the design of the building work and whether innovative or high risk construction techniques are to be used;</li> <li>g) whether the person who intends to carry out part of the building work is a person named in a self-certification scheme or list of exemptions under schedule 3 of the Principal Regulations; or is carrying out the descriptions of work where no building notice or deposit of full plans is required under schedule 4 of the Principal Regulations both as mentioned in building regulation 12(6);</li> </ul>

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## Appendix C- Building Regulation Charges Scheme No 2:2018

Regulation No	<ul style="list-style-type: none"> <li>h) whether in respect of the building work a notification has been made that design details approved by Robust Details Limited are to be used;</li> <li>i) whether an application or building notice is in respect of two or more buildings or building works all of which are substantially the same as each other;</li> <li>j) whether an application or building notice is in respect of building work which is substantially the same as building work in respect of which plans have previously been deposited or building works inspected by the City of London Corporation;</li> <li>k) whether chargeable advice has been given which is likely to result in less time being taken by the City of London Corporation to perform the chargeable function; and</li> <li>l) whether it is necessary to engage and to incur the costs of a consultant to provide specialist advice or services in relation to a particular aspect of the building work.</li> </ul>
	<p>16. On receipt of an application or notice relating to particular building work or building work of particular descriptions, the City of London Corporation in determining its building regulation charges by reference to a standard charge published in the scheme (see schedule of standard charges listed in Annex A), has taken into account the factors listed in clause 14 above</p> <p>17. On receipt of a request for advice, an application or notice relating to particular building work or building work of particular descriptions, the City of London Corporation in determining its building regulation charges by reference to an individual assessment of the charge to be made (see guidance on assessed charges in Annex B), will take into account the factors listed in clauses 14 and 15 above and such individually determined charges will be confirmed in writing specifying the amount of the charge and the factors which have been taken into account.</p> <p>18. No charge will be made for the first hour of an officer's time in respect of chargeable building regulation advice given by such officer.</p>
5(2)	<p>19. The sum of the plan charge and the inspection charge is equal to the building notice charge. With the exception of those circumstances detailed in paragraphs 14 and 21 below, the plan charge is 25% of the building notice charge and the inspection charge is 75% of the building notice charge.</p> <p>20. The preceding paragraphs 6, 8, 9 and 10 are subject to paragraph 21 below.</p> <p>21. Where:</p> <ul style="list-style-type: none"> <li>a) one application or building notice is in respect of two or more buildings or building works all of which are substantially the same as each other; or</li> <li>b) an application or building notice is in respect of building work which is substantially the same as building work in respect of which plans have previously been approved or building works inspected by the City of London Corporation and where the City of London Corporation is satisfied that the owner of the plans who deposits them or who gives a building notice in respect of them is the same person who originally deposited the plans or gave a building notice in respect of them, a reduction not exceeding 30% in the plan charge or building notice</li> </ul>

**Note:** "All Other Work" (final column) should be used for the installation of a service or fitting and for work involving the underpinning of a building.

## Appendix C- Building Regulation Charges Scheme No 2:2018

Regulation No	<p>charge payable may be applied and a reduction not exceeding 30% in the inspection charge payable may also be applied, but only at the absolute discretion of the City of London Corporation.</p>
24.	Where the appropriate total charge is £600 or below a plan charge is payable, which incorporates that charge which would be made for an inspection of building work, although no separate inspection charge is made.
25.	Standard charges set in accordance with clause 14 above are shown on Table 1 in annex A.
26.	<p>The following applications may be dealt with by individually assessed charges in accordance with clauses 14 &amp; 15 above.</p> <ul style="list-style-type: none"> <li>a) Full Plans (both the passing or rejection of plans and the associated inspections) where the cost of the work exceeds £1m.</li> <li>b) Building Notice where the cost of the work exceeds £1m.</li> <li>c) All stand alone new buildings.</li> <li>d) Reversion for or in connection with the consideration of building work reverting to the control of the City of London Corporation.</li> <li>e) Regularisation submitted under regulation 18 of the Principal Regulations (unauthorised building work).</li> </ul>
27.	<p>Where building work comprises -</p> <ul style="list-style-type: none"> <li>a) the installation of cavity fill insulation in accordance with Part D of Schedule 1 to the Principal Regulations where the installation is not certified to an approved standard or is not installed by an approved installer or is not part of a larger project comprising other building work; or</li> <li>b) the installation of an unvented hot water system in accordance with Part G of Schedule 1 to the Principal Regulations where the installation is not part of a larger project comprising other building work,</li> </ul> <p>the City of London Corporation has fixed its charges by reference to the estimated cost of the building work only, and no plan charge will be made in respect of such building work.</p>
28.	<p>Where building work comprises:</p> <ul style="list-style-type: none"> <li>a) the installation of cavity fill insulation in accordance with Part D of Schedule 1 to the Principal Regulations where the installation is certified to an approved standard, or is installed by an approved installer or is part of a larger project comprising other building work; or</li> <li>b) the installation of an unvented hot water system in accordance with Part G of Schedule 1 to the Principal Regulations where the installation is part of a larger project comprising other building work, no charges will be made in respect of such building work.</li> </ul>
4(1)	29. The City of London Corporation has not fixed by means of its scheme, nor intends to recover a charge in relation to an existing dwelling which is, or is to be, occupied by a disabled person as a permanent residence; and

**Note:** "All Other Work" (final column) should be used for the installation of a service or fitting and for work involving the underpinning of a building.



## Appendix C- Building Regulation Charges Scheme No 2:2018

Regulation No	<p>where the whole of the building work in question is solely-</p> <ul style="list-style-type: none"> <li>a) for the purpose of providing means of access for the disabled person by way of entrance or exit to or from the dwelling or any part of it, or</li> <li>b) for the purpose of providing accommodation or facilities designed to secure the greater health, safety, welfare or convenience of the disabled person.</li> </ul>
4(2)	<p>30. The City of London Corporation has not fixed by means of its scheme, nor intends to recover a charge for the purpose of providing accommodation or facilities designed to secure the greater health, safety, welfare or convenience of a disabled person in relation to an existing dwelling, which is, or is to be, occupied by that disabled person as a permanent residence and as outlined in clause 6 (b) above, where such work consists of-</p> <ul style="list-style-type: none"> <li>a) the adaptation or extension of existing accommodation or an existing facility or the provision of alternative accommodation or an alternative facility where the existing accommodation or facility could not be used by the disabled person or could be used by the disabled person only with assistance; or</li> <li>b) the provision of extension of a room which is or will be used solely- <ul style="list-style-type: none"> <li>(i) for the carrying out for the benefit of the disabled person of medical treatment which cannot reasonably be carried out in any other room in the dwelling, or</li> <li>(ii) for the storage of medical equipment for the use of the disabled person, or</li> <li>(iii) to provide sleeping accommodation for a carer where the disabled person requires 24-hour care.</li> </ul> </li> </ul>
4(3)	<p>31. The City of London Corporation has not fixed by means of its scheme, nor intends to recover a charge in relation to an existing building to which members of the public are admitted (whether on payment or otherwise); and where the whole of the building work in question is solely-</p> <ul style="list-style-type: none"> <li>a) for the purpose of providing means of access for disabled persons by way of entrance or exit to or from the building or any part of it; or</li> <li>b) for the provision of facilities designed to secure the greater health, safety, welfare or disabled persons.</li> </ul>
4(4)	<p><i>Note: 'disabled person' means a person who is within any of the descriptions of persons to whom Section 29(1) of the National Assistance Act 1948, as extended by virtue of Section 8(2) of the Mental Health Act 1959, applied but disregarding the amendments made by paragraph 11 of Schedule 13 to the Children Act 1989.</i></p>
<b><u>PAYMENT OF CHARGES</u></b>	
8(1)a	<p>32. Any plan charge shall be payable when the plans of the building work are deposited with the City of London Corporation but see also clause 40 below.</p>
8(1)b	<p>33. Any inspection charge shall be payable on demand made after the City of London Corporation carries out the first inspection in respect of which the</p>

**Note:** "All Other Work" (final column) should be used for the installation of a service or fitting and for work involving the underpinning of a building.

## Appendix C- Building Regulation Charges Scheme No 2:2018

Regulation No		charge is payable but see also clause 40 below.
8(1)c	34.	Any building notice charge shall be payable when the building notice is given to the City of London Corporation.
8(1)d	35.	Any reversion charge shall be payable for building work in relation to a building: <ul style="list-style-type: none"> <li>i) which has been substantially completed before plans are first deposited in accordance with regulation 19(2)(a)(i) of the Building (Approved Inspectors etc.) Regulations 2010 as amended; or</li> <li>ii) in respect of which plans for further building work have been deposited with the City of London Corporation in accordance with regulation 19(3) of the Building (Approved Inspectors etc.) Regulations 2010 as amended,</li> </ul> on the first occasion on which those plans are deposited.
8(1)e	36.	Any regularisation charge shall be payable at the time of the application to the City of London Corporation in accordance with regulation 18 of the Principal Regulations (unauthorised building work).
8(1)f	37.	Any charge for chargeable advice shall be payable on demand after the City of London Corporation has given notice to the relevant person in writing specifying the amount to be charged and the factors which have been taken into account as listed in clauses 14 and 15 above.
8(1)g	38.	Any plan charge, inspection charge, building notice charge, reversion charge, regularisation charge and charge for chargeable advice is to be payable by the relevant person ( <i>see definition, clause 5 above</i> ).
Regulation No 8(1)h	39.	Any plan charge, inspection charge, building notice charge which is payable to the City of London Corporation shall be paid together with an amount equal to any value added tax payable in respect of that charge.
8(1)i	40.	Part of any charge which is payable to the City of London Corporation, may, at its absolute discretion, be paid in instalments of such amounts payable on such dates as the City of London Corporation shall specify.
8(1)j	41.	There is no entitlement to a complete refund of any regularisation charge paid, if the City of London Corporation, after incurring costs, subsequently cannot determine what work is required to comply with the relevant requirements.
8(1)h	42.	Where a plan charge has been paid and not refunded, the City of London Corporation may in any case they consider reasonable, decide not to make a further plan charge in respect of plans subsequently deposited for substantially the same building work.
11(1)	43.	Where for any reason the City of London Corporation do not give notice of passing or rejection of plans within the period required by Section 16 of the Building Act 1984 (as amended), any plan charge paid will be refunded.

**Note:** "All Other Work" (final column) should be used for the installation of a service or fitting and for work involving the underpinning of a building.

## Appendix C- Building Regulation Charges Scheme No 2:2018

Regulation No	
11(2)	44. No refund will be given by the City of London Corporation where the reason for not giving notice of passing or rejection of plans within the period required by section 16 of the Building Act, 1984 is due to the failure by the person by whom or on whose behalf the plans were deposited to supply information within a reasonable time, necessary to meet the City of London Corporation duty under that section.
11(3)	45. Where the City of London Corporation has determined a charge in relation to a chargeable function or chargeable advice, payment of the charge has been made to the City of London Corporation and the actual amount of work required of an officer of the City of London Corporation is less than that which was originally assessed, the City of London Corporation (subject to clause 49 below) will make a refund in respect of the proportion of the charge relating to the excess payment.
11(4)	46. Where the City of London Corporation has determined a charge in relation to a chargeable function or chargeable advice, payment of the charge has been made to the City of London Corporation and the actual amount of work required of an officer of the City of London Corporation is more than that which was originally estimated in the assessment, the City of London Corporation (subject to clause 49 below) may raise a supplementary charge in respect of any additional work carried out its officer.
11(5)	47. In relation to the assessment of a refund or supplementary charge, the City of London Corporation may discount one hour of an officer's time from the calculation of the refund or, as the case may be, the supplementary charge.
11(6)	48. Where in respect of plans deposited with the City of London Corporation under section 16 of the Building Act, 1984, the plan charge and inspection charge are to be aggregated for the purposes of calculating any refund or supplementary charge.
11(7)	49. The payment of any refund or request for a supplementary charge will be accompanied by a statement setting out the reason for the assessment and the calculation of the refund or supplementary charge.
	50. Plans which are deposited otherwise than in accordance with the requirement imposed under paragraph 24 above or an agreement under paragraph 30 above are not deposited in accordance with building regulations for the purposes of section 16 of the Act; and a building notice given otherwise than in accordance with a requirement imposed under paragraph 26 above or an agreement under paragraph 30 above is not validly given for the purposes of the Principal Regulations.
	51. Where an individual assessment of a plan charge or building notice charge has been made, (other than a standard charge) any individually assessed plan charge or building notice charge shall not be payable until such plan charge or building notice charge has been specified by the City of London Corporation and confirmed in writing if such confirmation is provided later than the deposit of the plan or (as the case may be) the giving of the building notice.

**Note:** "All Other Work" (final column) should be used for the installation of a service or fitting and for work involving the underpinning of a building.

## Appendix C- Building Regulation Charges Scheme No 2:2018

	<p>52. The City of London Corporation is authorised to require the supply of any information where such information is necessary to determine any building regulation charge listed in clause 9 above.</p> <p>53. The City of London Corporation operates, maintains and makes available on request, to any interested party, an appropriate complaints procedure regarding its building regulations services. If a person is dissatisfied with the decision made relating to the determination of charges for building work and wishes to make a complaint, such complaint will be dealt with within the Council's agreed complaint's procedure. In the first instance, such complaints should be addressed at a local level to:</p> <p style="padding-left: 40px;">The District Surveyor Department of Environmental Services Guildhall London EC2P 2EJ</p> <p style="padding-left: 40px;">Telephone: 020 7332 1000 Fax: 020 7332 1968 email: district.surveyor@cityoflondon.gov.uk Telephone 020 7332 1000</p>
11(2)	54. Where building work reverts to the control of the City of London Corporation any plans relating to that building work given to the City of London Corporation in accordance with regulation 19 of the Building (Approved Inspector etc) Regulations 2010 as amended, shall be accompanied by a current estimate in writing of the cost of that building work.
13	55. Contravention of the Building (Local Authority Charges) Regulations 2010 and or the non- payment of any charge which becomes payable are not treated as offences under Section 35 of the Building Act 1984 (penalty for contravening building regulations).
Regulation No	<b><u>TRANSITIONAL PROVISIONS AND REVOCATION</u></b>
15(2-3)	56. The Building Regulations Charges Scheme No. 1, 2010 of the City of London Corporation made under the Building (Local Authority Charges) Regulations, 2010 will continue to apply to building work within the City of London Corporation area for which plans were first deposited or a building notice was given or a reversion charge became payable, or a regularisation certificate was made, before 1 <sup>st</sup> April 2018.
	<b><u>INFORMATIVE</u></b>
12(3)	57. Further information and advice concerning building regulation charges and the Building Regulations Charges Scheme, can be obtained from:

**Note:** "All Other Work" (final column) should be used for the installation of a service or fitting and for work involving the underpinning of a building.

## Appendix C- Building Regulation Charges Scheme No 2:2018

The District Surveyor  
Department of Environmental Services  
Guildhall  
London EC2P 2EJ

Telephone: 020 7332 1000  
Fax: 020 7332 1968  
email: district.surveyor@cityoflondon.gov.uk

**Signed:**

.....  
(The officer appointed for this purpose)

**Dated:**

\* Derivation = Building (Local Authority Charges) Regulations 2010.

**Note:** "All Other Work" (final column) should be used for the installation of a service or fitting and for work involving the underpinning of a building.

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## Appendix D- Building Regulations Charges Scheme No 2: 2018, Annex A Charges

Cost of Works	Proposed charges from 1 <sup>st</sup> April 2018							
	Work Categories							
£1,000's	CAT A - CAT B	Refurbishments & Extensions	Simple office alterations	Material Change of Use	Retail	Small Residential Alterations *	Other	
£10	£610	£660	£400	£950*	£600	£610*	For works not described on the table a specific individually assessed charge will be provided.	
£20			£610			£840*		
£40	£780	£880	£800	£1100*	£800	£1100*		
£70	£1200	£1200	£1180	£1430*	£1180	£1430*		
£100		£1430				£1600*		
						SEE 'OTHER'		
£150	£1320	£1650	£1320	£2000*	£1320			
£200		£1850		£2100*				
£300	£1710	£2300	£1710	£3100*	£1750			
£400	£2200	£2500	£2200		£2200			
£500	£2350	£3200	£2350		£2440			
£600	£2600	£3500	£2600	£4500*	£2750#			
£700	£3000	£3900	£3000		£3300#			
£800	£3300	£4300	£3300					
£900	£3650	£4700	£3650	£5950*				
£1,000	£3800	£5100	£3800		£4900#			
For works over £1.0 million a specific individually assessed charge will be provided								
* If Part P electrics are not applicable or if they are dealt with under the Competent Persons Scheme - Deduct £200 per unit/flat								
# deduct £400 if no structural alterations are included in the works								

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## Appendix E- Building Regulation Charges Scheme No 2, 2018

Building Regulation Charges Scheme No 2, 2018 Annex B

**The factors to be taken into account in determining Assessed Charges as per clauses 14 & 15 of the Building Regulations Charges Scheme No. 2, 2018 of the City of London Corporation.**

1. the existing use of a building, or the proposed use of the building after completion of the building work;
2. the different kinds of building work described in regulation 3(1)(a) to (i) of the Principal Regulations. (*see definition of 'building work' in clause 5 above*);
3. the floor area of the building or extension. (*see definitions of 'floor area of a building or extension', 'total floor area of a building' and 'total floor area of an extension' in clause 5 above*);
4. the estimated duration of the building work and the anticipated number of inspections to be carried out.
5. the estimated cost of the building work;
6. the nature of the design of the building work and whether innovative or high risk construction techniques are to be used; and
7. whether the person who intends to carry out part of the building work is a person named in a self-certification scheme or list of exemptions under schedule 3 of the Principal Regulations; or is carrying out the descriptions of work where no building notice or deposit of full plans is required under schedule 4 of the Principal Regulations both as mentioned in building regulation 12(6)
8. whether in respect of the building work a notification has been made that design details approved by Robust Details Limited are to be;
9. whether an application or building notice is in respect of two or more buildings or building works all of which are substantially the same as each other;
10. whether an application or building notice is in respect of building work which is substantially the same as building work in respect of which plans have previously been deposited or building works inspected by the City of London Corporation;
11. whether chargeable advice has been given which is likely to result in less time being taken by the City of London Corporation to perform the chargeable function; and
12. whether it is necessary to engage and to incur the costs of a consultant to provide specialist advice or services in relation to a particular aspect of the building work.

<b>Type of work</b>	Refurbishment & Extensions, Simple office alterations, Cat A to B, Material change of use, retail	Other or Notes / special factors
<b>Duration on site</b>		
<b>Number of floors above ground</b>		
<b>Anticipated inspection time hours and notes</b>		
Routine visits		
Piling/foundation inspections		
Below ground drainage		
Below ground structural inspections		
Superstructure		
Above ground drains – routine		
M&E routine		
Drainage testing		
Site Q/A Audit time		
Routine/Finals prior to completion		
Other special factors +/-		
De-slag visits –drainage		
De-slag visits – M&E		
De-slag visits -general		
Off site inspection		
M&E Final Commission & tests		
Review a deduction for repetition/		
<b>Anticipated plans inspection time</b>		
General		
As % of site time		
Structural Appraisal		
Fire engineering		
Design workshops		
	<b>Total Hours</b>	
Outside consultant required –	<b>Cost £</b>	

## Appendix F: Existing Charges for Temporary Structures (2010)

### Table of Section 30 charges

If you would like to discuss the charges for a particular project, or need any help with the application or this table, please phone us on 020 7332 1000.

The Section 30 charge should be paid by the person or company the work is being carried out for. This is usually the owner or occupier.

You should send the Section 30 charge with your application. There is no VAT applicable on the Section 30 charge.

Type of application		Fee
Erecting a special building or structure intended to be kept Permanently.		To be agreed based on details of structure. Please contact us for a Fee quote.
Erecting a Grandstand to be used for a special event.	10-250 Seats	£300
Erecting a Grandstand to be used for a special event.	251-600 Seats	£450
Erecting a Grandstand to be used for a special event.	601-1000 Seats	£600
Erecting a Grandstand to be used for a special event.	Over 1000 Seats	To be agreed based on details of structure. Please contact us for a fee quote.
Erecting a stage to be used for a special event.	Over 60m <sup>2</sup>	£300
Erecting a Framed tower for loudspeakers, lighting, video screens, etc.		£300 (+50% for each additional tower of a similar type)
Erecting a structure of a complex nature.		To be agreed based on details of structure. Please contact us for a fee quote.

Table of Section 30 charges 1

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## Appendix G: Building Control Miscellaneous Charges Scheme No2: 2018

**Table of miscellaneous charges (from 1 April 2018)**

If you would like to discuss the charges, or need any help with the application or this table, please phone us on 020 7332 1000.

<b>Miscellaneous Building Control Charges No 2</b> <b>VAT should be added at the current rate as indicated and included in your payment.</b>					
<b>Work Categories</b> (For works not described on the table a specific individually assessed charge will be provided.)					
		Current Charge	VAT or No VAT	Charge from 1 <sup>st</sup> April 2018	Proposed Change
1.	Demolition Notice. Application submitted under section 80, Building Act 1984	Charge £400	No VAT	Charge £450	Fee to be increased by £50. Fees chargeable under Section 93 Local Government Act 2003
2	Section 30 Application submitted under Section 30, London Building Act (As Amended) 1939	Various Charges (See Appendix F)	No VAT	As set out in the Section 30 London Building Act (As Amended) Act 1939 Charges No 2. (See Below).	Various increases. Fees chargeable under Section 93 Local Government Act 2003
3	Approval In Principle Application submitted for Technical Approval of Highway Structures. Section 177(3)(a) Highways Act 1980	£4000	VAT	As Existing	Fee adequately covers the cost of administration of this application. No increase required.
4	Marriage Act surveys	£300 for New registration £100 for renewal application		As Existing	Fee controlled by Community and Children's Services and no increase proposed.
5	Researching and Viewing Building Control Historical Records.	Currently no fee	VAT	Proposed new fee based at £107 per hour to cover officer time spent researching and providing advice	New fee. Fees chargeable under Section 93 Local Government Act 2003
6	Dangerous Structures	Charged at hourly rate	Varies	As existing	Fees recoverable through Section 66, London Building Act (As Amended) Act 1939

Section 30 London Building Act (As Amended) Act 1939 Charges No 2 No VAT is added at the current rate in your payment.					
<b>Work Categories</b> (For works not described on the table a specific individually assessed charge will be provided.)					
		Current Charge	VAT or No VAT	Charge from 1 <sup>st</sup> April 2018	
1.	Erecting a special building or structure intended to be kept permanently.	To be agreed based on details of structure. Please contact department for a detailed quote.	No VAT	To be agreed based on details of structure. Please contact department for a detailed quote.	Fee covers the cost of administration of this application. No increase required.
2	Erecting a Grandstand to be used for a special event. 10-250 Seats	£300	No VAT	£400	Increase £100
3	Erecting a Grandstand to be used for a special event. 251-600 Seats	£450	No VAT	£500	Increase £50
4	Erecting a Grandstand to be used for a special event. 601-1000	To be agreed based on details of structure. Please contact department for a detailed quote.	No VAT	As Existing	Fee covers the cost of administration of this application. No increase required.
5	Erecting a Framed tower for loudspeakers, lighting, Video screens, etc	£300	No VAT	£350	Increase £50.
6	Erecting a structure of a complex nature or an air inflated structure	To be agreed based on details of the structure. Please contact department for a detailed quote	No VAT	To be agreed based on details of the structure. Please contact department for a detailed quote	Fee covers the cost of administration of this application. No increase required.
7	Erecting a marque for a special event.	Fee currently not clear as to what the charge should be.	No VAT	To be agreed based on details of the structure. Please contact department for a detailed	Fee will cover the cost of administration of this application.

				quote. Minimum fee will be £400.	
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<b>Committee:</b>	<b>Date:</b>
Planning and Transportation	26 March 2018
<b>Subject:</b> Former Richard Cloudesley School Golden Lane Estate London EC1Y 0TZ  Demolition of the former Richard Cloudesley School, City of London Community Education Centre, garages and substation; erection of a 3 storey building with rooftop play area (Class D1) (2300.5sq.m GEA) and a single storey school sports hall (Class D1) (431sq.m GEA) to provide a two-form entry primary school; erection of a 14 storey (plus basement) building to provide 66 social rented units (Class C3) (6135sq.m GEA), and affordable workspace (Class B1a) (244sq.m GEA), landscaping and associated works (Duplicate application submitted to the London Borough of Islington as the majority of site falls within Islington Borough).	<b>Public</b>
<b>Ward:</b> Cripplegate	<b>For Decision</b>
<b>Registered No:</b> 17/00770/FULL	<b>Registered on:</b> 25 July 2017
<b>Conservation Area:</b> No	<b>Listed Building:</b> NO

## Summary

This planning application is for a school, nursery, school hall, work space and 66 social housing units.

Identical applications have been submitted to the City of London Corporation (CoL) and the London Borough of Islington (LBI). 96.65% of the site is with the LBI and 3.35% of the site is within the City of London(City) boundary. The element located in the City is a small part of the single storey school hall and the southern boundary of the site located adjacent to the Golden Lane Estate.

On the 1 March the LBI resolved to grant planning permission for that part of the development within its area subject to conditions and S106 covenants.

As a cross boundary application, the P&T Committee are required to consider the application as made to the CoL.

144 objections have been made to the scheme and the majority of these have been received from Golden Lane residents who are the most affected by the proposals. Their grounds of concern are outlined in the report and are included in a separate bundle. They include residential amenity, loss of daylight, noise and the setting of listed buildings. A petition has been received in objection to the application. The petition contains 1240 signatures.

42 comments supporting the scheme have been received including grounds of the need for the school and social housing. These are in the separate bundle.

Most of the environmental effects from the scheme arise from the residential tower and the school use. All the residential and the vast majority of the school site are in the LBI and it is a material consideration for your determination that the LBI resolved to grant planning permission.

When considering the whole scheme, it is considered that the less than substantial harm to the significance of relevant heritage assets and the impact on daylight to dwellings in Basterfield and Hatfield Houses in the City and Banner House in Islington, whilst noticeable can be weighed against the public benefits of delivering a school on this former education site and social housing, for which there is a demonstrable need. When balancing harm to the setting of listed buildings against public benefits, considerable importance and weight should be given to the desirability of preserving the setting of listed buildings. Although some policies are not complied with the scheme accords with the CoL's Local Plan and the London Plan when considered as a whole.

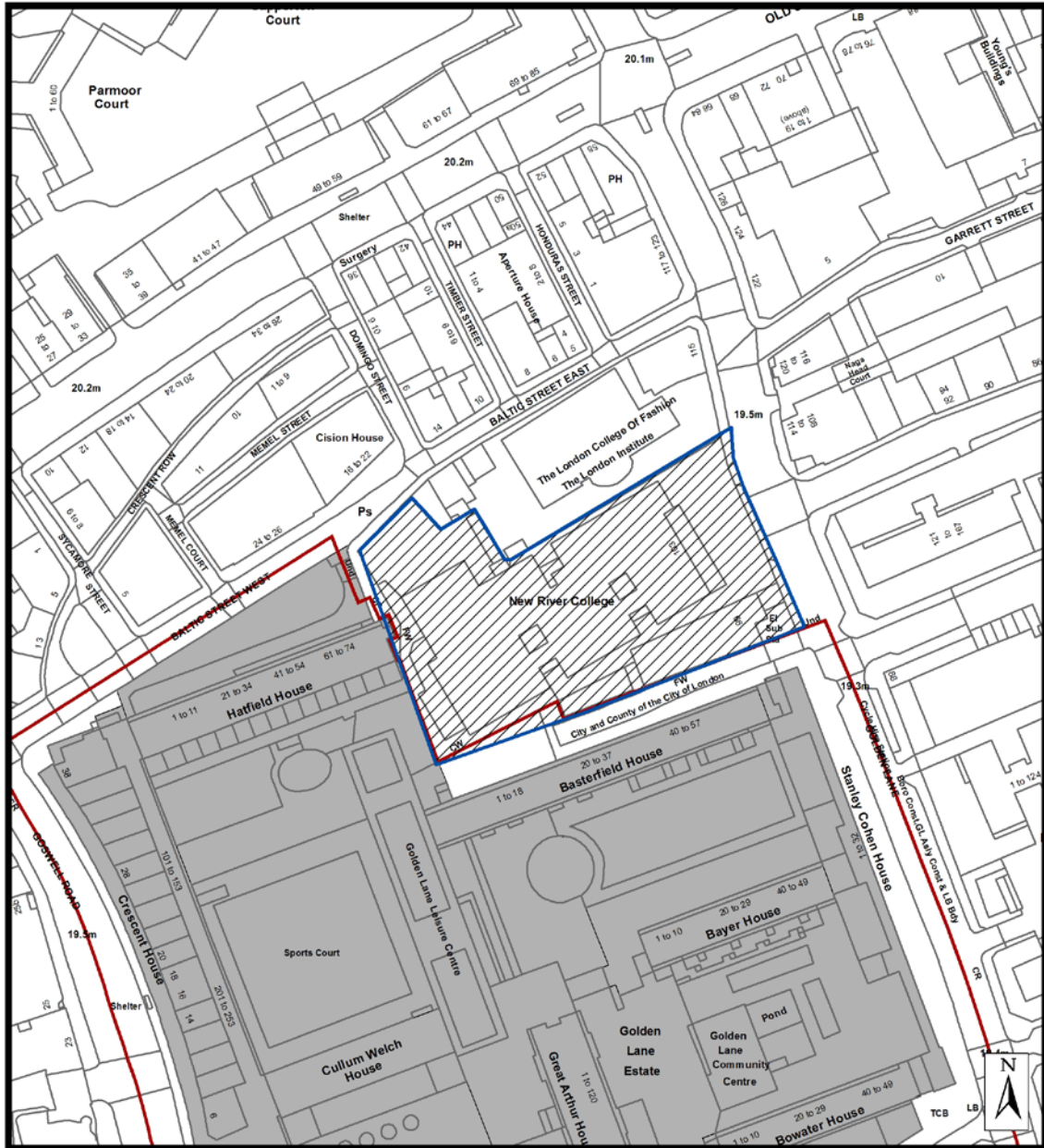
It is recommended that the planning permission be granted (insofar as it relates to land in the City), subject to Conditions and S106 covenants as set out in the report.

### **Recommendation**

- A. That the committee resolve to grant planning permission subject to:
  - 1. The imposition of the conditions set out in the Schedule appended to this report
  - 2. Any direction by the Mayor of London to refuse the application or call it in for his own determination
  - 3. A planning obligation being entered into to secure the matters set out in the Heads of Terms in paragraph 245.
- B. To delegate to the Chief Planning Officer authority to agree the terms of the planning obligation, to make any necessary minor changes to the

conditions she deems appropriate, whether by addition, deletion or amendment, to draw up a statement of reasons for granting planning permission, and to issue the decision notice.

# City of London Site Location Plan



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ADDRESS:

Former Richard Cloudesley School,  
Golden Lane Estate

CASE No.  
17/00770/FULL



## SITE LOCATION



## LISTED BUILDINGS



**CONSERVATION AREA BOUNDARY**



CITY OF LONDON BOUNDARY



DEPARTMENT OF THE BUILT ENVIRONMENT



View west from Golden Lane



View East from Basterfield House



View West from Basterfield House





## **Main Report**

### **Assessing a cross-boundary planning application**

1. Duplicate planning applications for 'Demolition of the former Richard Cloudesley School, City of London Community Education Centre, garages and substation; erection of a 3 storey building with rooftop play area (Class D1) (2300.5sq.m GEA) and a single storey school sports hall (Class D1) (431sq.m GEA) to provide a two-form entry primary school; erection of a 14 storey (plus basement) building to provide 66 social rented units (Class C3) (6135sq.m GEA), and affordable workspace (Class B1a) (244sq.m GEA), landscaping and associated works'. The whole development has been submitted to the LBI and the CoL. Leading Counsel's advice has been obtained on the proper approach to be taken by the City as local planning authority in determining the application. The proper approach is for each authority to determine the application as made, in accordance with the considerations below. (However, any permission issued by the CoL would only be granted insofar as it relates to land in the City).
2. Town and Country Planning Act 1990 S70 provides that in dealing with a planning application the local planning authority should have regard to the development plan, any local finance consideration and any other material considerations. Planning and Compulsory Purchase Act S38 (6) provides that where regard is to be had to the development plan the determination should be in accordance with the development plan unless material considerations indicate otherwise. When assessing the application as made to the CoL the development plan to which regard is to be had is the development plan for the CoL. Members should take into account LBI's development plan as another material consideration along with LBI's observations. The LBI officers' report, and update report, is appended to this report. The LBI officers' report identifies relevant policies in the development plan for Islington and other policies which apply in Islington. Your officers advise that you should take account of all the policies referred to in the Islington officers' report and that, insofar as those policies relate only to Islington you should have regard to them as material considerations when dealing with the application before you, and that you should proceed on the basis of the advice given by the Islington officers to the Islington members on the application of those policies. You are advised to rely upon the advice given in this report by your own officers when considering the application of policies in the CoL's Local Plan, the London Plan and other policies which apply in the City as referred to in this report. The LBI officers' report considers the impact of the proposed development on heritage assets, residential amenity and all other relevant issues; your officers accept the analysis of those issues undertaken by the LBI officers and invite you to rely upon it and accept it as it relates to the LBI's administrative area. The LBI



Planning Committee has accepted the advice of the LBI officers and resolved to grant planning permission. You should take that resolution into account as a material consideration.

3. If both authorities grant planning permission, each authority will grant permission in so far as it relates to land in their respective administrative area.

### **Site Location and Current Buildings**

4. The 0.4 hectare site is currently occupied by predominantly single storey buildings comprising the former Richard Cloudesley School, garages, the City of London Community Education Centre and a sub-station. The majority of the site falls within the LBI and a small part of the site falls within the CoL.
5. The current site comprises a single-storey low-slung building with surrounding tall boundary walls. The site is further detailed in LBI's attached report, in paragraphs 5.1-5.14.
6. The boundary between the CoL and LBI is shown on the attached site plan. It can be noted that a very small element of the site is within the City, which includes a small part of the school hall and the southern boundary wall.

### **Proposals**

7. It is proposed to redevelop the site to provide a 3 storey primary school building with rooftop play area (which will give the appearance of a 4 storey building) and a single storey (double height) school sports hall to accommodate a 2 form entry primary school. The proposals also seek to erect a part 4 storey, part 14 storey building to provide 66 affordable (social rented) residential units fronting Golden Lane. The residential building now includes a basement to accommodate cycle parking and plant and small/micro workspace units are proposed at ground floor level.

### **School and Nursery**

8. The proposed primary school would occupy a three storey school building on the northern boundary of the site with a formal entrance on Baltic Street West and a main school entrance on Golden Lane underneath the proposed residential building fronting Golden Lane.
9. There would be two cores within the school, one designated for Key Stage 1 pupils (Years 1 and 2) and the other for Key Stage 2 (Years 3-6).
10. The ground floor would comprise the nursery classrooms and reception classrooms with separate toilets and washrooms. There

will also be a separate room designated for group work and two designated Special Education Needs Rooms (SEND), a hygiene room, changing facilities and toilets for staff and visitors. Administrative facilities including the formal school reception will be located on the ground floor fronting Baltic Street East.

11. The first floor would comprise six classrooms accommodating Years 1, 3 and 4 pupils along with a Learning Resource Centre (LRC), two group work rooms, general store and a staff meeting room. The second floor would comprise six classrooms accommodating Years 2, 5 and 6 pupils, a special teaching room, two group work rooms, a general store and a second staff meeting room.
12. The following play areas for the school and nursery are proposed:
  - 1,838 m<sup>2</sup> general play space at ground floor;
  - 470m<sup>2</sup> general play space at roof level;
  - 330m<sup>2</sup> Multi Use Games Area (MUGA) (area excludes space around the pitch); and
  - 195m<sup>2</sup> nursery play area (separated from the main school playground).
13. A new separate multi-purpose hall is proposed. The hall has been designed with kitchen facilities and space to accommodate 228 children for lunch. There would be storage in the hall for the dining room tables and separate storage for PE equipment.
14. It is proposed to remove 4 existing trees (Category C) (two silver birches, a cherry tree and a butterfly bush), one area of scrub, and one group of C category trees would require removal. One area of climbing plants would need to cut back to the common boundary. The landscaping proposals show that 20 new trees would be planted across the site (including 5 to the site frontage on Golden Lane).

#### Residential Block

15. A 14 storey residential block (measuring 47m in height) is proposed and would comprise the following unit mix:
  - 35 one bedroom units (including 6 wheelchair accessible and 5 wheelchair adaptable units);
  - 26 two bedroom units (including 1 wheelchair accessible and 1 wheelchair adaptable units); and
  - 5 three bedroom units.
16. The entrance to the residential block will be located at ground floor level on the Golden Lane frontage. Three small/micro workspace units, refuse storage, a new substation and a generator would be

provided at ground floor level. Cycle storage, mechanical plant, space to facilitate future connection to the Bunhill District Heating Network and a storage room for play equipment would be provided at basement level. The residential units will have deck access and will all be dual aspect with private amenity space provided in the form of balconies.

17. The 14 storey building will comprise a 4 storey podium with a tower above. This podium is intended to relate to the predominantly 4-6 storey development along Golden Lane, including the 4 storey Stanley Cohen House. The tower is set away from the southern boundary of the site and Stanley Cohen House to seek to achieve a better relationship in townscape terms with this building and to seek to avoid undue harm to the residential amenities of occupants of this block. The facing material of the podium would include a red brick with concrete columns whilst the tower would be constructed from a lighter colored reinforced concrete.
18. It has been agreed that the nomination rights for the proposed social rented units will be split on a 50/50 basis (by unit number) between the CoL and LBI. The allocation by unit size is based upon the actual housing need of the two boroughs and LBI generally require larger family sized units whilst the CoL generally have a requirement for smaller units. The CoL will have nomination rights for 26 one bedroom units, 6 two bedroom units and 1 three bedroom unit and LBI will have 9 one bedroom units, 20 two bedroom units and 4 three bedroom units.
19. Public realm improvements are proposed including new paving, street furniture, bollards and flush kerbs on Baltic Street West. Tree planting is proposed on Golden Lane and green wall planting is proposed on the Basterfield Service Road.

### Revisions

20. The proposed development was amended with revised details submitted and received by the CoL on 23 October 2017. The amendments included the following:
  - Revised ground floor layout to the residential building (changes included an enlarged cycle store, a reduced lobby and relocation of the future Bunhill District Energy
  - Network connection room to front the building to provide display space)
  - Revision to location of the school gates on Golden Lane to reduce the size of the recess under the building to reduce the opportunity for antisocial behaviour outside of school hours;
  - Details of revised elevational treatment to the residential podium to better relate it to the facade of the tower. The revisions included an

amendment to the brickwork treatment and the introduction of concrete columns.

- Details of brickwork facing material in place of concrete cladding along the access decks
- Detailed design information including details of balustrading.
- Introduction of a parapet to the top of the tower.
- Detailed construction design drawings for key elements of the residential building to demonstrate quality in delivery;
- Details of proposed palette of materials.

21. The proposal was further amended following the submission of revised details on 26 January 2018. The further amendments included the following:

- Creation of a basement under part of the residential building for plant and storage areas (bicycles and residential play equipment);
- Introduction of improved active frontage on to Golden Lane in the form of Class B1a workspace suitable for small/micro enterprises; and
- Alteration to the location and enlargement of the MUGA, facilitated by the sprinkler tank being moved to the basement.

### **Planning History**

22. There is no planning history for the application site considered to be of relevance to this application.

### **Consultations**

23. Letters were sent to occupants of the Golden Lane Estate, and the Jewin Welsh Church on 3rd August 2017, 29th August 2017, 27th November 2017, and 31st January 2018. Site notices were displayed on 10th August 2017 and 24th August 2017, and a press advert was placed on 15th August 2017.

24. The views of other CoL departments have been taken into account in considering the amended scheme and detailed matters will be covered under conditions and the Section 106 covenants.

25. The LBI has not commented on the application. However, the LBI's Planning Committee determined the application on 1st March 2018 and the Officers report, Update Note and the minutes of that meeting are attached.

26. The Twentieth Century Society object to the application on the grounds that they do not consider that the benefits outweigh the harm caused. "Although we recognise that the proposed scheme will provide public benefit it is our consideration that that this will be seriously undermined by what is a clear overdevelopment of the site in question. There is great potential for a less massive, less dense

development that would cause less or no harm to the adjacent listed buildings, and that would provide a better quality of space for the new users and the existing Golden Lane Estate residents”.

27. Save Britain’s Heritage object on the grounds that “the proposals will have a harmful and detrimental impact on adjacent and surrounding heritage assets, notably the Grade II\* and Grade II Listed Golden Lane Estate”.
28. Historic England have responded by forwarding the pre-application advice they provided to the applicant. The summary of this advice is as follows: “Whilst I do not object in principle to a taller building on this site, it will clearly impact on the designated heritage assets on the Golden Lane Estate and neighbouring streets within the conservation area. These impacts should be fully explored as part of the design process in order to understand, and where possible mitigate against, any harmful impacts. This is particularly important where the proposal is of a similar height to Great Arthur House. Exceeding the height of the listed tower would require a high level of justification and require further scrutiny to assess its acceptability in principle. The design quality of any proposals on this site will be key and whilst it should not seek to replicate the listed buildings, it is, in my view, important that it seeks to respond to it and reflect this in its design as far as possible”.
29. A total of 172 representations have been received across the four rounds of consultations objecting to the application. The issues raised are as follows:

Topic	Objection
<b>The principle of residential development</b>	<ul style="list-style-type: none"> <li>• Insufficient number of social housing units proposed</li> <li>• Is there demand for key worker housing considering the closures of accommodation</li> <li>• Lack of family homes</li> <li>• Loss of caretaker’s house is loss of housing</li> <li>• The City is undertaking 'social cleansing'</li> <li>• Failure to achieve mixed communities</li> </ul>
<b>The principle of the</b>	<ul style="list-style-type: none"> <li>• No need for school</li> <li>• School is too big for the</li> </ul>

<p><b>provision of a school and the loss of the Adult Education Centre</b></p>	<p>site</p> <ul style="list-style-type: none"> <li>• Site should be used as a Further Education College for children from Richard Cloudesley School</li> <li>• School hall should be at the front of the site for better public access</li> <li>• School hall is not a beneficial resource to the local area. Already have a community hall</li> <li>• Community Education Centre will not be replaced</li> </ul>
<p><b>Design: Height, Bulk, Massing, Form, Architectural Expression, Urban Grain, Streetscene and Landscaping, and impact on Heritage Assets</b></p>	<ul style="list-style-type: none"> <li>• Unsympathetic to the listed Golden Lane Estate and other heritage assets</li> <li>• The proposal is not assessed against the Golden Lane Estate Listed Building Management Guidelines in the application</li> <li>• The east side of the Golden Lane Estate is designed to allow views into the estate. The proposal should follow this principle. The proposal blocks views into estate</li> <li>• Overdevelopment/ Too dense</li> <li>• Outside LBI's tall buildings area</li> <li>• Height and bulk is out of proportion with the surrounding buildings</li> <li>• Harm to views across the estate</li> <li>• Misleading CGIs - show tower with white façade but the details state that it would be coloured</li> <li>• Historic England are considering listing the garages and workshops that are to be demolished</li> <li>• Sterile ground floor of residential block. Services</li> </ul>

	<p>should be in a basement</p> <ul style="list-style-type: none"> <li>• Building a basement would give more design options</li> <li>• Lack of natural surveillance from the ground floor of the tower</li> </ul>
<b>Open space and urban greening</b>	<ul style="list-style-type: none"> <li>• No children's play space</li> <li>• Lack of open space</li> <li>• Fortune Street Park will be dark and overcrowded</li> <li>• Fortune Street Park should be extended</li> <li>• The wall and fencing on the southern boundary of the site should be fully greened up to its full height</li> <li>• How can the new residents' use of the school's play areas be guaranteed</li> </ul>
<b>Noise</b>	<ul style="list-style-type: none"> <li>• School hall will be hired out - noise</li> <li>• Noise from playground</li> <li>• Noise and odour from school hall</li> <li>• Noise</li> </ul>
<b>Residential amenity</b>	<ul style="list-style-type: none"> <li>• Overlooking</li> <li>• Impact on Basterfield House</li> <li>• Residential tower will block views</li> <li>• Light pollution</li> <li>• No defensible space in front of Basterfield House flats</li> <li>• Unacceptable sense of enclosure to Basterfield House</li> </ul>
<b>Impact on daylight and sunlight</b>	<ul style="list-style-type: none"> <li>• Loss of light to the allotments</li> <li>• Loss of light to neighbouring properties</li> <li>• Loss of light to the Golden Lane Estate children's play area</li> <li>• School will be dominated by the tower and the playground will get no morning light</li> </ul>

	<ul style="list-style-type: none"> <li>• Loss of light to neighbouring properties</li> </ul>
<b>Traffic and parking</b>	<ul style="list-style-type: none"> <li>• Air quality</li> <li>• Safety of pedestrians and cyclists</li> <li>• Increased traffic</li> <li>• Traffic congestion caused by school as children will be travelling in from outside area</li> <li>• Servicing hours</li> <li>• Siting of the school and hall will make deliveries and rubbish collection inconvenient and inadequate</li> <li>• No provision for off-street parking</li> <li>• Loss of parking including disabled parking</li> <li>• Inadequate cycle parking spaces</li> <li>• Cycle parking on decks will create an unsafe and unmanageable situation for elderly and disabled people</li> <li>• Service access and out of hours access to the school and the hall will cause disturbance to Hatfield House</li> <li>• The access road is a vital route for council contractors and is not regularly used without permission</li> <li>• Increase in footfall</li> <li>• Risk of collisions on Baltic Street West</li> </ul>
<b>Trees and biodiversity</b>	<ul style="list-style-type: none"> <li>• Loss of trees</li> <li>• Impact on biodiversity</li> </ul>
<b>Quality of the proposed residential accommodation</b>	<ul style="list-style-type: none"> <li>• Walkways will be too windy to use</li> <li>• Poor living accommodation. Communal access route passes by bedroom windows</li> </ul>



	<ul style="list-style-type: none"> <li>• Overcrowded housing</li> <li>• Balconies at the top of the tower won't be used</li> <li>• High rise housing is bad for the people living in it and expensive to maintain</li> <li>• Bedrooms face the access deck resulting in no natural surveillance and compromised privacy, safety, natural ventilation and noise protection</li> </ul>
<b>Impact on allotments</b>	<ul style="list-style-type: none"> <li>• Boundary wall between site and the Golden Lane Estate should be retained as it defines the edge of the estate and supports plants on allotments</li> <li>• No mitigation measures for damage to allotments or impact on use during demolition/construction</li> </ul>
<b>Other Material Considerations</b>	<ul style="list-style-type: none"> <li>• The access road is to be narrowed. How will 24hr fire access be maintained</li> <li>• Cumulative impact of other developments</li> <li>• Strain on local amenities</li> <li>• Potential for significant archaeology on the site</li> <li>• No additional health provision has been made - the local service is heavily oversubscribed</li> <li>• Security issues</li> <li>• Query notices (certificates)</li> <li>• The workspace adds to the intensification of use of the site</li> <li>• Refuse store for the school is inadequate</li> <li>• Roof of the school is a playground and not a roof terrace as stated</li> </ul>
<b>Miscellaneous</b>	<ul style="list-style-type: none"> <li>• Consultation period in August</li> <li>• Too little consultation and too late in the design process</li> </ul>

	<ul style="list-style-type: none"> <li>• Proposals are politically driven</li> <li>• Cross boundary application makes the process more confusing</li> <li>• Why is London College of Art not incorporated</li> <li>• It is not clear if this is an extension of the Golden Lane Estate. If it is additional funding is needed.</li> <li>• If the access road is gated leases will need to be renegotiated</li> <li>• To minimise public access into the Estate the wall by Basterfield Service Road access gate should not be lowered</li> <li>• As Members are on the board of the City of London Academy Trust, I presume they will be declaring an interest and absenting themselves from the Planning &amp; Transportation Committee</li> <li>• School could be housed in the building currently occupied by the London School of Fashion leaving more land for housing and open space</li> <li>• Inadequate fire escape especially following the Grenfell Tower tragedy</li> <li>• The City doesn't maintain the Golden Lane Estate and won't maintain the new building</li> <li>• How will the structure of the first floor of the school be supported?</li> <li>• Social housing should have been provided at Bernard Morgan House</li> <li>• The site boundary is wrong</li> </ul>
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	<p>as it doesn't include the Basterfield Service Road where works are taking place</p> <ul style="list-style-type: none"> <li>• Statement of Community Involvement fails to mention the petition</li> <li>• The number of school staff stated on the application form is incorrect</li> <li>• School - internal circulation space is inadequate and playground area is less than Department of Education guidelines</li> <li>• Land grab means that the bin store cannot be accessed - loss of right of way</li> <li>• Community response to public consultation misrepresented</li> <li>• A school could be provided on the Bernard Morgan House site</li> <li>• If the estate is to be used as a service route leases will need to be rewritten</li> <li>• Provision should be made for reinforcing and the repairing the estate access road</li> <li>• Double glazing should be provided for Basterfield House and Hatfield House</li> </ul>
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30. A petition has been received in objection to the application. The petition contains 1240 signatures, and is made on the following grounds:

*"Save Golden Lane Estate AND Build Decent Homes  
I call on Islington Council and the City of London to reject the proposed development at the Grade II and Grade II\* listed Golden Lane Estate, and to bring forward a new proposal that respects the scale and quality of the Golden Lane Estate and provides sustainable, inclusive social housing for families. The Golden Lane Estate is an internationally important post-war housing scheme in the City of London by architects Chamberlin, Powell and Bon who went on to design the landmark Barbican Estate. This development*

*threatens its architectural significance and integrity. The City of London and Islington Council have brought forward sub-standard proposals for an overpowering extension to the Estate that includes a school, a school hall placed in the centre of the estate and a 14 storey tower block that does not respect the design, scale or quality of the Estate. It exceeds planning policy on density and height by a factor of three times and has no outdoor green space. This over-development goes against the spirit and letter of the London Plan and of Islington's planning policy."*

31. 43 representations have been received in support of the application. The following issues have been raised:

The need for the school;

- The high quality of the education provided by CoLPAI
- The lack of choice of state schools in the local area;
- The need for affordable housing; and
- High quality design.

32. A number of comments were made to LBI, which were not made to ourselves and these are outlined in LBI's report in section 9.

### **Policy Context**

33. The development plan, so far as material, consists of the London Plan, and the CoL 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. The Mayor's draft London Plan and SPG are material considerations, as are the SPDs produced by the CoL the main ones being the Golden Lane Guidelines, the Barbican Guidelines, Air Quality Guidance and, Freight and Servicing Guidelines, and Planning Obligations Guidance.

34. Although LBI development plan, and other policies relevant to the LBI Application do not form part of the development plan for the City, for the purposes of determining the CoL Application, they are a material consideration and should be taken into account. As set out above, your officers recommend that you have regard to all the Islington development plan, and other Islington specific policies, identified in the Islington officers' report, and that you accept the advice given by Islington officers to Islington members on their application to the development proposed in this planning application.

35. Government Guidance is contained in the National Planning Policy Framework (NPPF). A revised NPPF draft is out for consultation as of 5th March 2018, which has a focus on the delivery of housing. The draft revised NPPF is a material consideration, however little weight can be given to it as it is still subject to consultation.

## Considerations

36. The CoL, 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 any local finance considerations so far as material to the application, and to any other material considerations (Section 70(2) 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);*

*(The relevant development plan is the London Plan and the City's Local Plan,)*

37. As the development affects the setting of listed buildings, the CoL is required 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).; part of that part of the development site lying within the LBI's administrative area lies within a conservation area. The effect of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1909 is to require LBI when determining the application made to them, to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

38. Paragraph 131 of the NPPF advises, "In determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable
- communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness."

39. The NPPF states at paragraph 14 that "at the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means: approving development proposals that accord with the development plan without delay..." It further states at Paragraph 2 that:

*“Planning Law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise”.*

40. It states at paragraph 7 that sustainable development has an economic, social and environmental role.
41. In considering the planning application account has to be taken of the statutory and policy framework, the documentation accompanying the application, and views of both statutory and non-statutory consultees.
42. The Human Rights Act 1998 incorporates the key articles of the European Convention on Human Rights into domestic law. These include:

Article 8: Right to respect for private and family life:

1. Everyone has the right to respect for his private and family life, his home and his correspondence.
2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

Article 14: Prohibition of discrimination. The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status.

Article 1 of the First Protocol: Protection of property. Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

43. It is unlawful for the CoL, as a public authority and in particular when dealing with this planning application, to act in a way which is incompatible with a Convention right. However, most Convention rights are not absolute and set out circumstances when an interference with a person's rights is permitted. Any interference with any of the rights contained in the Convention must be sanctioned by law and be aimed at pursuing a legitimate aim and must go no further than is necessary and be proportionate.

44. The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the CoL under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty inter alia when determining all planning applications. In particular the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

### **Principal Issues**

45. The principal issues in considering this application are:

- The principle of the provision of a school and the loss of the Adult Education Centre;
- The principle of residential development;
- The principle of the provision of work space;
- Design: Height, Bulk, Massing, Form, Architectural Expression, Urban Grain, Streetscene and Landscaping;
- Impact on Heritage Assets;
- Access and inclusive design;
- Servicing, Transport and impact on public highways;
- The impact of the proposal on neighbouring residential and commercial buildings and spaces, including loss of daylight and sunlight, wind microclimate, air pollution, overlooking, noise, odour and security;
  
- Open space and biodiversity and loss of trees
- Energy and sustainability;
- Archaeology; and
- The extent to which the proposals comply with Government policy advice (NPPF) and with the relevant policies of the Development Plan.

## **The principle of the provision of a school and the loss of the Adult Education Centre**

### Provision of a school

46. Paragraph 72 of the NPPF states that:

*“The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education:*

- *Give weight to the need to create, expand or alter schools; and*
- *Work with school promoters to identify and resolve key planning issues before applications are submitted.”*

47. London Plan policy 3.18 states that:

*“A: The Mayor will support provision of childcare, primary and secondary schools and further education facilities adequate to meet the demands of a growing and changing population and to enable greater educational choice, including in parts of London with poor educational performance.*

*B: The Mayor strongly supports the establishment of new schools, including free schools and opportunities to enable local people and communities to do this.”*

48. Policy CS22 requires that adequate educational facilities and services are provided to meet the community’s needs. Policy DM22.1 states that “the development of new social and community facilities should provide flexible, multi-use space suitable for a range of different uses and will be permitted where they would not be prejudicial to the business City and where there is no strong economic reason for retaining office use; in locations which are convenient to the communities they serve; in or near identified residential areas, providing their amenity is safeguarded; as part of major mixed-use developments, subject to an assessment of the scale, character, location and impact of the proposal on existing facilities and neighbouring uses.”

49. The site is in a residential area, was previously in educational use and the proposal would not result in the loss of offices or be prejudicial to the business city. There is an identified need for a school in this location. Without the CoLPAI scheme, there would be a shortfall of 438 school places in the south of the LBI, equating to over 14 forms of entry. Within the City, school place planning is complicated by the fact that there is only a single state funded primary school, the Sir John Cass Foundation Primary School, which is a Church of England School, and other schools are



independent. This combination of faith and/or fee-paying schools provides an extremely limited choice of school within the City. 66% of places at Sir John Cass are taken by Tower Hamlets residents and residents from other boroughs and Tower Hamlets primary reception classes are expected to reach full capacity in the early 2020s which will place greater pressure on primary school demand in the City.

- 50. Population change is increasing potential demand for primary school places from families within the City. GLA 2016-based demographic projections show a 45% increase in the numbers of children under 11 years of age in the City between 2011 and 2026, with actual numbers increasing from 475 to 688.
- 51. The proposed Academy would have a significant benefit for residents by providing a new state school which has no entry restrictions. It is proposed that the school hall would be available for community use, fulfilling the requirement for the facility to be a multi-use space.

#### Loss of the Adult Education Centre

- 52. The proposal would result in the loss of an Adult Education Centre on the site which is currently operating.
- 53. Policy DM22.1 states the loss of social and community facilities should be resisted unless “replacement facilities are provided on-site or within the vicinity which meet the needs of the users of the existing facility; or necessary services can be delivered from other facilities without leading to, or increasing, and shortfall in provision; or it has been demonstrated that there is no demand for another similar use on site”.
- 54. The services in the adult education centre, will be retained within the City of London and relocated partly to the Golden Lane Community Centre (which is being refurbished and anticipated to re-open in March 2018) and the CoL’s business library. This accords with the exception in DM22.1 above that
- 55. It is considered that the proposals comply with London Plan policy 3.18, and policies CS22 and DM22.1 of the CoL Local Plan.
- 56. Further details in relation to educational provision are set out in sections 11.14 to 11.31 of LBI’s report and officers accept its contents.

## **The principle of residential development**

57. Policy CS21 of the Local Plan is to protect existing housing and amenity and provide additional housing in the City. CS21.1 explains that the City Corporation aims to exceed the London Plan's minimum annual requirement by guiding new housing development to and near identified residential areas...and refusing new housing where it would prejudice the primary business function of the City or be contrary to Policy DM1.1 (protection of office accommodation).
58. Policy DM21.1 of the Local Plan states that new housing should be located on suitable sites in or near identified residential areas. The site is adjacent to the Golden Lane area and is an appropriate location for residential development.
59. Policy DM21.1 of the Local Plan further states that new housing will only be permitted where development would not: prejudice the primary business function of the City; be contrary to policy DM1.1 (protection of office accommodation); inhibit the development potential or business activity in neighbouring commercial buildings and sites; and result in poor residential amenity within existing and proposed development, including excessive noise or disturbance. The proposed development would not prejudice the primary business function of the City, it does not involve the loss of office accommodation, and would not impact on the development potential of neighbouring commercial buildings. The impact the proposal has on residential amenity will be addressed in the relevant sections of this report.
60. In 2016, the City Corporation commissioned a Strategic Housing Market Assessment (SHMA) to provide information on existing and emerging housing need, including affordable housing need, to inform the review of the City of London Local Plan. The SHMA was published in June 2016, with an addendum in July 2016 to take account of new Government housing projections. The SHMA identifies a housing need for the City of 2,776 dwellings over the period 2014-2036, an annual average of a minimum of 126 dwellings per year. Included within this overall target, the SHMA estimated the affordable housing need to be 69 dwellings per year, 88% of which should be social or affordable rented accommodation. The SHMA recommends that 50% of the affordable housing should be 1-bed, 30% 2-bed, 15% 3-bed and 5% 4+-bed. A separate measure of housing need is provided by information on the number of people on the City of London Housing Register. At 1 April 2017, there were 853 people on the Register.

## Density

61. London Plan policy 3.3 recognises the need to provide additional housing in London and sets a minimum annual target for the City of London of 141 additional dwellings during the plan period (2015-2025). Policy H1 of the Draft London Plan sets a minimum annual target for the City of 146 additional dwellings. Policy DM21.5 of the Local Plan states that all new housing must be designed to a standard that facilitates the health and wellbeing of occupants and takes account of the London Plan's space standards and complies with the London Plan's Density Matrix standards.
62. The site is within a 'central setting', which is defined as 'an area with very dense development, a mix of different uses, large building footprints and typically buildings of four to six storeys, located within 800m walking distance of an International, Metropolitan or Major town centre. The site has a Public Transport Access Level (PTAL) of 6a (excellent), which recommends that the site is developed at a density of 650-1100 habitable rooms/hectare or 215-405 units/hectare considering the size of the dwellings proposed. The proposed residential development is at a density of 930 units/hectare (2437 habitable rooms/hectare) which is higher than recommended. However, paragraph 3.28 of the London Plan explains that the density matrix should not be applied mechanistically 'enabling account to be taken of other factors relevant to optimising potential – local context, design and transport capacity are particularly important, as well as social infrastructure, open space and play'. The London Plan Housing Supplementary Planning Guidance further explains that in appropriate circumstances it may be acceptable for a particular scheme to exceed the ranges in the density matrix, providing important qualitative concerns are suitably addressed'. To be supported, schemes which exceed the ranges in the matrix must be tested against the following considerations: design, local context and character, public transport connectivity, the quality of the proposed accommodation and its compliance with the housing quality standards (found in the London Plan Housing Supplementary Planning Guidance), and the management of refuse storage and cycle parking facilities. When these considerations are satisfactorily addressed the London Plan provides sufficient flexibility for such higher density schemes to be supported. It is common for new development in central London to exceed the ranges in the density matrix.
63. The Draft London Plan, Policy D6, seeks to optimise housing density, with a focus on the key elements required to deliver sustainable residential development rather than a reliance on numerical density standards. Under this approach, the optimum residential density should be driven by design, taking account of site

context, proximity and access to services and capacity of existing and planned infrastructure.

64. As regards compliance with policy CS21, the scheme provides housing close to a residential area albeit not within the City's administrative area. Paragraph 3.21.5 recognises that land within the City "is an expensive and limited resource and that the CoL will work with housing partners to deliver new affordable housing on sites in the City fringe and in neighbouring boroughs utilising commuted sums from commercial and housing developments within the City. This approach is supported by the London Plan". It is considered that the proposals comply with London Plan Policy 3.3 and partially comply with policy CS21 of the CoL Plan. There is a significant level of housing need from within the City of London, including affordable housing need, with a priority for 1-bed and 2-bed social or low cost rented housing. CoL will have nomination rights to half the units. The proposed new provision, although not providing additional housing within the City, will contribute towards meeting the overall quantum of housing need in London, particularly delivering additional affordable housing. The criteria for new housing in policy DM21.1, are considered to be met insofar as the site is considered suitable and it does not interfere with the primary business function of the City, nor interfere or inhibit commercial sites. Policy DM21.1 also requires that new housing would not result in poor residential amenity within existing and proposed development. The quality of the proposed development is considered acceptable. As regards the amenity of existing residential accommodation, it is acknowledged that (particularly in terms of daylight and sunlight and noise), there will be some diminution, but it is not considered that the proposals will result in poor residential amenity. The proposals are considered compliant with policy DM21.1.

65. Further details in relation to the need for housing and the need for affordable housing are set out in Section 11.36 to 11.56 of the LBI's report and its contents are accepted.

### **Quality of the proposed residential accommodation**

66. Policy DM3.1 states that "where feasible, proposals for mixed use developments must provide independent primary and secondary access points, ensuring that the proposed uses are separate and self-contained". The residential block is entirely separate from the school and school hall, and the flats and workspace have separate entrances. The proposals comply with policy DM3.1.

67. Paragraphs 2.1.17-2.1.18 of the London Plan Housing Supplementary Planning Guidance explains that 'the standards set out the minimum level of quality and design that new homes should

meet. The extent to which proposed developments depart from the standards should be taken into account in planning decisions. Application of standards through the planning system (as they are through this SPG) provides some flexibility. Consideration should be given to these standards alongside achievement of other policies of the London Plan. In particular, regard should be had on the one hand to overall viability and the need to ensure an appropriate level of housing supply in changing economic circumstances. On the other hand, consideration should be given to the fact that the homes and living environments we build today will frame the lives of those who live in new homes or use the neighbourhoods now and into the future. Failure to meet one standard would not necessarily lead to an issue of compliance with the London Plan, but a combination of failures would cause concern’.

### Space standards

68. The DCLG Technical Housing Standards sets out the requirements for the Gross Internal Area (GIA) of new dwellings at a defined level of occupancy. Standard 26 of the London Plan Housing Supplementary Planning Guidance states that a minimum of 5 sqm of private outdoor space should be provided for 1-2 person dwellings and an extra 1 sqm should be provided for each additional occupant. All of the proposed dwellings meet the technical space standards for internal space and private amenity space set out in the London Plan and supplementary guidance and is therefore in compliance with policy DM21.5 of the Local Plan.

### Communal open space – the MUGA

69. Standard 4 of the London Plan Housing Supplementary Planning Guidance states that where communal open space is provided, development proposals should demonstrate that the space is overlooked by surrounding development; is accessible to disabled people including people who require level access and wheelchair users; is designed to take advantage of direct sunlight; and has suitable management arrangements in place. The MUGA would be overlooked by the flats within the development ; it would be accessible to disabled people as step free access is provided; and due to its positioning, it would get good sunlight in the late morning and early afternoon. Standard 4 is considered to be complied with.

### Entrances and Active Frontages

70. Standard 8 of the London Plan Housing Supplementary Planning Guidance states that all main entrances should be visible, clearly identifiable and directly accessible from the public realm. Standard 10 of the London Plan Housing Supplementary Planning Guidance states that active frontages should be maximised and inactive frontages minimised on the ground floor or buildings. The main

entrances to the building are accessed from the street. The frontage on Golden Lane would be activated by the ground floor workspace and the pupil entrance to the school. Details of the treatment of the elevation to the workspace and the school entrance are secured by condition by LBI. Subject to the condition Standard 8 is considered to be complied with.

### Privacy and Aspect

71. Standard 28 of the London Plan Housing Supplementary Planning Guidance states that proposals should demonstrate how habitable rooms within each dwelling are provided with an adequate level of privacy in relation to neighbouring properties, the street and other public spaces. The units have deck access. There are concerns over privacy to bedrooms immediately adjacent to the communal deck access. Access to the decks is secured by a condition imposed by LBI, which limits access by ensuring that key or fob access is required from the core to the deck coded per floor. Subject to the condition Standard 28 is considered to be complied with.

72. Standard 29 of the London Plan Housing Supplementary Planning Guidance states that development should minimise the number of single aspect dwellings. None of the proposed flats are single aspect.

### **Fire Safety**

73. The application is accompanied by a Fire Strategy which includes a number of points in relation to the residential building. LBI have analysed this in their attached Update Note and have concluded that the provision of a single stair core is in line with all current guidance and considered reasonable based on the outlined approach including extensive compartmentation, balcony approaches and ventilation to the fire-fighting lobby and stair. The CoL has no applicable planning policy. It is considered appropriate to place weight on LBI's view that the arrangements are satisfactory.

### **The principle of the provision of workspace**

74. Policy DM1.3 encourages the promotion of small and medium sized businesses in the City by encouraging new accommodation suitable for small and medium sized businesses or occupiers; and office designs which are flexible and adaptable to allow for subdivision to create small and medium sized business units. The proposed introduction of 244sq.m of affordable workspace provided in three units on the ground floor of the residential tower is welcomed.

75. Paragraph 11.60 of LBI's report states that "the proposed small/micro office units are strongly supported".

## **Design considerations**

### Height, Bulk and Massing and Urban Grain

76. The podium of the tower proposes a brick-clad base, of four storeys (14m to eaves), broadly following, although sited proud of (by approx. 3m), the strong orthogonal building line on Golden Lane defined by the four-storey (11m to eaves) Stanley Cohen House, in prominent views along Golden Lane (north and south). It would also respond to the size of the six-storey Golden Lane Estate maisonettes blocks, such as Basterfield House running perpendicular opposite. It is considered that the building line and height of the podium, and the setting in of a podium would provide an appropriate townscape response which would add an appropriate scale to Golden Lane relative to its neighbours.
77. The remainder of the lower blocks, a four-storey 'L'-shaped school/nursery block and 1.5 storey school hall, are of a disposition and layout which continues, if not in architectural language, in the townscape tradition and urban grain of the Golden Lane Estate: rectilinear, horizontal blocks of human scale following the clean orthogonal building lines defined by Hatfield House and Basterfield House, of perimeter maisonettes blocks enclosing and opening up to a series of raised and sunken courts.
78. The main school/nursery block would follow the building line of Hatfield House, while following through with a matching clean eaves line. The return dog-leg would better enclose and address the wedge of Baltic Street West, consolidating the scale of the street which is defined by the north elevation of Hatfield House, to which it would be subservient.
79. The proposed school hall, at 1.5 storeys tall with set-back upper part, is in the manner, if not style, of the community facilities of the Golden Lane Estate: low slung simple rectangular boxes flowing into surrounding recreational space, continuing the strong east-west line through the Estate between Golden Lane and the leisure centre, running parallel with Basterfield House opposite.
80. Overall, it is considered that the podium, school/nursery block and school hall are of a height, scale massing and disposition which are a good response to the setting of to the Golden Lane Estate.
81. The residential tower is 14 storeys in height. The CoL's tall buildings policy applies to those buildings which significantly exceed the height of their general surroundings. CS14, which applies, permits tall buildings in suitable locations where they are of world class

architecture and are sustainable and accessible and take full account of the character of their surroundings. CS14 (3) that tall buildings should only be permitted where they are considered suitable having regard to: “the potential effect on the City skyline; the character and amenity of their surroundings, including the relationship with existing tall buildings; the significance of heritage assets and their settings; and the effect on historic skyline features”. London Plan Policy 7.7 also concerns tall or large buildings and includes requirements that they enhance the quality of street level and long distance views, conserve and enhance heritage assets and their setting, exhibit exceptional architecture, and provides public space.

82. The tower element would have the most significant impact in the wider setting in terms of siting, height, bulk and massing. Tall buildings comprise part of the surrounding townscape, including the 16 storey Great Arthur House, 13-storey Peabody Tower, 17 storey Blake Tower and the taller Barbican towers to the south. These towers are set back from the street, often in a generous landscaping.
83. The proposed residential tower would rise flush, without setback, from the west and the east elevation which addresses Golden Lane, whilst it would comprise over two thirds of the width of the podium. Given the building line, lack of set-back and height relative to the podium, it is considered that the tower element would impact on the human/domestic scale of Stanley Cohen House and the other six-storey maisonette blocks making it more prominent from much of the Golden Lane Estate than Great Arthur House.
84. The siting, height, bulk and mass of the proposed building would be dominant in views along Golden Lane. To a degree, this could be addressed through detailed design.

#### Detailed Design

85. The four-storey podium to the tower, school/nursery block and school hall are proposed to be clad in a plum-coloured brick with ‘punched’ fenestration set in a reveal to the side elevations and deeply recessed double balconies addressing Golden Lane. The proposed double height inset at first and second floor level with deeply inset brick piers, use of a vernacular brick and projecting balconies echo the core vocabulary of the Golden Lane Estate maisonette blocks. The crowning of the principal elevation is an aluminium stick balustrade, bolted to the rear of a shallow parapet. This could be better terminated, helping create better definition between podium and tower. This could be more emphatically crowned with a clean raised brick with accentuated GRC capping – similar to the surrounding Golden Lane Estate blocks. The LBI intend to secure this by condition.



86. The brick referenced is the Ketley-type recently used at the Barbican and which is a dynamic, high-quality baked brick with warm mottled tones. This could create a building of high quality which references its distinctive surroundings. Its delivery should be ensured by condition, which the LBI intend to impose.
87. The nursery/school block and school hall would follow the same architectural language, with some subtle difference in vocabulary to add diversity and interest, with incised fenestration and reveals, shadow gap rainwater runs and perforated aluminium accents within a robust solid-to-void ratio. This approach ensures an overarching homogeneity with the Golden Lane Estate.
88. It is considered that the architectural concept of a clean slab block in silhouette, with a simple modernist form, in the manner of Great Arthur House, is appropriate. It will have a glass reinforced concrete (GRC) 'skin', in the form of an expressed frame. The regular rhythm of square profile columns and rounded 'pilot', borrowing the latter from the Golden Lane Estate ties the principal elevations together with the aim of creating a distinctive sculptural frame. It is considered that if well executed this architectural concept could complement the adjacent Golden Lane Estate.
89. On the residential block it is considered that the proposed depth provided in the balconies and decking of 1.5-2m would be sufficient to relieve and express the frame. This will require the depth of the frame and soffit and the balcony treatment to be well detailed, which is reserved by condition by the LBI. It is considered that visible expansion/movement joints, both horizontal and vertical, could significantly undermine the delivery of the architectural concept of a clean and robust sculptural 'skin'. This is conditioned by the LBI.
90. There is a high balcony-to-frame ratio. A cross section shows that the balconies and decking would have a short upstand with stick baluster balconies attached or clasped to the rear of it. In addition, the soffit of the decking/balconies would be flush with the upper frame, giving it less relief. These details are reserved by condition by the LBI.
91. The treatment of the flank elevations are important to the coherence and integrity of the architectural concept and in reducing the apparent bulk, mass and height of the building, in particular on the sensitive approaches along Golden Lane. It is proposed to continue the GRC frame alongside regularly aligned fenestration and brick infill panels. No detail has been submitted of junctions or reliefs and this detail is conditioned by the LBI.
92. A detail has been added at roof parapet level, an implied shadow gap, providing a subtle 'incident', a characteristic feature of

Chamberlain, Powell and Bon. Whilst not clear from the submission, it is apparent that balustrading would potentially need to be provided for health and safety reasons which, in addition to potential plant (including photovoltaic tiles), could breach the clean parapet line, undermining the architectural whole. Conditions 3 and 4 as proposed to be imposed by LBI require further details to be submitted to and approved by the local planning authority. It is considered that, subject to the proposed conditions, the design is accomplished but not world-class or exceptional and there is therefore a degree of conflict with policy CS14 of the Local Plan and policy 7.7 of the London Plan.

93. Policy DM 10.1 requires all new developments to be of a high standard of design and to avoid harm to the townscape by ensuring the listed criteria are adhered to. Amongst those criteria is that external illumination of buildings is carefully designed to ensure visual sensitivity, the discreet integration of light fittings, and minimal energy use and light pollution, and the discreet integration of light fittings into the building design.

94. The nocturnal character of the adjoining Golden Lane Estate is one of relatively low levels of ambient light. A detailed cross section of the proposed balconies or decking has not been provided. The tower would be prominent in views into and from within the Golden Lane Estate. It is considered that the tower's lighting will have a major influence on the character of the Golden Lane Estate. It is considered that the architectural frame, which would appear to have the frame flush with the decking/balcony soffits, misses an opportunity for the integration of discreet lighting. This detail will need to be considered carefully and can be reserved for condition. The treatment of the school entrance on Golden Lane should be conditioned to ensure adequate lighting. A detailed Lighting Strategy is reserved by condition by LBI in order to ensure compliance with Policy DM 10.1.

#### Public Realm and Landscaping

95. The boundary wall between the School and Basterfield Service route on the Golden Lane Estate would comprise an approximately 3m brick (and possibly timber) wall, with planting, including trees, on the school side. The proposed low level planting beds and green wall on the proposed school hall are welcomed. Details would be dealt with as part of both a CoL and the LBI landscaping condition and S106 if required.

96. A row of new trees is proposed on Golden Lane, in accordance with the aspirations of the Public Realm SPD, which will soften and improve the streetscape of Golden Lane. The LBI have imposed a condition to ensure that trees are delivered.

## Summary: Design Considerations:

97. Overall, on balance, it is considered that the proposals demonstrate a good architectural response to the site and surroundings, and an improvement to the public realm surrounding the site in compliance with London Plan Policies 7.1-7.6 and Policies CS10, DM10.1 and CS14 of the Local Plan.

## Impact on Heritage Assets in the City of London

### Historic Environment Context

98. The site adjoins the Golden Lane Estate which comprises the series of buildings and surrounding landscape which together form the Estate and are listed grade II and II\* (Crescent House). The whole of the Golden Lane Estate is being considered for potential conservation area designation. At present, it is not a conservation area.
99. The site is in the wider setting of the Barbican Estate, which is a grade II listed building with a grade II\* registered landscape, the former Cripplegate Institute (grade II) and the Jewin Chapel which is considered a non-designated heritage asset. The site is in and adjoins the St Luke's Conservation Area, which is in the London Borough of Islington.
100. The impact of the proposal on the heritage significance of the heritage assets in the City of London are addressed in this section of the report.

### Legislation and Policy

101. As the development will affect the setting of listed buildings section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the CoL 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. The effect of this duty under Section 66(1) is that in making the decision on this application considerable weight and importance should be placed on the desirability of preserving the setting of listed buildings. In particular when balancing public benefits against harm to the significance of listed buildings, considerable importance and weight should be given to the desirability of preserving the setting of the listed buildings.
102. 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.”

103. Policy CS12 of the Local Plan seeks to conserve or enhance the significance of the City’s heritage assets and their settings by (amongst other things): 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.

104. 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.

105. 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)

106. Chapter 12 of the NPPF is relevant in this instance as it sets out key policy considerations for applications relating to designated and non-designated heritage assets. Other relevant guidance is provided by Historic England including the documents Conservation Principles, Good Practice Advice Notes, including Note 1, Conservation Area Designation and Management, Note 3 The Setting of Heritage Assets and Building in Context (HE/CABE)

107. The NPPF, Core Principle 10 (paragraph 17), seeks to conserve heritage assets in accordance with their significance. It establishes, at paragraph 132, that great weight should be given to conservation and that the significance of an asset can be harmed by development in the setting of that asset. Depending on the level of harm, either paragraph 133 or 134 are triggered.

108. Paragraph 133 states that:

*“Where a proposed development will lead to substantial harm to or total loss of significance of designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*

- *The nature of the heritage asset prevents all reasonable uses of the site; and*
- *No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- *Conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and*
- *The harm or loss is outweighed by the benefit of bringing the site back into use”*

109. Paragraph 134 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”.*

110. Paragraph 135 of the NPPF states that “The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”

111. The setting of a heritage asset is described as:

*The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.*

112. The National Planning Practice Guidelines state that when assessing the setting of an asset, whilst visual considerations are important, the way an asset is experienced can also be influenced by other factors such as noise or use and, whilst two places might not be visible from one another, they may still have a historic or aesthetic connection that amplifies the experience of the significance of each.

### **Principle of Demolition**

113. The proposal will result in the total demolition of the current building comprising the former vacant Richard Cloudesley School, garages and Adult Learning Centre. Other than the use of a complementary plum brick in the school, the development in architectural or urban design terms does not contribute to the significance of the adjacent Golden Lane Estate.

114. It is noted that Historic England have welcomed the redevelopment of the site, in principle.

115. The principle of the demolition is considered acceptable.

### **Impact on the Special Architectural and Historic Interest and Significance of the Golden Lane Estate**

#### The Significance of the Golden Lane Estate

116. The Golden Lane Listed Building Management Guidelines Supplementary Planning Document (the Guidelines) (September 2013) identifies the nature and extent of the special architectural and historic interest of the Estate. The Guidelines are a material consideration in assessing the current planning application.

117. The Golden Lane Estate is an exemplar of post-war comprehensive redevelopment following the Blitz, executed on a pioneering and cohesive scale under the auspices of a single ambitious landowner, the City of London Corporation. The Guidelines acknowledge that much of the character and special interest derives from the architects' pursuit of a modern exemplar of high-density urban living. This expresses itself on a macro-level through the meticulously planned townscape and generous open landscape and on micro-level through the detailing and layout of individual flats. It should, as acknowledged in the Guidelines, be viewed in its entirety as an ensemble: a piece of architecture, urban design and townscape. The qualities of light, space, transparency, function and communality run through the Estate, from the (unique) large curtain wall landscape window of the community centre raised above the ornamental sunken garden to the finely detailed 'picture frame' curtain wall windows defining the principal aspects of the flats providing views over the generous landscaping.

118. The height and disposition of the blocks was meticulously considered to create varied public/private space, delivering a comfortable sense of enclosure while also feeling open and permeable. The pioneering use of glass curtain walls, in striking primary colours, add light and energy, while the overarching use of a pleasant plum brick ties the architectural whole together.

119. The blocks are disposed to maximise daylight, sunlight, privacy and a sense of spaciousness and transparency. These spatial qualities continue inside where all flats are defined, where possible, by a principal south-aspect, dual aspect, floor-to-ceiling glazing overlooking well-landscaped courts and private balconies on flats which are orientated to avoid direct overlooking from directly facing principle aspects - revolutionary at its time. This openness and the extensive glazing creates a seamless transparency between inside

and out, creating internal spaces defined by the relationship with the landscape outside.

120. Great Arthur House was, on completion in 1957, the tallest residential building in Britain and a pioneer of high-rise urban living which came to define post-war urban Britain. It anchored the Estate, from which the open space and maisonette blocks pivot, acting as its landmark centrepiece. The height allowed Chamberlain, Powell and Bon to achieve the required density, allowing the generous open landscape and human-scale of the remainder of the Estate. The refined aluminium-framed glass curtain wall with striking yellow 'Muro' glass still to this day is striking. Its rectilinear slab silhouette is enlivened by the foil of its curvilinear canopies, which mark the innovative formal communal garden at roof level, inspired by Le Corbusier's Unité d'habitation.

121. Crescent House is listed at grade II\* rather than II as it is a transitional building, where Chamberlin, Powell and Bon experimented with High Brutalism, more expressed structure and exposed raw bush-hammered concrete, as well as the later Modernist principles of segregating pedestrian and vehicular traffic and greater mixed use, all of which done in a manner which respected the historic street pattern, presenting a gracious curve to Goswell Road.

#### The Contribution Setting makes to that Significance

122. The NPPF states that elements of the setting of a heritage asset can make a positive, neutral or negative contribution to its heritage significance and a viewer's ability to appreciate that significance.

123. There is no specific section in the Guidelines dedicated to the Estates' setting, or which seeks to identify particular elements of that setting which are deemed to make a positive, negative or neutral contribution to it. However, in Part 2 (section 1.2.1), "Key conclusions and recommendations", under Holistic Significance, it states:

124. The views from – as well as into – the estate are important. Part of the special architectural interest of the estate lies in its relationship with adjacent buildings, their height, scale, mass, form, materials and detailing could, for example, have an impact on that special interest.

125. Part 1.2.1.2 of the Guidelines continues:

*The estate should be appreciated in its entirety: not only its various components – residential, community, recreational, commercial and the external spaces between buildings – but also its setting within the surrounding urban fabric. The views from and into the estate*

*have become important, and part of its special architectural interest lies in its relationship to adjacent buildings. Any developments on the immediate boundaries of the listed area should take into account the significance of the estate's setting.*

126. The Guidelines acknowledge that the Estate was planned with a strong sense of enclosure and, in the words of the architect, was “inward looking”, given the bleak wasteland setting following WWII.
127. It should be acknowledged that the setting of the Estate has changed significantly since the 1950s, and will continue to change. The Peabody Towers, Braithwaite Tower, Cripplegate House (as extended), Blake Tower and 121-167 Roscoe Street are all visible above the perimeter blocks from views within the Estate, placing it in an evolving and dynamic urban context. To the south it can be viewed with the backdrop of the Barbican tower and podium composition; reflecting continuity in architect and the development of Modernism.
128. In this regard, the only specific reference in the Guidelines to an important aspect of setting is reference to the view along Goswell Road of Crescent House with the backdrop of the Barbican Towers, identified as being of (fortuitous, if not intended) interest, given the continuity in architect and an appreciation of the development of Modernism. The Barbican towers and podium dominate the skyline to the south, providing an important visual reference and transition, contributing to the significance of Golden Lane Estate.
129. It is considered that the following elements of the setting of the Golden Lane Estate contribute to its significance:
- The visual relationship with the Barbican to the south; in particular in the views from Goswell Road of Great Arthur House, Crescent House and the Barbican towers and the north-south axis view from the Bastion through the central piazza towards the tower of the Jewin Chapel on alignment with the Shakespeare Tower;
  - The strong sense of enclosure and unity felt in the sunken gardens, on a whole unfettered by looming development in the immediate vicinity;
  - The retention of open diagonal views across the whole site with *limited bulky development in the immediate setting to break up the* unity and inter-visibility of the enclosing residential blocks;
  - An ability to appreciate the Estate from outside views in, the dominance of Great Arthur House, in contrast to the humbler scale of the perimeter blocks;
  - An ability to appreciate the interrelationship between the interior of the maisonette flats and the external spaces.



### Impact on the significance of the Golden Lane Estate

130. The residential tower would be visible on approach to the Estate from Aldersgate Street, Goswell Road, Baltic Street West, Golden Lane and Viscount Street in the City of London. It would also be visible from in the Estate from the western forecourt to Great Arthur House, the former community piazza, the bastion, Basterfield Lawn, the tennis courts and associated circulation space enclosed by Cullum Welch House, Crescent House and Hatfield House.
131. It is considered that, by reason of its height, bulk and mass, the proposed tower would appear dominant on the principal approach to the Estate from Golden Lane (north and south), and from views within the Estate, in particular from the bastion and raised circulation space around Basterfield Lawn. On approach, and to a lesser degree from within the Estate, it is considered that the bulk/mass of the proposed tower would to a degree diminish the primacy of Great Arthur House on the skyline of the Estate. The siting, alignment, grain, height, scale, massing and detail of the lower podium, 'L'-shaped school block and school hall are considered an appropriate response to the Estate. This harm is considered "less than substantial", and should be weighed against the proposed public benefit.
132. The emerging view from Old Street is currently defined by the human scale of Basterfield and Stanley Cohen House, of the strong rectilinear orthogonal blocks and a skyline defined by Great Arthur House and the Barbican tower and podium composition. This offers a rich appreciation of a multi-layered and comprehensive Post-War townscape by a single notable architectural practice. This view would be impacted by the proposed tower, restricting views of Great Arthur House and the Barbican Tower and impacting on the scale of the perimeter blocks.
133. On approach from the south, from Beech Street, the proposed tower element, again due to its siting, terminating the strong horizontality of Stanley Cohen House, and significant height, bulk and mass, would diminish the prominence of Great Arthur House and an appreciation and understanding of its significance, but to a lesser extent than from the north.
134. The View referred to in the Guidelines, that of Crescent House from the junction between Old Street and Goswell Road, would be unaltered, other than a non-prominent glimpsed oblique view down Baltic Street West from Goswell Road. The proposal would not interfere or detract from an appreciation of the view which juxtaposes the gracious curve of Crescent House terminating in the striking silhouette of the Barbican towers, or detract from an ability to understand the development of Modernist architecture inherent in that view.

135. The proposal would have a less significant impact on the east-west approaches, where Great Arthur House would retain its primacy, in particular in views from Goswell Road and Fortune Street/Fortune Street Park.
136. From within the Estate, it is considered that the overall sense of enclosure, openness, light and sightlines would be preserved, but the sheer height, and in particular the bulk and massing of the proposed tower, would have an apparent overbearing impact on views from the raised circulation spaces surrounding the Bastion/Basterfield Lawn, the space around the children play area the tennis courts. From these, it would challenge the primacy of Great Arthur House, diminish an appreciation of the scale of the blocks and reduce the integrity of their clean parapet lines. It is acknowledged that these views would be transient, in places fleeting/glimpsed and generally oblique, whilst from significant spaces such as the community piazza, sunken ornamental garden, community centre and western piazza, the impact would at times be removed or much diminished.
137. Overall, it is considered that in the majority of instances, Great Arthur House would continue to define the Estate, not least because of its distinctive silhouette and striking primary yellow Muro glass curtain wall façade, and that the disposition of the maisonette blocks and strong enclosure of its spaces would still allow it to retain a significant degree of primacy over the Estate as a whole. The proposed tower would be no higher or wider than Great Arthur House, whilst its more understated design would not detract from an appreciation of it.
138. The 'L'-shaped nursery/school and school hall would be of a disposition, orientation, scale and appearance which would complement the Estate – providing a continuation of scale, building lines, views and routes through the Estate. The overarching use of a complementary brick, defining rectilinear horizontal blocks with a consistent rhythm of cross walls and balcony modelling, would be distinct, but sensitive to the estate, whilst not competing with it.
139. Overall, it is considered that the proposal would result in less than substantial harm to the significance of the Golden Lane Estate as listed buildings and a very limited degree of harm (also less than substantial) to Crescent House,

## **Impact on the Special Architectural and Historic Interest and Significance of the Barbican**

### The Significance of the Barbican and the Contribution Setting makes to that Significance

140. The principal significance of the Barbican, including the associated landscape, is as a leading example of a Modernist project in the High Brutalist style, and is perhaps the seminal example nationally of a comprehensively planned Post-War, mixed-use, Modernist community.
141. It comprises a series of long slab blocks at a raised podium level, separating pedestrians from vehicular traffic, and a composition of towers which encloses private and public landscaped open spaces centred on a lake which incorporates formal planting and ancient monuments in a Le Corbusian manner.
142. It is necessary to consider the contribution of setting to the significance of the Barbican. The Estate was designed to be like a modern 'fortress', defining its own setting, and whilst there had originally been planned relationships with its surroundings, many were never implemented.
143. The Barbican has 'hard edges' with the surrounding townscape and, other than the Blake Tower, it does not form a strong architectural relationship with surrounding buildings or landscapes. However, as discussed, the clear juxtaposition between the Golden Lane Estate and the Barbican is an important relationship which contributes to the significance of these 20th Century landscapes. An appreciation of the Barbican, on approach from the north from Golden Lane and Goswell Road, is important.

### Impact on the Barbican

144. As discussed, the Barbican tower and podium composition was designed with an approach from the north in mind. When approached from Golden Lane (via Old Street), the towers provide a dramatic silhouette when appreciated against clear sky with their deep modelling and serrated profile. When contrasted with the manner of the Golden Lane Estate, there is a strong appreciation for the development of Modernism post-war.
145. An important approach, identified in the Golden Lane Estate Listed Building Management Guidelines, is the approach to the Barbican from Goswell Road with the view of Crescent House, its gracious curve of experimental bush-hammered concrete culminating in the dramatic verticality of the Barbican's Lauderdale Tower in confident bush-hammered concrete. The view, as it

emerges from Clerkenwell Road, has been tested as part of the submission and the proposed tower would have limited visibility and would not exert significant influence over this view. It is considered that the impact would be neutral.

146. Otherwise, given the scale, strength and robustness of the Barbican, which would still predominate in many views of it from its setting, it is not considered that in wider views the proposed tower would detract from its significance, or an appreciation or understanding of it.

147. Overall, it is considered that the proposal, because of the diminished view in the approach from Golden Lane, would cause slight, less than substantial harm to the significance of the Barbican as a listed building and registered landscape.

### **Impact on the Special Architectural and Historic Interest and Significance of Cripplegate House**

#### The Significance of Cripplegate House and the Contribution its Setting makes to that Significance

148. Built in 1893-96, and by architects Sidney R.J. Smith, it was built as a grand late-Victorian civic philanthropic venture for the betterment of the working poor of the Cripplegate Ward. It is an isolated remainder of Victorian Cripplegate that was altered following conversion to offices in 1987-92.

149. Though much altered, extended and stretched behind a part retained facade, it displays a handsome front facade of red brick with Portland stone dressings in an eclectic free-Jacobean manner with some good detail. The rear red brick 1980s part is of no architectural or historic interest.

150. Cripplegate House's historic setting, as part of a cohesive Victorian townscape of warehouses, workshops, terraces, alleys and courts has been lost. In terms of height, architectural form, style and materials it has little relationship or dialogue with its neighbours. However, its prominent townscape position on Golden Lane assists in allowing an appreciation and understanding of its architectural and historic interest.

#### Impact on Cripplegate House

151. The proposed tower would be visible on approach to Cripplegate House from Beech Street/Golden Lane. Given the substantial distance between the two, and the scale of Cripplegate House within its immediate townscape, it is not considered that the proposal would harm the significance of Cripplegate House, or an appreciation or understanding of it.

## **Impact on the Heritage Significance of the Jewin Chapel as a Non-Designated Heritage Asset**

### The Significance of the Jewin Chapel and the Contribution its Setting makes to that Significance

152. The Jewin Welsh Chapel is not listed but is considered a non-designated heritage asset because of its strong architectural and historic interest.
153. Built in 1956-61, contemporaneous with the adjacent Golden Lane Estate, by noted ecclesiastical architects Caroe and Partners, it replaced a former Gothic Revival church of 1879 bombed in the Blitz. It is an interesting example of Scandinavian-influenced Modernism termed “New Humanism”, popularised during the Festival of Britain. Of pink/plum brick (with matching neat flush pointing) with Portland stone dressings and a copper-clad roof.
154. The brick (colour and finish) is a clear reference to the Golden Lane Estate brick, whilst the imposing west tower forms the southern termination to the principal north-south axis view from the bastion garden through the central ‘piazza’, which was conceived as the social focus of the Estate: a townscape ploy which would seem deliberate, rather than fortuitous. It is known that Gordon Cullen, who was developing his concept of ‘townscape’ at the time, had advised on the Golden Lane Estate. The tower is a local landmark with a belfry stage gallery of deeply splayed slit windows crowned by a socketed copper roof with stylised urn finial, terminating one of the only ‘closed’ vistas in the Golden Lane Estate.
155. The Jewin Church is considered to be of local architectural, historic and communal heritage interest, inherently as a building and in its positive contribution to the setting of Golden Lane, especially in terminating the principal north-south axis view.

### Impact on the Jewin Chapel

156. The chapel would be viewed in the context of the proposed tower in views from Fann Street and, to an extent, Viscount Street. In Viscount Street, given the scale of the church and tower relative to the enclosing built environment, it is considered that the proposed tower would not diminish the church. From Fann Street, it is considered that the impact would be neutral.
157. Overall, the significance of the Jewin Chapel as a non-designated heritage asset would not be harmed by the proposed development.

## **Impact on St Luke's Conservation Area within the London Borough of Islington**

158. St. Luke's Conservation Area was designated by the LBI in 1975 and extended in 2002. The St Luke's Conservation Area Design Guidelines describe the area as follows:

*'Lying in the south of the borough, straddling the ancient thoroughfares of Whitecross Street and Old Street, the St. Luke's Conservation Area is an important surviving part of historic Finsbury, with a special character and appearance which is desirable to preserve and enhance. Whitecross Street is a medieval lane which ran from the Cripplegate to Old Street, home of London's oldest surviving street market and fronted by a number of domestic-scale properties from the 18th and 19th centuries. Either side, the narrow side streets contain a wide range of 19th century commercial buildings and one of the largest late 19th century Peabody housing estates.*

*Central and pivotal to the conservation area St. Luke's Church, dating from 1733, designed by John James and Nicholas Hawksmoor, is one of London's most important churches. The church is now refurbished as a rehearsal, concert and education centre for the London Symphony Orchestra. The unusual obelisk spire is a major local landmark, with important views down Whitecross Street. Surrounding the church is the churchyard and burial ground, now a public open space, with fine plane trees, railings and tombs. Fronting onto these spaces are several important groups of Georgian and Victorian buildings which are of architectural and historic interest and which contribute to the setting of the church.'*

159. The LBI conclude that the introduction of a highly prominent tall building will result in some harm to the St Luke's Conservation Area from certain views, but have concluded that the impact on it and the undesignated heritage assets within it is less than substantial harm, which can be weighed against the public benefits of the scheme. The CoL agrees with this conclusion. In view of the location of St. Luke's Church (Grade I Listed) in relation to the application site it is not considered that there will be an adverse impact.

### **Summary of Impacts**

160. The proposal has been assessed in relation to the relevant heritage policies of the London Plan and Local Plan. The proposals would result in some harm to the setting of Golden Lane Estate, the Barbican and the St Luke's Conservation Area and significant buildings within it. As such Policy CS12 is not complied with. It is considered that the harm is less than substantial, therefore triggering NPPF paragraph 134 (see above) and not paragraph 133. Whilst giving considerable importance and weight to the desirability of preserving the setting of listed buildings, your officers are of the

view that the public benefits of the scheme (as referred to in paragraphs 50, 63 and 64) outweigh the less than substantial harm to the significance of the relevant heritage assets.

## **Amenity of neighbouring residents**

## **Daylight and Sunlight**

### Policy Background

161. Paragraph 1.3.45-46 of the Mayor of London's Housing SPG states that:

*'Policy 7.6Bd requires new development to avoid causing 'unacceptable harm' to the amenity of surrounding land and buildings, particularly in relation to privacy and overshadowing and where tall buildings are proposed. An appropriate degree of flexibility needs to be applied when using BRE guidelines to assess the daylight and sunlight impacts of new development on surrounding properties, as well as within new developments themselves. Guidelines should be applied sensitively to higher density development, especially in opportunity areas, town centres, large sites and accessible locations, where BRE advice suggests considering the use of alternative targets. This should take into account local circumstances; the need to optimise housing capacity; and scope for the character and form of an area to change over time.'*

*The degree of harm on adjacent properties and the daylight targets within a proposed scheme should be assessed drawing on broadly comparable residential typologies within the area and of a similar nature across London. Decision makers should recognise that fully optimising housing potential on large sites may necessitate standards which depart from those presently experienced but which still achieve satisfactory levels of residential amenity and avoid unacceptable harm.'*

162. 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. Unusual existing circumstances, such as the presence of balconies or other external features which limit the daylight and sunlight that a building can receive, will be taken into account. Policy DM21.3 of the Local Plan requires development proposals to be designed to avoid overlooking and

seek to protect the privacy, daylighting and sunlighting levels to adjacent residential accommodation.

163. In general, for assessing the sunlight and daylight impact of new development on existing buildings, Building Research Establishment (BRE) criteria is adopted. In accordance with both local and national policies, consideration has to be given to the context of the site, the more efficient and effective use of valuable urban land and the degree of material impact on neighbours. The BRE states:

*“The advice given here is not mandatory and the guide should not be seen as an instrument of planning policy; its aim is to help rather than constrain the designer. Although it gives numerical guidelines, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design...In special circumstances the developer or local planning authority may wish to use different target values. For example, in a historic city centre, or in an area with modern high rise buildings, a higher degree of obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings”.*

164. BRE guidelines consider a number of factors in determining the impact of development on daylight and sunlight on existing dwellings:

165. Daylight to windows: Vertical Sky Component (VSC): a measure of the amount of sky visible from a centre point of a window. The VSC test is the main test used to assess the impact of a development on neighbouring properties. A window that achieves 27% or more is considered to provide good levels of light, but if with the proposed development in place the figure is both less than 27% and reduced by 20% or more from the existing level (0.8 times the existing value), the loss would be noticeable. Paragraph 2.2.11 states: Existing windows with balconies above them typically receive less daylight. Because the balcony cuts out light from the top part of the sky, even a modest obstruction may result in a large relative impact on the VSC, and on the area receiving direct skylight.” The paragraph goes on to recommend the testing of VSC with and without the balconies in place to test if it the development or the balcony itself causing the most significant impact.

- Daylight Distribution (DD): No Sky Line (NSL): The distribution of daylight within a room is measured by the no sky line, which separates the areas of the room (usually measured in sq. ft) at a working height (usually 0.85m) that do and do not have a direct view of the sky. The BRE guidelines states that if with the proposed development in place the level of daylight distribution in a room is reduced by 20% or more from the existing level (0.8 times the existing value), the loss would be noticeable. The BRE advises that



this measurement should be used to assess daylight within living rooms, dining rooms and kitchens; bedrooms should also be analysed although they are considered less important.

- Sunlight: sunlight levels are calculated for all main living rooms in dwellings if they have a window facing within 90 degrees of due south. Kitchens and bedrooms are considered less important although care should be taken not to block too much sun. The BRE explains that sunlight availability may be adversely affected if the centre of the window receives less than 25% of annual probable sunlight hours (APSH), or less than 5% APSH between 21 September and 21 March; and receives less than 0.8 times its former sunlight hours as result of a proposed development; and has a reduction in sunlight hours received over the whole year greater than 4% of annual probable sunlight hours.

166. Developers may also consider Average Daylight Factors (ADF). ADF is the ratio of internal light level to external light level. BRE advise that ADF is not generally recommended to assess the loss of light to existing buildings, but is appropriate to consider daylight and sunlight to new dwellings. Guidance on the levels of daylight to be provided are set out in the British Standard on daylight, which recommends minimum values for ADF of 1% for bedrooms, 1.5% for living rooms and 2% for kitchens. The British Standard recommends that where a living room includes a kitchen, the higher minimum average daylight factor of 2% should apply.

167. Paragraph 123 (c) of the draft NPPF states that:

*“c) local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site.”*

#### Daylight and sunlight assessment

168. The applicant's consultant has undertaken a study of the impact of the proposed development on the relevant rooms in the surrounding residential and educational buildings and on sunlight to neighbouring amenity spaces in the City of London and the LBI. (No assessment has been carried out of impacts on sunlight to Basterfield House and Hatfield House. This is considered appropriate due to the north facing orientation of Basterfield House and all south-facing windows of Hatfield House continuing to meet BRE guidelines). The study has been reviewed and its assessment of the extent of the impact is considered sound.

## Daylight and Sunlight to Existing Neighbouring Buildings in the City of London

### *Golden Lane Estate Allotment*

169. The BRE Guidelines state that it is good practice to check the sunlighting of open spaces where it will be required and would normally include: *'gardens to existing buildings (usually the back garden of a house), parks and playing fields and children's playgrounds, outdoor swimming pools and paddling pools, sitting out areas such as those between nondomestic buildings and in public squares, focal points for views such as a group of monuments or fountains'*.
170. At paragraph 3.3.17 it states: *"It is recommended that for it to appear adequately sunlit throughout the year, at least half of a garden or amenity area should receive at least two hours of sunlight on 21 March. If as a result of new development an existing garden or amenity area does not meet the above, and the area which can receive two hours of sun on 21 March is less than 0.8 times its former value, then the loss of sunlight is likely to be noticeable. If a detailed calculation cannot be carried out, it is recommended that the centre of the area should receive at least two hours of sunlight on 21 March.* The Daylight and Sunlight Report submitted as part of the application demonstrates that this space would be fully BRE compliant, with over half of the area receiving at least two hours of sunlight on 21st March.

### *Other neighbouring premises*

171. It can be noted in the LBI's report that the other residential premises impacted by the scheme within the LBI in relation to daylight and sunlight is Banner House, Peabody Estate. They concluded that because they are bedrooms that the impact was acceptable when taking the benefits of the scheme into account. The CoL's officers agree with that conclusion.

### *Basterfield House*

172. Basterfield House, to the south, faces the proposed development across the service road. The affected elevation contains duplex flats with kitchens on the ground, second and fourth floors and bedrooms on the first, third and fifth floors. The affected kitchen windows have projections/overhangs above them that limit the light received from the sky. In such circumstances, BRE guidelines recommend an additional assessment assuming the balconies are not present.

173. As set out in the LBI's report an assessment has been undertaken of the impact of the development on the windows in the affected façade. The building itself poses a large obstruction to its own light due to its own design. When looking at the daylight (VSC) results for this building, this impact is illustrated by the fact that often a significant failure for the kitchen (due to its recessed positioning) is starkly contrasted on two accounts when compared to the bedroom windows which aren't recessed but sit flush on the elevation.
174. For those reasons the kitchens currently receive a very limited amount of daylight to the window face, any change is therefore shown (in percentage terms) as a significant proportion or loss. Comparing this to the bedroom windows, they (on the whole) receive very high levels of daylight to the window due to the low heights of the existing school buildings on the site. The losses in some cases are high, but in many cases the resultant actual levels of VSC retained would be considered to be similar to that of nearby properties, given the urban location of the site.
175. The living rooms, which are considered to be the most important rooms (as stipulated within the BRE Guidelines) are located on the opposite elevation from the application site (facing south) and are therefore unaffected by the development,
176. In terms of bedroom windows, there are 15 bedroom windows that would experience losses in excess of BRE guidelines for VSC ranging between 21% and 51% losses. These relate to 15 individual flats that are all dual aspect and over two levels. Of those 15 windows, 2 windows experience losses of 51% and 43% respectively (flats 01 and 20), 6 windows experience losses of between 31% and 39% and 7 windows experience losses between 21% and 28%. The actual levels of retained VSC to these bedroom windows vary from:
- 8.68% (Flat 17 which is reduced by 21% from the former VSC value and is obstructed by the structure in front of this window which is an integral part of the building itself)
  - 16.42% (Flat 01 experiencing a 51% reduction)
  - 20.33% (Flat 20 experiencing a 43% reduction)
  - 26.68% (Flat 24 which almost retains the 27% target of the BRE Guide but experiences a loss of 26% from the original very high level.
177. In terms of kitchen windows there are 42 windows that fail the VSC test ranging between 23% and 65% losses. These all relate to individual flats as set out below. Of these 42 windows that fail 4 kitchen windows experience losses of between 60% and 65% (flats 01, 12, 17 and 20), 9 windows experience losses between 51% and

59% (flats 02, 08, 11, 13, 14, 15, 16, 21 and 40), 12 windows experience losses between 41% and 50%, 8 windows experience losses between 31% and 40% and 9 windows experience losses between 21% and 30%.

178. Looking at the worst affected flat (Flat 01) in relation to VSC to the bedroom window, it is located over the ground and first floors with ground floor kitchen (R2) and first floor bedroom (R1). The bedroom window (W1) is flush and has a VSC of 33.76% (noting that the most VSC a window could possibly achieve is 40%). In this regard this is an extremely high level of daylight received by this window. Compare this to the kitchen (R2) window (W2) at ground floor level and whilst this window would receive less daylight as it is located at a lower level, due to the significant obstruction from its own building design its existing VSC by comparison is 6.19%. This can be compared to the maisonette at the floors above, where Flat 20 second floor kitchen (R2) window (W2) has an existing VSC of 9.97% (changing to 3.70% being a 63% reduction) compared to the VSC of the bedroom (R1) window (W1) at third floor of 35.96% (altered to 20.33% or a 43% reduction). These results do demonstrate that the inherent building design is causing significant restriction to existing VSC with respect of the kitchens.

179. Flat 01 would experience a reduction of VSC to the kitchen window of 60% (a change from 6.19% to 2.28%) and the bedroom window would experience a loss of VSC of 51% (a change from 33.76% to 16.42% of actual VSC). Whilst these changes are considerable and will be extremely noticeable and cause harm it should be noted that the retained level of VSC to the bedroom would still remain comparable to central London locations after the development being in place at 16.42%. Whilst the percentage loss to the kitchen is significant, as quoted above from the BRE Guidance this is clearly significantly influenced by the design of the building itself (. In terms of daylight distribution, both rooms would retain complying levels of daylight within the respective rooms.

180. It should be noted that these two flats (01 and 20) would not experience a loss of daylight distribution beyond the BRE guidance. Given these considerations and as the living room (and 2 additional bedrooms) would maintain existing daylight levels these impacts are in this instance not considered to result in significant or unacceptable impacts to the overall residential amenity of these flats as a whole. Having regard to the considerations above, it is considered that whilst the losses of VSC will be noticeable they would not be significantly at odds with levels of light in properties within central London locations such as this. The retention of existing daylight levels to the living rooms is a particularly important consideration and maintains overall an acceptable amenity level for each of these flats.

181. Flats 02, 04, 06, 21 and 23 would experience losses of both VSC and daylight distribution in excess of BRE Guidelines to both the bedroom and kitchens. Flats 08, 10 and 27 would experience losses in excess of BRE guidelines of both VSC and daylight distribution to the kitchens only (it should be noted that the bedroom to flat 10 would retain more than 27% VSC after the development which exceeds the BRE Guidelines). Flat 41 would experience losses in excess of BRE for both tests just in relation to the bedroom. It should be noted that the kitchens are small (less than 5sqm) and would not be considered as 'habitable' for the purposes of applying the policies in the Mayor of London's Housing SPG – paragraph 1.3.19).

182. As discussed above, the retained VSC levels for the bedrooms (Flats 02, 04, 06, 08 and 10) would be 20.63%, 22.64%, 24.60% and 26.17%, 26.40%. As discussed above, these retained levels are very good for an urban location and whilst they may be reduced by more than 20% that is reflective of the very low scale of buildings on the application site. Whilst the change will be noticeable, having regard to the urban location of the site these VSC levels are not considered to be unacceptable for the site's location. Whilst these bedrooms would experience daylight distribution losses of 40%, 29%, and 27% and the change would be noticeable, given the starting point was light reaching the working plane within almost the entire extent of these rooms, the retained light within the room would remain at least 60% and as bedrooms have a lesser requirement for light (in particular in relation to this test – as stipulated by the BRE Guidelines) in these instances the impacts are considered to be acceptable, owing to the dual aspect, split level nature of the units and given the south facing unaffected living rooms.

183. Moving to the kitchens losses of daylight distribution of 41%, 40%, 34%, 28% and 21% would be experienced by flats 02, 04, 06, 08 and 10 respectively. As quoted from the BRE Guidelines above, the existing obstructions of the building themselves cause an increase in sensitivity to DD changes. All kitchens but flat 02 would retain direct skylight to the working plane of more than 50% of the kitchen area and given its small size, non-habitable room status and the mitigating factors outlined above, these losses (particularly 41%, 40% and 34%) whilst noticeable would not cause such harm to the amenity of the flat overall.

#### *Hatfield House*

184. Hatfield House is positioned to the west of the application site, closest to the proposed school building (which is close to the equivalent of 4 storeys in height once the rooftop play area and plant enclosure is taken into account). The building is a similar design to Basterfield House, comprising a series of two storey

maisonettes, with additional single storey flats located at lower ground floor level. The maisonettes have their kitchens located on the north side of the building on their lower level, and bathrooms and bedrooms are above. As for Basterfield House, the kitchens are recessed from the façade such that their view of sky is limited by the projecting balconies above and projecting bays to either side. The building itself therefore poses a large obstruction to its own light due to its design as indicated below.

185. There are 6 windows that fail the VSC test within Hatfield House. Of those 6 windows, 4 serve kitchens and the losses range from 27% to 51% and two relate to bedrooms both of which are located at basement level and experience losses of 46% and 64% respectively. The two basement bedrooms experience such a limited amount of light to the window because of their positioning that the loss is shown as a significant percentage change, however it is likely that the change, whilst regrettable, would not be noticeable within the room. These rooms would lose 98% and 88% of daylight. However given existing obstructions and the sensitivity to any change it is not considered that the proposed school building is of such unacceptable siting or massing that these impacts would warrant a refusal of the application. Additionally, those flats have a combined living/kitchen/dining room that are unaffected in terms of both VSC and daylight distribution due to the southerly aspect of those rooms and this is a significant mitigating factor when considering the overall harm to these flats.
186. The 4 kitchen windows that are affected, serve small (5.5sqm rooms) kitchens behind. Whilst the VSC losses range from 27% to 51% the design is similar to that of Basterfield House with the windows set beneath projecting balconies and partially obscured by projecting side elements. The existing VSC levels to these windows are low 2.55% to 6.51% as a result of obstructions by the building itself. As you move up the elevation the kitchen window VSC improves as would be expected and the relative loss of VSC is lower at second floor level (being 27% and 29% respectively). This is a particularly urban location and the degree of enclosure and relationship between buildings in this part of Baltic Street East and West is considered to be of such a character and tight urban grain where actual retained VSC levels are not uncommon.
187. The model for the school building indicated within the Daylight and Sunlight Assessment indicated a rooftop plant enclosure which appears to differ in scale to that indicated in the proposed plans. The applicant's daylight and sunlight surveyors have advised that the slight increase in height of the plant enclosure would have a minor impact on some of the results obtained for the properties to the north. However, they advise that the scale of change is unlikely to represent a material change and would not be of a scale that

would affect their overall conclusions. This advice is considered sound.

### *Conclusions on Daylight and Sunlight*

188. The proposals reduce noticeably daylight available to dwellings. Policy DM10.7 of the City of London Local Plan resists development which would reduce noticeably day light and sunlight to nearby dwellings and open spaces to unacceptable levels taking account of the BRE's guidelines. The BRE guidelines recognise that ideal daylight conditions may not be practicable in densely developed city centre locations. The proposals are not considered to reduce daylight and sunlight to unacceptable levels. Policy DM10.7 is considered to be complied with.

### **Overlooking**

189. Policy DM21.3 of the Local Plan states that all development proposals should be designed to avoid overlooking.
190. On the podium part of the residential block there are windows on the southern elevation (looking towards Basterfield House) serving a bedroom at first floor level and a bedroom, the living room/kitchen and the balcony at third floor level. The separation distance between these buildings is approx. 8.5m. The windows on Basterfield House serve bedrooms. The LBI have recommended a condition that requires obscure glazing and its maintenance for the life of the building.
191. On the 4th-6th floors the windows on the southern elevation serve a bedroom and living room/kitchen. The separation distance here is approx. 18.2m. Considering the separation distance between the two buildings this is an acceptable relationship. The upper floors of the residential tower would look over the roof of Basterfield House.
192. The southern elevation of the school hall is blank. The main school building is 27m from the boundary and is not considered to give rise to an overlooking issue.
193. It is considered that subject to conditions the proposals comply with policy DM21.3 of the City of London Local Plan.

## Noise

### During the demolition and construction periods

194. Noise and vibration issues occur during demolition and early construction phases. The LBI have suggested conditions to protect nearby residents and commercial occupiers from noise, dust and other environmental effects attributable to the development, and it is recommended that the CoL impose similar conditions in relation to that element in the City.

### From the proposed flats and workspace

195. Local Plan policy DM15.7 states that 'developers will be required to consider the impact of their developments on the noise environment. 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'. It is considered that whilst the proposed increase in the number of residents could lead to an increase in noise it is not considered that this would result in an adverse impact on the occupiers of neighbouring properties. It would not be reasonable to restrict the use of private balconies, which will to some degree be managed by the occupiers themselves. Environmental Health have raised no concerns.

196. Residents' access to the MUGA outside school hours and community use of the school hall would be secured through the S106 covenants, which would include the requirement for a management plan for both facilities. The LBI have recommended that opening hours are to be controlled as part of the management plan.

197. The small micro workspaces below the residential area are B1 uses suitable in a residential area and are not anticipated to give rise to noise nuisance.

### School

198. It is not anticipated that any breakout noise from the school buildings would be sufficiently loud to cause nuisance. The proposed play ground noise level predictions are set out in the applicant's Noise Assessment and this is reviewed in detail in the LBI's report and update note (attached). The LBI have suggested that the rooftop play area is screened by a solid, imperforate barrier and further details are required by condition. The applicant's acoustic consultant had recommended that an acoustic barrier is installed along the southern boundary of the site. Whilst an acoustic barrier would mitigate some of the noise there is a balance to be struck between noise mitigation and other impacts upon residential



amenity. The LBI have taken the view that “a 2m high acoustic barrier, for example, may mitigate some noise to the ground floor kitchens within Basterfield House but the noise would still be expected to carry upwards to accommodation on the upper floors. A higher acoustic barrier would have implications in terms of outlook from the Basterfield House flats and the daylight amenities of these dwellings.”

199. The LBI have concluded that “objections have been received from neighbouring residents in terms of the noise impact of the proposed development and...there is likely to be a noticeable and intrusive increase in noise at some locations during some activities. The School uses, by their nature, generate noise and it should be noted that the site was previously in use as a school, albeit that the play area was located within a central courtyard. The most significant noise impacts from the proposed development would be likely to occur during the school day and would not occur during evenings nor weekends when a greater proportion of neighbouring dwellings would be likely to be occupied. It is considered that the proposed development would not result in an unduly adverse noise impact upon the amenities of the occupants of neighbouring residential dwellings, having regard to the previous lawful use of the site and having regard to proposed conditions”. The CoL’s Environmental Health Officers have confirmed that they agree with this view and that they are satisfied that subject to the conditions recommended by the LBI, noise conflicts will be minimised and mitigated. Schools are most frequently located in residential areas.

200. It is considered that, subject to conditions and the S106 covenants, the proposals comply with policy DM15.7 of the City of London Local Plan.

### **Odour from the proposed school kitchen**

201. Concerns have been raised by residents regarding the potential for cooking odours from the school kitchen which is to be located in the hall. Ventilation systems for extracting and dispersing any emissions and cooking smells must be discharged at roof level and designed, installed, operated and maintained in accordance with the manufacturer’s specification in order to prevent them adversely affecting neighbours. It is considered that appropriate mitigation measures can be secured by the LBI and CoL’s conditions to prevent undue odours from affecting residential amenity.

### **Light pollution**

202. The LBI have recommended conditions requiring a lighting plan for the school development and a lighting plan for the residential/commercial development, which should prevent any adverse impact arising from light pollution issues.

## **Wind**

203. The residential block should be tested in terms of its impact on the local wind microclimate (including the balconies), in accordance with policy 7.6B(d) of the London Plan and the City of London Planning Advice Note: Wind Effects and Tall Buildings. The LBI have imposed a condition requiring details of wind mitigation measures in accordance with our approach.
204. It is considered that, subject to conditions, the proposals comply with policies DM3.1 and DM21.5 of the City of London Local Plan and policy 7.6B(d) of the London Plan.

## **Access and Inclusive Design**

205. London Plan Policy 7.2 states that development should achieve the highest standards of accessible and inclusive design, ensuring that developments can be used safely, easily and with dignity by all regardless of disability, age gender ethnicity or economic circumstances.
206. London Plan Policy 3.8 states there should be genuine housing choice which meets requirements for different sizes and types of dwellings in the highest quality environments.
207. London Plan Policy 3.8 (Housing Choice) to require that 90% of new housing be built to Category 2 and 10% to Category 3. A total of 7 of the units (10%) are wheelchair accessible.
208. Local Plan policy DM10.8 requires that developments meet the highest standard of accessibility and inclusive design.
209. The Access Officer has commented on the application and those comments have been passed to the applicant and LBI. LBI's Accessibility Officer's comments are addressed in paragraph 11.225 and 11.226 of their report. Officers consider that the arrangements are acceptable and do not conflict with City's policy DM10.8.

## **Transport, Servicing, and Impact on Public Highways**

### During demolition and construction

210. The application is accompanied by a Draft Construction Management Plan. The LBI have imposed conditions requiring Demolition and Construction Logistics Plans and Demolition and Construction Environmental Management Plans. It is recommended that similar conditions are imposed on that part in the City.

### Servicing

211. Policy DM16.5 states that “on site servicing areas should be provided to allow all goods and refuse collection vehicles likely to service the development at the same time to be conveniently loaded and unloaded”. Both the residential block and the school would be serviced from the street, which means that the proposals do not meet this objective. The school would be serviced from Baltic Street West and deliveries/collections would consist of a weekly bin collection, a biweekly recycling collection, a daily kitchen delivery, a daily post-delivery (made on foot); and a further daily delivery. As Baltic Street has no turning head, deliveries and collections would need to be carefully managed to avoid conflict with school drop-off and pick up times. The LBI has required by condition a Delivery and Servicing Plan. The relevant highways are in the LBI. It is a material consideration that the LBI’s view is that the arrangements are acceptable, subject to a Delivery and Services Plan. In the circumstance and giving considerable weight to LBI’s view, officers consider that the arrangements are acceptable notwithstanding the conflict the City’s policy DM16.5.

### Disabled parking

212. Policy DM16.5 states that “designated parking must be provided for Blue Badge holders within developments in conformity with London Plan requirements”. The applicant has stated that disabled parking spaces would be provided on street and not on site and would be provided on a case by case basis. Provision on street would be subject to orders being made after consultation. The LBI operates a Blue Badge scheme. The relevant highways are in LBI. It is a material consideration that LBI’s view is that the arrangements are acceptable, subject to a 106 covenant to secure “provision of 2 accessible (Blue badge) Parking Bays with all costs to be borne by the Developer with works to be carried out by the Council including Traffic Management Orders”. LBI’s Traffic and Safety Manager is also satisfied that there is capacity to reduce the existing school “Keep Clear” sign from its current 55m to provide 2 Blue Badge spaces in front of the residential block. LBI’s Highways Manager has indicated this is acceptable provided a minimum 29m “Keep Clear” sign is retained, no increase in danger or obstruction is caused, and sight lines are retained. In the circumstance and giving considerable weight to LBI’s view, officers consider that the arrangements are acceptable notwithstanding the conflict the CoL’s policy DM16.5.

213. There are two existing disabled parking spaces within the garages on the application site which would be displaced by the development and will need to be provided within proximity of the residential unit, which they serve. As such, the applicant’s transport

consultant has indicated that some spaces on Golden Lane (City side) could be converted to disabled parking, with other permit holders provided spaces elsewhere within the Estate.

214. Accordingly, it is recommended pursuant to the CoL's permission that 'The re-provision of the two parking bays to suitable alternative locations elsewhere within the Golden Lane Estate car parking areas' is secured through a covenant provided by the applicant. One of the users of the existing disabled parking space has recently written to the applicant copying the planning officers. His letter explains the mobility difficulties that would arise, including in travelling to work and maintaining his livelihood, if suitable alternative provision is not made. He proposes alternatives and these are being explored by the applicant. On the basis of the proposed covenant it is considered that adverse impacts for the users of the existing parking can be acceptably mitigated.

#### Cycle parking and facilities

215. Policy DM 16.3 of the Local Plan requires cycle parking provision for residential development to meet London Plan standards. Policy DM 16.3 states that the City Corporation encourages these standards to be exceeded and encourage on-street cycle parking in suitable locations.
216. It is proposed that 102 cycle parking spaces are provided for the residential block. The number of cycle parking spaces provided for the residential block exceeds the London Plan requirements (of 98 long-stay spaces and one short-stay space) and is acceptable.
217. It is proposed that 48 long-stay and 12 short-stay cycle parking spaces are proposed for the school. The provision for the school numerically meets the number required by the London Plan but the split of short-stay and long-stay does not meet the London Plan requirement (56 long-stay and 4 short-stay spaces). This is accepted by LBI and a condition to secure the cycle parking spaces has been imposed.

#### **Waste Management**

218. Policy DM17.1 states that "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".
219. The CoL's Community Facilities Manager has raised concerns about the refuse arrangements due to trundle distances. However, it is LBI which will be responsible for refuse arrangements for the development and LBI's Waste Advisor has reviewed the proposed

refuse collection arrangements and advises that they are acceptable. It is considered appropriate for the CoL to conclude that the arrangements are acceptable in accordance with LBI's view and the CoL's policy DM17.1 is considered to be complied with.

### **Open space, biodiversity and loss of trees**

220. Policy DM19.1 states that "major commercial and residential developments should provide new and enhanced open space where possible. Where on-site provision is not feasible, new or enhanced open space should be provided near the site or elsewhere in the City."
221. Policy DM19.4 states that "the City Corporation will protect existing play provision and seek additional or enhanced play facilities or space, particularly in areas identified as deficient by...requiring external play space and facilities as part of new residential developments which include 20 or more family units (those with 3 or more bedrooms) or more affordable units of 2 or more bedrooms." Policy 3.9 of the London Plan requires 440 sqm of play space to be provided for a scheme of this scale. The scheme does not include any on-site children's play space except for the use of the MUGA by residents outside school hours.
222. The application includes (as part of the Planning Statement Addendum) a justification for the lack of on-site formal children's play space. The justification given is the proximity of play provision close to the site (Golden Lane Estate playground, Fortune Street Park, Quaker Gardens), facilities available in the Golden Lane Children's Centre, the Early Bird Breakfast Club and the after-school Enrichment Club; and community use of the school hall. The Early Bird Breakfast Club and the after-school Enrichment Club and community use of the school hall cannot be used as justification as these are not free of charge. The MUGA would provide 440sqm of play space, which meets the London Plan requirement, but would only be available outside school hours. The area is not floodlit. This is not in complete compliance with policy. LBI have required access to this space through the S106 covenants.
223. Each flat would have private amenity space in the form of a balcony. Policy DM10.3 states that roof gardens and terraces will be encouraged where they do not immediately overlook residential premises. The balconies would not directly overlook neighbouring residential premises and Policy DM10.3 is complied with.
224. Policy DM10.2 states that the installation of green roofs should be encouraged. "On each building the maximum practicable coverage of green roof should be achieved. Extensive green roofs are preferred and their design should aim to maximise the roof's

environmental benefits". It is proposed that the school hall and the podium level of the residential block have sedum roofs, and that the southern elevation of the school hall (facing Basterfield House) is a green wall. The roof of the main school building cannot be green as outdoor playspace would be situated here. It is considered that the maximum practicable coverage of green roofs has been achieved. LBI have imposed a condition requiring details of the green roofs and their maintenance and it is recommended that the City impose a similar condition.

225. Policy DM19.2 states that "developments should promote biodiversity and contribute to urban greening by incorporating: green roofs and walls, soft landscaping and trees; features for wildlife, such as nesting boxes and beehives; a planting mix which encourages biodiversity; planting which will be resilient to a range of climate conditions; maintenance of habitats within Sites of Importance for Nature Conservation."
226. A Preliminary Ecology Appraisal Report has been submitted as part of the application, which provides details of a desktop study and site survey. The site is not subject to any statutory or non-statutory ecological designations.
227. The report concludes that the trees and vegetation in the unmanaged planted beds along the western boundary provide suitable habitat for nesting birds, however this is limited and it is unlikely that nesting birds would utilise the site in great numbers. A precautionary approach to vegetation removal is considered adequate to safeguard the species.
228. Following the initial assessment, the site was not considered to provide a suitable habitat for roosting bats, dormice, water voles, great crested newts, reptiles or badgers and further surveys in respect of these species are not considered to be necessary.
229. In order to avoid any potential impacts on breeding birds any vegetation clearance, particularly within the planted beds along the western site boundary should be carried out outside of the main bird nesting season which runs from March to August inclusive. If any nests are found during the works, all activities in the vicinity of the nest must cease and the nests should be protected until such time as the young have fledged and left the nest. If any nesting birds are found at any time during clearance works, work should stop immediately and an ecologist consulted. It is recommended that an update habitat survey is undertaken if more than 12 months have elapsed between the survey and the point at which any development decisions have been made at the site. These would be secured by conditions on LBI and CoL decisions.

230. Bird boxes, log piles and a bug hotel are a feature of the school playground, which would support the site's ecology, and would be approved as part of the landscape plans secured by condition by LBI.

#### Loss of trees

231. An Arboricultural Impact Assessment has been submitted as part of the application. To facilitate the development, four category C trees (low quality and value with at least 10 years remaining life expectancy or young trees with a stem diameter of less than 150mm) (two silver birches, a cherry tree and a butterfly bush), one area of scrub, and one group of C category trees would require removal. One area of climbing plants would need to cut back to the common boundary. The landscaping proposals show that 20 new trees would be planted across the site and on the site frontage on Golden Lane. The proposed development would result in a net gain in tree numbers. LBI have imposed conditions requiring details of the tree pits, details of the replacement species, maintenance for two years and the replacement of any trees that die or become severely damaged or diseased within five years of completion. It is considered that, subject to the conditions imposed by LBI, policy DM19.2 of the Local Plan is complied with

#### **Energy and Sustainability**

232. London Plan Policy 5.2 requires residential development to be zero carbon, with a 35% reduction in carbon emissions being achieved on site. The interpretation of carbon reduction targets in London Plan Policy 5.2 is found in the Mayor's Sustainable Design and Construction SPG. The Energy and Sustainability Statement submitted as part of the application demonstrates that the residential block has been designed to achieve an improvement of 38.59% over the 2013 Building Regulations requirements. This would be achieved through energy efficiency measures and on-site CHP. A carbon offsetting payment is required through the S106 covenants to meet the zero carbon target.
233. For non-residential development London Plan Policy 5.2 requires an overall 35% improvement in carbon emissions. The school has been designed to achieve a 40.6% improvement over the 2013 Building Regulations through energy efficiency measures and on-site CHP.
234. Policy CS15 requires the highest feasible and viable sustainability standards to be applied to all development and, therefore, renewable energy measures such as solar Photovoltaic panels should be included in the development regardless of

whether the London Plan targets have been met with other measures.

235. The London Heat Map shows that this site is close to two District Heating networks: Citigen and Bunhill Row. London Plan and City Local Plan policies require that a connection to an existing District Heating network should be prioritised ahead of on-site CHP. Such a connection is likely to improve the carbon performance of this development with additional benefits for air quality in the vicinity.
236. The development should include connection to a local District Heat Network. If there are exceptional circumstances which make this impossible then this should be fully justified and mitigation for carbon emissions and air quality impacts should be put into place. This will be secured by LBI and the CoL by condition and S106 covenants.
237. The BREEAM 2014 New Construction Design Stage Tracker submitted as part of the application demonstrates that the development has been designed to achieve a BREEAM rating of Excellent in line with Policy CS16. A post construction BREEAM assessment is secured by LBI and the City by condition. Subject to the imposition of conditions and covenants it is considered that policies CS15 and CS16 of the Local Plan and London Plan Policy 5.2 are complied with.

### **Flooding and drainage**

238. A Flood Risk Assessment has been submitted as part of the application. The site is within Flood Zone 1 and has a low risk of flooding from groundwater, pluvial or sewers and has a low to negligible risk of flooding from all other sources. The report concludes that the development proposals should not increase flood risk on or off site.
239. The Flood Risk Assessment includes a Surface Water Drainage Strategy, which sets out appropriate measures for the site. The existing site is currently drained to the existing Thames Water combined sewers. There are no separate adoptable foul and surface water sewers in the vicinity of the site. In addition, the existing ground conditions are not suitable for infiltration techniques.
240. The proposed drainage network for the residential development and the school have been designed to be independent entities. As such the proposed runoff rate for each network will be 5l/s, and will therefore discharge to the existing combined sewer at 10l/s. To achieve the proposed discharge rates for storm events up to the 1:100 year + CC (40%), it is proposed to use a geo-cellular system to provide 166m<sup>3</sup> of storage for the school and 30m<sup>3</sup> of storage for the residential development. LBI have conditioned details of



landscaping, SuDs components and measures to prevent flooding to ensure compliance.

241. It is considered that, subject to conditions, the proposals would comply with policies CS18, DM18.2 and DM18.3 of the Local Plan.

### **Air quality**

242. Section 7.14 of the London Plan requires that major developments are at least air quality neutral in terms of their overall impact on air quality. An Air Quality Report has been submitted as part of the application.
243. The future air quality predictions in the report are stated to be worse case and that air quality would be significantly below the annual mean objective; however, these predictions seem overly optimistic. As such, given the nature of the school environment, possible exceedances of the air quality objectives, traffic impacts at drop off and pick up time, for example idling engines. LBI have imposed a condition requiring a further Air Quality Assessment and it is recommended that the CoL impose a similar condition.
244. The report should consider: ventilation/filtration requirements for the development occupiers, information for staff/pupils to reduce exposure; reference to the travel plan which promotes walking/cycling, public transport and discourages private car use; measures to stop idling engines; specification of ultra-low NOx boilers and CHP; any greening measures to reduce exposure; and any other relevant measures
245. As details relating to site combustion plant is not known, the air quality report does not include an impact assessment of the proposed CHP and the report states this will be done when more information is available. The applicant should note that the CHP assessment should include the roof-top play area as a receptor location. In addition, the air quality neutral assessment does not include an assessment of building emissions. Both of these elements will be included in the Air Quality Assessment required by LBI and the City by condition.
246. During construction dust emissions would increase and would require control through the implementation of good practice mitigation measures, which would be part of the which should be required by conditions as part of the Demolition and Construction Environmental Management Plans required by LBI and the City by condition.
247. It is considered that, subject to conditions, the proposals would comply with policy DM15.6 of the Local Plan.

## **Unexploded ordnance**

248. The application is accompanied by a Detailed Unexploded Ordnance (UXO) Threat and Risk Assessment which identifies that there is a medium risk of unexploded ordnance on the site.
249. The following risk mitigation measures are recommended:
- Site specific unexploded ordnance awareness briefings to all personnel conducting intrusive works;
  - Unexploded ordnance specialist on-site support;
  - Intrusive Magnetometer Survey of all borehole and pile locations/clusters down to
  - maximum bomb penetration depth.
250. These recommendations are secured by LBI by condition.

## **Archaeology**

251. The site is in an area of archaeological potential where remains from all periods may be expected to survive, and particularly from the medieval and post-medieval periods. There is low to medium potential for Roman remains, including Roman burials, to survive.
252. The existing building structures within the City are single storey, do not have a basement and part of the site is not built on. There is evidence that the previous pre-war buildings on the site had basements and part of the site is over a former road. The archaeological survival will be affected by the existence of previous basements and building foundations and bomb damage. The proposed development on the site within the City would not have a basement and any archaeological impact would be from the proposed ground floor slab, new foundations and drainage.
253. An Archaeological Desk Based Assessment has been submitted with the application. Archaeological evaluation is required to provide further information on the nature, character and date of archaeological survival and to design an appropriate mitigation scheme to record any remains affected.
254. LBI have imposed conditions to cover archaeological evaluation, a programme of archaeological work and details of the proposed ground floor slab and below ground works including drainage and foundation design.
255. It is considered that, subject to conditions, the proposals would comply with policies DM12.4 of the Local Plan.

## **Planning Obligations and Community Infrastructure Levy**

256. The development would require planning obligations to mitigate the impact of the proposal and make it acceptable in planning terms. The Community Infrastructure Levy (CIL) Regulations 2010, part 11 introduced the requirement that planning obligations under section 106 must meet three statutory tests, i.e. that they (i) necessary to make the development acceptable in planning terms, (ii) directly related to the development, and (iii) fairly and reasonably related in scale and kind to the development.

257. The following Planning Obligations will be required by both planning authorities:

- On-site provision of 66 affordable (social rented) housing units with nomination rights split between the CoL and LBI in line with agreed principles.
- Community Use agreement and management plan for the school hall.
- Contribution in lieu of on-site children's play space of £134,676.
- Residents of the residential building to have unrestricted access of the school's MUGA outside of school hours in accordance with an agreed management programme.
- The relocation of the Adult Community Education Centre.
- Public realm improvements along the public right of way between the site and Basterfield House and on Golden Lane and Baltic Street West.
- Submission of a Green Performance Plan and a post-occupation Green Performance Plan.
- Future proofing for connection to a local energy network if a viable opportunity arises in the future.
- Contribution of £155,991 towards offsetting projected residual CO<sup>2</sup> emissions of the development.
- Compliance with the Code of Employment and Training.
- Facilitation of 3 work placements during the construction phase of the development, lasting a minimum of 26 weeks, or a fee of £15,000 to be paid to LBI.
- Compliance with the Code of Local Procurement.
- Compliance with the Code of Construction Practice, including a monitoring fee of £6,000 and submission of site-specific response document to the Code of Construction Practice Plan for approval of LBI Public Protection, which shall be submitted prior to any works commencing on site.
- The repair and re-instatement of the footways and highways adjoining the development, including the removal of redundant footway crossovers. The cost is to be confirmed by LBI Highways, paid for by the applicant/developer and the work carried out by LBI Highways. Condition surveys may be required.

- Provision of 2 accessible (blue badge) car parking bays.
- Provision of a contribution of £10,000 towards provision of on-street bays or other accessible transport initiatives.
- Submission of a draft full Travel Plan for Council approval prior to occupation, and of a full Travel Plan for Council approval 6 months from first occupation of the development or phase.
- Removal of eligibility for residents' car parking permits.
- Payment of the LPAs' fees in preparing and monitoring the S106.
- Improved signage to school and wider Golden Lane Estate.

258. Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy (CIL) Regulations 2010 (as amended), the Mayor of London's and LBI's CIL will be chargeable on this application on grant of planning permission. This will be calculated in accordance with the Mayor's adopted Community Infrastructure Levy Charging Schedule 2012 and the LBI adopted Community Infrastructure Levy Surcharge 2014.

259. Under the CoL's CIL Charging Schedule July 2014 that element of the scheme which is within the City boundary is in education use and the CIL rate is nil. Therefore no CIL is payable to the City.

## **Conclusion**

260. The proposed development is largely located within the LBI with a small part of the school within the City boundary.

261. The application was considered by the LBI on 1 March 2018 who considered the application as a whole and who resolved to grant planning permission for the major part of the development (all of the housing, work space and the substantial element of the school) (being that part within their area) subject to the imposition of conditions and S106 covenants being entered into. The LBI resolution to grant planning permission is a key material consideration in your determination of the application.

262. The scheme provides 66 new residential units all of which will be social housing in a high-quality purpose-built block. The units meet space standards and provides a balance of different sized units. The scheme provides less amenity space than a policy compliant scheme would though this is made up for, to a degree, by the availability of the school MUGA for out of school hours use by the residents and access to existing facilities in the neighbourhood.

263. New work space on the ground floor of the residential block will provide new employment uses and will enliven the frontage.

264. The scheme provides a much needed purpose built primary school on an existing educational site, with play areas and with a school hall which will also be available for community use. Its operation and hours of use will be managed through S106 covenants requiring a Management Plan.

265. Many aspects of the proposal are consistent with policy whilst a number of matters are not, or cause some degree of harm. The policies that are not fully complied with are London Plan policy 7.7; and Local Plan policies CS14, DM16.5, and CS21. The matters that cause some degree of harm are:

- The less than substantial harm to the setting of the listed Golden Lane Estate. This less than substantial harm cannot be mitigated without a substantial reduction in the height of the tower and thereby impacts on the deliverability of a significant number of residential units. It is considered that this less than substantial harm can be balanced against the benefits of the scheme. Any impact on other heritage assets is either less than substantial or not detrimental.
- The loss of daylight to a number of flats on the Golden Lane Estate. The losses in Basterfield House, whilst significant, are to bedrooms and kitchens, to rooms in part impacted by balconies and which the BRE standards state are of less significance than living rooms. Whilst this loss has is noticeable and significant in some cases it is considered that it can be weighed against the provision of new social housing.
- The lack of off-street servicing arrangements for the school and residential. This has been judged acceptable by the LBI. Due to the sensitive nature of the school use and site this will need to be carefully managed and will need to be part of a Management Plan in the S106 covenants.
- The shortfall in open space (when assessed against relevant standards) for the residents. This will require management of the play areas to ensure that they are made available by S106 covenant and the imposition of conditions to ensure that that the balconies are well designed.

266. Other matters which have been identified as requiring further information or detailing are capable of being dealt with by the imposition of appropriate conditions either by the LBI or by the CoL in respect of the relevant parts of the scheme and by S106 covenants to ensure that the benefits of the proposals are realised.

267. On balance it is considered that the scheme results in positive benefits to the community as a whole through the provision of social housing, school and community facilities, and work space and

accords with much of the City of London plan and the London Plan. The benefits are considered to outweigh the harm and non-compliance with policy. It is the recommendation of officers that planning permission should be granted subject to the imposition of conditions and securing planning covenants under S106.

### **Background Papers**

#### **Internal**

Memo 10.08.2017 Department of Markets and Consumer Protection

Email 23.08.2017 Air Quality Team

#### **External**

Email 09.08.2017 Thames Water

Letter 11.08.2017 Historic England

Letter 22.08.2017 Twentieth Century Society

Letter 06.09.2017 Save Britain's Heritage

#### **Residents and interested parties**

Name	Date
Jacek Krauze	18.08.2017
Fred Rogers	09.08.2017 05.12.2017
Marcus Sabetian	11.08.2017
Victoria Jakeman	15.08.2017
Christopher Petit	15.08.2017
John Whitehead	16.08.2017
William Pimlott	16.08.2017
Chamoun Issa	17.08.2017 04.09.2017 12.11.2017 24.11.2017 22.02.2018
P J Haben	17.08.2017
Debbie Swallow	21.08.2017

Flora Page	21.08.2017
Holger Mattes	22.08.2017
Neil Prior	22.08.2017
Billy Mann	22.08.2017 12.02.2018
Elizabeth Jobey	23.08.2017
Adam Ohringer	23.08.2017
David Butcher	23.08.2017
Iain Meek	23.08.2017
Mark Wilson	23.08.2017
Phoebe Unwin	23.08.2017
Jessica Farrell	24.08.2017
Sarah Batty Smith	24.08.2017 21.11.2017
Leila Sadeghee	24.08.2017 15.11.2017
Michael Blair	25.08.2017
Christine Clifford	25.08.2017
Ben Langlands	30.08.2017
Christopher Makin	01.09.2017
John Allan	01.09.2017
Jale Forrest	02.09.2017
Claire Healey	03.09.2017
Ryan Dilley	04.09.2017
Mark Waller	05.09.2017
Liz Davis	05.09.2017
Reiko Yamazaki	05.09.2017
Roy Lonergan	05.09.2017 06.11.2017
Dean Coyne	05.09.2017
Katerina Christofylaki	06.09.2017
Daniel Monk	06.09.2017
Amelie Chollet	06.09.2017
Tim Godsmark	06.09.2017

	11.02.2018
S Sahraoui	06.09.2017
Robert Cooper	07.09.2017
Mike Fox	07.09.2017
Greg Turner	08.09.2017
Tessa Sheridan	08.09.2017
Pablo Casais Solano	09.09.2017
Nathalie Malinarich	09.09.2017 14.02.2018
Fred Scott	11.09.2017
Liz Davis	11.09.2017
Sarah McKinnon	11.09.2017
Anne Corbett	11.09.2017
London Advertising Ltd	11.09.2017
Polly Wong	11.09.2017
Amra Vainio	12.09.2017
Damon Mannion	12.09.2019
Hugh Partridge	12.09.2017
Emma Matthews	12.09.2017 12.02.2018
Deborah Phillips	13.09.2017 13.05.2018
David Henderson	13.09.2017 16.11.2017
Nigel Smith	13.09.2017 14.02.2018 08.03.2018
Jane Carr	13.09.2017 15.11.2017 13.02.2018
M. S Gillian	13.09.2017
Kate Sandle	13.09.2017
Nicholas Lynch	13.09.2017
Radim Pesko	13.09.2017



Jillian Jones	13.09.2017
Anthony Best	13.09.2017
Nicky Tricks	13.09.2017
Matthew Carter	13.09.2017
Martin Edwards	13.09.2017 14.11.2017 11.02.2018
Julie Crofts	14.09.2017 04.12.2017
Eva Stenram	14.09.2017 12.02.2018
Jacqueline Swanson	14.09.2017 14.02.2018
Paul Drinkwater	14.09.2017
Roger Luckhurst	14.09.2017 04.12.2017 11.02.2018
James Dunnett	21.09.2017 07.11.2017
Charles Humphries	22.09.2017 12.02.2018 16.02.2017
Patricia Niven	03.10.2017
Sonia Hehir	25.10.2017
Sarah Davies	25.10.2017
Andrew Corden	25.10.2017
Alex Lu	25.10.2017
Emily Blake	26.10.2017
Charitini Fameli	26.10.2017
Jean Edwards	26.10.2017
Mark Sladen	27.10.2017
Khairoun Abji	29.10.2017
R Nightingale	29.10.2017
Reiko Yamazaki	06.11.2017

Aoibhe Stanciulescu	08.11.2017
Cosmin Stanciulescu	08.11.2017
Maliya Price	08.11.2017
Capucine Perrot	09.11.2017
James Soane	09.11.2017
Katie Doyle	10.11.2017
Jack Doyle	10.11.2017
Karen Newitt	10.11.2017
Bas Raijmakers	12.11.2017
Michele Webb	12.11.2017
Julia Chalkley	12.11.2017
Peter Luckham	13.11.2017 14.02.2018
Georgia Dehn	13.11.2017
Carola Leegwater	13.11.2017
Tom Martin	14.11.2017 12.02.2018
Christopher Hyndman	14.11.2017
Daniel Swallow	14.11.2017
David Howarth	14.11.2017
Sarah Winman	14.11.2017
Sarah Whitney	14.11.2017 08.02.2018
David ISh Howowicz and Rosamund Diamond	15.11.2017
Phillipa Collins	15.11.2017 08.02.2018
Martha Mundy	15.11.2017
Paul Gladstone	15.11.2017
Richard Saumarez Smith	15.11.2017
Ryan Dilley	15.11.2017
Toni Vainio	15.11.2017
Jana Hasegawa	15.11.2017
Jessica Gladstone	15.11.2017

Tessa Sheridan	15.11.2017
Nancy Honey	16.11.2017
Simon Bradley	16.11.2017
Dawn Frampton	16.11.2017
Anthony Best	16.11.2017
Edward Evans	16.11.2017
Justin Francis	16.11.2017
Anna Parkinson	16.11.2017 12.02.2018
Jennifer Withers	16.11.2017
Secil Ozgur and Bruce Mennell	16.11.2017
Elena Symeou	16.11.2017
Frederika Whitehead	16.11.2017 06.12.2017 13.02.2018
Jillian Jones	17.11.2017
Lisa Scott	17.11.2017
Christine Clifford	17.11.2017 28.01.2018
Steven Mailes and Paul Lincoln	20.11.2017 09.03.2018
Sonia Dellepiani	04.12.2017
William Lau	06.02.2018
Jana Hasegawa	08.02.2018
Tracey George	08.02.2018
Andy Bell	09.02.2018
Kate Edwards	11.02.2018
Claudia Marciante	12.02.2018
Joao Bravo da Costa	13.02.2018
Benjamin Ketley	14.02.2018
Brian Warby	14.02.2018
Ryan Dilley	14.02.2018
Jana Ketley	14.02.2018
Heather Sutton	15.02.2018

## **Appendix A**

### London Plan Policies

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

Policy 2.18 Protect, promote, expand and manage the extent and quality of and access to London's network of green infrastructure.

Policy 3.1 Protect and enhance facilities and services that meet the needs of particular groups and communities.

Policy 3.2 New developments should be designed, constructed and managed in ways that improve health and promote healthy lifestyles to help to reduce health inequalities.

Policy 3.3 Ensure the housing need identified in the London Plan is met, particularly through provision consistent with at least an annual average of 32,210 net additional homes across London which would enhance the environment, improve housing choice and affordability and provide better quality accommodation for Londoners.

Policy 3.5 the design of all new housing should enhance the quality of local places. Minimum space standards should be incorporated.

Policy 3.11 Maximise affordable housing provision and seek an average of at least 13,200 more affordable homes per year in London over the term of the London Plan.

Policy 3.16 Protection and enhancement of social infrastructure - additional and enhanced social infrastructure provision to meet the needs of a growing and diverse population.

Policy 3.18 Support the provision of education facilities to meet growing demand and to enable educational choice..

Policy 5.2 Development proposals should make the fullest contribution to minimising carbon dioxide emissions.

Policy 5.3 Development proposals should demonstrate that sustainable design standards are integral to the proposal, including its construction and operation. Major development proposals should meet the minimum standards outlined in supplementary planning guidance.

Policy 5.6 Development proposals should evaluate the feasibility of Combined Heat and Power (CHP) systems, and where a new CHP system is appropriate also examine opportunities to extend the system beyond the site boundary to adjacent sites.

Policy 5.7 Major development proposals should provide a reduction in carbon dioxide emissions through the use of on-site renewable energy generation, where feasible.

Policy 5.9 Reduce the impact of the urban heat island effect in London and encourage the design of places and spaces to avoid overheating and excessive heat generation, and to reduce overheating due to the impacts of climate change and the urban heat island effect on an area wide basis.

Policy 5.10 Promote and support urban greening, such as new planting in the public realm (including streets, squares and plazas) and multifunctional green infrastructure, to contribute to the adaptation to, and reduction of, the effects of climate change.

Policy 5.11 Major development proposals should be designed to include roof, wall and site planting, especially green roofs and walls where feasible.

Policy 5.12 Development proposals must comply with the flood risk assessment and management requirements set out in PPS25 and address flood resilient design and emergency planning; development adjacent to flood defences would be required to protect the integrity of existing flood defences and wherever possible be set back from those defences to allow their management, maintenance and upgrading to be undertaken in a sustainable and cost effective way.

Policy 5.13 Development should utilise sustainable urban drainage systems (SUDS) unless there are practical reasons for not doing so.

Policy 5.18 Encourage development waste management facilities and removal by water or rail transport.

Policy 6.1 The Mayor would work with all relevant partners to encourage the closer integration of transport and development.

Policy 6.3 Development proposals should ensure that impacts on transport capacity and the transport network are fully assessed.

Policy 6.5 Contributions would be sought from developments likely to add to, or create, congestion on London's rail network that Crossrail is intended to mitigate.

Policy 6.9 Developments should provide secure, integrated and accessible cycle parking facilities and provide on-site changing facilities and showers for cyclists, facilitate the Cycle Super Highways and facilitate the central London cycle hire scheme.

Policy 6.13 The maximum standards set out in Table 6.2 should be applied to planning applications. Developments must:

ensure that 1 in 5 spaces (both active and passive) provide an electrical charging point to encourage the uptake of electric vehicles

provide parking for disabled people in line with Table 6.2

meet the minimum cycle parking standards set out in Table 6.3

provide for the needs of businesses for delivery and servicing.

Policy 7.2 All new development in London to achieve the highest standards of accessible and inclusive design.

Policy 7.3 Creation of safe, secure and appropriately accessible environments.

Policy 7.4 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. It should improve an area's visual or physical connection with natural features. In areas of poor or ill-defined character,

development should build on the positive elements that can contribute to establishing an enhanced character for the future function of the area.

Policy 7.5 London's public spaces should be secure, accessible, inclusive, connected, easy to understand and maintain, relate to local context, and incorporate the highest quality design, landscaping, planting, street furniture and surfaces.

Policy 7.6 Buildings and structures should:

- a be of the highest architectural quality
- b be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm
- c comprise details and materials that complement, not necessarily replicate, the local architectural character
- d not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate. This is particularly important for tall buildings
- e incorporate best practice in resource management and climate change mitigation and adaptation
- f provide high quality indoor and outdoor spaces and integrate well with the surrounding streets and open spaces
- g be adaptable to different activities and land uses, particularly at ground level
- h meet the principles of inclusive design
- i optimise the potential of sites.

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.

Policy 7.13 Development proposals should contribute to the minimisation of potential physical risks, including those arising as a result of fire, flood and related hazards.

Policy 7.14 Implement Air Quality and Transport strategies to achieve reductions in pollutant emissions and minimise public exposure to pollution.

Policy 7.15 Minimise existing and potential adverse impacts of noise on, from, within, or in the vicinity of, development proposals and separate new noise sensitive development from major noise sources.

Policy 7.18 Resist the loss of local protected open spaces unless equivalent or better quality provision is made within the local catchment area.

Policy 7.19 Development proposals should, wherever possible, make a positive contribution to the protection, enhancement, creation and management of biodiversity.

Policy 7.21 Trees should be protected, maintained, and enhanced. Existing trees of value should be retained and any loss as the result of development should be replaced.

#### Relevant Local Plan Policies

##### **DM3.1 Self-containment in mixed uses**

Where feasible, proposals for mixed use developments must provide independent primary and secondary access points, ensuring that the proposed uses are separate and self-contained.

##### **DM3.2 Security measures**

To ensure that security measures are included in new developments, applied to existing buildings and their curtilage, by requiring:

- a) building-related security measures, including those related to the servicing of the building, to be located within the development's boundaries;
- b) measures to be integrated with those of adjacent buildings and the public realm;
- c) that security is considered at the concept design or early developed design phases of all development proposals to avoid the need to retrofit measures that impact on the public realm;
- d) developers to seek recommendations from the City of London Police Architectural Liaison Officer at the design stage. New development should meet Secured by Design principles;
- e) the provision of service management plans for all large development, demonstrating that vehicles seeking access to the building can do so without waiting on the public highway;
- f) an assessment of the environmental impact of security measures, particularly addressing visual impact and impact on pedestrian flows.

##### **CS4 Planning Contributions**

To manage the impact of development, seeking appropriate contributions having regard to the impact of the contributions on the viability of development.

##### **CS5 The North of the City**

To ensure that the City benefits from the substantial public transport improvements planned in the north of the City, realising the potential for rejuvenation and "eco design" to complement the sustainable transport infrastructure.

##### **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.

### **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.

### **DM10.2 Design of green roofs and walls**

- 1) To encourage the installation of green roofs on all appropriate developments. On each building the maximum practicable coverage of green roof should be achieved. Extensive green roofs are preferred and their design should aim to maximise the roof's environmental benefits, including biodiversity, run-off attenuation and building insulation.
- 2) To encourage the installation of green walls in appropriate locations, and to ensure that they are satisfactorily maintained.

### **DM10.3 Roof gardens and terraces**

- 1) To encourage high quality roof gardens and terraces where they do not:
  - a) immediately overlook residential premises;



- b) adversely affect rooflines or roof profiles;
  - c) result in the loss of historic or locally distinctive roof forms, features or coverings;
  - d) impact on identified views.
- 2) Public access will be sought where feasible in new development.

#### **DM10.4 Environmental enhancement**

The City Corporation will work in partnership with developers, Transport for London and other organisations to design and implement schemes for the enhancement of highways, the public realm and other spaces.

Enhancement schemes should be of a high standard of design, sustainability, surface treatment and landscaping, having regard to:

- a) the predominant use of the space, surrounding buildings and adjacent spaces;
- b) connections between spaces and the provision of pleasant walking routes;
- c) the use of natural materials, avoiding an excessive range and harmonising with the surroundings of the scheme and materials used throughout the City;
- d) the inclusion of trees and soft landscaping and the promotion of biodiversity, where feasible linking up existing green spaces and routes to provide green corridors;
- e) the City's heritage, retaining and identifying features that contribute positively to the character and appearance of the City;
- f) sustainable drainage, where feasible, co-ordinating the design with adjacent buildings in order to implement rainwater recycling;
- g) the need to provide accessible and inclusive design, ensuring that streets and walkways remain uncluttered;
- h) the need for pedestrian priority and enhanced permeability, minimising the conflict between pedestrians and cyclists;
- i) the need to resist the loss of routes and spaces that enhance the City's function, character and historic interest;
- j) the use of high quality street furniture to enhance and delineate the public realm;
- k) lighting which should be sensitively co-ordinated with the design of the scheme.

#### **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.

## **CS12 Historic Environment**

To preserve and enhance those buildings and areas which make an important contribution to the City's historic and archaeological heritage and provide an attractive environment for the City's communities and visitors.

### **DM12.1 Managing Change affecting all heritage assets and spaces**

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.

### **DM12.4 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.

## **CS14 Tall buildings**

To allow tall buildings of world class, sustainable design in suitable locations and to ensure that they take full account of the character of their surroundings, enhance the skyline and provide a high quality public realm at ground level.

## **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.

### **DM15.1 Sustainability requirements**

1. Sustainability Statements must be submitted with all planning applications in order to ensure that sustainability is integrated into designs for all development.
2. For major development (including new development and refurbishment) the Sustainability Statement should include as a minimum:
  - a) BREEAM or Code for Sustainable Homes pre-assessment;
  - b) an energy statement in line with London Plan requirements;
  - c) demonstration of climate change resilience measures.
3. BREEAM or Code for Sustainable Homes assessments should demonstrate sustainability in aspects which are of particular significance in the City's high density urban environment. Developers should aim to achieve the maximum possible credits to address the City's priorities.
4. Innovative sustainability solutions will be encouraged to ensure that the City's buildings remain at the forefront of sustainable building design. Details should be included in the Sustainability Statement.
5. Planning conditions will be used to ensure that Local Plan assessment targets are met.

### **DM15.2 Energy and CO2 emissions**

1. Development design must take account of location, building orientation, internal layouts and landscaping to reduce likely energy consumption.
2. For all major development energy assessments must be submitted with the application demonstrating:
  - a) energy efficiency - showing the maximum improvement over current Building Regulations to achieve the required Fabric Energy Efficiency Standards;
  - b) carbon compliance levels required to meet national targets for zero carbon development using low and zero carbon technologies, where feasible;
  - c) where on-site carbon emission reduction is unviable, offsetting of residual CO2 emissions through "allowable solutions" for the lifetime of the building to achieve national targets for zero-carbon homes and non-domestic buildings. Achievement of zero carbon buildings in advance of national target dates will be encouraged;
  - d) anticipated residual power loads and routes for supply.

### **DM15.3 Low and zero carbon technologies**

1. For development with a peak heat demand of 100 kilowatts or more developers should investigate the feasibility and viability of connecting to existing decentralised energy networks. This should include investigation of the potential for extensions of existing heating and cooling networks to serve the development and development of new networks where existing networks are not available. Connection routes should be designed into the development where feasible and connection infrastructure should be incorporated wherever it is viable.
2. Where connection to offsite decentralised energy networks is not feasible, installation of on-site CCHP and the potential to create new localised decentralised energy infrastructure through the export of excess heat must be considered
3. Where connection is not feasible or viable, all development with a peak heat demand of 100 kilowatts or more should be designed to enable connection to potential future decentralised energy networks.
4. Other low and zero carbon technologies must be evaluated. Non combustion based technologies should be prioritised in order to avoid adverse impacts on air quality.

### **DM15.4 Offsetting carbon emissions**

1. All feasible and viable on-site or near-site options for carbon emission reduction must be applied before consideration of offsetting. Any remaining carbon emissions calculated for the lifetime of the building that cannot be mitigated on-site will need to be offset using "allowable solutions".
2. Where carbon targets cannot be met on-site the City Corporation will require carbon abatement elsewhere or a financial contribution, negotiated through a S106 planning obligation to be made to an approved carbon offsetting scheme.
3. Offsetting may also be applied to other resources including water resources and rainwater run-off to meet sustainability targets off-site where on-site compliance is not feasible.

### **DM15.5 Climate change resilience**

1. Developers will be required to demonstrate through Sustainability Statements that all major developments are resilient to the predicted climate conditions during the building's lifetime.
2. Building designs should minimise any contribution to the urban heat island effect caused by heat retention and waste heat expulsion in the built environment.

### **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 (NO<sub>x</sub>).
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.

#### **DM15.8 Contaminated land**

Where development involves ground works or the creation of open spaces, developers will be expected to carry out a detailed site investigation to establish whether the site is contaminated and to determine the potential for pollution of the water environment or harm to human health and non-human receptors. Suitable mitigation must be identified to remediate any contaminated land and prevent potential adverse impacts of the development on human and non-human receptors, land or water quality.

**DM16.1 Transport impacts of development**

1. Development proposals that are likely to have effects on transport must be accompanied by an assessment of the transport implications during both construction and operation, in particular addressing impacts on:
  - a) road dangers;
  - b) pedestrian environment and movement;
  - c) cycling infrastructure provision;
  - d) public transport;
  - e) the street network.
2. Transport Assessments and Travel Plans should be used to demonstrate adherence to the City Corporation's transportation standards.

**DM16.3 Cycle parking**

1. On-site cycle parking must be provided in accordance with the local standards set out in Table 16.2 or, for other land uses, with the standards of the London Plan. Applicants will be encouraged to exceed the standards set out in Table 16.2.
2. On-street cycle parking in suitable locations will be encouraged to meet the needs of cyclists.

**DM16.5 Parking and servicing standards**

1. Developments in the City should be car-free except for designated Blue Badge spaces. Where other car parking is exceptionally provided it must not exceed London Plan's standards.
2. Designated parking must be provided for Blue Badge holders within developments in conformity with London Plan requirements and must be marked out and reserved at all times for their use. Disabled parking spaces must be at least 2.4m wide and at least 4.8m long and with reserved areas at least 1.2m wide, marked out between the parking spaces and at the rear of the parking spaces.
3. Except for dwelling houses (use class C3), whenever any car parking spaces (other than designated Blue Badge parking) are provided, motor cycle parking must be provided at a ratio of 10 motor cycle parking spaces per 1 car parking space. At least 50% of motor cycle parking spaces must be at least 2.3m long and at least 0.9m wide and all motor cycle parking spaces must be at least 2.0m long and at least 0.8m wide.
4. On site servicing areas should be provided to allow all goods and refuse collection vehicles likely to service the development at the same time to be conveniently loaded and unloaded. Such servicing areas should provide sufficient space or facilities for all vehicles to enter and exit the site in a forward gear. Headroom of at least 5m where skips are to be lifted and 4.75m for all other vehicle circulation areas should be provided.
5. Coach parking facilities for hotels (use class C1) will not be permitted.
6. All off-street car parking spaces and servicing areas must be equipped with the facility to conveniently recharge electric vehicles.
7. Taxi ranks are encouraged at key locations, such as stations, hotels and shopping centres. The provision of taxi ranks should be designed to

occupy the minimum practicable space, using a combined entry and exit point to avoid obstruction to other transport modes.

#### **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.

#### **DM18.2 Sustainable drainage systems**

1. The design of the surface water drainage system should be integrated into the design of proposed buildings or landscaping, where feasible and practical, and should follow the SuDS management train (Fig T) and London Plan drainage hierarchy.
2. SuDS designs must take account of the City's archaeological heritage, complex underground utilities, transport infrastructure and other underground structures, incorporating suitable SuDS elements for the City's high density urban situation.
3. SuDS should be designed, where possible, to maximise contributions to water resource efficiency, biodiversity enhancement and the provision of multifunctional open spaces.

#### **DM18.3 Flood protection and climate**

1. Development must protect the integrity and effectiveness of structures intended to minimise flood risk and, where appropriate, enhance their effectiveness.
2. Wherever practicable, development should contribute to an overall reduction in flood risk within and beyond the site boundaries, incorporating flood alleviation measures for the public realm, where feasible.

#### **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.

#### **DM19.2 Biodiversity and urban greening**

Developments should promote biodiversity and contribute to urban greening by incorporating:

- a) green roofs and walls, soft landscaping and trees;
- b) features for wildlife, such as nesting boxes and beehives;
- c) a planting mix which encourages biodiversity;
- d) planting which will be resilient to a range of climate conditions;
- e) maintenance of habitats within Sites of Importance for Nature Conservation.

### **DM19.1 Additional open space**

1. Major commercial and residential developments should provide new and enhanced open space where possible. Where on-site provision is not feasible, new or enhanced open space should be provided near the site, or elsewhere in the City.
2. New open space should:
  - a) be publicly accessible where feasible; this may be achieved through a legal agreement;
  - b) provide a high quality environment;
  - c) incorporate soft landscaping and Sustainable Drainage Systems, where practicable;
  - d) have regard to biodiversity and the creation of green corridors;
  - e) have regard to acoustic design to minimise noise and create tranquil spaces.
3. The use of vacant development sites to provide open space for a temporary period will be encouraged where feasible and appropriate.

### **DM19.4 Play areas and facilities**

1. The City Corporation will protect existing play provision and seek additional or enhanced play facilities or space, particularly in areas identified as deficient, by:
  - a) protecting existing play areas and facilities and, on redevelopment, requiring the replacement of facilities either on-site or nearby to an equivalent or better standard;
  - b) where the creation of new play facilities is not feasible, requiring developers to work with the City Corporation to deliver enhanced provision nearby;
  - c) requiring external play space and facilities as part of new residential developments which include 20 or more family units (those with 3 or more bedrooms) or 10 or more affordable units of 2 or more bedrooms;
  - d) promoting opportunities for informal play and play within open spaces where it is not possible to secure formal play areas.
2. Play areas and facilities should not be located where they would cause undue disturbance to neighbouring occupiers.

### **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.

#### **DM21.1 Location of new housing**

1. New housing should be located on suitable sites in or near identified residential areas. Within these areas a mix of appropriate residential and commercial uses will be permitted.
2. New housing will only be permitted where development would not:
  - a) prejudice the primary business function of the City;
  - b) be contrary to policy DM 1.1;



- c) inhibit the development potential or business activity in neighbouring commercial buildings and sites; and
- d) result in poor residential amenity within existing and proposed development, including excessive noise or disturbance.

### **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.

### **DM21.5 Housing quality standards**

All new housing must be designed to a standard that facilitates the health and well-being of occupants, and:

- a) takes account of the London Plan's space standards and complies with the London Plan's Density Matrix standards;
- b) provides acceptable daylight to dwellings commensurate with a city centre location;
- c) meets standards for Secured by Design certification;
- d) maximises opportunities for providing open and leisure space for residents.

### **CS22 Social infrastructure and opportunities**

To maximise opportunities for the City's residential and working communities to access suitable health, social and educational facilities and opportunities, while fostering cohesive communities and healthy lifestyles.

#### **DM22.1 Location and protection of social and community facilities**

- 1) Developers will be required to demonstrate, in conjunction with utility providers, that there will be adequate utility infrastructure capacity, both on and off the site, to serve the development during construction and operation. Development should not lead to capacity or reliability problems in the surrounding area. Capacity projections must take

account of climate change impacts which may influence future infrastructure demand.

- 2) Utility infrastructure and connections must be designed into and integrated with the development wherever possible. As a minimum, developers should identify and plan for:
  - a) electricity supply to serve the construction phase and the intended use for the site, and identify, in conjunction with electricity providers, Temporary Building Supply(TBS) for the construction phase and the estimated load capacity of the building and the substations and routes for supply;
  - b) reasonable gas and water supply considering the need to conserve natural resources;
  - c) heating and cooling demand and the viability of its provision via decentralised energy (DE) networks. Designs must incorporate access to existing DE networks where feasible and viable;
  - d) telecommunications network demand, including wired and wireless infrastructure, planning for dual entry provision, where possible, through communal entry chambers and flexibility to address future technological improvements;
  - e) separate surface water and foul drainage requirements within the proposed building or site, including provision of Sustainable Drainage Systems (SuDS), rainwater harvesting and grey-water recycling, minimising discharge to the combined sewer network.
- 3) In planning for utility infrastructure developers and utility providers must provide entry and connection points within the development which relate to the City's established utility infrastructure networks, utilising pipe subway routes wherever feasible. Sharing of routes with other nearby developments and the provision of new pipe subway facilities adjacent to buildings will be encouraged.
- 4) Infrastructure provision must be completed prior to occupation of the development. Where potential capacity problems are identified and no improvements are programmed by the utility company, the City Corporation will require the developer to facilitate appropriate improvements, which may require the provision of space within new developments for on-site infrastructure or off-site infrastructure upgrades.

## SCHEDULE

APPLICATION: 17/00770/FULL

### **Former Richard Cloudesley School Golden Lane Estate London**

**Demolition of the former Richard Cloudesley School, City of London Community Education Centre, garages and substation; erection of a 3 storey building with rooftop play area (Class D1) (2300.5sq.m GEA) and a single storey school sports hall (Class D1) (431sq.m GEA) to provide a two-form entry primary school; erection of a 14 storey (plus basement) building to provide 66 social rented units (Class C3) (6135sq.m GEA), and affordable workspace (Class B1a) (244sq.m GEA), landscaping and associated works (Duplicate application submitted to the London Borough of Islington as the majority of site falls within Islington Borough).**

## 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 No demolition or construction works relating to the school development shall take place unless and until a Demolition and Construction Logistics Plan (DCLP) has been submitted to and approved in writing by the Local Planning Authority.

The DCLP shall assess the impacts during the demolition and construction phase of the development on surrounding streets and include relevant measures from Section 3 of the Mayor of London's Construction Logistics Plan Guidance for Developers issued in April 2013, and specifically address the safety of vulnerable road users through compliance with the Construction Logistics and Cyclist Safety (CLOCS) Standard for Construction Logistics, Managing Work Related Road Risk.

The DCLP should address all vehicular movements to and from the site during demolition and construction phases of development and also demonstrate that vehicular activity associated with construction will be co-ordinated with activity associated with the redevelopment of neighbouring sites in order to manage the cumulative impact on the local highway network.

The development shall be carried out strictly in accordance with the approved DCLP throughout the demolition and construction period.

REASON: To ensure that demolition and construction works do not have an adverse impact on public safety and the transport network in accordance with London Plan Policy 6.14 and the following policies of the Local Plan: DM15.6, DM16.1. These details are required prior to demolition and construction work commencing in order that the impact on the transport network is minimised from the time that demolition and construction starts.

- 3 No construction works relating to the residential/commercial development shall take place unless and until a Construction Logistics Plan (CLP) has been submitted to and approved in writing by the Local Planning Authority.

The CLP shall assess the impacts during the demolition and construction phase of the development on surrounding streets and include relevant measures from Section 3 of the Mayor of London's Construction Logistics Plan Guidance for Developers issued in April 2013, and specifically address the safety of vulnerable road users through compliance with the Construction Logistics and Cyclist Safety (CLOCS) Standard for Construction Logistics, Managing Work Related Road Risk.

The CLP should address all vehicular movements to and from the site during demolition and construction phases of development and also demonstrate that vehicular activity associated with construction will be co-ordinated with activity associated with the redevelopment of neighbouring sites in order to manage the cumulative impact on the local highway network.

The development shall be carried out strictly in accordance with the approved CLP throughout the demolition and construction period.

REASON: To ensure that demolition and construction works do not have an adverse impact on public safety and the transport network in accordance with London Plan Policy 6.14 and the following policies of the Local Plan: DM15.6, DM16.1. These details are required prior to demolition and construction work commencing in order that the impact on the transport network is minimised from the time that demolition and construction starts.

- 4 A Demolition and Construction Environmental Management Plan (DCEMP) assessing the environmental impacts (including (but not limited to) noise, air quality including dust, smoke and odour, vibration and TV reception) of the development shall be submitted to and approved in writing by the Local Planning Authority prior to any demolition works commencing on site. The report shall assess impacts during the demolition and construction phases of the development on nearby residents and other occupiers together with means of mitigating any identified impacts. The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall

take place without the prior written consent of the Local Planning Authority.

THE DCEMP should pay reference to BS5228:2009, LBI's Code of Construction Practice, CoL's Department of Markets and Consumer Protection's Code of Practice for Deconstruction and Construction Sites (and arrangements for liaison set out therein), the GLA's SPG on construction dust and emissions (including the Non-Road Mobile Machinery register) and any other relevant guidance.

The DCEMP shall include details of a telephone contact for neighbouring residents in relation to queries or concerns regarding construction management.

REASON: In the interests of public safety and to ensure a minimal effect on the amenities of neighbouring premises and the transport network in accordance with the following policies of the Local Plan: DM15.6, DM15.7, DM21.3. These details are required prior to demolition in order that the impact on amenities is minimised from the time that the construction starts.

- 5 A Demolition and Construction Environmental Management Plan (DCEMP) assessing the environmental impacts (including (but not limited to) noise, air quality including dust, smoke and odour, vibration and TV reception) of the development shall be submitted to and approved in writing by the Local Planning Authority prior to any demolition works commencing on site. The report shall assess impacts during the demolition and construction phases of the development on nearby residents and other occupiers together with means of mitigating any identified impacts. The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.

THE DCEMP should pay reference to BS5228:2009, LBI's Code of Construction Practice, CoL's Department of Markets and Consumer Protection's Code of Practice for Deconstruction and Construction Sites (and arrangements for liaison set out therein), the GLA's SPG on construction dust and emissions (including the Non-Road Mobile Machinery register) and any other relevant guidance.

The DCEMP shall include details of a telephone contact for neighbouring residents in relation to queries or concerns regarding construction management.

REASON: In the interests of public safety and to ensure a minimal effect on the amenities of neighbouring premises and the transport network in accordance with the following policies of the Local Plan: DM15.6, DM15.7, DM21.3. These details are required prior to demolition in order that the impact on amenities is minimised from the time that the construction starts.

- 6 Prior to the commencement of works on the development hereby permitted, a site report detailing steps to minimise future occupiers' exposure to air pollution shall be submitted to and approved by the Local Planning Authority. The approved scheme is to be completed prior to occupation of the development and shall be permanently maintained thereafter.  
REASON: To protect the building occupants against poor air quality in accordance with the following policies of the City of London Local Plan D15.6 and London Plan 7.14.
- 7 Prior to the commencement of works below ground the following assessment in response to the NPPF and in accordance with CLR11, BS10175:2011 and the requirements of DEFRA shall be submitted to and approved in writing by the Local Planning Authority.  
a) A land contamination investigation and risk assessment to establish if the site is contaminated and to determine the potential for pollution.

Following the agreement to details relating to point a); details of the following works shall be submitted to and approved in writing by the Local Planning Authority prior to the relevant works commencing on site:

b) A programme of any necessary remedial land contamination remediation works arising from the land contamination investigation to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and to the natural and historical environment. Unless otherwise agreed in writing by the Local Planning Authority the remediation scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

The development shall be carried out strictly in accordance with the investigation and any scheme of remedial works so approved and no change therefrom shall take place without the prior written approval of the Local Planning Authority.

c) Following completion of measures identified in the approved remediation scheme a verification report, that demonstrates the effectiveness of the remediation carried out, must be produced which is subject to the approval in writing of the Local Planning Authority in accordance with part b).

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the Local Plan DM15.8. 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.

- 8 Archaeological evaluation shall be carried out in order to compile archaeological records in accordance with a timetable and scheme of such archaeological work submitted to and approved in writing by the Local Planning Authority before any commencement of archaeological evaluation work.  
REASON: To ensure that an opportunity is provided for the archaeology of the site to be considered and recorded in accordance with the following policy of the Local Plan: DM12.4.
- 9 No works except demolition to ground slab level shall take place before details of the new ground floor slab and all below groundworks including drainage and foundation design, 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.
- 10 No works except demolition to basement slab level 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.
- 11 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.  
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: CS10 and DM10.1.
- 12 A No CHP plant shall at any time be installed in the building unless the air quality impact of the CHP has been assessed and a report

detailing the assessment has been submitted to and approved in writing by the Local Planning Authority. Notwithstanding plant size, the NOx emissions of the CHP shall not exceed part B of this condition.

B No CHP plant in the thermal input range 50kWth to 20MWth with NOx emissions exceeding that specified in Band B of Appendix 7 to the GLA Sustainable Design and Construction Supplementary Planning Guidance published April 2014 (or any updates thereof applicable at time of installation) shall at any time be installed in the building.

C Prior to any CHP plant coming into operation the following details must be submitted to and approved in writing by the Local Planning Authority:

The results of an emissions test demonstrating compliance with Part A and B of this condition and stack discharge velocity carried out by an accredited laboratory/competent person; and

An equipment maintenance schedule demonstrating that the emission standard would always be met.

D The CHP plant shall at all times be maintained in accordance with the approved schedule.

REASON: To comply with policy DM15.6 of the Local Plan and policies 7.14B a and c of the London Plan

- 13 The design and installation of new items of fixed plant shall be such that when operating 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. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014.

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.

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.

- 14 Details of the biodiversity (green) roofs as shown on plans COL-HBA-00-00-DR-A-00\_202 Rev. P4 and COL-HBA-00-00-DR-A-00\_204 Rev. P4 shall be submitted to and approved in writing by the Local Planning Authority prior to relevant works. The biodiversity (green) roofs shall be:



- a) biodiversity based with extensive substrate base (depth 80-150mm); and
- b) planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum).

Details of the irrigation and maintenance regime for the proposed green roofs shall be submitted to and approved in writing by the local planning authority before any works thereby affected are begun.

The biodiversity (green) roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.

The biodiversity roofs shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.

REASON: To assist the environmental sustainability of the development and provide a habitat that will encourage biodiversity in accordance with the following policies of the Local Plan: DM18.2, DM19.2.

- 15 No cooking shall take place within the kitchen in the school hall until fume extract arrangements and ventilation have been installed to serve that kitchen in accordance with a scheme approved by the Local Planning Authority. Flues must terminate at roof level or an agreed high level location which will not give rise to nuisance to other occupiers of adjacent buildings. Any works that would materially affect the external appearance of the building will require a separate planning permission.

REASON: In order to protect the amenity of the area in accordance with the following policies of the Local Plan: DM15.6, DM21.3.

- 16 A landscaping scheme for the school development shall be submitted to and approved in writing by the Local Planning Authority prior to relevant works. The landscaping scheme shall include the following details:
- a) specification to ensure successful establishment and survival of new planting;
  - b) a schedule detailing sizes, species and numbers of all new trees/plants;
  - c) a biodiversity statement detailing how the landscaping scheme maximises biodiversity;
  - d) existing and proposed underground services and their relationship to both hard and soft landscaping;
  - e) proposed trees: their location, species and size;
  - f) soft plantings: including grass and turf areas, shrub and herbaceous areas;

- g) specifications, plans sections and details including earthworks, ground finishes, top soiling with both conserved and imported topsoils, levels, drainage and fall in drain types;
- h) enclosures: including types, dimensions and treatments of walls, fences, screen walls, barriers, rails, retaining walls and hedges;
- i) hard landscaping: including ground surfaces, kerbs, edges, rigid and flexible pavings, unit paving, furniture, steps
- j) bird boxes, log piles and a bug hotel
- k) any other landscaping features forming part of the scheme.

All landscaping in accordance with the approved scheme shall be completed / planted during the first planting season following practical completion of the development hereby approved. The landscaping and tree planting shall have a two year maintenance / watering provision following planting and any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of completion of the development shall be replaced with the same species or an approved alternative to the satisfaction of the Local Planning Authority within the next planting season.

The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.

REASON: In the interests of visual amenity in accordance with the following policies of the Local Plan: DM10.1, DM19.2.

- 17 A landscaping scheme for the public realm on Golden Lane and Baltic Street West and for the Basterfield Service Road shall be submitted to and approved in writing by the Local Planning Authority prior to relevant works. The landscaping scheme shall include the following details:
- a) specification to ensure successful establishment and survival of new planting;
  - b) a schedule detailing sizes, species and numbers of all new trees/plants;
  - b) a biodiversity statement detailing how the landscaping scheme maximises biodiversity;
  - c) existing and proposed underground services and their relationship to both hard and soft landscaping;
  - d) proposed trees: their location, species and size;
  - e) soft plantings: including grass and turf areas, shrub and herbaceous areas;
  - f) specifications, plans sections and details including earthworks, ground finishes, top soiling with both conserved and imported topsoils, levels, drainage and fall in drain types;
  - g) enclosures: including types, dimensions and treatments of walls, fences, screen walls, barriers, rails, retaining walls and hedges;
  - h) hard landscaping: including ground surfaces, kerbs, edges, rigid and flexible pavings, unit paving, furniture, steps
  - i) any other landscaping features forming part of the scheme.

All landscaping in accordance with the approved scheme shall be completed / planted during the first planting season following practical completion of the development hereby P-RPT-COM-Main approved. The landscaping and tree planting shall have a two year maintenance / watering provision following planting and any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of completion of the development shall be replaced with the same species or an approved alternative to the satisfaction of the Local Planning Authority within the next planting season.

The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.  
REASON: In the interests of visual amenity in accordance with the following policies of the Local Plan: DM10.1, DM19.2.

- 18 Prior to the removal of any vegetation on site an updated Habitat Survey including mitigation measure shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.  
REASON: To promote biodiversity in accordance with the following policy of the Local Plan: DM19.2.
- 19 A post construction BREEAM assessment demonstrating that a target rating of 'Excellent' has been achieved for the school and commercial development (or such other target rating as the local planning authority may agree provided that it is satisfied all reasonable endeavours have been used to achieve an 'Excellent' rating) shall be submitted as soon as practicable after practical completion.  
REASON: To demonstrate that carbon emissions have been minimised and that the development is sustainable in accordance with the following policy of the Local Plan: CS15, DM15.1, DM15.2.
- 20 Any generator on the site shall be used solely on intermittent and exceptional occasions when required in response to a life threatening emergency or an exceptional event requiring business continuity and for the testing necessary to meet that purpose and shall not be used at any other time. At all times the generator shall be operated to minimise noise impacts and emissions of air pollutants and a log of its use shall be maintained and be available for inspection by the Local Planning Authority.  
REASON: To minimise adverse air quality in accordance with policies DM15.6 and DM 21.3 of the Local Plan and policies 7.14 B a and c of the London Plan.
- 21 Unless otherwise agreed in writing by the local planning authority all combustion flues must terminate at least 1m above the highest roof in

the development in order to ensure maximum dispersion of pollutants

REASON: In order to ensure that the proposed development does not have a detrimental impact on occupiers of residential premises in the area and in accordance with the following policy of the Local Plan: DM15.6 and to maintain local air quality and ensure that exhaust does not contribute to local air pollution, particularly nitrogen dioxide and particulates PM10, in accordance with the City of London Air Quality Strategy 2015 and the Local Plan DM15.6.

- 22 Before any mechanical plant is used on the premises it shall be mounted in a way which will minimise transmission of structure borne sound or vibration to any other part of the building in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

REASON: In order to protect the amenities of commercial occupiers in the building in accordance following policy of the Local Plan: DM15.7.

- 23 No boilers that have a dry NO<sub>x</sub> emission level exceeding 40 mg/kWh (measured at 0% excess O<sub>2</sub>) shall at any time be installed in the building

REASON: To comply with policy DM15.6 of the Local Plan and policies 7.14B a and c of the London Plan.

- 24 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: COL-HBA-00-00-DR-A-00\_0010 Rev. P2; COL-HBA-00-00-DR-A-00\_0011 Rev. P1; COL-HBA-00-00-DR-A-00\_0012 Rev. P1; COL-HBA-00-00-DR-A-00\_0013 Rev. P1; COLHBA-00-00-DR-A-00\_0014 Rev. P1; COL-HBA-00-00-DR-A-00\_0015 Rev. P2; COL-HBA-00-00-DR-A-00\_0020 Rev. P1; COL-HBA-00-00-DR-A-00\_0021 Rev. P1; COL-HBA-00-00-DR-A-00\_0022 Rev. P1; COL-HBA-00-00-DR-A-00\_0050 Rev. P1; COL-HBA-00-00-DR-A-00\_0051 Rev. P1; COL-HBA-00-00-DR-A-00\_0052 Rev. P1; COL-HBA-00-00-DRA-00\_200 Rev. P2; COL-HBA-00-00-DR-A-00\_201 Rev. P5; COL-HBA-00-00-DR-A-00\_202 Rev. P5; COL-HBA-00-00-DR-A-00\_203 Rev. P5; COL-HBA-00-00-DR-A-00\_204 Rev. P5; COL-HBA-00-00-DR-A-00\_205 Rev. P5; COL-HBA-00-00-DR-A-00\_206 Rev. P5; COL-HBA-00-00-DR-A-00\_207 Rev. P4; COL-HBA-00-00-DR-A-00\_208 Rev. P4; COLHBA-00-00-DR-A-00\_209 Rev. P2; COL-HBA-00-00-DR-A-00\_0220 Rev. P4; COL-HBA-00-00-DR-A-00\_0221 Rev. P3; COL-HBA-00-00-DR-A-00\_0222 Rev. P3; COL-HBA-00-00-DR-A-00\_0223 Rev. P4; COL-HBA-00-00-DR-A-00\_0224 Rev. P4; COL-HBA-00-00-DR-A-00\_0225 Rev. P3; COL-HBA-00-00-DR-A-00\_0226 Rev. P3; COL-HBA-00-00-DRA-00\_0227 Rev. P3; COL-HBA-00-00-DR-A-00\_0240 Rev. P3; COL-HBA-00-00-DR-A-00\_0241 Rev. P3; COL-HBA-00-00-DR-A-00\_0242 Rev. P2; COL-HBA-00-00-DR-APL\_0560 Rev. P2; COL-HBA-00-00-DR-A-PL\_0561 Rev. P2; COL-HBA-00-00-DR-APL\_0562 Rev. P2; Planning Statement (July 2017); Planning Statement Addendum

P-RPT-COM-Main(October 2017); Heritage Townscape and Visual Impact Assessment (July 2017); Design and Access Statement (July 2017); Design and Access Statement Addendum (October 2017); Sustainability and Energy Statement (July 2017); Sustainability and Energy Statement Addendum (October 2017); Ecology Report (July 2017); Transport Assessment (July 2017); Transport Assessment Addendum (October 2017); Transport Technical Note (February 2018); Draft Travel Plan (Residential & School Uses) (July 2017); Statement of Community Involvement (July 2017); Flood Risk Assessment (July 2017); Site Drainage Report (July 2017); Noise Assessment (July 2017); Noise Assessment Addendum (October 2017); Daylight and Sunlight Assessment (July 2017); Daylight and Sunlight Addendum (October 2017); Archaeological Assessment (July 2017); Utilities and Foul Sewerage Assessment (July 2017); Unexploded Ordnance Survey (July 2017); Draft Construction Management Plan (July 2017); Arboricultural Impact Assessment (July 2017); Fire Strategy (July 2017); Fire Strategy Addendum Technical Note (February 2018); Air Quality Assessment (July 2017); Phase 1 Ground Condition Assessment (July 2017); Housing and Educational Need Statement (January 2018); School Green Performance Plan (October 2017); Residential Green Performance Plan (October 2017).  
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.

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## PLANNING COMMITTEE REPORT

Development Management Service  
Planning and Development Division  
Environment and Regeneration Department  
Islington Town Hall  
Upper Street  
LONDON N1 2UD

PLANNING COMMITTEE		AGENDA ITEM NO:
Date:	1 March 2018	NON-EXEMPT

Application number	P2017/2961/FUL
Application type	Full Planning Application
Ward	Bunhill
Listed building	Adjacent to Grade II and Grade II* Listed Golden Lane Estate
Conservation area	Partly within St. Luke's Conservation Area and within 50m of Hat and Feathers Conservation Area
Development Plan Context	Site Allocation BC34 'Richard Cloudesley School' Central Activities Zone (CAZ) Core Strategy CS7 - Key Area Bunhill and Clerkenwell Moorfields Archaeological Priority Area Local Cycle routes St Luke's Conservation Area (northern part of the site) Within 50m of the Hat & Feathers Conservation Area Article 4 Direction (A1-A2)
Licensing Implications	None
Site Address	Former Richard Cloudesley School, Golden Lane, EC1Y 0TZ
Proposal	Demolition of the former Richard Cloudesley School, City of London Community Education Centre; garages and substation; erection of a 3 storey building with rooftop play area (Class D1) (2300.5 SQM GEA) and a single storey school sports hall (Class D1) (431 sqm GEA) to provide a two-form entry primary school; erection of a 14 storey building (plus basement) building to provide 66 social rented units (Class C3) (6135 sqm GEA), and affordable workspace (Class B1a) (244sqm GEA), landscaping and associated works.

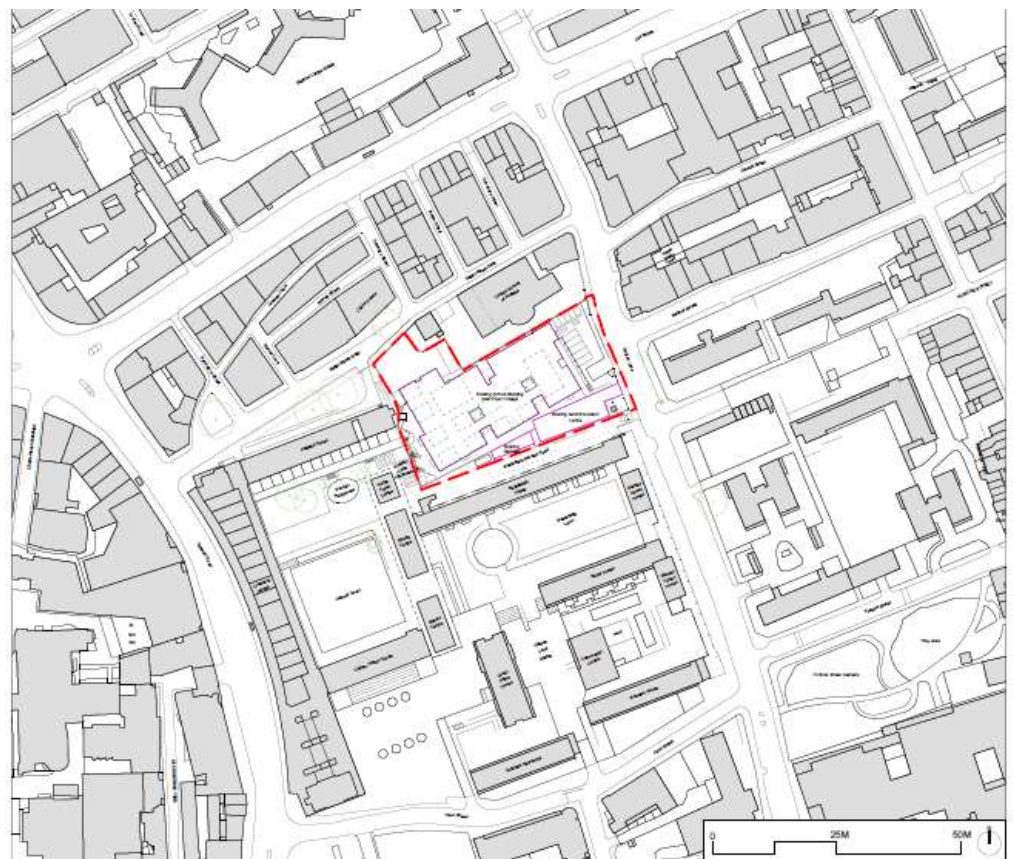
Case Officer	Simon Greenwood
Applicant	Corporation of London
Agent	Montagu Evans – Mr Jon Bradburn

## 1. RECOMMENDATION

1. The Committee is asked to resolve to **GRANT** planning permission for that part of the proposed development within the London Borough of Islington subject to:
  - a) the conditions set out in Appendix 1; and
  - b) the prior completion of a Deed of Planning Obligation made under section 106 of the Town and Country Planning Act 1990 securing the heads of terms as set out in Appendix 1; and
  - c) the City of London resolving to grant planning permission in respect of duplicate application reference 17/00770/FULL on the same terms as 1 a) and b) for that part of the proposed development within the City of London; and
  - d) any direction by the Mayor of London to refuse the application or for it to be called in for the determination by the Mayor of London.

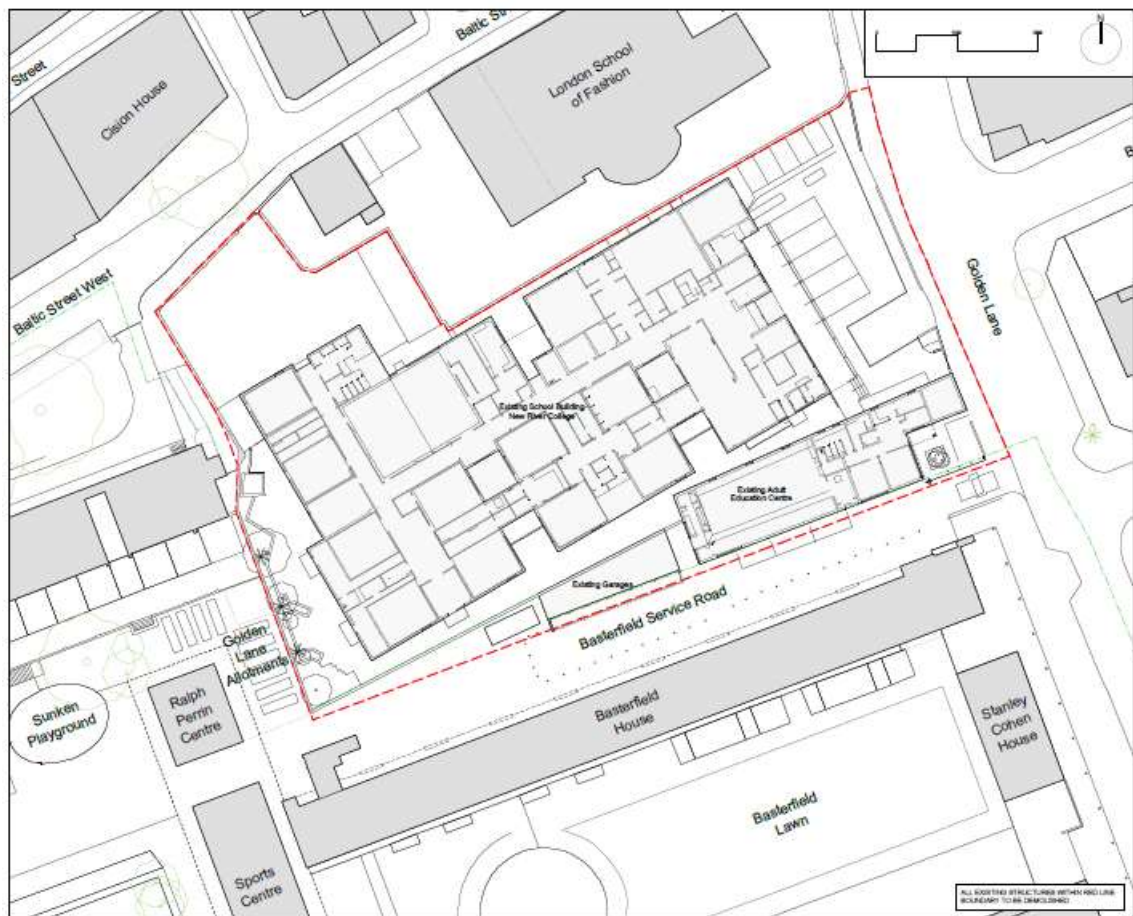
AND to delegate to the Corporate Director of Environment& Regeneration in consultation with the Chair of the Committee to make minor amendments to the Heads of Terms and conditions following the resolution of the City of London to ensure consistency.

## 2. SITE PLAN (site outlined in red)





## Existing Site Layout / Context Plan



## Aerial View



### 3. PHOTOS OF SITE/ STREET

Golden Lane frontage of site with London College of Fashion building to the north



Golden Lane frontage of site with Basterfield House and service road to the south (left of photo)





View of site looking south down Golden Lane (Basterfield House in the middle ground)



Rear of site looking north east (Golden Lane Estate allotments on the left)



Baltic Street West frontage of site



Allotments to rear of site with Hatfield House behind and application site to the right





View of site from within Golden Lane Estate, Hatfield House to the left and Basterfield House to the right



#### 4. SUMMARY

- 4.1 The proposal is to redevelop the site to provide a 3 storey primary school building with rooftop play area (which will give the appearance of a 4 storey building) and a single storey (double height) school sports hall to accommodate a 2 form entry primary school. The proposals also seek to erect a part 4 storey, part 14 storey building to provide 66 affordable (social rented) residential units fronting Golden Lane. The residential building now includes a basement to accommodate cycle parking and plant and small/micro workspace units are proposed at ground floor level.
- 4.2 This is a very detailed and complex assessment and balancing exercise and it is recommended that for a proper summary the final balancing exercise section is reviewed at the end of this report (section 12).
- 4.3 However, notwithstanding the above, it is considered that the overall harm arising from the proposed development is considerable. However, it is also considered that the overall benefits arising from the proposal are also considerable. This is a finely balanced case with great weight to be attached to both the harm (particularly the heritage and townscape harm) and the benefits (particularly the social housing and new school and nursery) and on balance, it is considered that the proposal is acceptable in planning terms.

## 5. SITE AND SURROUNDINGS

- 5.1 The 0.4 hectare site is currently occupied by predominantly single storey buildings comprising the former Richard Cloudesley School, garages (which include one disabled car parking space), the City of London Community Education Centre and an electricity sub-station.
- 5.2 The former Richard Cloudesley School was built in the early 1970s as a special needs school on land that had been bombed and cleared after the war to provide an area for comprehensive redevelopment which included the Barbican and Golden Lane sites. The current site comprises a single-storey buildings with surrounding tall boundary walls.
- 5.3 The eastern boundary of the site fronts onto Golden Lane whilst the northern boundary adjoins the London College of Fashion (previously the Board School) buildings with a short secondary frontage onto Baltic Street East. The south and west boundary of the site adjoin the Golden Lane Estate which is a Grade II and Grade II\* listed 1950s social housing complex located within the City of London. This estate is formed of an arrangement of 4-6 storey blocks enclosing generous, open and spacious landscapes comprising a series of raised circulation routes and sunken open spaces of various character. The whole pivots off a central tower, Great Arthur House, which is 16 storeys in height.
- 5.4 Further to the south on Golden Lane, south of Fann Street, is the site of the former six storey Bernard Morgan House, the Jewin Welsh Chapel and 12-storey Cripplegate House before the scale of development steps up to the composition of Barbican podium and towers on the skyline.
- 5.5 The majority of the site falls within the administrative boundary of the London Borough of Islington and a small part of the site falls within the boundary of the City of London. The north-west corner of the Site lies within the St Luke's Conservation Area and the remainder of the site is located immediately adjacent to the St Luke's Conservation Area. The Conservation Area and borough boundaries are indicated below.

Map indicating borough boundary and St. Luke's Conservation Area



- 5.6 This part of the St Luke's Conservation Area is characterised by late 19th century commercial buildings between three and four storeys in height. There are two locally listed buildings, 109 and 111-115 Golden Lane, immediately to the north of the site within the Conservation Area. St. Luke's Church on Old Street is the main local landmark within the Conservation Area. The Hat & Feathers Conservation Area adjoins the western end of the St. Luke's Conservation Area.
- 5.7 The western end of the original curtilage of the Board School, beyond the school keeper's house is within the application site, including the brick school playground boundary walls. The former school has a north elevation facing Baltic Street East and a southern elevation which was intended to be seen by the public from the street as it faced originally onto the north side of Hatfield Street which occupied the site prior to the blitz and subsequent post-war site clearance.
- 5.8 The western boundary adjoins the Grade II listed Hatfield House (which is a 4 storey building plus basement) within the Golden Lane Estate and the estate allotments. The south of the site abuts a service road that runs immediately to the rear of the Grade II Basterfield House (also a 4 storey building but without basement) within the Golden Lane Estate. The service road provides an east-west route into the Golden Lane Estate towards its leisure centre. Crescent House is the only Grade II\* listed building within the estate and fronts Goswell Road. The estate does not currently lie within a Conservation Area but there are proposals being considered by the City of London for its designation.

Map of Golden Lane Estate and Extent of Listing



- 5.9 Overall, the surrounding area is mixed in character. It predominantly comprises office, residential and retail uses and is generally characterised by buildings of between 4 and 6 storeys in height.
- 5.10 There are a number of tall buildings within the wider area including Great Arthur House (16 storeys); Braithwaite House (19 storeys); St Mary's Tower and Peabody Tower (13 storeys); Coltash Court (14 storeys); Cotswold Court (12 Storeys); Sapperton Court (12 Storeys); Parmoor Court (12 storeys); Blake Tower (17 storeys); Finsbury Tower (16 storeys existing with permission granted in 2017 for a 12 storey extension – 28 storeys total height); Barbican Cromwell Tower (42 storeys); and the Barbican Lauderdale and Shakespeare Towers (43 storeys). Further details of these tall buildings are provided within the tall buildings assessment later within this report.
- 5.11 The majority of the site is owned by Islington Council and a small part of the site is owned by the City of London.

#### Site Ownership



Note: the borough boundary is incorrectly indicated on this plan – please refer to the above plan for the correct boundary

- 5.12 The main access to the site is via the approx. 9.7m wide Golden Lane frontage which currently features 2 vehicular accesses, pedestrian gates and a pedestrian access to the existing City of London Community Education Centre. There is a secondary access to the site from Baltic Street West which has not been in regular use.
- 5.13 The site has a Public Transport Accessibility Level (PTAL) of 6a (Excellent). Barbican Underground station is approximately 600m walking distance away from the site whilst Old Street station is approximately 700m walking distance and Farringdon station is approximately 1.1km walking distance.
- 5.14 The site is located within the Central Activities Zone (CAZ).



## **6. BACKGROUND**

- 6.1 The existing Richard Cloudesley School have moved into new premises on Whitecross Street vacating their building on the application site.
- 6.2 The Council, as Local Education Authority (LEA) had identified the need for a new primary school in the south of the borough. Heads of Terms have been agreed for the Council to transfer the land ownership of the former site of the Richard Cloudesley School to the City of London (CoL). The CoL intend to carry out the proposed development.
- 6.3 The Heads of Terms set out that a target of 70, and no less than 40, social rented affordable homes be delivered on this site. The Council will have nomination rights to 50% of the new units. The timeline relating to the agreement is detailed as follows:
- September 2012 – the Council's Executive Committee approved proposals for the potential disposal and redevelopment of the Richard Cloudesley School site through the Islington Land Disposals Framework subject to receipt of the necessary consents from the Secretaries of State for Education and Communities and Local Government.
  - November 2013 - Islington Council's Executive Committee approved a report to support the principle of a joint development with the City Corporation to provide additional nursery and primary school places along with affordable homes for social rent utilising both the former Richard Cloudesley School site and the adjacent City of London Community Education Centre site owned by the City Corporation.
  - November 2014 – the Council's Executive Committee approved the proposed development of the Richard Cloudesley School site and CoL Community Education Centre by City of London Corporation to provide a nursery for 26 pupils plus provision for 12 two year old places, a 1 form entry primary school and an estimated 70 to 90 new social housing units.
  - January 2017 – the Council's Executive Committee approved the revision of the proposed development to incorporate a nursery, a 2 form entry primary school and an estimated 70, but not less than 40, social rented housing units to be allocated on a 50:50 basis for Islington and City of London.
- 6.4 The January 2017 report to the Council's Executive Committee explained that, following the previous agreement to provide a 1 form entry primary school, a Joint Project Board comprising officers from both authorities produced up-dated Heads of Terms for the development and School Heads of Terms for the lease to the academy body. These Heads of Terms followed detailed negotiations and reflected requirements imposed by the Education Funding Agency (EFA) (now the Education and Skills Funding Agency (ESFA)) as a condition of providing funding that the size of the school was increased to 2 forms of entry.
- 6.5 The new school, the City of London Primary Academy Islington (COLPAI) opened in temporary accommodation at Moreland's Primary School in September 2017.

## **7. PROPOSAL (IN DETAIL)**

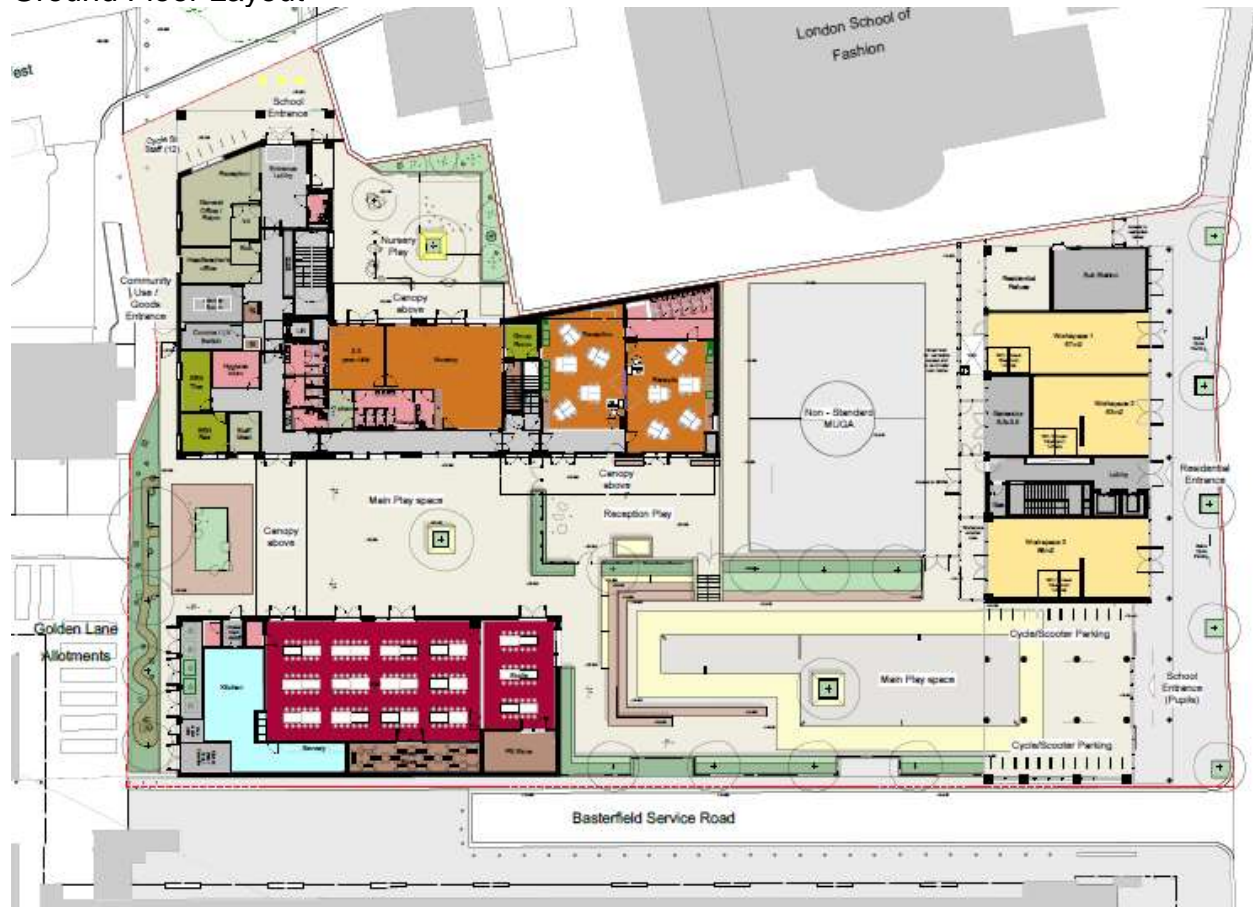
- 7.1 It is proposed to redevelop the site to provide a 3 storey primary school building with rooftop play area (which will give the appearance of a 4 storey building) and a single storey (double height) school sports hall to accommodate a 2 form entry primary school. The proposals also

seek to erect a part 4 storey, part 14 storey building to provide 66 affordable (social rented) residential units fronting Golden Lane. The residential building now includes a basement to accommodate cycle parking and plant and small/micro workspace units are proposed at ground floor level.

### **School and Nursery**

- 7.2 The proposed primary school would occupy a three storey school building on the northern boundary of the site with a formal entrance on Baltic Street West and a main school entrance on Golden Lane underneath the proposed residential building fronting Golden Lane.
- 7.3 There would be two cores within the school, one designated for Key Stage 1 pupils (Years 1 and 2) and the other for Key Stage 2 (Years 3, 4 and 5).
- 7.4 The ground floor would comprise the nursery classrooms and reception classrooms with separate toilets and washrooms. There will also be a separate room designated for group work and two designated Special Education Needs Rooms (SEN), a hygiene room, changing facilities and toilets for staff and visitors. Administrative facilities including the formal school reception will be located on the ground floor fronting Baltic Street East.
- 7.5 The first floor would comprise six classrooms accommodating Years 1, 3 and 4 pupils along with a Learning Resource Centre (LRC), two group work rooms, general store and a staff meeting room. The second floor would comprise six classrooms accommodating Years 2, 5 and 6 pupils, a special teaching room, two group work rooms, a general store and a second staff meeting room.
- 7.6 The following play areas for the school and nursery are proposed:
- 1,838 m<sup>2</sup> general play space at ground floor;
  - 470m<sup>2</sup> general play space at roof level;
  - 330m<sup>2</sup> Multi Use Games Area (MUGA) (area excludes space around the pitch); and
  - 195m<sup>2</sup> nursery play area (separated from the main school playground).
- 7.7 A new separate multi-purpose hall is proposed. The hall has been designed with kitchen facilities and space to accommodate 228 children for lunch. There would be storage in the hall for the dining room tables and separate storage for PE equipment.

## Ground Floor Layout



- 7.8 It is proposed to remove 4 existing trees (Category C) (two silver birches, a cherry tree and a butterfly bush), one area of scrub, and one group of C category trees would require removal. One area of climbing plants would need to cut back to the common boundary. The landscaping proposals show that 20 new trees would be planted across the site (including 5 to the site frontage on Golden Lane).

### **Residential Block**

- 7.9 A 14 storey residential block (measuring 47m in height) is proposed and would comprise the following unit mix:
- 35 one bedroom units (including 6 wheelchair accessible and 5 wheelchair adaptable units);
  - 26 two bedroom units (including 1 wheelchair accessible and 1 wheelchair adaptable units); and
  - 5 three bedroom units.
- 7.10 The entrance to the residential block will be located at ground floor level on the Golden Lane frontage. Three small/micro workspace units, refuse storage, a new substation and a generator would also be provided at ground floor level. Cycle storage, mechanical plant, space to facilitate future connection to the Bunhill District Heating Network and a storage room for play equipment would be provided at basement level. The residential units will have deck access and will all be dual aspect with private amenity space provided in the form of balconies.

- 7.11 The 14 storey building will comprise a 4 storey podium with a tower above. This podium is intended to relate to the predominantly 4-6 storey development along Golden Lane, including the 4 storey Stanley Cohen House. The tower is set away from the southern boundary of the site and Stanley Cohen House to seek to achieve a better relationship in townscape terms with this building and to seek to avoid undue harm to the residential amenities of occupants of this block. The facing material of the podium would include a red brick with concrete columns whilst the tower would be constructed from a lighter coloured reinforced concrete.

Nomination rights - split between boroughs

- 7.12 It has been agreed that the nomination rights for the proposed social rented units will be split on a 50/50 basis (by unit number) between the City of London and Islington. The allocation by unit size is based upon the actual housing need of the two boroughs and Islington generally require larger family sized units whilst the City generally have a requirement for smaller units. It has therefore been agreed that Islington will have nomination rights to 9 one bedroom units, 20 two bedroom units and 4 three bedroom units whilst the City of London will have the nomination rights to 26 one bedroom units, 6 two bedroom units and 1 three bedroom unit.

Aerial Illustration (July Submission)



- 7.13 Public realm improvements are proposed including new paving, street furniture, bollards and flush kerbs on Baltic Street West. Tree planting is proposed on Golden Lane and green wall planting is proposed on the Basterfield Service Road.

Revisions

- 7.14 The proposed development was amended with revised details submitted and received by the Council on 23 October 2017. The amendments included the following:

- Revised ground floor layout to the residential building (changes included an enlarged cycle store, a reduced lobby and relocation of the future Bunhill District Energy Network connection room to front the building to provide display space)
- Revision to location of the school gates on Golden Lane to reduce the size of the recess under the building to reduce the opportunity for antisocial behaviour outside of school hours;
- Details of revised elevational treatment to the residential podium to better relate it to the facade of the tower. The revisions included an amendment to the brickwork treatment and the introduction of concrete columns.
- Details of brickwork facing material in place of concrete cladding along the access decks
- Detailed design information including details of balustrading.
- Introduction of a parapet to the top of the tower.
- Detailed construction design drawings for key elements of the residential building to demonstrate quality in delivery;
- Details of proposed palette of materials.

7.15 The proposal was further amended following the submission of revised details on 26 January 2018. The further amendments included the following:

- Creation of a basement under part of the residential building for plant and storage areas (bicycles and residential play equipment);
- Introduction of improved active frontage on to Golden Lane in the form of Class B1a workspace suitable for small/micro enterprises; and
- Alteration to the location and enlargement of the MUGA, facilitated by the sprinkler tank being moved to the basement.

7.16 Further details of the above revisions are provided within the Design and Appearance section of this report.

## **8. RELEVANT HISTORY**

8.1 There is no planning history for the application site considered to be of relevance to this planning application.

## **9. CONSULTATION**

### **Public Consultation**

9.1 Letters were sent to occupants of adjoining and nearby properties at Sycamore Street, Timber Street, Honduras Street, Domingo Street, Old Street, Garrett Street, Banner Street, Golden Lane, Fortune Street, Memel Street, Baltic Street East, Baltic Street West, Goswell Road, Crescent Row, Sycamore Street, Roscoe Street, Whitecross Street on 31 July 2017, 24 October 2017, 17 November 2017 and 29 January 2018 (14 day consultation) . A site notice was displayed on 9 August 2017 and a press advert was placed on 3 August 2017. The public consultation on the application therefore expired on 12 February 2017.

9.2 It is the Council's practice to continue to consider representations made up until the date of a decision.

- 9.3 During the processing of this application, officers met with representatives of the Golden Lane Estate Residents Association and with a group of parents of children attending COLPAI currently housed at Moreland Primary School.
- 9.4 At the time of the writing of this report a total of 117 objections from individual properties and 67 representations in support (from individual properties) had been received from the public with regard to the application. It should be noted that at the time of writing the City of London recorded the number of representations as a total of 151 representations objecting to the proposals and a total of 31 representations in support.
- 9.5 The issues raised can be summarised as follows:

## **Objections**

### School

- Two form entry school is not required; School places are available at nearby Moreland Primary School; Primary schools should be within walking distance of their catchment – this will not be the case now or in the future; Pupils will be driven to school from further afield; Islington's own education policy states there is no requirement for additional school places in the south of the borough; FOI requests show that demand for school places in London are falling and that Moreland Primary School is a two form entry school running as a single form entry school.
- Huge increase in pupil numbers on the site; Increase in pupil numbers from 80 to 458; Site is too small to accommodate a 2 form entry school; School is too big for site and is compromised – internal circulation spaces will be too small at peak times and playground areas do not meet current Department of Education Guidelines.
- Rooftop play area unsafe and inappropriate;
- 2 form entry school has resulted from funding requirements and not need or demand
- Opening of school creates unreasonable pressure to obtain planning permission; Delay in obtaining planning permission will necessitate a shorter building programme;
- School hall will be unsightly. No justification for school hall in separate building; School hall should be provided within a basement or at a sunken level;
- Hall would cause significant light loss to community allotments.
- Golden Lane Estate already has a community hall and sports centre which meets demand; School hall is designed for adult sport and private hire and seems excessively high for primary school children.
- School hall is poorly located for public access; School hall should be at the front of the site;
- Narrow service corridor to school hall is inappropriate and its use for refuse collections and evening community events will cause disturbance to residents of Hatfield House; School refuse store is too small;
- Location of plant on school hall is unclear.
- CoL formally requested that the Sir John Cass Foundation Primary School (SJCFPS) accept a second form of entry and obtained 90% of the funding – Foundation's Board of Trustees refused to provide the necessary licence and remaining 10% funding - SJCFPS already accommodates demand for school places from the CoL – it seems reasonable to assume that the Board of Trustees reasons for refusal to support



expansion were political to enable CoL to justify COLPAI on the basis of need rather than aggrandisement.

#### Height and massing

- Excessive height, scale and massing of residential block; Massing is overpowering, casting massive shadows; Overbearing visual impact; At 14 storeys or 47m the residential tower is simply too tall for the area; Block is completely out of scale with its surroundings; Block is even taller than Great Arthur House, the centre-piece tower on the Golden Lane Estate; School will be dominated by the tower.
- The building is located right up against the street-line of Golden Lane with no set back which is entirely contrary to established convention for tall buildings; Existing tall buildings in the locality occupy spacious settings and have their own public realm.
- Site is identified in the Finsbury Local Plan as within 'an area with a platform building height of around 6 storeys which would be an appropriate height; Site is a long distance from the locations identified as suitable for tall buildings within the Finsbury Local Plan; The attempt to relate the podium to Basterfield House is an acknowledgement of what the maximum height of the building should be.
- Wind impact of tower; Suggestion that access decks and balconies would break up the façade were unconvincing and unscientific; Detailed analysis of the effect of the height and orientation of the tower block on wind speed around the site should be brought forward.

#### Daylight and Sunlight

- Substantial loss of daylight and sunlight to neighbouring properties; Extreme loss of light to Banner Street, Hatfield House and Basterfield House flats with some kitchens losing 50% of their light; Daylight and sunlight report disregards kitchens and bathrooms – surely daylight and sunlight are a necessity in all rooms.
- Daylight assessment with projecting bays and balconies to Basterfield House removed still fails to comply with BRE Guidelines.
- Residential block would overshadow the whole of Basterfield House including the kitchen, bathroom, bedroom and porch as well as the service road and pavement; Overshadowing of Banner Street.
- Loss of light to the GLE allotments / children's play area.
- School playground will receive no morning light.
- Daylight Sunlight Report plays down impact of the proposal with prejudicial assertions; e.g. daylight levels to the existing building are unusually high and any development on the site would result in a substantial loss of daylight.
- Daylight Sunlight calculations were based on the original application where the height of the tower was assumed to be 66,220 AOD and the revised design proposes a tower with a height of 66,538 AOD and the calculations should be re-run and re-issued.  
*Officer note: the applicant's daylight sunlight consultants have responded that the lift-overrun area noted on the drawings as 66538mm AOD is set away from the parapets and is not visible from the properties tested, thus would have no impact. Furthermore, whilst the height of the tower has been increased by 284mm, it is not necessary to rerun the sunlight and daylight results as this increased height would have little or no effect on the results.*
- Mirror-massing analysis of Basterfield House was undertaken – Section 2.3 and Appendix F of the BRE guidelines relate to planning a building adjacent to future

development land and anticipating the impact of future development and is not relevant in this case. Even then, the BRE example uses the site boundary as the axis for the mirror massing and the assessment uses the centre of Basterfield Mews as the axis, not the site boundary. *Officer note: The applicant's mirror massing exercise has not been given any weight in the assessment of the impacts carried out by officers.*

#### Residential Amenity

- Overlooking / Loss of privacy.
- Smells from kitchen / extract units.
- Light pollution from development; Floodlighting to MUGA should not be provided.

#### Noise

- Increased noise and disturbance, including from school activity; School hall location will result in noise nuisance; Noise and disturbance from: hiring out of school hall to community / play times / movement of staff and pupils between hall and main building / pick up and drop off / plant and kitchen extract equipment / servicing of school hall / waste collection arrangements
- Noise from MUGA will affect residents of proposed block; Noise mitigation to MUGA should be provided
- More thought should be given to noise absorbing soft surfaces
- Noise Assessment does not explain 'noticeable and intrusive noise in some locations during some activities'
- Noise insulation to rooftop plant on school hall should be provided
- Noise Assessment submitted July 2017: Locations of noise monitoring indicated in noise report are inconsistent and incorrect; Incorrect assertions about distances to nearest noise sensitive receptors; Incorrect noise assessment levels; Multi Use Games Area has not been included in the report; Report overestimates / overstates typical ambient noise levels; No acoustic survey taken to the south of the site (Basterfield House) which is most directly affected; Noise impact grossly underestimated; Assumption of two twenty minute break times does not accord with extended day advertised on school website.
- Noise Assessment submitted November 2017: Incorrect assumptions regarding use of hit and miss brickwork for rooftop playground screening *Officer note: the applicant's noise consultants have responded that the assessment assumes a worst case scenario and a more solid enclosure is now proposed (to be secured through condition) which will further attenuate noise from the playground;* Revised Noise Assessment uses different noise data for assumptions regarding playground noise which assume lower noise levels. *Officer note: the applicant's noise consultants have responded that they undertook a thorough review of source data for playground noise and the dataset used was chosen because it was considered more robust than that used in the July 2017 assessment. The data used was collected in a city centre location and was based upon a larger number of separate measurements;*
- Calculation assumptions for the noise from the playground make the assertion that due to the setback nature of the windows within receptors to the south, west and east, a degree of self-screening will be provided by the balcony/access areas and for assessment purposes a loss of 6dB has been calculated. However, bedroom windows to Basterfield House are flush with the face of the building and assumption



is incorrect. *Officer note: The applicant's noise consultants have commented that the assessment assumed set back windows to living spaces and non-set back windows to kitchens and bathrooms. They advise that kitchens and bathrooms are generally considered to be less acoustically sensitive than living spaces and therefore have not been assessed. The consultants further address the concerns regarding bedroom windows by advising that the school will not be generating any noise during night-time hours whilst it is anticipated that the community uses the hall will be conditioned to ensure that users to have left the premises by 22.00;*

- The applicant was conducting heavy building works adjacent to the sound meter on the day that the noise survey was taken. The Noise Consultants advise that they have made allowances for this, but they also state that the survey was unattended therefore how do they explain what noises relate to the building operations and their methodology for making allowances. *Officer note: the noise consultants have explained that the audio recordings were reviewed and periods of construction noise manually identified and removed from the calculations.*

#### The Golden Lane Estate

- Various comments received setting out the importance and character of the estate, however this is described in relation to the significance of these assets later in this report.
- Special interest of the Golden Lane Estate lies in its character as a finite urban composition in which the lower series of interconnected terraced residential blocks and landscaped courtyards are dominated or 'anchored' by the tower of Great Arthur House located spaciouly at the site's centre - Integrity of this composition should not be compromised or challenged by any new structure of comparable height or bulk to Great Arthur House in the immediate vicinity

#### Character and Appearance / Impact on Heritage Assets

- The tower is ugly / insensitive / bland; Poor quality design; Slab like design at odds with surrounding context;
- Substantial harm to setting of GLE; Development and tower in particular will cause very serious harm to the significance and setting of the Golden Lane Estate and the St Luke's Conservation Area; Proposals do not reflect the unique nature of Golden Lane Estate and its surroundings including Banner Street and Fortune Park; Proposals do not respond to / are incompatible with the ethos and architecture of GLE; If scheme adopted some of design principles of GLE it would be improved; Residential building will block important views into and out of the Golden Lane Estate; Massing, density, height, proportions and materials will harm GLE; Claim that scheme reflects heritage of GLE is disingenuous; Development turns its back on GLE.
- Tower has a negative effect in all directions; Tower will cause considerable harm to the views into and out of St Luke's Conservation Area which abuts the site; Tallest building in St. Luke's Conservation Area is St. Luke's Church; East side of the Golden Lane Estate is designed to allow views into the estate and the proposal should follow this principle. Residential building blocks views into GLE.
- Harm to views across estate.
- The tower completely blocks all views west along Banner Street and replaces an open view of mid-rise buildings and sky with a solid slab of building.
- Residential building will create a canyon effect on Golden Lane.

- Proposals demonstrate a complete lack of understanding of the founding principles and respect afforded to social housing by Chamberlin Powell and Bon.
- Sterile/blank/inactive ground floor frontage; Entire ground floor is occupied by utilities and services should be put into a basement / basement would provide more design options; Lack of activity at ground floor level of residential block is at odds with architectural convention and published guidance; Lack of natural surveillance from the ground floor. *Officer note: the revised plans submitted in January 2018 now provide three commercial units at ground floor level to provide an active frontage.*
- Islington's Design Review Panel repeatedly raised concerns regarding height and dominance of residential block on street scene.
- Redevelopment is an opportunity to complement the GLE; If design approach of ground floor of Stanley Cohen House were incorporated it would improve scheme.
- Proposal is dull example of London vernacular.

#### Public Benefits

- NPPF requires that proposals which lead to less than substantial harm to significance of a designated heritage asset should be weighed against public benefits of the proposal, including securing its optimum viable use – little weight can be attached to the education benefits of the proposal given that Morelands Primary School now has an additional form of entry and is undersubscribed.
- Proposals are not the optimum viable use of the site – a less dense development of higher quality would result in a better balance of public benefit vs harm caused.

#### Alternative Plans

- Alternative development proposals put forward for the site by objectors and Golden Lane Estate Residents Association which demonstrate lower rise solutions to accommodating proposed accommodation.
- Alternative proposals negate need for tower block and create more green space *Officer note: the architects carried out detailed assessments of options for the configuration of built form on the site which are detailed within the Design and Access Statement which accompanied the application. Members are required to assess the acceptability in planning terms of the proposal which is the subject of this planning application.*

#### Quality of residential accommodation

- The lack of amenity space and excessive density places questions over the quality of accommodation.
- Balconies at the top of the tower won't be used; Walkways will be too windy to use.
- Poor design of building with deck access will result in loss of privacy due to lack of defensible space; GLE provides an example of how deck access can work successfully through appropriate layout and design but proposal ignores this.

#### Density and services

- Gross overdevelopment of the site; Density far exceeds the maximum requirements under the London Plan 2016 and Islington's Local Plan. 110-650 habitable rooms per hectare (405 units per hectare) is allowed for in GLA policy however the proposal seeks to secure double that (1100 units per hectare) on the housing site; Grossly excessive density is not being mitigated by any open space, of which there is a shortage in the locality; Too much is being built on this small site; Density hugely exceeds the 'wriggle room' provided within the London Plan density guidance;

- Significant impact on already stretched local infrastructure, services and facilities, including Fortune Street Park and GP surgeries; Fortune Street Park is under great strain and will be dark and overcrowded. Cumulative impact on infrastructure and services from other development in the pipeline should be considered.
- No additional health provision has been made for new residents – local services are oversubscribed.

#### Lack of green spaces, allotments and play space

- There is inadequate open space in the locality already.
- Fortune Street Park is the only open space in the locality likely to prove attractive to residents;
- Increased pressure on open spaces within the Golden Lane Estate; Children will use Golden Lane play facilities; Golden Lane open space and play facilities are private
- Ground level amenity space should be provided.
- Over 70 children will occupy the development; The GLA policy quoted in the applicant's submission refers to an area of 430m<sup>2</sup> of child play space being required for the housing development and none is proposed.
- Loss of mature trees and inadequate proposals for their replacement/ trees have a reasonable life expectancy.
- Detrimental impact on biodiversity. Ecology Report identifies low ecological value of the application site but ignores the boundary habitats which provide a habitat for nesting birds; Site and green areas within locality support a wide variety of birds and wildlife; Ecology report's assertion that site has negligible potential for roosting bats and low potential for foraging bats is questioned.
- Detrimental impact on allotments.
- Allotments share boundary with the application site and it is not clear whether the boundary wall will be demolished;
- 8am-6pm school day will leave little time for young children to benefit from community use of school hall.
- Site is designated in Finsbury Local Plan for public open space.
- The wall and fencing on the southern boundary of the site should be fully greened up to their full height.

#### Fire Safety

- The school Hall is proposed for use by 500 circa head count of children. There is no fire access except down the Basterfield service road which is often blocked
- The Basterfield service road is to be narrowed and it is heavily used. How will 24 hours' fire access be maintained? Will the gates be permanently locked? Residents would like the gates locked out of office hours to ensure fire access as at present. Residents object to any loss of their service road temporary parking as a result of the need to secure fire access over the Service road. *Officer note: the gates are existing and there are no proposals to amend the use of these gates under this application.*
- No fire vehicle access to school hall.
- Residential block only has one stairwell – this seems short-sighted following the Grenfell tragedy / Second stairwell would provide residents with more confidence for their safety.
- Restricted width of fire escape.
- No separation of services from common escape routes.

- Cycle parking is proposed on access decks impeding emergency escape;

#### Parking and Transportation

- Increased traffic and congestion and increased pollution as a result
- Detrimental impact on highway, cyclists and pedestrian safety, including from vehicles servicing school on Baltic Street West.
- The access road is a vital route for council contractors and not regularly used without permission; Basterfield Access Road is heavily used deliveries, collection and short term service vehicle parking.
- Loss of disabled parking and resident parking; Loss of six existing garages
- Disabled parking spaces will be located too far from residential block; Will new disabled residents share the GLE garage spaces? Only two disabled parking bays could be provided on-street.
- Inadequate parking and cycle spaces; Cycle parking for school will fall short of policy requirements; Residential cycle store is inadequate size.
- Children driven to the new school from elsewhere in London or Islington would cause noise, pollution and traffic safety concerns;
- Increased demand for on-street parking in the surrounding area.
- Siting of school results in inadequate and inconvenient arrangements for refuse collection and deliveries.
- Proposal for service vehicles to use GLE underground servicing should be communicated to GLE residents; Servicing vehicles will reverse down Baltic Street West; Servicing vehicles will block access to GLE estate underground service road which will also have implications for emergency vehicle; Servicing vehicles will wait on service road ramp causing pollution in Hatfield House flats; If servicing arrangements were changed vehicles would pass within 1.5m of front doors and kitchen windows to Hatfield House;
- Transport consultants should use real data for existing pupils at COLPAI rather than modelling data; Transport Assessment makes no evidence to support assertion that there will be a negligible amount of deliveries associated with residential use; Transport Assessment is overoptimistic and should be independently reviewed;

#### Consultation Process

- Neighbour consultation carried out in August / consultation interrupted and ruined summer holidays.
- Site notices were not displayed *Officer note: there is photographic evidence of the display of site notices.*
- Inadequate pre-application consultation and too late in design process.
- Feedback from consultees has been ignored.

#### Policy and Guidance

- Proposals conflict with numerous Development Plan policies including those concerned with design and tall buildings, NPPF Finsbury Local Plan Site Allocation BC34, St Luke's Conservation Area Guidelines, Golden Lane Estate Building Management Supplementary Planning Guidelines;
- Application acknowledges the Golden Lane Listed Building Management Guidelines but does not assess the proposals against them – the application is defective in this regard.

- St. Luke's Conservation Area Guidelines advise that new buildings should conform to height, scale and proportions of existing buildings in the immediate area using sympathetic materials.

#### Inaccuracies / discrepancies (July and November submissions)

- The boundaries are unclear, inconsistent and seem inaccurate.
- Plans do not match elevations / inconsistencies between different plans and some plans missing;
- No details of boundary treatment to west boundary with Hatfield House. *Officer note: it is recommended that details of boundary treatment to the school development are secured through condition 5.*
- Floor plans for 5<sup>th</sup> to 13<sup>th</sup> floor differ on alternate floors but this is not indicated on the plans.  
*Officer note: revised plans were received to address the errors and inconsistencies identified by objectors.*

#### Other matters

- To minimise public access into the Estate the wall by Basterfield Service Road access gate should not be lowered and feature additional greening;
- The site boundary is wrong as it doesn't include the Basterfield Service Road where works are taking place. *Officer note: the proposed works to the Basterfield Service Road are off site and would be secured through the Section 106 agreement should planning permission be granted.*
- Boundary wall between site and the Golden Lane Estate should be retained as it defines the edge of the estate and supports plants on allotments
- Cross boundary application makes the process more confusing.
- Insufficient number of social housing units is proposed; Too many one bedroom flats.
- Social housing should have been provided at Bernard Morgan House / Proposal is meeting social housing requirements of Bernard Morgan House.
- 100% social housing does not promote mixed and balanced communities.
- Lack of family housing.
- High rise housing is bad for the people living in it and expensive to maintain.
- Community facilities on Golden Lane Estate have been progressively lost over a number of years.
- Increase in footfall in the area as a result of Crossrail, etc.
- Given the time and money invested and the close involvement of both local authorities it seems hard to believe the application will be given objective consideration.
- The Golden Lane Residents Association will consider a judicial review should planning permission be granted.
- Existing buildings could be refurbished.
- Air quality assessment is contradictory – it states that there is little risk of air pollution whilst noting that increased density and school runs would increase pollution.
- Community Education Centre will not be replaced. *Officer note: it is proposed to relocate the Community Education Centre and this matter is addressed within the land use section of this report.*
- Potential for significant archaeological remains on the site.
- School could be housed in the building currently occupied by the London School of Fashion leaving more land for housing and open space

- Historic England are considering listing the garages and workshops that are to be demolished.
- Flats are proposed for key workers but YMCA, Bernard Morgan House (police officer accommodation) and nurse's homes have been closed due to lack of demand. *Officer note: the proposal will provide social rented housing and not 'key worker' housing.*
- Introduction of commercial uses on ground floor intensifies the density of an already dense scheme.

The Golden Lane Estate Resident's Association's objection is accompanied by an independent appraisal of the planning application prepared by a Heritage Advisor. The appraisal (where new issues are raised) is summarised as follows:

#### Demolition

- Existing school buildings are of some interest as an example of the typology of low-rise primary schools built in Islington by the Inner London Education Authority (ILEA) in the late 1960s/early 1970s following the Plowden Report 1965 which recommended a domestic scale – 'little buildings for little people'.

#### Scale and Massing of New Buildings

- Islington's policy on tall buildings does potentially allow exceptions where there are exceptional or outstanding design merits for the proposal – this is not the case and the proposal breaks almost every principle of good urban design.
- Scale and height of the residential block poses serious challenges to the existing townscape and historic environment - it will be extremely dominant in the immediate and wider urban context. It will challenge the scale and dominance of the spire of St Luke's Church (Grade I listed) within the St. Luke's Conservation Area, which is the main landmark in the area.
- It will have a hugely detrimental impact on the listed Golden Lane Estate.
- It should be noted that none of the post-war residential slabs to the south and south-east of the site lie immediately on the back edge of any existing street line – they are set back and located within substantial areas of open space, following Corbusian principles
- All the blocks on the east side of Golden Lane, with the exception of the very narrow six-storey No.88, are well set back from the street, so that their impact is reduced.
- Applicant argues the residential block relates to and replicates the mass of Great Arthur House and acts as a natural and acceptable 'extension' to the Golden Lane Estate - This shows a complete failure to understand the master plan and overall layout of the Golden Lane Estate which places Great Arthur House as the centre-piece of the estate, oriented north-south and carefully placed as part of the orthogonal estate layout so that the width of the open areas to its east and west were equal to or greater than the height of the block. For Chamberlin Powell and Bon, the spaces between the buildings were as important as the buildings themselves - By contrast, the proposed tower on the application site (actually taller than the residential element of Great Arthur House excluding its sculpted roof element), has no space around it to ameliorate or soften its massive bulk.
- Residential building will block key view of Barbican Towers and Great Arthur House and will be overpoweringly prominent in views along Golden Lane, from Old Street in the north and approaching from the south from Beech Street - It will rise dramatically above

the existing low-rise blocks of Basterfield House, Stanley Cohen House, Bowater House and Bayer House.

- From within the Golden Lane Estate the new slab will loom over Basterfield House when viewed from the communal open space to its south - The size and proximity of the new residential block will have a very detrimental impact on the appearance and setting of the Golden Lane Estate. It will destroy the prominence of Great Arthur House as the focus of the Golden Lane Estate.
- Overall, the proposals cause very serious harm to the setting of the Golden Lane Estate, and run completely contrary to the principles involved in its original layout - The Golden Lane Estate Listed Building Management Guidelines are admirable in extolling the high importance of the Estate, its layout and its setting.
- From within the St Luke's Conservation Area the proposed residential block will be very dominant, rising above the gable of the former Board School in Baltic Street when viewed from Old Street along the length of Honduras Street. The contrast in scale between the new slab and the commercial buildings in the conservation area will be extreme, a juxtaposition which Chamberlin Powell and Bon handled with far greater sensitivity and understanding with the design of Hatfield House.
- Similarly, the view westwards along Banner Street from Whitecross Street will be dominated by the proposed new block on the west side of Golden Lane, belittling the scale of buildings within the conservation area on the north side of Banner Street.
- The new frontage to Golden Lane will block existing views of the fine south elevation of the Board School. Only a limited side-on view will remain visible in the narrow gap left in the Golden Lane frontage. Applicant's argument that the new residential building will improve the setting of the locally listed buildings 'by removing a gap' and 'providing a better townscape context' is extremely unconvincing. The locally listed buildings will be simply dwarfed by the proposals. The view of St Luke's spire currently visible from Fann Street will be lost, obstructed by the proposed new residential block.
- The scale of the new L-shaped school block is also not inconsiderable, slightly higher than the Victorian Board School which it abuts, and equal in height to Hatfield House. Even without the residential element, the new school on its own would present a sizeable addition to the townscape.

#### Design

- The design of the residential block attempts to differentiate the tall element of the residential block by placing it on a podium (although neither are set back from the pavement edge building line). The podium block, in dark materials, attempts to be sympathetic with the architectural language of Basterfield and Stanley Cohen Houses, as if to concede that this is an appropriate scale and design for the street. The attempt to 'disguise' the tall element by using paler colours, as if it might somehow disappear or recede from view, is an unconvincing and unsuccessful device.
- There is also a fundamental point that the mass, bulk and scale of the proposed residential block is so flawed that no amount of tinkering with design details or materials will alleviate its adverse impact.

#### Residential Density

- The proposed residential density is grossly in excess of the maximum allowed in the London Plan or Islington's Local Plan, even allowing for good access to public transport. The London Plan allows for a range of 650–1,100 habitable rooms per hectare in areas

of excellent public transport, and recommends that the maximum should only be exceeded where social infrastructure, open space and play facilities are adequate.

- With 187 habitable rooms in the proposed scheme, the residential density will be around 2,000 habitable rooms per hectare, almost double the recommended maximum. This super-high density is not mitigated by generous provision of public open space. Indeed, there is a complete lack of open space in the scheme itself and an existing deficiency in the local area.

#### Open Space and trees

- Proposals make no contribution to the provision of additional public open space in the area, contrary to the Finsbury Local Plan Site Allocation. The area is already deficient in open space, and the only nearby facility, Fortune Street Park, is heavily used. Objections regarding the adverse impacts on the park of the proposed redevelopment of Bernard Morgan House were ignored.
- 430m<sup>2</sup> of dedicated children's play space should be provided for the residential element of the scheme and none is proposed. The excuse given is that 'the site is heavily constrained in terms of the available area.' It is symptomatic of the overdevelopment of the site.
- The semi-mature silver birch and cherry trees to be removed are an important amenity in an area where there are few trees - they are in good health and have a reasonable life-expectancy as confirmed by Tree Report - The proposed replanting of young trees will not be adequate compensation.

#### Balance of harm against public benefits

- The proposals cause harm to designated heritage assets, notably the setting of the Golden Lane Estate and the St Luke's Conservation Area. The harm may be considered substantial or less than substantial and in either case, the local planning authority is required to weigh or balance the harm caused against the public benefits of the proposal.
- While it has been held that 'substantial' harm might require the virtual destruction of the significance of a designated heritage asset, the implication is that 'less than substantial' harm can involve very serious harm to the asset. In all cases, it has been held that when balancing harm against public benefit, heritage matters should be given very considerable weight. The Planning Act requires that 'special' care be given to conserving and enhancing the historic environment.
- In addition, the claims of the applicant that the proposals will provide significant public benefits need to be examined in detail.

#### Provision of school

- The recent creation of the Golden Lane Campus, comprising the redevelopment and enlargement of the former Prior Weston School, has already created a very sizeable new primary education facility in the immediate vicinity of the site which accommodates around 800 pupils. Moreland Primary School has also been significantly enlarged recently.

#### Provision of Housing

- The social rented housing does little more than meet the City of London's affordable housing obligations, providing off-site provision conveniently outside the borough, for luxury residential developments within it. The excessive density of development and lack of amenity space places a major question mark over the quality and suitability of the accommodation provided, particularly for family housing.



### Provision of Community Facilities

- The hall cannot be regarded as an adequate alternative to public open space and external play space. Nor is it clear what the community demand for the hall will be, given that there are existing community hall facilities nearby.

### Optimum Viable Use

- Paragraph 134 of NPPF provides for less than substantial harm to the significance of a designated heritage asset to be weighed against the public benefits of the proposal, including securing its optimum viable use'. The NPPG suggests that the issue of Optimum Viable Uses should include consideration as to whether an alternative scheme or proposal might cause less harm whilst also achieving equal or greater public benefits, even if that scheme is not the most profitable - It is surely the case that a less dense development, achieving fewer but higher quality housing units, together with the provision of new public open space, better public realm and a multi-purpose hall that is more accessible to the community would result in a far better balance of public benefit against harm caused, and would enhance the local area rather than putting it under great stress.

### Conclusion

- Overall it is considered that the benefits do not outweigh or justify the harm caused. It is considered that the site should be redeveloped more sympathetically, with less harmful impact on the heritage assets and on the amenities of neighbouring residents whilst achieving equal benefits. In its current form the planning applications should be refused.

## **Support**

### School

- The area would benefit from a new school and it would mean local people don't have to consider moving out of the area due to shortage of good schools.
- Commend Islington and the City for working together to tackle issues such as lack of affordable housing and over-populated classrooms.
- Very limited provision in the City and surrounding area for primary school places – Sir John Cass is the only City of London Primary school and it is very difficult to get a place and is located at the other end of the borough; COLPAI will be the only option for many local families who cannot afford to local private schools; Many local schools have religious requirements and are not accessible to those of other faiths; School will provide greater choice for parents.
- Hopefully this school will help to reduce the burden on other schools with bulge classes or class sizes over 30.
- COLPAI is an excellent school; Additional school places will secure better educational outcomes for generations of children; Difficult to find schools that provide a good balance between social diversity and high quality education and COLPAI provides this; Headteacher is dedicated to making a success of the school.
- The design of the school allows for natural lit corridors and a good educational environment above standards being procured elsewhere.
- Support the separation of the school hall and the classrooms to enable out of hours use of the hall; Community use of school facilities is great benefit.

- 2 years in temporary accommodation is enough; Inadequate capacity in Moreland School after 2019; Current situation at Moreland School is not ideal; Moreland Students have to start school later and finish earlier to avoid congestion; Failure to deliver the school would create uncertainty and leave it in temporary accommodation; Uncertainty around delivery of school facility would detract from good start to new school; School lacks space in current temporary facility and failure to deliver new facility would create discontentment amongst pupils.
- Lawful use of site is for education.
- Moving to a dedicated site would make a huge difference in terms of children's education and opportunities.
- Housing delivery in the surrounding area will increase demand for school places; Very limited provision of school places in surrounding area; Child population in the area is projected to increase.
- Area desperately needs a new nursery.
- School is over-subscribed.
- False propaganda circulated regarding need for a new school.
- Application site is ideal location for new school.
- Children would not cause disturbance to local residents.
- School will have multiple benefits for local community /Would bring cohesion to community.
- School provides after school clubs from reception which is invaluable to parents.
- Proposal is excellent use of limited space in London.
- School will add roots to the education that pupils receive.
- School can only benefit from being close to the cultural heritage that the Barbican and City of London has to offer.

#### Social Housing

- There is a strong argument for densification on this Zone 1 site to both help meet Islington's target of 2,000 new affordable homes between 2015 and 2019 and the City of London's own target of at least 110 additional homes a year up to 2016.
- City of London and Islington residents in unsuitable accommodation will benefit from this building. There are many thousands on the waiting lists – the increase in social housing will thus bring a great public benefit to all of London.
- Height of development is entirely appropriate in an area with such high public transport accessibility.
- Area is in need of high quality housing.
- Huge benefit from delivery of social housing; Social housing tenants on waiting lists are the unheard voices in the application process.
- Chronic need for social housing.

#### Design

- High quality and carefully considered design from experienced architects.
- Architects have made several revisions to scheme to deliver improvements.
- Design responds to Golden Lane Estate by using different building elements to form courtyards.

- North facing façade of Basterfield House is secondary with smaller windows and an access deck which overlook an unsightly service road and derelict building – proposal will deliver public realm improvements here.
- Huge improvement to public realm on Golden Lane.
- There is no other land available in the area and it is right that the scheme gets maximum social value from the land.
- Proposed residential block will complement GLE and the Barbican.
- Carefully planned proposal which combined functionality with sympathetic design.
- Proposal will enhance area.
- The scheme has been in front of the Islington DRP 5 times and each time has secured improvements to the form and facades of the residential block.
- The public realm works to Golden Lane to widen the pavement and remove crossovers would enhance this stretch of Golden Lane.
- This project will be an attractive, well thought out and most needed addition to our city.

#### Other

- Area is unloved and desperately in need of improvement and cohesion.
- Existing buildings on the site are poor.
- Benefits of the scheme outweigh the harm.
- The residential block is to the north of the Golden Lane Estate limiting its impact on the double aspect Basterfield House and its deck access façade. It should be noted that the original scheme for Golden Lane Estate featured two towers not one.
- Objectors are NIMBYS; Objectors themselves benefited from social housing.
- Fortune Street Park has capacity to accommodate more children.

#### Trees and green infrastructure

- Support the planting of new trees and incorporation of solar panels.
- Proposed soft landscaping would benefit area.

#### **External Consultees**

9.6 Greater London Authority (GLA) – the application was referable to the GLA as it falls under category 1C (development which comprises or includes the alteration of an existing building where the development would increase the height of the building by more than 15 metres and the building would, on completion of the development, exceed 30 metres) of the schedule to the Town and Country Planning (Mayor of London) Order 2008. The Council received the Mayor of London's Stage 1 response on 11 September 2017 which is summarised as follows:

- Principle of development: Notwithstanding the relocation of the adult education centre, there will be no net loss of community facilities as the scheme will provide a nursery and a primary school as well as a publicly accessible multi-use school hall. This is strongly supported.
- The proposal would contribute to both authorities meeting their annual housing targets and is therefore supported in strategic planning terms.
- Educational Facilities: are welcomed.
- Housing: It is noted that the 100% affordable (social rented) units will be evenly split between the City of London and Islington.

- Density: Given the residential quality and overall design the net residential density of 579 habitable rooms/239 units per hectare is acceptable in accordance with London Plan Policy 3.4.
- Children's Play Space: In view of the site constraints, the scheme will not provide the required 430m<sup>2</sup> of play space in line with the Mayor's Shaping Neighbourhoods: Play and Informal Recreation Supplementary Planning Guidance (SPG). However, given the inclusion of a publicly accessible school hall as part of the development and the proximity of Fortune Park to the site as well as the applicant's willingness to provide a financial contribution towards play provision in the vicinity via legal obligation, this is acceptable.
- The applicant has indicated its willingness to enter a community use agreement by S106 to ensure that the use of the school hall will be available to members of the community. This is welcomed
- Heritage: The development would not cause any harm to heritage assets. The proposal therefore accords with London Plan Policy 7.8.
- Urban Design: The proposed public realm improvements along the public right of way between the site and Basterfield House, Golden Lane and Baltic Street, including the provision of a shared surface is welcomed. Further clarification, however, is needed as to how the school entrance will be protected from the adjacent servicing route through, for example, landscape detailing or timetabling. *Officer note: details of the surface treatment/design would be agreed through the landscaping condition and would be secured through the Section 106 agreement. The applicant has commented that the service road is not often used by traffic and parents would help children cross this road if approaching for the south in the same way as any other whilst teaching staff may monitor the entrance at the start/end of the day and will also be able to assist pupils.*
- The site's massing continues the existing urban grain of the Golden Lane estate, and has been improved through pre-application discussions. This is welcomed. The site is considered appropriate for a taller building, stepping down to 3-storeys on its southern end to avoid overlooking of Basterfield House. The overall approach responds to the existing heritage context and surrounding taller buildings and is supported.
- Residential Quality: The residential quality of the scheme is high with units that all meet, or exceed London Plan space standards.
- One core will be accessed from the street and will have no more than seven units per floor and include private amenity space in the form of private balconies.
- The units have deck access, and although the provision of no single aspect units is supported there are concerns over privacy to bedrooms immediately adjacent to the communal deck access, especially on the upper floors.
- Appearance: The proposal responds positively to its setting adjacent to the Golden Lane Estate in terms of massing and design.
- The architectural and materials approach references both the estate to the south and the locally listed building/conservation area to the north, which is welcomed.
- Inclusive Design and Access: The proposals respond positively to London Plan Policy 3.8, as 83% of all units will meet Building Regulation requirement M4 (2) 'accessible and adaptable dwellings', and 17% will meet Building Regulation requirement M4 (3) 'wheelchair user dwellings'. This is welcomed.
- Climate Change: After reducing CO<sub>2</sub> emissions through the London Plan energy hierarchy the applicant should offset the remaining regulated emissions through a contribution to the Council's carbon offset fund *Officer note: the GLA provided detailed energy comments separately from the Stage 1 response seeking further information in relation to several matters – the applicant's Sustainability and Energy Statement has*

*been revised in response to comments received from the GLA and the Council's Energy Advisor – the updated Statement would be considered by the GLA following a Stage 2 referral.*

- Flood Risk and Sustainable Drainage: The drainage strategy proposes sub-surface attenuation tanks and green roofs, which given the nature and location of the proposed development is acceptable in accordance with London Plan Policy 5.13.
- Access and Trip Generation: The proposed access arrangement is acceptable and the trip generation associated with the proposed development is unlikely to result in a severe negative impact on London's strategic highways and public transport.
- The Transport Assessment should be revised to reflect deliveries and servicing vehicle trips and any pick up/drop offs. *Officer note: The applicant's transport consultants state that the deliveries and servicing will be the subject of a Delivery and Servicing Plan and are anticipated to take place outside of the AM and PM peak and have therefore not been included in the peak hours assessment. A worst case scenario has been modelled for pick up/drop offs which indicates that there would be a marginal amount of traffic generated by the school use with an average of one car journey every two to three minutes during the AM peak and negligible movements during the PM peak.*
- Car and Cycle Parking: The development is proposed to be car free, which is welcomed in accordance with London Plan Policy 6.13 however, at least one on-site/off-site Blue Badge car parking space should be provided with suitable drop off/pick up facilities for disabled people, and secured by condition.
- Cycle parking for the residential units meets minimum London Plan standards; however, there is a shortfall in the provision for the school, which requires 56 long-stay and 4 short-stay spaces. *Officer note: revised plans have been received indicating a total of 60 cycle parking spaces.*
- Walking and Cycling: The Pedestrian Environment Review Survey (PERS) audit identifies low scoring areas but no potential improvements. Improvements and means of delivery should therefore be identified in line with the Mayor's and TfL policy documents on Healthy Streets, and the draft Mayor's Transport Strategy.
- The Council should investigate how the four routes identified in the Cycling Level of Service (CLoS) assessment as inadequate for the purposes of utility cycling could be improved. Safer and more attractive alternative routes close by, also identified in the Transport Assessment should be promoted. *Officer note: the applicant has agreed that the safer and more attractive routes would be promoted to local residents and users of the school through either promotional material and/or some form of signage as part of the revised draft Travel Plan and Full Travel Plan to be secured through the Section 106 agreement.*
- Transport Plans: The mode share targets for walking and cycling put forward in the Travel Plan are unambitious and should be higher in line with the draft Mayor's Transport Strategy approach and to reflect local context. The Travel Plan should therefore be redrafted to reflect these concerns prior to determination and appropriately secured. *Officer note: The applicant has submitted a revised draft Travel Plan to address this comment. This would be reviewed by TfL following a Stage II referral to the GLA and a Travel Plan would be secured through the Section 106 agreement.*
- A deliveries and servicing plan (DSP) should be secured by condition and follow TfL guidance on minimising the impact of freight movements on the transport network.
- A two-stage construction logistics plan (CLP) condition should also be attached to any consent, to ensure production of an outline CLP prior to appointment of a principal contractor, and a detailed CLP prior to commencement, with cycle and pedestrian safety

as a key consideration *Officer note: the applicant advises that a contractor is already in place subject to the grant of planning permission therefore it is recommended that a single stage demolition and construction logistics plan be secured by condition (No.28).*

- 9.7 Historic England – Declined to comment in detail and responded by forwarding the pre-application advice they had provided to the applicant. This advice was based upon a much earlier version of the proposed development following a meeting in 5 December 2016. The scheme which was reviewed by Historic England comprised a tower on the Golden Lane frontage, the exact height of which had not yet been set but which was anticipated to be approximately 10-14 storeys high. The school and school hall buildings were to be approximately 3 storeys high in a rectilinear form. The summary of that advice is as follows:

*‘... a taller building on the site will more visible particularly in the context of Great Arthur House. Given its particular significance as a tall building and its key role in defining the Estate, the relationship would be critical. The design quality, materials and delivery of this would be crucial and in particular, the detailing at roof level where the new building would need to have a positive but deferential relationship with the rooftop garden and canopy of Great Arthur House. The treatment of the flank elevations will also be important, as these will be clearly visible, particularly when viewed from the south as one approaches the Estate from the Barbican and Fann Street.*

*Similarly, the design treatment at street level is important and I recognise the consideration given by the architects to the rectilinear layout of the buildings, the entrance treatment from Golden Lane and understanding of the need to sensitively response to Basterfield House. I also note that there may be potential non-heritage public benefits in improving the appearance and activity of Baltic Street West. In determining the proposed height of the building, I urge you to give these points very careful consideration. Whilst I do not object in principle to a taller building on this site, it will clearly impact on the designated heritage assets on the Golden Lane Estate and neighbouring streets within the conservation area. These impacts should be fully explored as part of the design process in order to understand, and where possible mitigate against, any harmful impacts. This is particularly important where the proposal is of a similar height to Great Arthur House. Exceeding the height of the listed tower would require a high level of justification and require further scrutiny to assess its acceptability in principle. The design quality of any proposals on this site will be key and whilst it should not seek to replicate the listed buildings, it is, in my view, important that it seeks to respond to it and reflect this in its design as far as possible.’*

- 9.8 Twentieth Century Society – raise an objection which is summarised as follows:

- Proposed tall building is distinct from others in the wider setting of the Golden Lane estate which are landscaped and stand in their own space, set a distance away from the street line and from the listed buildings
- The proposed tower will rise up almost directly against Basterfield House resulting in a major impact on the listed block as well as on views through the estate more generally - The proposed tower will also rival Great Arthur House, the original focal centrepiece of the estate which is intended as the point of orientation as you walk through the landscaped communal areas.

- Proposed tall building will have a harmful impact on views from within the estate as well as those across the estate towards the Barbican, as expressly warned against within the Golden Lane Estate Listed Building Management Guidelines – The building would obstruct key views, in particular those along Golden Lane, Garratt Street and Banner Street.
- The public benefits of the scheme will be seriously undermined by what is a clear overdevelopment of the site. There is great potential for a less massive, less dense development that could cause less or nil harm to the adjacent listed buildings, and that would provide a better quality of space for the new users and the existing Golden Lane Estate residents. The benefits do not outweigh the harm caused in this case.

9.9 Metropolitan Police (Crime Prevention) – No objections raised. It is recommended that the school development should achieve the minimum specifications laid out in the Secured by Design New Schools Guide (2012) whilst the residential development should achieve the minimum specifications laid out in the Secured by Design New Homes Guide (2016).

9.10 London Fire and Emergency Planning Authority (LFEPA) – No objections raised and the following observations are made:

- Requirements of B5 of Approved Document B (Building Regulations) should be met in relation to access and water supply whilst in construction phase.
- Full compliance with the Building Regulations should be achieved - LFEPA should be consulted via Building Control or an Approved Inspector where the internal layouts and fire safety provisions will be commented on via the statutory consultation under Building Act 1984 Section 15 and Article 45 & 46 of Regulatory Reform (Fire Safety) Order 2005
- It should be ensured that statutory requirements set under the Regulatory Reform (Fire Safety) Order 2005 are achieved once built and occupied regarding the common parts.

Other comments

- Means of escape from the roof top play area and how the evacuation strategy will work should be considered. *Officer note: it is recommended that this be secured by condition and it is also recommended that an evacuation strategy be secured for the residential/commercial building (no. 39).*
- If PV units are to be installed then the local fire station should be contacted in order to put on the Operational Risk Database and the isolation switches should be clearly marked.
- It is noted that sprinklers have been considered for both the school and residential buildings.

9.11 Thames Water – no objections raised in relation to water infrastructure capacity, sewerage infrastructure and surface water drainage.

**Internal Consultees**

9.12 Access Officer – no objections raised subject to conditions to address outstanding accessibility matters.

9.13 Design and Conservation Officer has raised objections to the proposal and his assessment of harm and design quality is detailed as follows:

'While the design approach to the school could have been better, perhaps with a more efficient use of the site by placing the sports hall underground enabling the creation of more much needed open space, it is considered to be acceptable design in itself.

However, the proposed 14-storey tower is not considered to be good design and is far from the 'exceptional' level of design required by policy when tall buildings are considered to be acceptable.

The concrete tower has an extremely poor visual relationship with its brick podium which results in it being read as two separate buildings, one placed uncomfortably over the other. The addition of concrete columns to the podium does little to help with the near complete lack of visual connectivity. There is no successful resolution to the top of the building and the proposed substantial concrete parapet is extremely heavy visually.

The proposed 14-storey tower would have an extremely negative impact on the relatively consistent low-rise streetscape of Golden Lane and this part of the St Luke's Conservation Area as well as on the setting of the locally listed 109 and 115 Golden Lane. It will appear monolithic and overbearing within its sensitive context. Views 3, 4, 7A, 7B, 9 and 13 show this impact in particular.

The proposed 14-storey tower directly abuts a narrow pavement on a street characterised by 4-storey buildings without any public realm or set-back in built form that would usually be expected of a tower in order for it to integrate successfully in the streetscape and mitigate its impact. The transition from the 4-storey streetscape to a 14-storey tower is an extremely unsuccessful relationship and the detailing of the building fails to mitigate this negative impact. Even if a tower were to be considered acceptable in principle on this site the design is not considered to be of sufficient quality for what would be such a prominent building.

The tower would have an extremely negative impact on the setting of the listed Golden Lane Estate. Key negative impacts would be on how the estate is appreciated from within the asset. The proposed 14 storey tower would also compete with and detract from the setting of Great Arthur House, the 'crown' in the arrangement of the estate which should remain adequately prominent.

Existing towers in the area do not provide justification for the proposed tower. These were designed prior to modern planning considerations and are set within significant open spaces which assist in relieving their impact.

#### View Assessment

- View 1 shows how the proposed 14-storey tower will disrupt the intact view of the Golden Lane Estate from Aldersgate Street, appearing above the GII\* listed Crescent House.
- View 2 shows how another intact view, from within the Golden Lane Estate itself, will be substantially disrupted through the presence of the 14-storey tower, resulting in a loss of open sky greatly harming and spatial composition of Callum Welch House, Great Arthur House and Basterfield House and the original design intention for how these are appreciated together as objects in space.
- View 3 and 4 show how the proposed 14-storey tower will have an extremely negative impact, appearing both monolithic and overbearing, on the relatively consistent low-



rise streetscape of Golden Lane and this part of the St Luke's Conservation Area as well as on the setting of the locally listed 109 and 115 Golden Lane.

- View 5 shows how the proposed 14-storey tower will disrupt another view from within the Golden Lane Estate.
- View 6 shows how the proposed 14-storey tower would appear from Baltic Street West.
- Views 7A and 7B show how the proposed 14-storey tower will have an extremely negative impact, appearing both monolithic and overbearing, when viewed from Banner Street.
- View 8 shows how the proposed 14-storey tower will have a negative impact on the surrounding context when viewed from Roscoe Street, appearing overbearing.
- View 9 shows how the proposed 14-storey tower will have an extremely negative impact, appearing both monolithic and overbearing, on the relatively consistent low-rise streetscape of Golden Lane and this part of the St Luke's Conservation Area as well and especially the low-rise section of the Golden Lane Estate, with a strong horizontal emphasis.
- View 10 shows how an intact view, from within the central garden of the Golden Lane Estate, will be substantially disrupted through the presence of the 14-storey tower rising above Basterfield House. The disruption of this view greatly harms the original design intention for how the Golden Lane Estate was intended to be appreciated as objects within a landscaped setting.
- View 11 shows how the proposed 14-storey tower will have a negative impact on the setting of the GII\* listed Crescent House. I question this view as only a wireline is provided and the trees are shown in leaf.
- View 12 shows how an intact view, from within the Golden Lane Estate itself, will be disrupted through the presence of the 14-storey tower.
- View 13 shows how the proposed 14-storey tower will have an extremely negative impact, appearing both monolithic and overbearing, on the relatively consistent low-rise streetscape of Golden Lane and this part of the St Luke's Conservation Area as well as on the setting of the locally listed 109 Golden Lane.

#### Harm to the heritage assets, and the Public Benefits

The proposals are considered to cause less than substantial harm (at the higher end of the scale approaching substantial harm) to the setting of:

- Golden Lane Estate (GII listed with Crescent House listed at GII\*)
- St Luke's Conservation Area
- Locally listed buildings, 109 and 115 Golden Lane

The Barnwell Judgement and a number of subsequent appeal decisions have clearly shown that it is insufficient to simply avoid 'substantial harm' and the high threshold it sets for planning approval, and assume that the public benefits of addressing a local authority's identified needs (such as affordable housing) will necessarily override an assessment of 'less than substantial harm', as set out in Paragraph 134 of the NPPF. Consequently, even when there is less than substantial harm the presumption should still be refusal unless there is clear and convincing justification.

#### Conclusion

Paragraph 64 of the NPPF states: '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'. Consequently, permission should be refused on the basis

that the proposed tower is poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Paragraph 132 of the NPPF states that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting, and that ‘as heritage assets are irreplaceable, any harm or loss should require clear and convincing justification’.

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.

A substantial level of public benefit would be necessary to outweigh the high level of harm to so many heritage assets including one at a high designation. However, that harm could only be outweighed by public benefits if there is clear and convincing justification for the harm. It would surely be possible to provide a similar level of public benefit, through a lower and/or higher quality housing block, without causing such a high level of harm to the heritage assets. No viability evidence has been provided. Consequently, in my view the application should be refused.’ *Officer note: viability information is not required because the applicant is proposing 100% social rented affordable housing. Viability information is only required when an applicant is seeking to justify the provision of less than 50% affordable housing on financial viability grounds.*

- 9.14 Energy Conservation Officer – no objections raised. The feasibility and viability of connection to a District Energy Network is continuing to be explored.
- 9.15 Highways Officer – No objections are raised in relation to the public realm works proposed on Golden Lane and Baltic Street East and these would be secured through the Section 106 agreement and a Section 278 agreement. Further discussions are taking place in relation to on-street disabled parking and servicing arrangements on Golden Lane. It is anticipated that these matters can be satisfactorily resolved and appropriate arrangements can be secured through a Section 106 and a Section 278 agreement. An update on this matter will be provided verbally at the committee meeting.
- 9.16 Public Protection Division (Air Quality) – no objections raised subject to conditions to secure the following:
- Mitigation measures to minimise dust emissions during demolition and construction;
  - Measures to reduce exposure of future users of the proposed development to nitrogen dioxide;
  - Details of the proposed Combined Heat and Power (CHP) system including details of the flue/chimney, details of harmful emissions and any mitigation measures to reduce emissions to an acceptable level.
- 9.17 Public Protection Division (Noise) – no objections raised subject to conditions to secure the following:
- Sound insulation and noise control measures to achieve acceptable noise levels within the proposed residential accommodation;
  - Acoustic barrier to the proposed rooftop school play;
  - Details of the design and installation of fixed plant and sound insulation to residential units to ensure that the fixed plant is acceptable in terms of noise levels.

- 9.18 Public Protection Division (Land Contamination) – no objections raised subject to a condition securing a land contamination investigation and risk assessment and any necessary land contamination remediation.
- 9.19 Planning Policy – the proposed social rented affordable units would meet a pressing need in the borough and are welcomed.
- 9.20 Spatial Planning and Transport (Transport Officer) – no comments received.
- 9.21 Sustainability Officer – no objections raised subject to securing details of green roofs and Sustainable Urban Drainage Systems through conditions.

### **Other consultees**

- 9.22 City of London Adjoining Borough Observations (received by Islington Council 19 February 2018). It is noted that these comments are the (Chief) officers view and assessment of the scheme against the City of London policies that will inform their emerging report to their City's Planning and Transportation Committee. The comments:
- Do not take account of their Members views;
  - Is an initial officer view only; and
  - Is subject to any further consultation responses and views provided by LBI prior to a decision being taken.
- 9.23 The decision whether or not to grant planning permission on the application made to the City of London will be taken by the City's Planning and Transportation Committee and that the decision may differ from that recommended. The full comments are attached at **Appendix 4** to this report. In summary, the conclusions in the comments are:
- “On balance, it is considered that the scheme results in positive benefits to the community as a whole through the provision of social housing, school and community facilities, work space and is in substantial compliance with the City of London Plan and that taken as a whole, planning permission should be granted subject to the imposition of conditions and planning covenants under s106.”*
- 9.24 Commentary from within the City of London's officer's comments are provided within the relevant section of this report as context due to those comments being a material planning consideration. Key differences relate to a greater degree of positivity given to the detailed elevational treatment of the tower, and significantly more detailed conditions to be sought (which have been adopted into the wording of proposed conditions recommended in this report), conclusions on future connection to a direct heat network, where the City are insisting on connection, additional requirements for air quality (which dovetails to district heat connection).
- 9.25 Emily Thornberry (MP) wrote in to provide support for the 66 new social rented homes and the primary school being built on the site. She did ask that the objections received, particularly residents' concerns regarding daylight and sunlight be duly considered as part of the decision making process.
- 9.26 Design Review Panel –The proposed development was considered by the Design Review Panel (DRP) on 5 separate occasions on 10 August 2016, 25 January 2017, 16 May 2017,

12 September 2017, and 30 October 2017. The Design Review Panel provides expert impartial design advice following the 10 key principles of design review established by the Design Council/CABE. The DRP's observations following the five meetings are attached at **Appendix 3** and the first four responses are summarised below whilst the most recent response to the current proposal is set out in detail.

9.27 August 2016 DRP – The design team presented a part double height ground floor, part 4 storey T-shaped building to provide a 2 form entry primary school plus nursery and a 16 storey block (with double height ground floor/undercroft) to provide 69 residential units (social rented tenure). The double height ground floor part of the school building was proposed to accommodate a school hall with a Multi- Use Games Area (MUGA) above and a rooftop play area on the main wing of the school was proposed. The proposal was at a relatively early design stage and the details submitted included indicative height, scale, massing and layouts along with initial thoughts regarding elevational treatments.

9.28 The DRP's feedback is summarised as follows:

- Concern regarding the proposed density of development and height of the building – a very robust justification would be required and this had not been presented.
- Concern that the proposal to replicate Great Arthur House would undermine its significance and detract from the original masterplan for the Golden Lane Estate – a thorough assessment of the significance of the estate and the impact of the scheme had not been undertaken.
- Assessment of environmental impacts including wind impacts and overshadowing should be undertaken.
- Concern about how the building would meet the ground and whether there would be sufficient activity fronting the street – it was not considered necessary to provide the school entrance under the housing block.
- Consideration should be given to implications of school security arrangements for permeability of the estate.
- Consideration should be given to impacts on the quality of the public realm around the site as the scheme is developed.
- Consideration should be given to the cost efficiency of the design to ensure the quality of the building which will be delivered.

9.29 January 2017 DRP - The design team presented further information in terms of a site and contextual analysis to seek to respond to concerns that inadequate justification for the proposed residential block, and in particular its height, had been provided. The proposed residential building had been reduced in height from 16 storeys over a double height ground floor/undercroft to a 14 storey block, providing 72 residential units. The design of the school building had also been amended and a 3 storey block with a separate sports hall was proposed. The letter summarising the views of that panel meeting is dated 14 February 2017.

9.30 The DRP's feedback is summarised as follows:

- Height of building may have an adverse impact on the school and existing buildings to the east and north of the site;
- Tower had become bulkier and would play a more prominent role in the townscape, which is undesirable – height of the proposed residential building remains a concern and it should not be higher than Great Arthur House;

- If the deck access was to be maintained then decks areas are likely to be more active than the balconies and it may be more appropriate that they are orientated away from the school playground, with the balconies facing west;
- Narrow, rectangular shape of the residential building, combined with the location of the building hard against the pavement, was questioned - it was thought that a deeper building with a narrower street frontage would be more appropriate because the street would not be presented with such a monolithic elevation;
- Concern that the scheme would detract from the character of Baltic Street East when viewed from this street - the massing could be stepped or the building could appear as two different buildings when viewed from Baltic Street East;
- Necessity for the provision of an entrance to the school as part of the ground floor frontage of the tower block was again questioned;
- There are great differences between the plot on which Great Arthur House (GAH) is constructed and the proposed site of the new residential tower - GAH is at the centre of the estate and as a focal point it is afforded considerable space, without any other estate buildings in close proximity, whilst the application site is hemmed in and fronts the street directly – it is not appropriate or possible to replicate the qualities and character of GAH successfully and the design of the new tower should be developed in its own right - Panel members were also unconvinced that the characteristics and spirit of GAH could be achieved under current building regulations;
- Panel advised that a tall building in this location was not a problem in principle, but it needed to be a convincing design in its own right, so as not to detract from the legibility of the Golden Lane Estate;
- Wind issues which would be more problematic in this location given the close relationship to both the street and school playground – it was suggested that the inevitable wind trap should not be addressed using trees but should be mitigated through the design of the residential block - one potential solution would be to step back the top storeys of the residential block and make up units elsewhere on the site, to create an asymmetric building - this may help to address both the potential wind trap and the harm to the townscape;
- A building or covered area was needed to define the edge of the playground and provide appropriate shelter;
- Significant concerns were raised over the efficiency of the layout of the proposed residential block - balconies and the deck access arrangement would result in a large amount of shading which would require large expanses of glazing to provide sufficient light to each unit, which would be likely to make the residential units less energy efficient;
- Proposed school playground landscaping was felt to be unresolved and potentially problematic for free-flow activities, and lacked a proper rationale.

9.31 May 2017 DRP - The design team presented a revised scheme comprising an amended 14 storey residential block incorporating a 5 storey podium (providing 66 residential units) and a 3 storey school building with enclosed rooftop play area, and a separate single storey school hall building.

9.32 The DRP's feedback is summarised as follows:

- Some Panel Members remained concerned about the height of the residential building and its dominance on the street and within the setting of the heritage assets, and commented that the building still looked too “lumpy”.
- Some panel members were disappointed at the lack of exploration and specifically a full justification for why other options, that better broke down the mass or proposed a number of lower blocks as the Panel had previously suggested, did not work.
- Verified views would aid assessment of the proposals – the Panel were particularly concerned about the view from Old Street and also raised concerns with views from Banner Street.
- Some Panel Members thought the podium was too tall and that the relationship was still unsuccessful, with the wider, bulkier building not relating well to the other more elegant buildings in the area.
- Stepping the height in from one end of the plinth may improve the tower when viewed from Banner Street and may also allay some fears of Basterfield House residents but a publicly accessible terrace to the top of the podium could be problematic and result in overlooking issues to residents in Basterfield House.
- Podium and the tower above looked too separate and did not read well as one building, making the tower element look even bigger. The articulation of the elevations, especially above the podium, did not help with how the building's massing, bulk and height is read, which reduced the potential elegance of the building.
- Concerns were expressed over the use of GRC in relation to joints and detailing. In view of the requirement for a building of outstanding quality the Panel felt the residential tower needed better articulation and that the architectural expression was unresolved and did not sit well as currently proposed. Significant design improvements were required in order to make a building of this height acceptable on the site.
- Panel questioned the orientation of the duplex apartments. They did, however, support the relocation of the duplex apartments to the lower level.
- Panel were not convinced that the School entrance on Golden Lane worked as a recessed space on the street and more detail is required in terms of lighting, material, design of the gates, and security.
- The Panel were supportive of changes to the design of the school, including the separate hall which would enable its more flexible use by the community whilst separate buildings better related to the morphology of the Golden Lane Estate as a collection of buildings with spaces around them.
- The Panel were supportive of the materials proposed for the school buildings and it is considered important that any greening proposed to boundary walls between the school and the existing residents should be carefully managed.
- Depth of the maisonette balconies may have a negative impact on the quality of the residential units in terms of the daylight within units and the quality of the internal space.
- The landscape proposals had greatly improved since the last review.

9.33 September DRP the scheme presented comprised the initial planning application submission. The layout of the apartments had been reconfigured to allow an increase in the span of the outermost structural bay and which allowed the extension of the access to the full width of the upper block. This facilitated a reduction in the mass of the upper block at

the corners and the introduction of a stepped profile to the edge of the building to soften its appearance on the skyline. The podium block had been reduced by one storey to reduce the height of the building at the junction with Basterfield House. Textured brickwork had been introduced to the upper floor of the podium.

9.34 The DRP's feedback is summarised as follows:

- The Panel did not revisit the discussion over the height and impact on the townscape and heritage assets, but acknowledged that it would make an impact on their setting.
- Concerns were raised over the relationship between the podium and the upper part of the tower which was considered still unsuccessful – it was felt they read as two separate buildings, one placed uncomfortably over the other.
- The reduction in the mass to the corners of the tower was welcomed but the positive impact would likely be reduced by solid perforated metal balconies, the effect of which was not clear from the plans - the design team were encouraged to explore a different treatment to the balustrades
- It was considered difficult to assess the visual impact of the background cladding in relation to the frame – the Panel commented that there may be a risk, for example, that an excessive amount of grey metal panels could lead to a 'dead' appearance.
- The building should be constructed with the highest quality materials and a preference was expressed their preference for pre-cast concrete as they had concerns about the detailing and longevity of Glass Reinforced Concrete.
- Panel members expressed concern over the difficulty of ensuring quality of construction through the planning system and felt that certainty in construction quality is required in order for them to be convinced that the design is of an exceptional standard - the design team were encouraged to explore these construction details as part of the planning application (including 1:5 details) to ensure that the aspirations of a high quality, durable and sustainable building are delivered.
- Panel members raised concerns over the proportions of the podium, specifically with the maisonettes expressed as double storeys, which was not considered successful.
- The Panel were not convinced that the choice of brick was right.
- The Panel expressed concerns in relation to the entrance to the school which they felt lacked legibility and needed to have greater prominence – concerns were also raised that the enclosed space and large recess might lead to anti-social behaviour.
- Concern was raised that the ground floor fronting the street lacked visual interest and activity, with much of the space given over to servicing.
- The panel suggested that the ground floor extended the 'covered walkway' established by the existing estate building along Golden Lane which would make the detailing even more important – it was noted that the design of the columns needed to be better considered and detailed.
- The Panel was generally supportive of the school design but queried whether the use of 'hit and miss' brickwork, as well as textured brick resulted in too many different features which could detract from the architectural identity of the scheme given that this is a feature currently being used in many schemes throughout London.
- It was suggested that it might be better to re-instate the framing to the top of the elevations as previously shown.

9.35 October 2017 DRP – the scheme presented comprised the October 2017 revision. The elevational treatment of the residential block had been revised to bring an element of the

materiality of the tower down to the podium through precast concrete on alternate columns. An anodised aluminium flat bar balustrade is proposed to address concerns regarding the balcony treatment. Revised details of brickwork were presented, including in place of the concrete cladding on the walkways. Detailed design drawings were also presented. The design of the duplex apartments has been revised so that they do not read as double height spaces and this has provided enlarged balconies to the bedrooms on the upper floors. The size of the ground floor recess has been reduced whilst decorative metalwork and increased proportions of glazing have been introduced to the ground floor fronting the street.

9.36 The DRP's observations are detailed as follows:

#### Height and Impact on Heritage Assets

'The Panel did not revisit the discussion over the height and impact on the heritage assets but once again concentrated on the design detailing. However, the Chair noted that the proposed building would have a substantial impact on townscape views by virtue of its scale and massing, as well as on the Golden Lane Estate. The heritage expert on the panel reiterated that the height, bulk and massing will have a major impact on the setting of the heritage assets and that there will be some harm. Previously the panel stated that should the public benefit of social housing be considered to justify a tall building outside of an area designated for tall buildings the design quality would need to be exceptional in order to comply with policy. However, the Panel continued to raise the following concerns.

*Officer response: Noted and detailed design to be further worked on as required by recommended conditions of consent. It should be noted that the GLA consider there to be no harm to the nearby heritage assets, Historic England raise no objection subject to the tower not being taller than Great Arthur House and the detailing of the top of the tower and the ground floor activity of the tower being appropriately resolved. These issues are considered to be dealt with by conditions and the tower would be lower in height than Great Arthur House.*

#### Relationship between podium and tower

The Panel previously raised substantial concerns over the relationship between the podium and the upper part of the tower which was considered to be unsuccessful as it read as two separate buildings, one placed uncomfortably over the other. While some panel members thought the addition of concrete columns to the podium had helped the relationship some were unconvinced. The Chair noted that the clear expression of a podium and a tower to one side in contrasting materials leads to an awkward and unbalanced relationship resulting in an unsatisfactory composition. The recent amendment appeared to be an inadequately cosmetic transition between these elements with a stronger design solution being required. There was a discussion of the relationship between the different form and materiality of the columns. The Panel felt that these needed greater consideration, for example vertical columns between the tower and the podium were too similar and the ground floor columns might be more successful if all in concrete and not some being built of brick.

*Officer comment: It is recognised that the detailed design of both the tower and the podium have improved considerably through the DRP process. It is material to this consideration that the City of London in their assessment of the proposals do not consider the detailing to be as problematic as the DRP do. The City state "it is considered that if well executed this architectural concept could complement the adjacent Golden Lane Estate". A number of detailed points in relation to the execution of the detailed design has been requested by the*



*City and it is considered that those condition requirements if also considered as part of the consultation process with the City and with a DRP Chair Review would give a sufficiently robust assessment and further design consideration so as to address this concern of the DRP.*

#### Rooftop parapet

Since the last review a substantial concrete parapet, potentially with external lighting, had been added to the design and the Panel did not support this change which appeared heavy. The Panel stated that this needs to be reconsidered and that a social housing tower should not have unnecessary and energy wasting external lighting. The Chair noted that the building had been designed with an expressed base and middle but that the top lacked and missed the opportunity of articulation in some form.

*Officer response: This issue is also of importance to Historic England and it is recommended that this detailed design feature be further explored through the condition discharge stage so as to improve the termination of the top and therefore continue to improve the relationship with Great Arthur House. This would also be presented to the DRP Chair Review for robustness and consulted on with the City of London. Lighting (external) is not supported for the tower and this would be resisted by condition of consent. In this regard, it is considered that further design would be able to further reduce any concern of the DRP and Historic England in this regard.*

#### Ground floor frontage

The Panel renewed their concerns over the ground floor plan and the lack of an active frontage. Panel members noted that the previous design had a more generous lobby and that the entrance needs to be larger and more welcoming. The design team informed the Panel that the bike store/some servicing was not placed in a basement because of the cost that this would add to the scheme. Some Panel members raised general security concerns and questioned whether a bike store that was so highly visible from the street would be well used. The Panel thought that a more active frontage was required.

*Officer response: revised plans were submitted in January 2018 indicating a basement to accommodate plant and cycle storage and the introduction of active uses (3 small office units) at ground floor level which is considered to have satisfactorily addressed these concerns.*

#### Materials

The sustainability expert on the panel expressed concerns over the secondary skin and that the more detailed/heavy it is, the more expensive it will be. The client informed the Panel that the scheme was already costed at £3million over budget. Previously the Panel raised concerns over the need for the tower to be constructed to a high standard and budget concerns could impact on this.

*Officer response: The quality of the design of the tower due to its prominence and visibility and harm to heritage assets and need to accord with development plan requirements for very high or exceptional or world class architecture is particularly important. As can be seen from the detailed design assessment from the City of London, detailed conditions have been recommended to ensure that the eventual design is of particularly high quality, and includes a requirement to contribute to develop the relationship of the podium to the tower. It is to be required by condition that the submitted details must also be presented to the Chair Review*

*DRP in order to ensure proper detailed independent scrutiny. In this regard this concern is considered to be suitably addressed via planning condition.*

#### Privacy

The Panel renewed their concerns over the walkways and the lack of privacy for future residents with the possibility of neighbours approaching open bedroom windows.

*Officer response: a condition has been recommended to further explore measures to improve this relationship. It is considered that a suitable solution or at least substantial mitigation of this concern can be achieved.*

#### School Building

The Panel welcomed the design changes to the school but some panel members still questioned the choice of brick.

*Officer response: material samples will be approved as part of planning conditions and on-site sample panels will be viewed in-situ to consider alongside the existing townscape. It is considered this can be suitably addressed at conditions stage.*

#### Summary

The Panel acknowledged that improvements have been made to the proposals but many concerns remained. The proposed building would have a substantial impact on the townscape and harm the setting of the heritage assets. Should the public benefit of social housing be considered to justify a tall building outside of an area designated for tall buildings then the design quality would need to be exceptional in order to comply with policy. However, the Panel continued to raise concerns over the relationship between the podium and the upper part of the tower, the form and materiality of the columns, the concrete parapet, the layout and use of the ground floor, the lack of an active frontage, cost of construction and the delivery of quality and a lack of privacy for future residents due to the walkways. Consequently, the Panel were unable to say that the design is of an exceptional level of quality.

*Officer response: the ground floor active uses concern has been addressed and the remainder of the design concerns (excluding height and bulk / massing) are to be further addressed via detailed planning conditions. In this respect the final issue is considered to relate to the final balancing exercise.*

## **10. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATIONS & POLICIES**

- 10.1 Islington Council (Planning Committee), 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);*

*(The relevant development plan is the London Plan and the City's Local Plan, including adopted Supplementary Planning Guidance)*

10.2 As the development affects the setting of listed buildings, Islington Council (Planning Committee) is required 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) and;

10.3 Paragraph 131 of the NPPF advises:

“In determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.”

10.4 The NPPF states at paragraph 14 that

*“at the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means: approving development proposals that accord with the development plan without delay...”*

10.5 It further states at Paragraph 2 that:

*“Planning Law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise”.*

10.6 It states at paragraph 7 that sustainable development has an economic, social and environmental role.

10.7 In considering the planning application account has to be taken of the statutory and policy framework, the documentation accompanying the application, and views of both statutory and non-statutory consultees.

10.8 The Human Rights Act 1998 incorporates the key articles of the European Convention on Human Rights into domestic law. These include:

- Article 1 of the First Protocol: Protection of property. Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.
- Article 14: Prohibition of discrimination. The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status.

- 10.9 Members of the Planning Committee must be aware of the rights contained in the Convention (particularly those set out above) when making any Planning decisions. However, most Convention rights are not absolute and set out circumstances when an interference with a person's rights is permitted. Any interference with any of the rights contained in the Convention must be sanctioned by law and be aimed at pursuing a legitimate aim and must go no further than is necessary and be proportionate.
- 10.10 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

### **Development Plan**

- 10.11 The Development Plan is comprised of the London Plan (2016), the Draft London Plan (out for consultation), Islington Core Strategy (2011), Finsbury Local Plan (2013) and Development Management Policies (2013). The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.
- 10.12 Although the City of London's policies do not form part of the Development Plan for the purposes of determining the Islington Application, the policies and the City's identification and analysis of its policies relevant to the City's Application are a material consideration and should be taken into account. In this regard, the Planning Service has received the initial evaluation of the Chief Planning Officer of the City of London. In that document, it is caveated that the response:
- does not take into account Member's views
  - Is an initial officer view only; and
  - Is subject to further consultation responses and the views of Islington, prior to a decision being taken,
  - Any decision whether or not to grant planning permission will be taken by the City's Planning and Transportation Committee.
- 10.13 The City of London's Development Plan comprises of the London Plan (2016), the Draft London Plan (out for consultation), City of London Local Plan (2015). That list of policies is included at Appendix 4 to this report.

### **Designations**

- 10.14 The site has the following designations under the London Plan 2016, Islington Core Strategy 2011, Finsbury Local Plan (2013) and Development Management Policies 2013 and the City of London Local Plan (2015)):
- Site Allocation BC34 'Richard Cloudesley School'

- Central Activities Zone (CAZ)
- Core Strategy CS7 - Key Area Bunhill and Clerkenwell
- Moorfields Archaeological Priority Area
- Local Cycle routes
- St Luke's Conservation Area (northern part of the site)
- Within 50m of the Hat & Feathers Conservation Area
- Article 4 Direction (A1-A2)

### **Supplementary Planning Guidance (SPG) / Document (SPD)**

10.15 The SPGs and/or SPDs which are considered relevant are listed in Appendix 2.

## **11. ASSESSMENT**

11.1 The proposal would result in the loss of the existing Adult / Community Education centre on the site and the delivery of a two form entry primary school (420 pupils), a nursery (38 pupils) and 66 affordable (social rented) residential units.

11.2 The main issues arising from this proposal relate to:

- Land use (including housing and educational need)
- Design and appearance (including tall building considerations)
- Impact on heritage assets
- Density
- Accessibility
- Landscaping, Trees and Ecology
- Neighbouring amenity
- Quality of Resulting Residential Accommodation
- Sustainability, energy efficiency and renewable energy
- Highways and Transportation
- Archaeology
- Contaminated Land
- Planning obligations and Community Infrastructure Levy.

### **Land-use**

#### **Loss of Community Education Centre**

11.3 The proposal would result in the loss of a Community Education Centre from the site which is currently in operation.

11.4 Policy 3.16 of the London Plan is concerned with Protection and Enhancement of Social Infrastructure and states, inter alia, that:

*'B. Development proposals which provide high quality social infrastructure will be supported in light of local and strategic social infrastructure needs assessments. Proposals which would result in a loss of social infrastructure in areas of defined need for that type of social infrastructure without realistic proposals for re-provision should be resisted. The suitability of redundant social infrastructure premises for other forms of social infrastructure for which*

*there is a defined need in the locality should be assessed before alternative developments are considered.*

*C Facilities should be accessible to all sections of the community (including disabled and older people) and be located within easy reach by walking, cycling and public transport. Wherever possible, the multiple use of premises should be encouraged.'*

11.5 Policy DM4.12 is concerned with Social and Strategic Infrastructure and Cultural Facilities and states, inter alia, that:

*'A. The council will not permit any loss or reduction in social infrastructure uses unless:*

*i) a replacement facility is provided on site which would, in the council's view, meet the need of the local population for the specific use; or  
ii) the specific use is no longer required on site. In such circumstances, the applicant must provide evidence demonstrating:*

*a) that the proposal would not lead to a shortfall in provision for the specific use within the local catchment;  
b) that there is either no demand for another suitable social infrastructure use on site, or that the site/premises is no longer appropriate for social infrastructure uses; and  
c) any replacement/relocated facilities for the specific use provide a level of accessibility and standard of provision at least equal to that of the existing facility.*

*B. The council will seek the provision of new social infrastructure and cultural facilities as part of large mixed-use developments. Developments that result in additional need for social infrastructure or cultural facilities will be required to contribute towards enhancing existing infrastructure/facilities, or provide/contribute towards new infrastructure/facilities. This contribution will be addressed through CIL and/or section 106 obligations, as appropriate.*

*C. New social infrastructure and cultural facilities, including extensions to existing infrastructure and facilities, must:*

*i) be located in areas convenient for the communities they serve and accessible by a range of sustainable transport modes, including walking, cycling and public transport;  
ii) provide buildings that are inclusive, accessible, flexible and which provide design and space standards which meet the needs of intended occupants;  
iii) be sited to maximise shared use of the facility, particularly for recreational and community uses; and  
iv) complement existing uses and the character of the area, and avoid adverse impacts on the amenity of surrounding uses.'*

11.6 City of London Local Plan policy CS22 is concerned with Social Infrastructure and Opportunities and states, inter alia:

*'To maximise opportunities for the City's residential and working communities to access suitable health, social and educational facilities and opportunities, while fostering cohesive communities and healthy lifestyles, by:*

3. *Protecting and enhancing existing community facilities and providing new facilities where required, whilst allowing flexibility in the use of underused facilities, including places of worship. There should be no overall loss of community facilities in the City, where a need exists.*
4. *Improving the skills and education of all the City's communities:*
  - i. *providing adequate educational facilities and services to meet the community's needs;*
  - ii. *protecting and enhancing existing education facilities including schools, adult and higher education premises, and ensuring that new facilities are sited in appropriate locations;*
  - iii. *continuing to provide and improve social and educational services through the City's libraries;*
  - iv. *ensuring adequate childcare facilities, including nursery provision and crèches. Encouraging nursery providers and businesses to establish additional childcare facilities, where a need exists.'*

11.7 City of London Local Plan policy DM22.1 states, inter alia, that:

*'1. To resist the loss of social and community facilities unless:*

- replacement facilities are provided on-site or within the vicinity which meet the needs of the users of the existing facility; or*
- necessary services can be delivered from other facilities without leading to, or increasing, any shortfall in provision; or*
- it has been demonstrated that there is no demand for another similar use on site.'*

11.8 It is noted that there would not be an overall quantitative loss of social infrastructure as the proposal involves the provision of a two form entry primary school and a nursery. There will be an uplift of 294m<sup>2</sup> Use Class D1 floorspace on the site from 2,168m<sup>2</sup> to 2,462m<sup>2</sup>. However, the proposal involves the loss of the specific adult education use from the site. The application advises that the services in the Community Education Centre, will be retained within the City of London and relocated partly to the Golden Lane Community Centre (which is being refurbished and anticipated to re-open in March 2018) and also the City's business library.

11.9 The existing Community Education Centre was last renovated over 15 years ago and comprises two main rooms and a number of ancillary spaces as follows:

- Classroom (34m<sup>2</sup>) with seating for 12 with computer screens, smart board, wall mounted speakers and a teacher's desk.
- Large hall (142m<sup>2</sup>) with ceiling mounted projector with pull down screen, two storage rooms (1 approximately 11m<sup>2</sup> and 1 approximately 2m<sup>2</sup>) and a kitchen (8m<sup>2</sup>) to the rear with servery hatch.
- Reception at the entrance, separate small staff room with printer/copier and office/counselling room (18m<sup>2</sup>). There are also male / female toilets and separate disabled access WC.

11.10 The refurbishment of the Golden Lane Community Centre will include a full internal refurbishment, including replacing all M&E (the building will have all heating and cooling provided by a new air-conditioning system), new flooring, light fittings, finishes, kitchens and bathrooms. In addition, double glazing is being installed throughout the building, the roof covering is being replaced, and photovoltaic panels are being installed on the roof.

- 11.11 The replacement Community Education Centre within the business library will include the following facilities:

Ground Floor (100m<sup>2</sup>)

- Double height classroom (16m<sup>2</sup>) with seating and computers for 12 and a teacher's desk at the end of the room with computer; SMART display board; power and data points, wifi and built in storage.
- Fully equipped kitchen (8m<sup>2</sup>) to be used by all users of the centre (can support the delivery a cookery class in the main hall).
- Main hall (100m<sup>2</sup>) with significant increase in built in storage, new wooden sprung floor, double glazed windows, blinds to prevent glare and a small sink area – hall will be suitable for a variety of classes (sports, dance, arts & crafts etc.).
- Power, data and speaker cabling will support the use of audio and visual equipment.
- A disabled access platform lift between the floors
- The main entrance and reception (35m<sup>2</sup>) will feature a seating area for users of the facility to congregate.

Lower Ground Floor (87m<sup>2</sup>)

- Music room with improved sound insulation.
- Flexible main space with folding partitions suitable for a variety of classes, hard wearing rubber flooring, large amount of built in storage and a sink area.
- Power, data and speaker cabling will support the use of audio and visual equipment.
- Breakout/seating space.

- 11.12 On the basis of the above information it can be considered that the proposed replacement facilities will, overall, be at least equal to the existing facilities on the application site and will continue to meet the needs of the community.

- 11.13 The site benefits from a PTAL rating of 6a (Excellent) and is therefore highly accessible by public transport and can be accessed by walking and cycling. Having regard to the above, the relocation of the Community / Adult Education Centre to the two locations as set out above is considered to be consistent with policy requirements within the London Plan, Islington Development Management Policies (2013) and policies CS22 and DM22.1 of the City of London Local Plan. This is supported by the City of London Committee report that confirms the loss and re-provision is compliant with their policies. At the time of writing confirmation that the replacement facility would be delivered in April 2018 was awaited by Officers and an update will be provided. Alternatively Islington Council would seek to secure this re-provision within the s106 agreement to ensure that no community facility loss would occur.

Educational Need

- 11.14 Paragraph 72 of the NPPF states that:

*'The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:*

- *give great weight to the need to create, expand or alter schools; and*



- *work with schools promoters to identify and resolve key planning issues before applications are submitted.'*

11.15 A joint Ministerial Statement by the Secretary of State for Communities and Local Government and the Secretary of State for Education was issued in August 2011. 'Planning for Schools Development' set out the Government's commitment to support the development of state-funded schools and their delivery through the planning system and stated, inter alia, that:

*'The Government is firmly committed to ensuring there is sufficient provision to meet growing demand for state-funded school places, increasing choice and opportunity in state-funded education and raising educational standards. State-funded schools - which include Academies and free schools, as well as local authority maintained schools (community, foundation and voluntary aided and controlled schools) - educate the vast majority of children in England. The Government wants to enable new schools to open, good schools to expand and all schools to adapt and improve their facilities. This will allow for more provision and greater diversity in the state-funded school sector to meet both demographic needs and the drive for increased choice and higher standards...By increasing both the number of school places and the choice of state-funded schools, we can raise educational standards and so transform children's lives by helping them to reach their full potential.*

*It is the Government's view that the creation and development of state-funded schools is strongly in the national interest and that planning decision-makers can and should support that objective, in a manner consistent with their statutory obligations. We expect all parties to work together proactively from an early stage to help plan for state-school development and to shape strong planning applications. This collaborative working would help to ensure that the answer to proposals for the development of state-funded schools should be, wherever possible, "yes".*

*The Government believes that the planning system should operate in a positive manner when dealing with proposals for the creation, expansion and alteration of state-funded schools, and that the following principles should apply with immediate effect:*

- *There should be a presumption in favour of the development of state-funded schools, as expressed in the National Planning Policy Framework.*
- *Local authorities should give full and thorough consideration to the importance of enabling the development of state-funded schools in their planning decisions.*
- *Local authorities should make full use of their planning powers to support state-funded school's applications.*
- *Local authorities should only impose conditions that clearly and demonstrably meet the tests set out in Circular 11/95. Planning conditions should only be those absolutely necessary to making the development acceptable in planning terms.*
- *Local authorities should ensure that the process for submitting and determining state-funded schools' applications is as streamlined as possible*
- *A refusal of any application for a state-funded school, or the imposition of conditions, will have to be clearly justified by the local planning authority.'*

11.16 Policy 3.18(C) of the London Plan states, inter alia, that:

*‘Development proposals which enhance education and skills provision will be supported, including new build, expansion of existing or change of use to educational purposes. Those which address the current and projected shortage of primary school places and the projected shortage of secondary school places will be particularly encouraged.’*

- 11.17 Paragraph 4.71 of the Council’s Development Management Policies document states that:

*‘Where a new educational facility is proposed (including standalone new facilities, facilities provided as part of a mixed-use development and facilities which have converted an existing building/use into educational use), they should maximise use by local communities, including through their accessible location and design, consistent with the requirements of other relevant Development Management Policies.’*

- 11.18 The Islington ‘Primary and Secondary School Roll Projections from 2016/17 to 2030/31’ is a report prepared by the Council’s Children’s Services Division and its purpose is to provide an update on recent trends in the number of, and projected demand for, places at schools in Islington. This document is a material planning consideration and it states at paragraphs 2.1-2.2 that:

*‘Demand for school places in London has reached record levels over the past decade and is showing little signs of abating. London has experienced the fastest rate of pupil growth in the country between 2010/11 and 2016/17. As explained in the latest 2016 London Councils publication Do The Maths; key drivers of London’s higher growth rate have included a rising birth rate, inward migration and the growing popularity of London’s school system.*

*The unparalleled improvement in standards in London’s schools has meant that more than ever London is a destination of choice for parents wishing to give their children the best possible education. All secondary schools in Islington are rated good or outstanding by Ofsted; 91% at primary are good or outstanding in 2016. Islington is a net importer of pupils at primary age (+4.8% of school pupil roll size January 2016 relative to resident population size, the equivalent of +643 pupils)...’*

- 11.19 The report also identifies six Planning Areas within the borough. The application site falls within Planning Area 6 and will address demand within the adjacent Planning Area 5. These areas are indicated on the map extract below.



11.20 Table 9 details the capacity across the borough and includes the capacity of COLPAI.

**Table 9: Primary school surplus or shortfall in places 2010/11 to 2023/24**

# LBI Primary Totals Spare Capacity								
	Academic Year	PA1 Holloway	PA2 Hornsey	PA3 Highbury	PA4 Barnsbury	PA5 Canonbury	PA6 Finsbury	Total *
Actual Rolls	2013/14	258	366	286	386	190	152	1,638
	2014/15	214	299	208	383	174	134	1412
	2015/16	174	274	181	370	149	79	1227
Roll Projections	2016/17	128	313	140	322	111	27	1041
	2017/18	74	422	133	262	43	50	984
	2018/19	80	538	146	251	13	95	1123
	2019/20	134	676	158	237	7	147	1359
	2020/21	111	737	150	205	-17	182	1368
	2021/22	106	705	147	125	-53	191	1221
	2022/23	104	684	134	67	-96	245	1138
	2023/24	124	658	125	50	-128	275	1104
	2024/25	125	621	100	21	-167	237	937
	2025/26	118	573	63	-18	-208	190	718

Source: Source: May Census 2014-16 and GLA Roll Projections 2017 to 2026

- 11.21 COLPAI are currently occupying temporary accommodation within Moreland Primary School and started accepting 2 forms of entry into reception in 2017/18. The future shortfall within Planning Area 6 without the capacity provided by COLPAI is set out within the following table. It should be noted that the capacity within Planning Area 6 also increases by 30 places a year for 7 years from 2016/17 due to an additional form of entry at Moreland Primary School.

Academic Year	PA6 spare capacity	PA6 spare capacity (without COLPAI)
2017/18	50	50
2018/19	95	35
2019/20	147	27
2020/21	182	22
2021/22	191	-49
2022/23	245	-55
2023/24	275	-85
2014/25	237	-183
2025/26	190	-230

- 11.22 The above table therefore demonstrates that, based upon current projections, without the delivery of the proposed primary school there would be inadequate primary school places within Planning Area 6 by 2021/22.

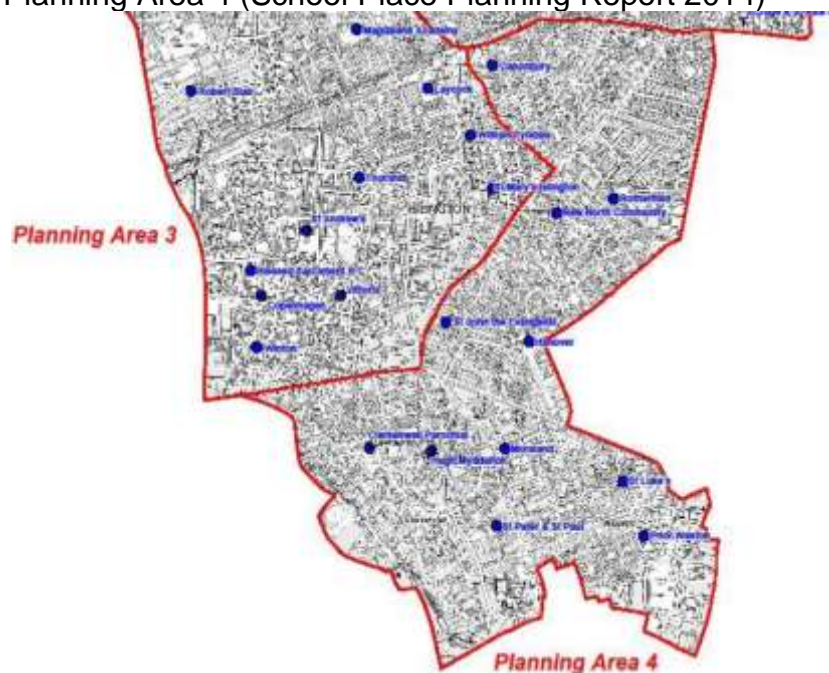
- 11.23 Paragraphs 6.6 and 6.7 within the document advise that:

*‘The most immediate pressure for places is in Canonbury (PA5), which is projected as being higher than capacity for all future years. A permanent increase to capacity in the area is being considered (St John Evangelist +20 places). In the interim, the shortfall of places will be met through surplus capacity in planning area six, as recommended in last year’s full report.*

*Immediate and rising demand for places in Canonbury (PA5) can be offset by surplus of places in neighbouring areas, particularly Finsbury (PA6).’*

- 11.24 It should be noted that, at the time of the decision to seek to deliver a primary school on the application site, Planning Area 6 and the vast majority of Planning Area 5 fell within Planning Area 4, as indicated below. It should also be noted that the School Place Planning Report set out proposals to review the planning areas as *‘It was agreed in late 2013 to review the primary planning areas used for projecting and planning provision for primary age children. The original 4 areas are no longer fit for purpose and bear little relation to where schools are located, nor where children live.’* The decision to seek to deliver a primary school on the site was initially taken in November 2013.

## Planning Area 4 (School Place Planning Report 2014)



- 11.25 The capacity estimates therefore identify that there would be a shortage of places by 2021/22 in Planning Area 6 without the additional capacity brought forward by COLPAI whilst the surplus will assist in meeting the demand for places in Canonbury (PA5).

### Proposed New Two-Form Entry Primary School and Nursery

- 11.26 The application advises that the proposed two form entry primary school has been designed to meet the current and planned needs of its pupils and it is noted that the school has been approved by the Education Funding Authority (now the Education and Skills Funding Authority) which sets out detailed design requirements for new schools.
- 11.27 The proposed school hall will be available to the public whilst the proposed MUGA will be accessible to residents of the residential block outside of school hours as an amenity and play area. The applicant has agreed that this be secured as a head of term for inclusion within a Section 106 legal agreement (in the event of approval).
- 11.28 The site was previously in use as a one form entry school for children with severe/complex physical disabilities and was vacated in 2008. Accordingly, the lawful use of the site is educational use and there is no change in land use with respect of the school and nursery. The Richard Cloudesley School website indicates that the primary school currently accommodates four classes, each with 8 pupils, and the school is therefore attended by a total of 32 pupils. The proposed development would accommodate 420 pupils along with 38 nursery school places. The application advises that the design of the proposed school has sought, as far as possible, to minimise impacts upon the amenities of the occupants of adjacent residential dwellings. The layout of the school seeks to locate noise generating activity away from residential windows. Neighbouring amenity, including noise and odour impacts, are considered in greater detail later in this report and it is considered that the scheme is acceptable in terms of residential amenity.
- 11.29 It is also notable that the City of London Chief Officer report also concludes that the proposed 2 form entry primary school is compliant with their policies CS22 and DM22.1. They state:

*The site is in a residential area, was previously in educational use and the proposal would not result in the loss of offices or be prejudicial to the business city. There is an identified need for a school in this location. Without the CoLPAI scheme, there would be a shortfall of 438 school places in the south of Islington, equating to over 14 forms of entry. Within the City of London, there is only a single state funded primary school, the Sir John Cass Foundation Primary School, which is a Church of England School and predominantly takes pupils from Tower Hamlets due to its catchment area. Other schools in the City are independent. This combination of faith and/or fees provides an extremely limited choice of school within the City. The proposed Academy would have a significant benefit for residents by providing a new state school which has no entry restrictions. It is proposed that the school hall would be available for community use, fulfilling the requirement for the facility to be a multi-use space.*

- 11.30 The proposed primary school would result in an overall increase in the quantity of social infrastructure on the site whilst the relocated Community Education Centre facilities would be at least equal to the existing facilities. It is considered that the proposal is in accordance with policy 3.6 of the London Plan and policy DM4.12 of the Council's Development Management Policies Document and policies CS22 and DM22.1 of the City of London Local Plan and the loss of the existing adult education facility on the site is therefore considered acceptable.
- 11.31 The site previously accommodated a school and therefore its lawful use is for education provision. The site has been identified to accommodate buildings for a new school which commenced accepting 2 forms of entry in 2017/18. The proposed primary school is strongly supported in land use terms, having regard to the need to appropriately plan for rising demand/need and the presumption in favour of the development of state-funded schools, as expressed in the National Planning Policy Framework.

#### Site Allocation

- 11.32 Site Allocation BC34 of the Finsbury Local Plan (June 2013) states, inter alia:

*'Allocation and Justification - Redevelopment of the existing school building for housing, open space and play facilities. Richard Cloudesley School will be fully incorporated within the Golden Lane Campus, allowing for the development of housing, open space and play facilities on the existing school site.'*

*Design considerations and constraints - Proposed buildings must be sensitively designed to minimise impacts on neighbouring residential buildings. Proposals should also conserve and enhance heritage assets, including the neighbouring locally listed building to the north, the Golden Lane Estate, and the St. Luke's Conservation Area.*

*The site falls within an area of deficiency in access to nature. Public open space should be provided to offset the loss of playground space and to relieve pressure on Fortune Street Park.'*

- 11.33 The Site Allocations document was adopted in 2013. Site Allocation BC34 therefore was based upon the assumption that the site would be surplus to requirements for educational purposes. However, the report to the Council's Executive committee recommending that the site be redeveloped to accommodate a primary school advised that:



*'The council has revised its school roll projections model and is now using that provided by the Greater London Authority (GLA) and based on their standard model. The GLA builds a set of core inputs into their model, which include historic school rolls, actual birth, death and migration data and borough level population projections, which now take account of the 2011 Census of Population. The borough level housing development data (sourced from Planning) are then added to the model. The model then produces the roll projections at education planning area for primary rolls and borough level for secondary rolls, with both split by year of age and gender.*

*The current projections, based on planned housing developments and the expected additional children from these developments suggest that, by 2023/24, the council will need:*

- one form of entry of primary school places in Planning Area 3; and*
- three forms of entry of primary school places in Planning Area 4*

*In addition, the City Corporation has identified the need for additional primary school places through its own school place planning assessment. As there is only one (denominational) primary school in the City, this would create further pressure on school places in the EC1 area.'*

- 11.34 The Richard Cloudesley School had been relocated but the site was then still required to meet educational need and has not come forward in the manner that was anticipated in 2013. The proposal would provide housing, in accordance with the site allocation. Play space for the nursery and school uses would also be provided. On the basis that public open space was partly sought to offset the loss of playground space, which is now largely being re-provided, there is some justification for the lack of provision of public open space. Additionally, as noted within the GLA response, the school hall will provide for out of hours' community use and the MUGA would be utilised by the residents of the development out of school hours (note there are no floodlights proposed to be installed). It can also be acknowledged that, as the majority of the site will accommodate a two form entry primary school which was not envisaged in 2013, it would not be feasible to accommodate all of the allocated uses. In view of the educational and housing need, which is considered in greater detail later in this report, the proposed land uses are considered acceptable in terms of Site Allocation BC34. Open space and children's play space is also considered separately later in this report.
- 11.35 The applicant also notes that the redevelopment of the site in its entirety for non-educational purposes is restricted by Primary Legislation. Schedule 1 of The Academies Act 2010 requires local authorities to seek consent from the Secretary of State for the disposal of educational use land where it has been in that use for the previous 8 years, as is the case here. The applicant suggests that it is unlikely that consent to dispose of the site would have been given by the Secretary of State given the deficiencies in school places provision that would arise (as set out in the Education Use section below) without the delivery of the two form entry primary school. The site must therefore continue to have an education function, which restricts any opportunities for the site to come forward in the manner envisaged by the site allocation with respect to land uses.

#### Housing Need

- 11.36 There is a need for a significant quantum of additional housing, including affordable housing, particularly in London.

- 11.37 The National Planning Policy Framework requires that local planning authorities should significantly boost the supply of housing by using their evidence base to ensure that their Local Plan meets the full, objectively assessed need for market and affordable housing in the housing market area, as far as is consistent with the policies set out in the Framework (paragraph 47). NPPF paragraph 50 requires that policies relating to affordable housing should be sufficiently flexible to take account of changing market conditions over time.
- 11.38 Long-term projections expect Islington's population to reach approximately 280,200 people by 2041, an increase of over 43,000 people from the 2018 population estimate of 237,600<sup>1</sup>. Islington is already the most densely populated local authority area in the UK and population growth will create additional demand for housing, as well as services, infrastructure and jobs.
- 11.39 Housing affordability is one of the most significant issues in London and Islington. The Mayor of London's 2017 Strategic Housing Market Assessment (SHMA) identifies that the £489,000 average house price in London is double the average in England as a whole, and that median monthly rents in London (excluding cases where the tenant receives housing benefit) are £1,495, compared to £675 in England as a whole<sup>2</sup>. However, median salaries in London are just 27% higher than the median national average<sup>3</sup>.
- 11.40 As set out in the Mayor's 2017 SHMA, when taking into account London's high housing costs, approximately 27% of households are considered to be living in poverty. 18,900 households were accepted as statutorily homeless in London during the calendar year 2016, having risen from 9,700 in 2010, whilst 12.9% of households in social housing are overcrowded. The 2017 SHMA identifies a need for 43,000 additional affordable dwellings per year between 2016 and 2041, representing approximately two thirds of the projected total housing need for London of 66,000 new homes per year during this timeframe<sup>4</sup>.
- 11.41 Islington is a high value, high demand area, home to some of the wealthiest people in the country living in some of the most desirable neighbourhoods in the capital. The property market in Islington is buoyant which is reflected in recent development trends and high property values. House prices in Islington have increased more than six-fold in the last 20 years, and current average values are now 63% higher than the peak in prices in October 2007 that preceded the downturn of 2008/09. The latest Land Registry House Price Index figures (July 2016) indicate that the current average value of a residential property in the borough is £683,349.
- 11.42 At the same time Islington experiences intense poverty and deprivation. It is the fifth most deprived local authority area in London and 24<sup>th</sup> most deprived local authority area in England<sup>5</sup>. It has the second highest rate of child poverty in the country, with over 15,000 or

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<sup>1</sup> GLA 2017 round population projections: <https://data.london.gov.uk/dataset/gla-population-projections-custom-age-tables/resource/4c7f998b-ae3a-4558-8ae1-b976a2b16382/download>  
<https://data.london.gov.uk/dataset/gla-population-projections-custom-age-tables>

<sup>2</sup> GLA, The 2017 London Strategic Housing Market Assessment: Part of the evidence base for the Mayor's Draft London Plan (December 2017)

<sup>3</sup> London Chamber of Commerce and Industry, Getting our House in Order: The Impact of Housing Undersupply on London Businesses (May 2014)

<sup>4</sup> GLA, The 2017 London Strategic Housing Market Assessment: Part of the evidence base for the Mayor's Draft London Plan (December 2017)

<sup>5</sup> DCLG, The English Indices of Deprivation 2015 (September 2015)



41% of children in the borough estimated to be living below the poverty line<sup>6</sup>. Close to a third of Islington households have incomes of less than £20,000 per year, a higher proportion than the London average, and more than 8,000 Islington residents have a total annual income, including all benefits, of less than £10,000<sup>7</sup>. The borough is the 10<sup>th</sup> most overcrowded in the country<sup>8</sup> and consistently has between 8,500 and 9,000 people on its housing register who qualify for allocations.

- 11.43 ONS data shows the share of Islington's households renting privately rose from 18.6% to 28.2% in the ten years to 2011<sup>9</sup>. Despite the growth in the borough's rental market, rents are significantly higher than those across Greater London. The GLA London Rents Map indicates that for the year to July 2016 Islington median rents for a one-bed home were £350 per week, compared with £288 across Greater London, and £565 per week for a three-bed home, compared with £414 across Greater London.
- 11.44 With the median house price in Islington now 16 times higher than the median income<sup>10</sup>, it is evident that the need for affordable housing in the borough is particularly high.
- 11.45 Islington updated its Strategic Housing Market Assessment (SHMA) in July 2017 which identified an overall Objectively Assessed Need (OAN) for 23,000 dwellings over the plan period (2015-2035). The SHMA identified an affordable housing need for 12,300 dwellings over the plan period, and 100% of the 12,300 affordable need is for housing at or below social rents.
- 11.46 The population of the City of London is projected to increase to 8,100 by 2041. The most recent SHMA identifies an OAN of 2,766 dwellings over the 2014-36 period (including affordable tenures)<sup>11</sup>.
- 11.47 For the reasons outlined above, maximising affordable housing provision is a key priority for Islington. This is set out in the borough's Corporate Plan and the Islington Housing Strategy 2014-2019, which includes the objective of ensuring that there are decent, suitable and affordable homes for all. The priority given to affordable housing is reflected in the Development Plan.
- 11.48 In 2016/17 there were 18,000 people on the council's waiting list. Lettings to new tenants in the same year totalled only 811. The number of council lettings has decreased every year for five years.
- 11.49 Each year the council's stock is reduced as a result of sales through the Right to Buy scheme, which exacerbate the lacks of affordable housing available in Islington. The homes available to let may be reduced further by the levy to be paid to Government from the sale of higher value homes.

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<sup>6</sup> Islington Council, Fairness for Families: Tackling child poverty in Islington, Islington's Child Poverty Needs Assessment 2013

<sup>7</sup> The Islington Fairness Commission (2012), Two Islington's: Understanding the problem

<sup>8</sup> Islington Council, Tackling overcrowding plan 2012 (March 2013)

<sup>9</sup> Proportion of total households accommodated in PRS calculated from 'Housing Tenure' table in the Islington: Census 2011 Second Release for consistency with the approach taken in the draft SHMA, the new category 'living rent free' has been included in the number of households renting privately

<sup>10</sup> GLA (November 2015), Ratio of House Prices to Earnings, Borough

<sup>11</sup> City of London SHMA Addendum September 2016 – Implications of 2014-based Sub-National Population and Household Projections

### Residential Use

- 11.50 The 2016 London Plan sets a numerical target of 17,000 affordable homes per year to be delivered London-wide over the plan period. Boroughs are required to: set their own targets in numerical or percentage terms, including separate targets for social/affordable rented and intermediate housing; make the best use of available resources to maximise affordable housing output (Policy 3.11); and seek the maximum reasonable amount of affordable housing, having regard to a number of criteria, on individual schemes (Policy 3.12) at sites which have a capacity to provide 10 or more homes, or set a lower threshold where justified (Policy 3.13). The Draft London Plan (December 2017) details a need for 43,500 affordable homes per year, as established in the 2017 London-Wide SHMA.
- 11.51 Islington Core Strategy policy CS12 includes the strategic target that 50% of new housing delivered over the plan period should be affordable. Private and mixed-use proposals should provide the maximum reasonable level of affordable housing taking into account the strategic 50% target. There is an expectation that many sites will deliver 50% subject to a financial viability assessment, the availability of public subsidy and individual circumstances of the site. In accordance with London Plan policy 3.13, CS12 also requires all sites capable of delivering 10 or more units to provide affordable housing on-site. It should be noted that, over recent years, registered providers of affordable housing have generally been unable to deliver schemes providing 100% affordable housing due to a lack of availability of grant funding. Accordingly, it should be noted that a proposal for 100% social rented affordable housing represents a very beneficial offer.
- 11.52 Policy CS7 of the Core Strategy is concerned with Bunhill and Clerkenwell and states (inter alia) that:
- 'D. The area is home to a significant residential community. Housing growth will be sought across the area to meet the needs of the current population and to cater for increased demand. A wider range of dwelling types, affordable tenures and family-sized homes will be encouraged to ensure that a mixed community can be accommodated.'*
- 11.53 The City of London Policy CS21 of the Local Plan explains that the City Corporation aims to exceed the London Plan's minimum annual requirement by guiding new housing development to and near identified residential areas...and refusing new housing where it would prejudice the primary business function of the City or be contrary to Policy DM1.1 (protection of office accommodation).
- 11.54 Policy DM21.1 of the Local Plan states that new housing should be located on suitable sites in or near identified residential areas. It further states that new housing will only be permitted where development would not: prejudice the primary business function of the City; be contrary to policy DM1.1 (protection of office accommodation); inhibit the development potential or business activity in neighbouring commercial buildings and sites; and result in poor residential amenity within existing and proposed development, including excessive noise or disturbance.
- 11.55 The City of London Chief Planning Officer report concludes with respect of the above City of London Policies that:

*The site is an appropriate location for residential development and would not prejudice the primary business function of the City, would not involve the loss of office accommodation, and would not impact on the development potential of neighbouring commercial buildings.*

- 11.56 The site is allocated for housing and, as set out above, there is a pressing need for social rented affordable housing. Accordingly, the use of the site for residential development is strongly supported and considered to accord with the Development Plan of Islington and the City of London.

Office Use (Small/Micro Units)

- 11.57 Policy CS7 of the Core Strategy is concerned with Bunhill and Clerkenwell and states, inter alia, that:

*'A. Employment development within Bunhill and Clerkenwell will contribute to a diverse local economy which supports and complements the central London economy...Creative industries and Small/Medium Enterprises (SMEs), which have historically contributed significantly to the area, will be supported and encouraged. Accommodation for small enterprises will be particularly encouraged.'*

- 11.58 Policy CS13 of the Core Strategy sets out how the Council will provide and enhance employment space throughout the Borough. New business floorspace will be encouraged in the CAZ and town centres, where access to public transport is greatest. New business space will be required to be flexible to meet future business needs and will be required to provide a range of unit types and sizes, including those suitable for SMEs. Development should provide jobs and training opportunities, including through a proportion of small, micro and/or affordable workspace or affordable retail space.
- 11.59 Policy BC8 of the Finsbury Local Plan is concerned with achieving a balanced mix of uses and states that outside of employment priority areas micro and small workspaces/retail spaces that do not impact on the amenity or character of adjacent residential areas will be encouraged.
- 11.60 The 3 proposed small/micro office units are supported in policy terms and will provide an active ground floor frontage to Golden Lane which is supported in design terms. Accordingly, the proposed small/micro office units are strongly supported.

Principle of Tall Building

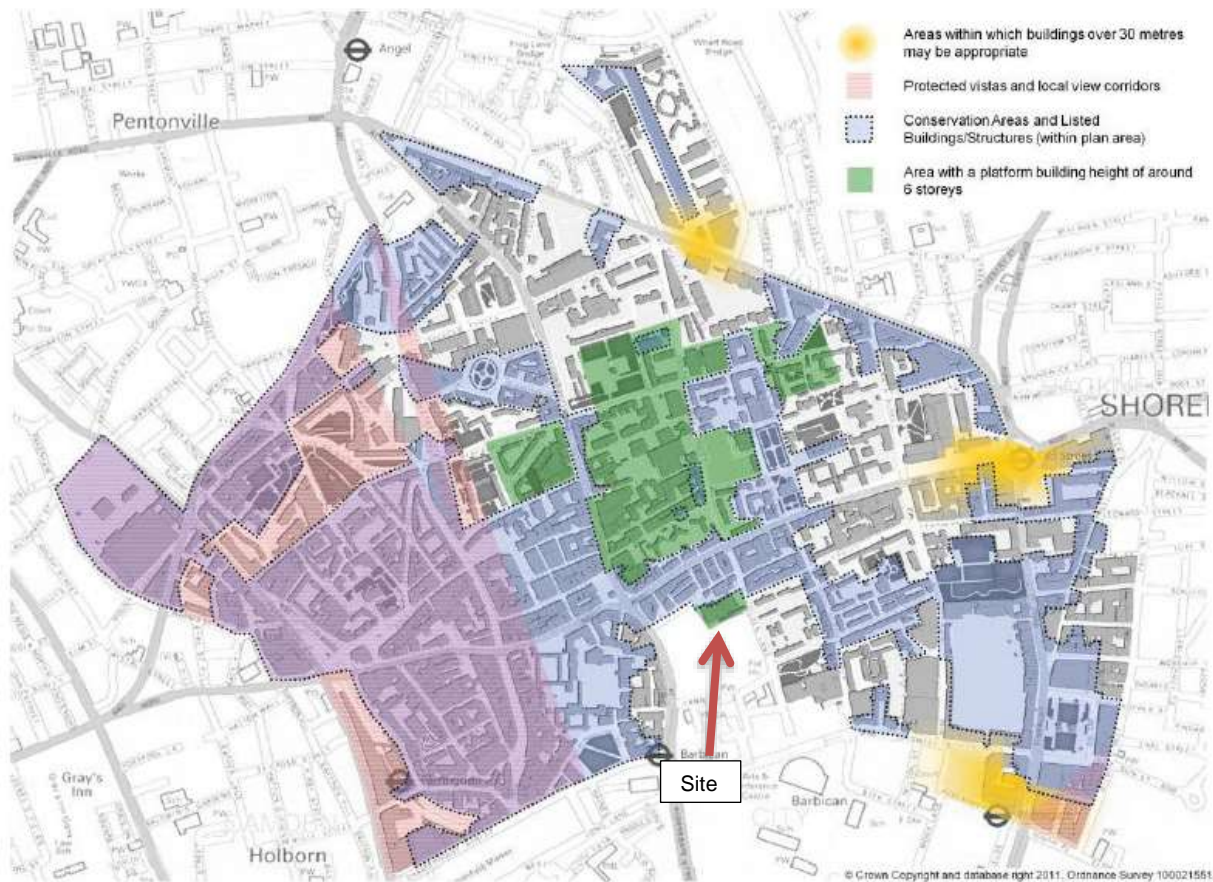
- 11.61 Policy CS9 of the Core Strategy is concerned with protecting and enhancing Islington's built and historic environment and states, inter alia, that:

*'Tall buildings (above 30m high) are generally inappropriate to Islington's predominantly medium to low level character, therefore proposals for new tall buildings will not be supported. Parts of the Bunhill and Clerkenwell key area may contain some sites that could be suitable for tall buildings, this will be explored in more detail as part of the Bunhill and Clerkenwell Area Action Plan.'*

- 11.62 Policy BC9 of the Finsbury Local Plan is concerned with tall buildings and contextual considerations for building heights and states, inter alia, that:

- A. Within the area covered by this plan, tall buildings are considered to be buildings or structures that are substantially taller than their neighbours and/or which significantly change the skyline.
- B. Buildings of 30 metres in height or more may be appropriate only within the areas indicated on Figure 17. These areas include sites identified in Policy BC2 (City Road Basin) and Policy BC3 (Old Street), as well as an area adjacent to the City of London boundary at Moorgate.
- C. Elsewhere, building heights must respond to the local context, particularly those contextual factors indicated on Figure 17.

Figure 17 Tall Building and Contextual Considerations for Building Heights (site identified by red arrow)



- 11.63 The site is not identified within an area suitable for tall buildings. It is identified as an area with a platform building height of around 6 storeys.
- 11.64 The proposal for a tall building in this location conflicts with the principle of policies CS9 and BC9 and will therefore result in harm in policy terms. The application therefore represents a departure from the Development Plan and was advertised as such. A further detailed analysis against Policies CS9 and BC9 is set out within the Design and Appearance section of this report. This harm can be weighed in the planning balance. An overall assessment of the balance between the benefits and harm of the proposal is provided at the final section of this report.

## Design and Appearance

### Policy Framework

11.65 Paragraph 58 of the NPPF states, inter alia, that:

*‘Planning policies and decisions should aim to ensure that developments:*

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;*
- optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;*
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;*
- create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and*
- are visually attractive as a result of good architecture and appropriate landscaping.’*

11.66 Paragraph 63 of the NPPF states that ‘in determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design generally in the area.’

11.67 London Plan Policy 3.5 is concerned with the Quality and Design of Housing Developments and states, inter alia, that:

*‘B. The design of all new housing developments should enhance the quality of local places, taking into account physical context; local character; density; tenure and land use mix; and relationships with, and provision of, public, communal and open spaces, taking particular account of the needs of children, disabled and older people.’*

11.68 London Plan Policy 7.4 is concerned with Local Character and states, inter alia, that:

*‘B. Buildings, streets and open spaces should provide a high quality design response that:*

- a) has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass*
- b) contributes to a positive relationship between the urban structure and natural landscape features, including the underlying landform and topography of an area*
- c) is human in scale, ensuring buildings create a positive relationship with street level activity and people feel comfortable with their surroundings*
- d) allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area and is informed by the surrounding historic environment.’*

11.69 London Plan Policy 7.6 is concerned with Architecture and states, inter alia, that:

*'B. Buildings and structures should:*

- a) be of the highest architectural quality*
- b) be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm*
- c) comprise details and materials that complement, not necessarily replicate, the local architectural character*
- d) not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate. This is particularly important for tall buildings*
- e) incorporate best practice in resource management and climate change mitigation and adaptation*
- f) provide high quality indoor and outdoor spaces and integrate well with the surrounding streets and open spaces*
- g) be adaptable to different activities and land uses, particularly at ground level*
- h) meet the principles of inclusive design*
- i) optimise the potential of sites.*

11.70 London Plan Policy 7.7 is concerned with tall buildings and states, inter alia, that:

*'B. Applications for tall or large buildings should include an urban design analysis that demonstrates the proposal is part of a strategy that will meet the criteria below. This is particularly important if the site is not identified as a location for tall or large buildings in the borough's LDF.*

*C. Tall and large buildings should:*

- a) generally be limited to sites in the Central Activity Zone, opportunity areas, areas of intensification or town centres that have good access to public transport*
- b) only be considered in areas whose character would not be affected adversely by the scale, mass or bulk of a tall or large building.*
- c) relate well to the form, proportion, composition, scale and character of surrounding buildings, urban grain and public realm (including landscape features), particularly at street level*
- d) individually or as a group, improve the legibility of an area, by emphasising a point of civic or visual significance where appropriate, and enhance the skyline and image of London*
- e) incorporate the highest standards of architecture and materials, including sustainable design and construction practices*
- f) have ground floor activities that provide a positive relationship to the surrounding streets*
- g) contribute to improving the permeability of the site and wider area, where possible*
- h) incorporate publicly accessible areas on the upper floors, where appropriate*
- i) make a significant contribution to local regeneration.*

*D. Tall buildings:*

- a) *should not affect their surroundings adversely in terms of microclimate, wind turbulence, overshadowing, noise, reflected glare, aviation, navigation and telecommunication interference*
- b) *should not impact on local or strategic views adversely.'*

*E. The impact of tall buildings proposed in sensitive locations should be given particular consideration. Such areas might include conservation areas, listed buildings and their settings, registered historic parks and gardens, scheduled monuments, battlefields, the edge of the Green Belt or Metropolitan Open Land, World Heritage Sites or other areas designated by boroughs as being sensitive or inappropriate for tall buildings.*

11.71 Policy DM2.1 is concerned with design and states, inter alia,

*'A. All forms of development are required to be of high quality, incorporate inclusive design principles and make a positive contribution to the local character and distinctiveness of an area, based upon an understanding and evaluation of its defining characteristics. Permission will 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.*

*For a development proposal to be acceptable it is required to:*

- i. *be sustainable, durable and adaptable;*
- ii. *be safe and inclusive;*
- iii. *efficiently use the site and/or building;*
- iv. *improve the quality, clarity and sense of spaces around or between buildings;*
- v. *enhance legibility and have clear distinction between public and private spaces;*
- vi. *improve movement through areas, and repair fragmented urban form;*
- vii. *respect and respond positively to existing buildings, the streetscape and the wider context, including local architectural language and character, surrounding heritage assets, and locally distinctive patterns of development and landscape;*
- viii. *reinforce and complement local distinctiveness and create a positive sense of place;*
- ix. *sustain and reinforce a variety and mix of uses;*
- x. *provide a good level of amenity including consideration of noise and the impact of disturbance, hours of operation, vibration, pollution, fumes between and within developments, overshadowing, overlooking, privacy, direct sunlight and daylight, over-dominance, sense of enclosure and outlook;*
- xi. *not unduly prejudice the satisfactory development or operation of adjoining land and/or the development of the surrounding area as a whole;*
- xii. *consider landscape design holistically as part of the whole development. Landscape design should be set out in a landscape plan at an appropriate level of detail to the scale of development...; and;*
- xiii. *not result in an unacceptable adverse impact on views of local landmarks.*

*C. The only locations in Islington where tall buildings may be suitable are set out in the Finsbury Local Plan (Area Action Plan for Bunhill and Clerkenwell). Any proposal for tall buildings must meet other design policies and have regard for the criteria set out in English Heritage/CABE's Guidance on tall buildings (2007).'*

11.72 Policy BC9(D) (Tall buildings and contextual considerations for building heights) of the Finsbury Local Plan states:

*‘Proposals for tall buildings must satisfy all of the criteria set out in Part 4 of English Heritage and CABE’s Guidance on Tall Buildings (2007), alongside other Development Plan policies. Specifically, proposals must:*

- i. *Reinforce the legibility and identity of the wider area and enhance the quality of street-level and long distance views, including across borough boundaries*
- ii. *Conserve and enhance designated and non-designated heritage assets and their setting*
- iii. *Not create unacceptable impacts on infrastructure, including transport capacity; and adequately mitigate any transport impacts*
- iv. *Exhibit an exceptional standard of architecture*
- v. *Create an active and interesting street frontage appropriate to the local context*
- vi. *Exhibit the highest standards of sustainable design and carbon minimisation, by incorporating green roofs and/or walls, involving services engineers from an early design stage to ensure that energy use associated with mechanical cooling and lighting is minimised, utilising sustainable materials, and controlling solar gain*
- vii. *Provide public space, including, where appropriate, mid-block pedestrian routes and the extension of (and integration with) neighbouring areas of public space*
- viii. *Provide private amenity and play space where residential uses are proposed as part of the development, and*
- ix. *Not have adverse environmental effects at ground level, nor overshadow neighbouring habitable rooms or formal public spaces.’*

11.73 Policy CS10 of the City of London Local Plan (2015) is concerned with design and states, inter alia, that:

*‘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 and creating an inclusive and attractive environment, by:*

1. *Ensuring that the 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.*
2. *Encouraging design solutions that make effective use of limited land resources.*
3. *Ensuring that development has an appropriate street level presence and roofscape and a positive relationship to neighbouring buildings and spaces.*
4. *Requiring the design and management of buildings, streets and spaces to provide for the access needs of all the City’s communities, including the particular needs of disabled people.*
5. *Ensuring that new development respects and maintains the City’s characteristic network of streets and alleyways.*
6. *Delivering improvement in the environment, amenities and enjoyment of open spaces, play areas, streets, lanes and alleys through schemes in accordance with public realm enhancement strategies.’*



11.74 Policy DM10.1 of the City of London Local Plan (2015) is concerned with new development and states, inter alia, that:

*‘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:*

- 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;*
- all development is of a high standard of design and architectural detail with elevations that have an appropriate depth and quality of modelling;*
- appropriate, high quality and durable materials are used;*
- the design and materials avoid unacceptable wind impacts at street level or intrusive solar glare impacts on the surrounding townscape and public realm;*
- 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;*
- 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;*
- 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;*
- 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;*
- there is provision of appropriate hard and soft landscaping, including appropriate boundary treatments;*
- 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;*
- there is provision of amenity space, where appropriate;*
- there is the highest standard of accessible and inclusive design*

11.75 Policy CS14 of the City of London Local Plan (2015) is concerned with tall buildings and states, inter alia, that:

*‘To allow tall buildings of world class architecture and sustainable and accessible design in suitable locations and to ensure that they take full account of the character of their surroundings, enhance the skyline and provide a high quality public realm at ground level, by:*

- 2. Refusing planning permission for tall buildings within inappropriate areas, comprising: conservation areas; the St. Paul’s Heights area; St. Paul’s protected vista viewing corridors; and Monument views and setting;*
- 3. Elsewhere in the City, permitting proposals for tall buildings only on those sites which are considered suitable having regard to: the potential effect on the City skyline; the character and amenity of their surroundings, including the relationship with existing*

*tall buildings; the significance of heritage assets and their settings; and the effect on historic skyline features.'*

- 11.76 An assessment of the proposal against the most relevant design criteria set out within the above policies is provided at the end of this section of the report.

Layout

- 11.77 The site would be laid out with a series of 3 distinct buildings within the site including the main school and nursery building to the north of the site, the sports hall to the south west of the site and the residential podium and tower to the eastern Golden Lane frontage of the site. The proposed school building will front Baltic Street East.

- 11.78 The L-shaped school nursery block (4 storeys) and 1.5 storey school hall, are of a disposition and layout which continues, if not in architectural language, in the townscape tradition and urban grain of the Golden Lane Estate: rectilinear, horizontal blocks of human scale following the clean orthogonal building lines defined by Hatfield House and Basterfield House.

- 11.79 The main school/nursery block would follow the building line of Hatfield House, while following through with a matching clean eaves line. The return dog-leg would better enclose and address the wedge of Baltic Street West, consolidating the scale of the street which is defined by the north elevation of Hatfield House, to which it would be subservient.

- 11.80 Layout - School Hall: A number of objections have been received in relation to the siting of the school hall. The application advises that options for locating the school hall on the Golden Lane frontage of the site under the residential block were discounted for a number of reasons, including:

- detrimental impact upon the operation of the school, with pupils having to walk past all of the classrooms to access the hall - the proposed location reduces travel distance and disruption.
- Fronting the hall on to Golden Lane would extend the amount of inactive frontage due to the need for a degree of solidity to protect against sporting activities and to minimise views into the hall.
- The proposed location of the hall presents a noise buffer between the school and local residents.
- Having a separate hall assists with the ability for it to be used out of school hours as it can be independently accessed and managed, without requiring access through the main body of the school.

- 11.81 The application advises that revisions were made to the design of the hall prior to the submission of the application in response to the comments received from local residents including:

- Reduction in the height of the hall by 1.6m in order that the building is no higher than the highest part of the existing buildings on site - whilst this response sought to address resident's concerns regarding outlook and loss of light it has meant that the hall no longer complies with Sport England requirements for activities such as badminton.
- The hall has been set back from the southern boundary of the site and from the western boundary of the site to seek to address resident's concerns and to reduce overshadowing

of the allotments. This also allows for tree planting to be established along the boundary to replace those trees lost in this position (western boundary) currently.

- Servicing arrangements were revised to take place from Baltic Street West rather than the Basterfield service road to respond to concerns regarding noise and disturbance.

11.82 The written response from the Design Review Panel following the May 2017 meeting addressed the siting of the school hall and advised that:

*'The Panel was supportive of the school and changes to the design, including the separate hall. They commented that this would enable the more flexible use of this space by the community at varying times. Panel members added that the separate buildings better related to the morphology of the Golden Lane Estate as a collection of buildings with spaces around them. They were supportive of the materials proposed for the school buildings. They commented that it was important that any greening proposed to boundary walls between the school and the existing residents should be carefully managed to ensure that it really happens and is maintained properly.'*

11.83 The existing and proposed images below indicate that the proposed school hall would not have an unacceptable adverse impact in character terms nor upon the amenities of the occupants of the nearest residential dwellings within Basterfield House. The proposed landscaping would result in an improvement to the appearance of the Basterfield Service Road and it is recommended that details of landscaping be secured through the landscaping condition (No. 4), and is also secured via 106 agreement (head of term set out in the recommendation section) as public realm improvements to which weight is given as a benefit of the scheme.

Basterfield Service Road (Existing)



#### Basterfield Service Road (Proposed)



#### Layout – Main School Buildings and Playspaces

- 11.84 The school will be partly funded by the Education Funding Agency (now the Education Skills Funding Agency (ESFA)) and is required to comply with their documentation in order to obtain funding approval. Building Bulletin 103 sets out non-statutory guidance on developing a brief, planning and designing a school. The Bulletin promotes a collaborative approach between those involved in designing a school, from teachers to architects, to produce good quality facilities to support the educational aims and vision of each school. The document sets out recommended areas that have been calculated to address the requirements of pupils, including those with SEN and disabilities, the school workforce and, the wider community.
- 11.85 The application states that the school buildings will comply with Building Bulletin 103 and with Services Output Specification, which is a document written by the EFA which sets out the requirements and standards to which the project team must work to provide solutions appropriate for the operation of the School.
- 11.86 The application advises that ongoing and regular engagement and consultation with the stakeholders has been a key part of the development of the school design. The consultations have involved various users and their comments have been integrated into the design proposals wherever feasible. The education stakeholders are as follows: Members of the City of London Department for Community and Children's Services; Members of London Borough of Islington (LBI) Capital Programme Department; City of London Multi Academy Trust; Headteacher of the new School; Governors of the New School; and the Education Funding Agency.
- 11.87 An Education Steering Group was established with representatives of the stakeholder groups which met fortnightly to establish the brief, agree the building organisation and review proposals. These meetings were supplemented with additional workshops where required to ensure proposals met with requirements and were on programme. The meetings centred around proposals presented by the architects which generated discussions relevant to the stage of the design at that particular time and provided the architects with an understanding of the schools priorities, the spaces they required, the adjacencies of those spaces and the

types of spaces they thought worked well and would be suitable for their school by reviewing precedent images.

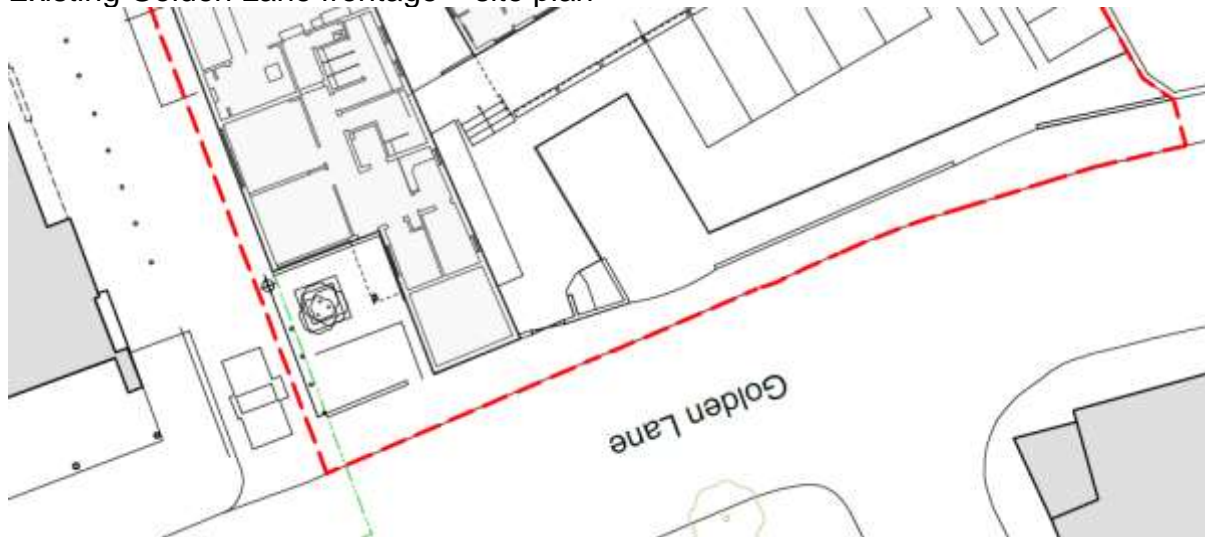
#### Layout – Residential Building / Golden Lane Frontage

- 11.88 The existing Golden Lane frontage to the site comprises predominantly a boundary wall with vehicular and pedestrian access gates and the entrance to the City of London Community Education Centre. The existing pavement to the front of the site is relatively narrow, as indicated below. The application site includes the pavement to the front of the site where public realm works and tree planting are proposed.

Existing Golden Lane frontage



Existing Golden Lane frontage – site plan



- 11.89 The proposed development will result in a widening of the footway, including through a colonnade at ground floor level along the frontage of the building with slightly set-back school gates providing further, additional public realm. The southern end of the 4 storey podium will be sited immediately adjacent to the Basterfield service road and the tower will be set in from the southern boundary of the site.
- 11.90 The podium of the tower proposes a brick-clad base, of four storeys (14m to eaves), broadly following, although sited forward of (by approximately 3m), the building line on Golden Lane defined by the four-storey (11m to eaves) Stanley Cohen House. It would also respond to the size of the six-storey Golden Lane Estate maisonettes blocks, such as Basterfield House



running perpendicular (adjacent). It is considered that the building line and height of the podium, and the setting in of the podium would provide an appropriate townscape response which would add an appropriate scale to Golden Lane relative to its neighbours. The image below offers some understanding of the relationship of the podium with Stanley Cohen House.

Podium on Golden Lane frontage



- 11.91 There are two grouped birches to the front of the application site which will be removed to facilitate the development and five new trees would be planted within the footway to deliver an improvement to the public realm. The proposed ground floor arrangements are indicated below.

Residential block – ground floor layout

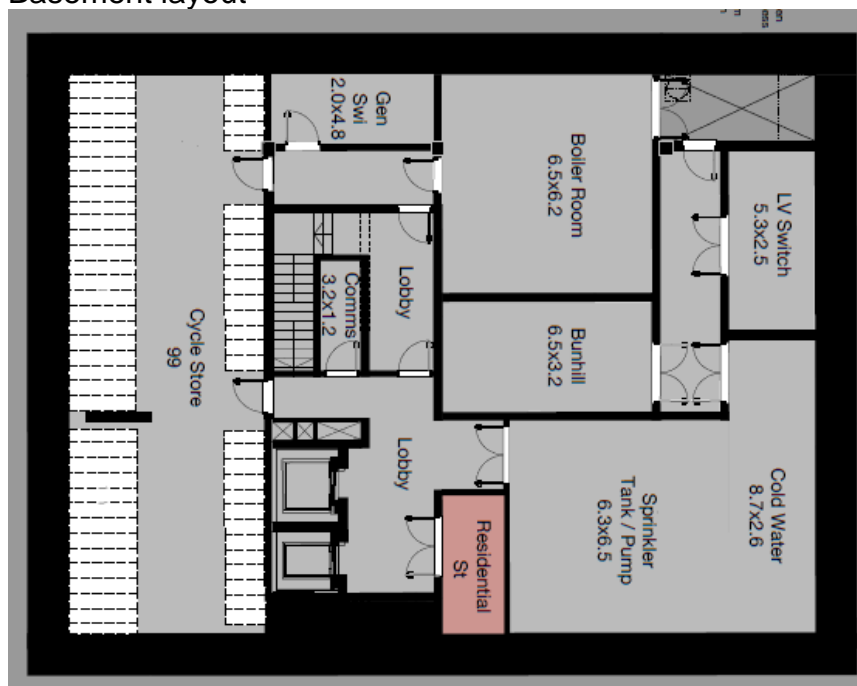


## Ground floor frontage



- 11.92 Policy 7.7 of the London Plan requires that tall buildings ‘have ground floor activities that provide a positive relationship to the surrounding streets’ whilst Policy BC9 of the Finsbury Local Plan requires that tall buildings ‘create an active and interesting street frontage appropriate to the local context’. City of London policy DM10.1 requires that 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.
- 11.93 The proposed development has been revised during the application process to address concerns raised by Officers, objectors and the Council’s Design Review Panel relating to the lack of activity on the ground floor frontage. Historic England had also raised lack of ground floor activity on the Golden Lane frontage as a key issue within their pre-application response. The initial July 2017 submission featured an inactive frontage with a refuse store, substation, plant and a lobby at ground floor level.
- 11.94 The ground floor layout was subsequently revised to incorporate a glazed bicycle store as part of a reconfigured ground floor layout. The October 2017 revised submission indicated an amended school entrance arrangement with the gates brought forward to satisfactorily address DRP concerns that an undercroft area would promote anti-social behaviour. The school entrance would provide activity at the start and end of the school day.
- 11.95 The January 2017 revised submission introduced a basement to accommodate plant and storage previously proposed at ground floor level, as indicated below:

## Basement layout



- 11.96 The provision of a basement facilitated the introduction of 3 small/micro commercial units at ground floor level, as indicated above, which are considered to provide an active frontage as envisaged by Policies 7.7 of the London Plan, BC9 of the Finsbury Local Plan and DM10 of the City of London Local Plan. Accordingly, the revised proposed ground floor frontage is considered to have satisfactorily addressed a key design concern and to secure greater compliance with design policies set out within the Development Plan.

## Landscaping and Public Realm

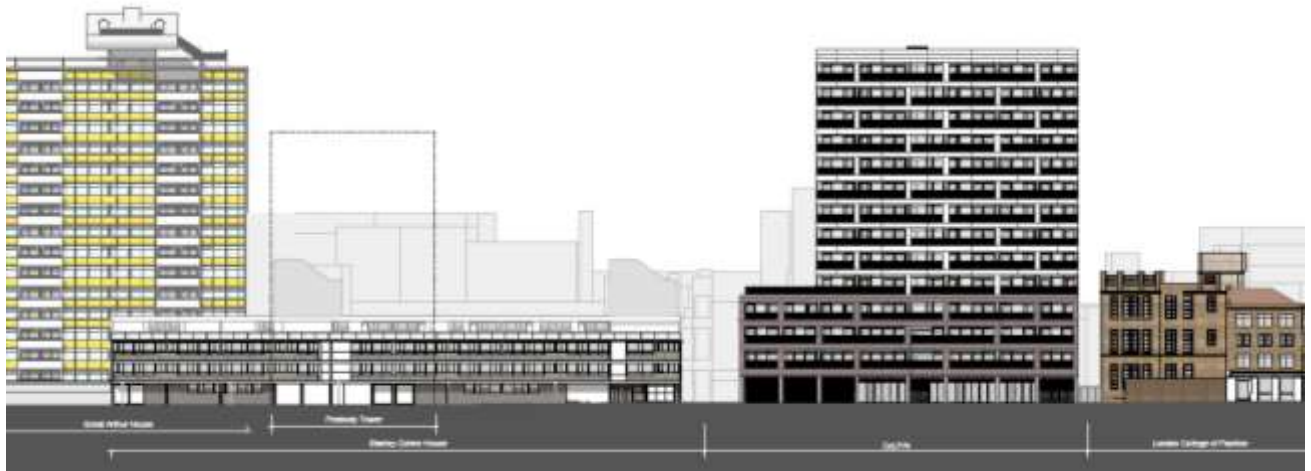
- 11.97 Public realm improvements are proposed along Baltic Street East which includes new paving, street furniture, bollards and flush kerbs to deliver a more pedestrian friendly space. Tree planting and hard landscaping are proposed on the Golden Lane frontage of the site. Improvements are also proposed to the Basterfield service road, including a planted boundary alongside the school hall, repaving of the access road and new bollards. All of the trees on the site will be removed with the exception of one birch tree to the west of the site which will be retained. A total of 20 new trees will be planted within the site and this is considered to represent a benefit of the scheme in terms of biodiversity, landscape and public realm enhancements. Landscaping and trees are addressed in more detail in the Landscaping, Trees and Ecology section of this report.

## Height and Massing

- 11.98 The proposal involve the erection of an approximately 47m high, 14 storey building which has significant implications in terms of the relevant policy framework, townscape and impact on heritage assets which are considered in the following section. The height and massing of the building in relation to its immediate context is shown below within the contextual elevation plan.



## Contextual Elevation Plan



- 11.99 Tall Buildings Policy Evidence Base: The Bunhill and Clerkenwell Urban Design Study (2010) informed the Council's approach to tall buildings in this part of the Borough. On page 52 it identifies that areas within the Central Activity Zone (CAZ), Opportunity Areas and Areas of Intensification:

*'are strategically significant areas of commercial activity, high intensity mixed uses, and areas of greater development opportunity in London and so are generally the most appropriate locations to place high density tall buildings.'*

- 11.100 The Study further notes that:

*'There is a pronounced increase in the general height of buildings within the south eastern corner of the area adjacent to the City of London and the Barbican. Taller development is also clustered around the Old Street roundabout and partially along Old Street. The main thoroughfares north-south and east-west generally have taller development lining them mixed in with lower traditional forms of development. There are numerous tall and very tall residential towers within the lower rise residential areas to the north of the area. These are generally 1960-70's tower blocks set within a broad landscape, many of which are poor quality.'*

- 11.101 On page 53, the document states:

*'The areas along the southern boundary of the area adjacent to the City also exhibit many potentially suitable sites [for tall buildings] although the smaller nature of the plots may make them difficult to integrate within the tight urban form. If they are proposed, generally, a building with a podium that matches that of the surrounding development would be more appropriate rather than a continuous tower.'*

- 11.102 The applicant advises that the design is informed by the above guidance.

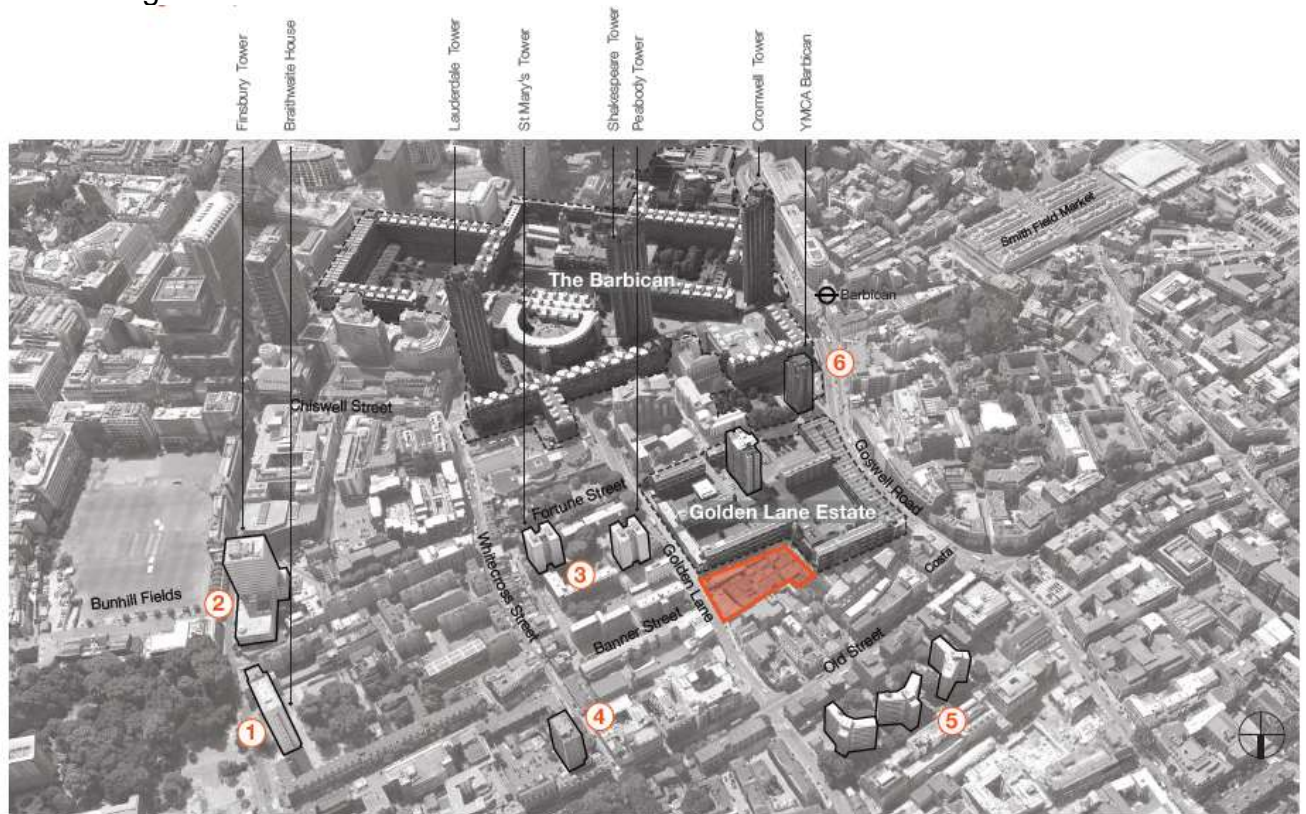
### Consideration against Tall Buildings Policy

- 11.103 Finsbury Local Plan Policy BC9(C) requires building heights outside of the areas designated for tall buildings to respond to the local context, which in this case is identified as an area with a platform building height of around 6 storeys. The applicant makes reference to the

urban central London context for the site which includes a number of tall buildings as follows which are indicated visually below. The proposal is for a 14 storey tower at a height of 47m above ground level.

- Great Arthur House (16 storeys) 51m;
- Braithwaite House (19 storeys) 55m;
- St Mary's Tower and Peabody Tower (13 storeys) 38m;
- Coltash Court (14 storeys) 40m;
- Cotswold Court (12 Storeys) 36m;
- Sapperton Court (12 Storeys) 36m;
- Parmoor Court (12 storeys) 36m;
- Blake Tower (17 storeys) 52m; and
- Finsbury Tower (16 storeys existing with permission granted in 2017 for a 12 storey extension – 28 storeys total height) 56m with permission to increase to 99.5m
- Barbican Cromwell Tower (42 storeys) 124m; and
- Barbican Lauderdale and Shakespeare Towers (43 storeys) 124m.

Tall buildings in the local context





Photographs of tall buildings in the surrounding context (note: St. Mary's Tower and Peabody Tower are 13 storeys high and not 16 storeys as indicated; Blake Tower is 17 storeys and not 16 storeys as indicated)



1 Baltham House  
19 Storeys



2 Finsbury Tower  
16 Storeys  
(recent planning consent)



3 St. Mary's Tower and Peabody Tower  
16 Storeys



4 Colwyn Court  
14 Storeys



5 Cotswold, Sapperton and Parnoor Court  
12 Storeys



6 Blake Tower  
16 Storeys

Barbican towers

Approved Finsbury Tower redevelopment



11.104 Whilst it is acknowledged that there are several examples of tall buildings within the surrounding area it is considered important to draw a distinction between the spatial characteristics of these buildings and the proposed 14 storey building. It is noted that all of these buildings are located alongside much lower rise development. However, it can be seen that most of these buildings are set within generous areas of mostly green open space. Finsbury Tower is set atop an ample podium and occupies a 0.5ha site whereas the proposed block will occupy a footprint of 710m<sup>2</sup> within a 0.4ha site. The proposed block will be located immediately on the back edge of the existing Golden Lane building line and, when

viewed on Golden Lane, will not benefit from a spacious setting which could otherwise help to relieve the impact of its height and massing.

- 11.105 The City of London in their initial Chief Officer response has stated very similar views to those of officers set out above, and is provided as follows:

*“The tower element would have the most significant impact in the wider setting in terms of siting, height, bulk and massing. Tall buildings comprise part of the surrounding townscape, including the 16 storey Great Arthur House, 13-storey Peabody Tower, 17 storey Blake Tower and the taller Barbican towers to the south. These towers are set back from the street, often in a generous landscaping.*

*The proposed residential tower would rise flush, without setback, from the principal west and in particular east elevation, which addresses Golden Lane, whilst it would comprise over two thirds of the width of the podium. Given the building line, lack of set-back and height relative to the podium, it is considered that the tower element would impact on the human/domestic scale of Stanley Cohen House and the other six-storey maisonette blocks making it more prominent from much of the Golden Lane Estate than Great Arthur House.*

*The siting, height, bulk and mass of the proposed building would be dominant in views along Golden Lane. To a degree, this could be addressed through detailed design.”*

- 11.106 It is considered that the proposed development does not comply with Policy BC9(C), either through reference to Figure 17 of the Finsbury Local Plan or through reference to other tall buildings within the surrounding area.

#### Materials and Detailed Architectural Design

- 11.107 School Hall and School Nursery / Block: The four-storey school/nursery block and 1.5 storey school hall are proposed to be clad in a plum-coloured brick with ‘punched’ fenestration with incised fenestration and reveals, shadow gap rainwater runs and perforated aluminium accents within robust solid-to-void ratio. It is considered that this approach would ensure an overarching and appropriate reference to the Golden Lane Estate.

- 11.108 The brick referenced is the Ketley-type. This is the same brick that is proposed for the podium of the residential building. The City comments that this brick was:

*“recently used at the Barbican and which is a dynamic, high-quality baked brick with warm mottled tones. This could create a building of high quality which references its distinctive surroundings. Its delivery should be ensured by condition.”*

- 11.109 It is considered that the detailed design of the school and nursery building and the school hall is well considered, contextual and, subject to conditions, to be high quality design that would enhance the character and appearance of the conservation areas and at the least preserve, but could be considered to enhance, the setting of the nearby listed buildings particularly when considering the public realm improvements also proposed.

- 11.110 Residential Podium and Tower: The four-storey podium to the tower is also proposed to be clad in a plum-coloured brick. It is to include ‘punched’ fenestration set in a reveal to the side elevations and deeply recessed double balconies addressing Golden Lane. The proposed

double height inset at first and second floor level with deeply inset brick piers, use of a vernacular brick and projecting balconies echo the core design vocabulary of the Golden Lane Estate maisonette blocks. The top of the principal elevation is finished in an aluminium stick balustrade, bolted to the rear of a shallow parapet, which is considered better able to be terminated and to help create better definition between podium and tower. The City initial views suggest that: *“this could be more emphatically crowned with a clean raised brick with accentuated GRC capping – similar to the surrounding Golden Lane Estate blocks”* and this is supported and is recommended to be secured by condition. Again, the brick to be used is the Ketley referenced above.

## Residential block – Golden Lane Elevation (Initial application submission)





Revised Elevation - October 2017  
Golden Lane (East) Elevation

66639  
Lift Overlap

66250  
Roof FFL

61950  
13th Floor FFL

58835  
12th Floor FFL

55720  
11th Floor FFL

52605  
10th Floor FFL

49490  
9th Floor FFL

46375  
8th Floor FFL

43260  
7th Floor FFL

40145  
6th Floor FFL

37030  
5th Floor FFL

33915  
4th Floor FFL

30800  
3rd Floor FFL

27685  
2nd Floor FFL

23870  
1st Floor FFL

15270

London College of Fashion  
30170

Architectural rendering of the proposed 13-story building at 1000 West 12th Avenue, showing floor levels and elevations. The building is a modern structure with a glass facade and a brick base. The rendering includes a vertical elevation scale on the left side, listing floor levels and elevations in feet and inches.

Floor Level	Elevation (Feet)
Roof FFL	33290
13th Floor FFL	31050
12th Floor FFL	30835
11th Floor FFL	30720
10th Floor FFL	30605
9th Floor FFL	30490
8th Floor FFL	30375
7th Floor FFL	30260
6th Floor FFL	30145
5th Floor FFL	30030
4th Floor FFL	29915
3rd Floor FFL	29800
2nd Floor FFL	29685
1st Floor FFL	29570
Ground Level	29455

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columns in the tower. Additionally, the top parapet of the building was amended to seek to address concerns raised by the DRP.

- 11.112 The DRP was divided on the success of the revision, with some of the view that the addition of concrete columns had helped the relationship whilst others were unconvinced.
- 11.113 It is the view of officers that the revised elevational treatment of the podium represents a particular improvement to the detailed design of the building overall. It would provide a lighter appearance to the base and provide a somewhat improved relationship with the tower whilst ensuring that the materiality of the podium continued to relate to surrounding developments. The tower element of the residential building has been refined through the design process and features a stepped profile which is intended to reduce the mass to the corners of the tower as illustrated below. The elevational treatment is also intended to relate to, but not replicate, the design of buildings within the Golden Lane Estate.
- 11.114 It is considered that the elevational treatment of the tower offers some refinement in its appearance and reduces the bulk of the building to the corners, although it may be considered that the horizontal emphasis of the façade emphasises the massing of the tower. Viewed in isolation, the façade treatment to the tower is considered to represent an interesting composition and would provide a distinct appearance which has merit in design terms.

CGI of revised elevational treatment to podium



Stepped profile to tower (NB: the tower has since been revised to feature a parapet to the roof)



11.115 The City (officer response) has provided the following additional assessment and having reviewed that assessment, it is entirely supported by Islington officers as particularly detailed and is set out directly quoted from their initial (officer level) response:

*It is considered that the architectural concept of a clean slab block in silhouette, with a simple modernist form, in the manner of Great Arthur House, is appropriate. It will have a glass reinforced concrete (GRC) 'skin', in the form of an expressed frame. The regular rhythm of square profile columns and rounded 'piloti', borrowing the latter from the Golden Lane Estate, ties the principal elevations together with the aim of creating a distinctive sculptural frame, complementing the adjacent Golden Lane Estate. It is considered that if well executed this architectural concept could complement the adjacent Golden Lane Estate.*

*It is considered that the proposed depth provided in the balconies and decking of 1.5-2m would be sufficient to relieve and express the frame. This will require the depth of the frame and soffit and the balcony treatment to be well detailed, which could be reserved by condition. It is considered that visible expansion/movement joints, both horizontal and vertical, could significantly undermine the delivery of the architectural concept of a clean and robust sculptural 'skin'. It is recommended that a scheme for removing the need or detailing out of expansion/movement joints should be conditioned to ensure delivery.*

*There is a high balcony-to-frame ratio. A cross section shows that the balconies and decking would have a short upstand with stick baluster balconies attached or clasped to the rear of it. In addition, the soffit of the decking/balconies would be flush with the upper frame, given it less relief. These details should be reserved by condition.*



*The treatment of the flank elevations are important to the coherence and integrity of the architectural concept and in reducing the apparent bulk, mass and height of the building, in particular on the sensitive approaches along Golden Lane. It is proposed to continue the GRC frame alongside regularly aligned fenestration and brick infill panels. No detail has been submitted of junctions or reliefs and this detail should be dealt with by condition.*

*A detail has been added at roof parapet level, an implied shadow gap, providing a subtle 'incident', a characteristic feature of Chamberlain, Powell and Bon. Whilst not clear from the submission, it is apparent that balustrading would potentially need to be accommodated for health and safety which, in addition to potential plant (including photovoltaic tiles), could breach the clean parapet line, undermining the architectural whole. Further detail is sought by condition.*

- 11.116 Revisions to the materials, external appearance and detailed architectural design of the building can be secured by condition to achieve a further refinement of the elevational treatment of the podium and tower in order to seek an improved relationship between the two elements of the building. It is considered that the approach of the City of London with respect of detailed design conditions would be adopted, however it is also recommended that those details be considered by the DRP Chair's Review in order to ensure they are robustly considered, proposed and reviewed in order to secure the highest quality of design given the sensitive context of the site.
- 11.117 It is noted that the DRP raised objection to external lighting to the tower. The City raise concerns with this also and they seek lighting scheme for approval. However, it is the view of officers that no lighting strategy is warranted for a residential building and therefore no permission would be granted for such a scheme. A condition stipulating this is recommended.

### **Overall appraisal and Design and Tall Buildings Policy Assessment**

- 11.118 The following section provides an appraisal of the proposed development against the design, character, heritage and tall buildings policies of the Development Plan. It is considered that the proposal complies with the relevant policies as follows:
- The proposed tall building would be located within the CAZ and would benefit from an excellent level of Public Transport Accessibility (PTAL 6A) in accordance with London Plan Policy 7.7(a)
  - The proposed siting of the main school building and sports hall reflects the layout of the Golden Lane Estate
  - The materiality of the residential podium complements that of surrounding development
  - Considered in isolation, both the lower and upper part of the proposed residential building have architectural merit
  - The building would deliver some improvement to the legibility of the area, with the school entrance underneath the tall building in accordance with London Plan policy 7.7(d)
  - The proposed residential accommodation would all be dual aspect with generous proportions of glazing and would benefit from passive cross ventilation, solar shading in summer and receipt of winter sun in accordance with DMP Policy DM3.4D
  - The proposed residential accommodation will exceed nationally described and London Plan space standards and the minimum requirements for private amenity

space set out in Policy DM3.5 of the Council's Development Management Policies document, and in this respect is considered to represent a very good standard of residential accommodation in accordance with Finsbury Local Plan Policy BC9D(viii)

- The proposed tall building would provide an active ground floor frontage in accordance with London Plan policy 7.7(f), Finsbury Local Plan policy BC9(D)(v) and policy DM10.1 of the City of London Local Plan
- The building has been designed to maximise the efficiency of both the building fabric and the building services, reducing the overall energy consumption associated carbon dioxide (CO<sub>2</sub>) emissions. All homes have passive cross-ventilation and incorporate suitable mitigation measures for overheating and the building has had connection to Bunhill Heat Network futureproofed. The environmental quality of the building is therefore of a very good standard and in this regard can be considered to go some way towards complying with policy 7.7(e) of the London Plan, policy BC9(D)(vi) of the Finsbury Local Plan and policy CS14 of the City of London Local Plan.
- Whilst the proposed tall building, due to the podium being at odds in design terms to the tower element is not considered to represent an exceptional or world class standard of architecture, it is considered that further conditions as set out in this report and in the recommendation could secure a design that is high quality. It would not be fully compliant with requirements for exceptional or world class design.

11.119 It is considered that the proposed development falls short of key requirements of the Development Plan policies concerned with design, local character, architecture, tall buildings and heritage, including as follows:

- The scale, mass and bulk of the tall building is considered to result in harm to the character of the area – in particular, it would be at odds with the form, proportion, composition, scale and character of surrounding buildings and the urban grain on the Golden Lane frontage by reason of its dominant height and cramped setting contrary to London Plan Policies 7.4(a), 7.7(b), Islington DMP Policy DM2.1(vii) and Policies CS10(1) and DM10.1 of the City of London Local Plan
- The tall building would be overbearing on the street scene by reason of its siting against the pavement with a lack of space around it to ameliorate its bulk, thereby harmful to the public realm contrary to London Plan Policies 7.4B(c), 7.6B(b), Finsbury Local Plan Policy BC9D(i) and Policies CS10 and DM10.1 of the City of London Local Plan
- The proposed tall building would result in less than substantial harm to the setting of the Golden Lane Estate, 109 and 115 Golden Lane, and the St. Luke's Conservation Area contrary to London Plan Policy 7.4B(e), Islington DMP Policies 2.1(vii) and 2.3, Finsbury Local Plan Policy BC9D(ii) and Policy CS14(3) of the City of London Local Plan, however the NPPF provides for such degree of harm to be weighed against the public benefits, to which it is considered in this instance they are significant. It is also noted that Historic England have not raised objections whilst the GLA consider that no harm would occur. (This summary is expanded upon in further detail in the Heritage section below).
- The proposed development would not provide dedicated on-site children's play space or public open space contrary to Finsbury Local Plan Policy BC9D(vii) and (viii). *However: residents of the proposed development would have access to the school's MUGA outside of normal school hours and during school holidays. The applicant has agreed to make a financial contribution of £134,676 in lieu of on-site play space.*

- 11.120 In relation to the identified conflict with London Plan policies identified above, it should be noted that the GLA raised no objections to the height or design of the building within their Stage 1 response, which stated at paragraph 24:

‘The site’s massing continues the existing urban grain of the Golden Lane estate, and has been improved through pre-application discussions. This is welcomed. The site is considered appropriate for a taller building, stepping down to 3-storeys on its southern end to avoid overlooking on Basterfield House. The overall approach responds to the existing heritage context and surrounding taller buildings and is supported.’

- 11.121 The GLA Stage 1 response makes no reference to London Plan Policy 7.7.
- 11.122 The harm arising from the proposed tall building and less than exceptional design quality can be considered within the planning balance which is assessed at the conclusion to this report.

## HERITAGE AND TOWNSCAPE IMPACT

### Heritage legislation and policy

- 11.123 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that *‘If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.’*
- 11.124 Section 70(2) of the Town and Country Planning Act 1990 states that in dealing with a planning application *‘the authority shall have regard to the provisions of the development plan, so far as material to the application... and to any other material consideration.’*
- 11.125 There are the following additional requirements when considering planning applications which affect the setting of a listed building or the character and appearance of a conservation area. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that: *‘In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall 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’.*
- 11.126 Section 72(1) of the Act states: *‘In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area’.*
- 11.127 The effect of the duties imposed by section 66(1) and 72(1) of the Planning (Listed buildings and Conservation Areas) Act 1990 is, respectively, to require decision-makers to give considerable weight and importance to the desirability of preserving the setting of listed buildings, and to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 11.128 The National Planning Policy Framework (NPPF) sets out the Government's policies for decision making on development proposals. At the heart of the framework is a presumption

in favour of 'sustainable development'. Conserving heritage assets in a manner appropriate to their significance forms one of the 12 core principles that define sustainable development. NPPF policy advises that for new development to be sustainable it needs to encompass an economic, social and environmental role, with the latter including the protection and enhancement of the built and historic environment. Paragraph 8 notes that these roles are mutually dependent and should not be taken in isolation; and that to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. Paragraph 7 of the NPPF states that the environmental role of a development includes protection and enhancement of the historic environment, while section 12 sets out how the historic environment should be conserved and enhanced.

11.129 The NPPF addresses the determination of planning applications affecting designated and non-designated heritage assets at paragraphs 128-135 which state, inter alia, that:

- '128. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary...*
- 129. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal...*
- 132. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*
- 133. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*
- the nature of the heritage asset prevents all reasonable uses of the site; and*

- *no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- *conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and*
- *the harm or loss is outweighed by the benefit of bringing the site back into use.*

134. *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.*

135. *The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'*

11.130 Significance is defined in the NPPF as:

*'The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.'*

11.131 The setting of a heritage asset is defined in the NPPF as:

*'The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.'*

11.132 Paragraph 9 of the NPPG notes that

*'Heritage assets may be affected by direct physical change or by change in their setting. Being able to properly assess the nature, extent and importance of the significance of a heritage asset, and the contribution of its setting, is very important to understanding the potential impact and acceptability of development proposals.'*

11.133 Paragraph 17 of the NPPG provides guidance on assessing whether a proposal results in substantial harm to a heritage asset and states that:

*'What matters in assessing if a proposal causes substantial harm is the impact on the significance of the heritage asset. As the National Planning Policy Framework makes clear, significance derives not only from a heritage asset's physical presence, but also from its setting*

*Whether a proposal causes substantial harm will be a judgment for the decision taker, having regard to the circumstances of the case and the policy in the National Planning Policy Framework. In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the*

*asset's significance* rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting.

*While the impact of total destruction is obvious, partial destruction is likely to have a considerable impact but, depending on the circumstances, it may still be less than substantial harm or conceivably not harmful at all, for example, when removing later inappropriate additions to historic buildings which harm their significance. Similarly, works that are moderate or minor in scale are likely to cause less than substantial harm or no harm at all. However, even minor works have the potential to cause substantial harm.'*

11.134 The Guidance detailed above notes that substantial harm is a high test. Case law in this matter is of some assistance, such as *Bedford Borough Council v Secretary of State for Communities and Local Government* and *Nuon UK Ltd*, where substantial harm is referred to in the context of circumstances where the impact on significance is "serious such that very much, if not all, of the significance was drained away", or "an impact which would have such a serious impact on the significance of the asset that its significance was either vitiated or very much reduced"

11.135 Paragraph 20 of the NPPG defines public benefits as:

*'Anything that delivers economic, social or environmental progress...Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.'*

11.136 The Historic England (formerly English Heritage) guidance document *Conservation Principles* (2008) sets out a framework for assessing the significance of historic buildings and places. It defines significance as the 'sum of the cultural and natural heritage values of a place, often set out in a statement of significance.' It is commonly agreed that Grade I and II\* buildings are of "exceptional" and "particularly important" interest; therefore these are generally considered of greater significance.

11.137 Historic England's Advice Note No. 4 *Tall Buildings* December 2016 states at paragraph 5.5 that:

*'When considering any proposal that has an adverse impact on a designated heritage asset through development within its setting, 'great weight should be given to the asset's conservation', with any harm requiring a 'clear and convincing justification' (NPPF paragraph 132). In assessing this justification, and in weighing any public benefits offered by a tall building proposal, local planning authorities will need to pay particular regard to the policies in paragraphs 8 and 9 of the NPPF that state that economic, social and environmental gains are to be sought jointly and simultaneously in order to deliver positive improvements in the quality of the built, natural and historic environment. This may involve the examination of alternative designs or schemes that might be more sustainable because they can deliver public benefits alongside positive improvement in the local environment. If a tall building is harmful to the historic environment, then without a careful examination of the worth of any public benefits that the proposed tall building is said to deliver and of the alternative means of delivering them, the planning authority is unlikely to be able to find a clear and convincing justification for the cumulative harm'*

11.138 London Plan policy 7.8 is concerned with heritage assets and states, inter alia, that 'development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail.'

11.139 Policy CS7 of the Core Strategy is concerned with Bunhill and Clerkenwell and states at part F, inter alia, that:

*'Much of the area has a rich character and is noted for its historic value. This is particularly true of Clerkenwell, which has a street pattern that dates from medieval times and contains surviving monastic precincts. But throughout Bunhill and Clerkenwell, a number of buildings, monuments, spaces and townscape attributes contribute positively to its character. This includes some locally important street level views to St. Paul's Cathedral and other local landmarks. These historic and character-defining attributes will be protected and enhanced.'*

11.140 Policy CS9 of the Core Strategy is concerned with 'Protecting and Enhancing Islington's Built and Historic Environment' and states, inter alia, that:

*'High quality architecture and urban design are key to enhancing and protecting Islington's built environment, making it safer and more inclusive.'*

*B. The historic significance of Islington's unique heritage assets and historic environment will be conserved and enhanced whether designated or not. These assets in Islington include individual buildings and monuments, parks and gardens, conservation areas, views, public spaces and archaeology.'*

11.141 Policy DM2.3 of the Council's Development Management Policies document is concerned with Heritage and states, inter alia, that:

*A. 'Conserving and enhancing the historic environment  
Islington's historic environment is an irreplaceable resource and the council will ensure that the borough's heritage assets are conserved and enhanced in a manner appropriate to their significance. Development that makes a positive contribution to Islington's local character and distinctiveness will be encouraged.'*

*B. Conservation Areas*

*i)...new developments within Islington's conservation areas and their settings are required to be of high quality contextual design so that they conserve or enhance a conservation area's significance. Harm to the significance of a conservation area will not be permitted unless there is a clear and convincing justification. Substantial harm to the significance of a conservation area will be strongly resisted.'*

*C. Listed buildings*

*iii) New developments within the setting of a listed building are required to be of good quality contextual design. New development within the setting of a listed building which harms its significance will not be permitted unless there is a clear and convincing justification, and substantial harm will be strongly resisted.'*

11.142 Policy CS12 of the City of London Local Plan is concerned with historic environment and aims, inter alia:

*'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, by:*

1. Safeguarding the City's listed buildings and their settings, while allowing appropriate adaptation and new uses.'

11.143 Policy DM12.1 of the City of London Local Plan is concerned with managing change affecting all heritage assets and spaces and aims, inter alia:

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.
4. Development will be required to respect the significance, character, scale and amenities of surrounding heritage assets and spaces and their settings.

11.144 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. The works to the Basterfield Service Road which would be secured through the Section 106 agreement may require listed building consent.

### **Heritage Assessment**

#### **The Golden Lane Estate**

11.145 The Golden Lane Estate is an exemplar of modernist post-war housing development on a comprehensive scale. The Golden Lane Estate was built between 1953 and 1962 to a design by the newly formed architectural practice Chamberlin, Powell and Bon. The Estate is Grade II listed with the grade II\* (Crescent House) building. The whole of the Golden Lane Estate is being considered for potential conservation area designation. At present, it is not a conservation area.



Golden Lane Estate



Crescent House with the Barbican Estate in the background (taken looking south down Goswell Road)



- 11.146 The whole of the estate was listed on 4 December 1997. Great Arthur House (Grade II) is located at the centre of the estate and stands at 16 storeys and 50.6m high and the other lower rise 4-6 storey slab blocks (all Grade II) are located around this centrepiece. Crescent House (Grade II\*) is located to the west of the estate and fronts Goswell Road/Aldersgate Street.
- 11.147 The Historic England and City of London Golden Lane Listed Building Management Guidelines were originally published in 2007 and were revised in September 2013. The Guidelines identify the nature and extent of the special architectural and historic interest of the Estate in order to inform decision-making on planning applications.
- 11.148 The Guidelines address the significance of the estate as a whole and its context at Section 2.2 and state, inter alia:

*'The Golden Lane Estate is of special interest as an early example of large-scale urban design after World War II, one of the first exercises in the comprehensive post-war redevelopment in the City of London. Innovative and unique, it demonstrated a departure from previous ideas underpinning urban planning and set standards for the future.'*

*Despite much debate and theorising in the 1920s and 1930s, modern architects and planners in the UK had had little or no opportunity to apply new concepts of modern architecture and design to central urban sites before post-war reconstruction...The Golden Lane Estate is among the first examples by the new generation of architects too young to have practised before the war...Characteristic features included tall blocks of flats or superimposed maisonettes in spacious orthogonal layouts, releasing large areas of land for community facilities and amenities; the relinquishment of pre-existing corridor street patterns and pedestrianisation of estate interiors; and the exploitation of below-ground levels for parking and services. The Golden Lane Estate exhibits all these characteristics, exemplifying the emerging contemporary concept of the neighbourhood unit.*

*The decade after World War II – when the need for extensive reconstruction coincided with progressive policies on public housing – provided an opportunity to experiment with the new urban planning concepts of the Modern Movement, including those developed by Le Corbusier.*

*Some of the features of the Golden Lane Estate can, for example, be recognized in Le Corbusier's Unité d'habitation in Marseilles and the ideas underlying it: the provision of a wide range of social amenities; the use of the flat roof as a terrace; double-height living rooms with open-riser stairs; fully glazed outer walls; generous balconies providing an open-air extension of the living room; other 'extensions of the home' situated at ground level, for example, a swimming pool and tennis courts; sliding partitions between rooms to allow flexibility; and compactly designed kitchens with everything within easy reach. Although designed between 1945 and 1947 and completed in 1952, the Unité d'habitation developed concepts from urban projects of the 1920s.*

*Chamberlin, Powell and Bon, among others in the UK, adapted the ideas of high density, modern services, open space and fresh air, and community, to create schemes and buildings suited to the existing urban environment in this country.*

*The Golden Lane Estate should be understood in its entirety: not only its various components – residential, community, recreational, commercial and the external spaces between buildings – but also its setting within the urban fabric of the City of London.*

*The estate was conceived to provide a self-contained, distinct and sustainable community enjoying a high standard of accommodation and amenities. Because of its unpromising setting – at that time, in the early 1950s, a bleak wasteland of bombsites to the north of St Paul's Cathedral – it was specifically designed to have a strong sense of enclosure. There was, however, no intention or attempt to diminish its essentially urban location and character. The architects clearly articulated this: 'It has tried to be as urban as the City itself.'*

*While the original concept was, in words of the architects, 'inward-looking' because of the inhospitable surroundings at the time, five decades on the estate should be appreciated in its current environment, which differs considerably from that of the early 1950s. This concept should not, however, be misinterpreted as implying that developments around the estate are unimportant.*

*The views from – as well as into – the estate have become important. Part of the special architectural interest of the estate lies in its relationship with adjacent buildings; their height, scale, mass, form, materials and detailing could, for example, have an impact on that special interest. An illustration of the importance of the current setting is the view along Goswell Road and Crescent House with the backdrop of the tower blocks of the Barbican Estate – all by Chamberlin, Powell and Bon. The relevant local authority should, therefore, take into account the significance of the estate's setting to its special architectural interest when considering any developments on the immediate boundaries of the listed area.*

*The design of the Golden Lane Estate is particularly significant in its interpretation of a viable and sustainable community within a tightly defined urban space. In addition to the efficient use of space to provide the required density of housing (200 people per acre), it also provided amenities and facilities to support a self-contained community. While this was an aspiration of many post-war redevelopment projects, few succeeded in achieving the diversity and integration of the Golden Lane Estate. From its earliest conception, it included a community centre for residents, leisure facilities including a swimming pool and badminton court, a bowling green (subsequently tennis courts), a nursery and children's playground (which later included a paddling pool, since removed), residents' club rooms, garages, estate workshops, and, slightly later as the site was extended, shops and a public house (which originally included a restaurant), as well as open spaces or 'courts'. These are contained within a tightly planned area, where all available space is used to maximum effect.*

*It is in the context of this diversity of use that the term 'village' has been used to describe the Golden Lane Estate. It is not, however, to be confused with the traditional connotation of the word 'village' as rural or suburban. Rather, it should be interpreted as an 'urban village' with a sense of social cohesion. This point was stressed by the architects: 'We regard the whole scheme as urban. We have no desire to make the project look like a garden suburb ... the scheme aims at being urban and does not pretend that it is out in the country.'*

*While the new forms of urban planning and architectural language developed by Chamberlin, Powell and Bon for the Golden Lane Estate are significant in their own right, they are also important for their influence on subsequent developments, most notably the neighbouring Barbican Estate, which is also listed as being of special architectural interest. Distinctive*

*elements of the Barbican Estate, arguably one of the most ambitious urban reconstruction projects in Europe, had their genesis in the Golden Lane Estate. Taken together, the two projects provide not only a narrative of the work of one of the most significant post-war practices, but also an insight into the progress of British modernism in the 1950s and 1960s.'*

11.149 The report to the City of London's Planning and Transportation committee in relation to a planning application for the redevelopment of Bernard Morgan House (reference 16/0059/FULL) includes a carefully considered assessment of the significance and setting of the Golden Lane Estate by the City of London planners. In view of the quality of the assessment it is considered that there is merit in detailing it within this report and it is endorsed by Officers. The assessment makes reference to the above guidelines and includes the following observations:

- Much of the character and special interest of the Golden Lane Estate derives from the architects' pursuit of a modern exemplar of high-density urban living expressed itself on a macro level through the meticulously planned townscape and generous open landscape and on micro-level through the detailing and layout of individual flats
- The Golden Lane Estate should be viewed in its entirety as an ensemble: a piece of architecture, urban design and townscape. The qualities of light, space, transparency, function and communality run through the Estate, from the (unique) large curtain wall landscape window of the community centre raised above the ornamental sunken garden to the finely detailed 'picture frame' curtain wall principal aspects of the flats providing views over generous landscaping.
- The height and disposition of the blocks was meticulously considered to create varied public/private space, delivering a comfortable sense of enclosure while also feeling open and permeable. The pioneering use of glass curtain walls, in striking primary colours, add light and energy, while the overarching use of a pleasant pink brick ties the architectural whole together.
- The blocks are disposed to maximise daylight, sunlight, privacy and a sense of spaciousness and transparency. These spatial qualities continue inside where all flats are defined, where possible, by a principal south-aspect, dual aspect, floor-to-ceiling glazing overlooking well landscaped courts and private balconies on flats which are orientated to avoid direct overlooking from directly facing principal aspects, revolutionary at its time. This openness and the extensive glazing creates a seamless transparency between inside and out, creating internal spaces defined by the relationship with the landscape outside.
- The setting of the Estate has changed significantly since the 1950s, and will continue to change. The Peabody Towers, Braithwaite Tower, Cripplegate House (as extended), Blake Tower and 121-167 Roscoe Street are all visible above the perimeter blocks from views within the Estate, placing it in an evolving and dynamic urban context. To the south it can be viewed with the backdrop of the Barbican tower and podium composition; reflecting continuity in architect and the development of Modernism, which is inherent in the view identified in the Guidelines from Goswell Road incorporating Crescent House with the Barbican towers.

11.150 Having regard to the Guidelines and the above appraisal the City of London planners considered that the following elements of the setting of the GLE contribute to its significance, slightly amended to specifically relate to this site location and context:

- The visual relationship with the Barbican to the south; in particular in the views from Goswell Road of Great Arthur House, Crescent House and the Barbican towers and the north-south axis view from the Bastion through the central piazza towards the tower of the Jewin Chapel on alignment with the Shakespeare Tower;
- The strong sense of enclosure and unity felt in the sunken gardens, on a whole unfettered by looming development in the immediate vicinity;
- The retention of open diagonal views across the whole site with limited bulky development in the immediate setting to break up the unity and inter-visibility of the enclosing residential blocks;
- An ability to appreciate the Estate from outside views in, the dominance of Great Arthur House, in contrast to the more humble scale of the perimeter blocks;
- An ability to appreciate the interrelationship between the interior of the maisonette flats and the external spaces.

11.151 It is considered that this assessment of the contribution of setting to the significance of the Golden Lane Estate is informed and carefully considered. Accordingly, it is endorsed by officers and it is considered appropriate to inform an assessment of the impact of the proposed development on the setting and significance of the Golden Lane Estate.

#### St. Luke's Conservation Area

11.152 St. Luke's Conservation Area was designated by the London Borough of Islington in 1975 and extended in 2002. The St Luke's Conservation Area Design Guidelines describe the area as follows:

*'Lying in the south of the borough, straddling the ancient thoroughfares of Whitecross Street and Old Street, the St. Luke's Conservation Area is an important surviving part of historic Finsbury, with a special character and appearance which is desirable to preserve and enhance. Whitecross Street is a medieval lane which ran from the Cripplegate to Old Street, home of London's oldest surviving street market and fronted by a number of domestic-scale properties from the 18th and 19th centuries. Either side, the narrow side streets contain a wide range of 19th century commercial buildings and one of the largest late 19th century Peabody housing estates.'*

*Central and pivotal to the conservation area St. Luke's Church, dating from 1733, designed by John James and Nicholas Hawksmoor, is one of London's most important churches. The church is now refurbished as a rehearsal, concert and education centre for the London Symphony Orchestra. The unusual obelisk spire is a major local landmark, with important views down Whitecross Street. Surrounding the church is the churchyard and burial ground, now a public open space, with fine plane trees, railings and tombs. Fronting onto these spaces are several important groups of Georgian and Victorian buildings which are of architectural and historic interest and which contribute to the setting of the church.'*

11.153 The Guidelines state at paragraph 16.9:

*'The Council will pay particular attention to design matters and will expect any scheme for new development to comply with the following criteria:*

- i) existing and established building lines should be retained;*
- ii) new buildings should conform to the existing prevailing parapet and roof heights in the conservation area;*



*iii) new buildings should respect the existing plot sizes.'*

Nos. 109-113 Golden Lane

- 11.154 109-113 Golden Lane is locally listed as a good example of a late Victorian Board School comprising of stock brick with red brick and stone dressings and a powerful gable end facing Honduras Street. It is also located within the St Luke's Conservation Area.

No. 115 Golden Lane

- 11.155 No. 115 Golden Lane is locally listed as a good example of a mid-late Victorian warehouse (c.1870) comprising of four-storeys, gault brick with good brick detailing, timber windows, crane and hoist. It is also located within the St Luke's Conservation Area.

115 Golden Lane (left) and 109-113 Golden Lane (right)



Townscape Assessment

- 11.156 The application is accompanied by a Heritage Townscape Visual Impact Assessment which assessed the proposal in terms of its townscape impact and its impact on heritage assets, including through verified images indicating the proposed development in situ.
- 11.157 It should be noted that the HTVIA has not been revised following the design amendments which were the subject of the October 2017 and January 2018 revisions. This is with the exception of one view, (View 3) which is provided below as a CGI.
- 11.158 Having regard to the above, the ground floor arrangements and elevational treatment of the podium and the appearance of the top of the tower are not representative of the currently proposed development. Members should therefore have careful regard to the nature of the revisions when reviewing the verified images presented in carrying out an assessment of the visual impact of the proposed development in townscape and heritage terms. The revisions to the external appearance of the proposed development since the HTVIA was produced are as follows:

- Revision to location of the school gates on Golden Lane to reduce the size of the recess under the building.
- Details of revised elevational treatment to the residential podium to better relate it to the facade of the tower. The revisions included an amendment to the brickwork treatment and the introduction of concrete columns.
- Details of brickwork facing material in place of concrete cladding along the access decks.

- Introduction of a parapet to the top of the tower.
- Revised palette of materials.
- Introduction of improved active frontage on to Golden Lane in the form of Class B1a workspace.

11.159 The above revisions primarily affect views of the site from Golden Lane and it could be considered that the revisions to the ground floor frontage and the elevational treatment of the podium represent improvements in design terms therefore, in instances where harm in heritage and townscape terms is identified, the harm observed within the verified images would be greater than that following the revisions. The following appraisal of the applicant's HTVIA has therefore been carried out having full regard to the revisions to the proposed development.

View 1 – Aldersgate Street looking north-east



11.160 This view gives a very small slither of wire-line above the rear part of Crescent House which would be visible. From this view the development would be barely perceptible and although the Barbican and Crescent House are in view, this is not considered harmful in townscape or heritage terms.

View 2 – Golden Lane Estate looking north-east towards Callum Welch House, Great Arthur House and Basterfield House



- 11.161 This view is from a pedestrianised route across a hard landscaped courtyard space within the Golden Lane Estate, with the Grade II listed Great Arthur House, Callum Welch House and Basterfield House visible as an attractive group of buildings. The view provides an appreciation of the different façade treatments and scales/heights of the individual buildings within the Golden Lane Estate.
- 11.162 The tower of the proposed residential building is visible between Callum Welch House and Great Arthur House, and above the parapet of Basterfield House. The light colour of the proposed building reduces its visual impact to a degree and it does not appear unduly dominant from this view due to its location in the background. It could be also acknowledged that the form, massing and elevational treatment of the proposed building references that of the Golden Lane Estate buildings to an extent. However, it is considered that the building will result in harm to the setting of the Golden Lane Estate as it will introduce bulky and looming development into a previously open diagonal view across the estate and detract from an appreciation of the unity and spatial composition of the three existing buildings.

View 3 – View south near to junction of Old Street and Golden Lane



- 11.163 One of the towers of the Barbican Estate is visible in the distance of this view, together with Stanley Cohen House, which forms the eastern edge of the Golden Lane Estate. The townscape in the foreground of the view on both sides of Golden Lane is located in Islington's St Luke's Conservation Area. The buildings in the foreground range from 3 to 6 storeys in height and are largely in commercial use, with ground floor shopfronts and entrances



creating some activity on the street and footpaths to either side of Golden Lane. The wireline massing of the permitted Bernard Morgan House scheme is indicated in the proposed image.

- 11.164 The separation of the tower and podium is seen clearly in this view and it can be acknowledged that the height and materials of the podium complement that of nearby development. However, the building overall would appear as a tall building immediately adjacent to much lower rise development and would represent an abrupt step up in building height. The tall building would be set immediately on the back edge of the existing street building line with little space around it to relieve its height. The relationship between the podium and tower is much improved from this view but would, in the view of the DRP, not be entirely acceptable as currently proposed (shown in the CGI below). Overall, from this view it is considered that the proposed development would be harmful to the Golden Lane street scene, the setting of the St. Luke's Conservation Area and the setting of the Grade II listed Stanley Cohen House.
- 11.165 The applicant has provided the following CGI of the revised scheme looking south down Golden Lane. It is considered that this CGI demonstrates that the design revisions have resulted in a considerable improvement to the appearance of the buildings as compared to the initial application proposal.



View 4 – View north west near to junction of Golden Lane and Roscoe Street



- 11.166 The 4-storey Stanley Cohen House is present in the foreground whilst the locally listed buildings at 109 and 115 Golden Lane can be seen to the north of the site within the St. Luke's Conservation Area. The existing buildings on the site do not make a positive contribution in character terms to the street scene or the adjacent conservation area and their low height is considered to present a gap within the townscape.
- 11.167 The height of the podium relates satisfactorily to Stanley Cohen House whilst the stepped profile and elevational treatment of the tower adds interest but does not significantly detract from its bulk and massing. Again, the building would represent an abrupt and significant step up in building height and there is little space retained around the building to relieve its height. The relationship between the podium and tower would again appear awkward and they do read as two separate buildings (although noting that this relationship is improved in the current proposal). It should be noted that the ground floor now has active frontages and therefore the view is much worse than the current proposal. It is considered that from this view the proposed development would be harmful to the Golden Lane street scene, the setting of the St. Luke's Conservation Area and the setting of the Grade II listed Stanley Cohen House.

View 5 – Golden Lane Estate looking east towards recreation centre and tenants' hall, Hatfield House and Basterfield House



- 11.168 This view is from a pedestrianised courtyard space within the Golden Lane Estate. Hatfield House is visible on the left and Basterfield House is visible on the right with the Recreation Centre and Tenants Hall to the foreground. The different façade treatments and

scales/heights to the individual buildings within the Golden Lane Estate can be appreciated from this view.

- 11.169 The proposed school is visible adjacent to Hatfield House and complements the height, orientation and materiality of Hatfield House. It should be noted that the rear of Crescent House (grade II\* listed) is located immediately behind the position that this view is taken from. The podium to the residential block, to the extent that it is visible, reflects the heights and materiality of the Golden Lane Estate buildings. The broad pattern of development within the Golden Lane Estate comprising long perimeter blocks with internal courtyard spaces is the siting of the proposed main school building and residential block can be considered to respond to that layout from this view. The elevational treatment of the tower element of the proposed residential building can be considered to reference that of the Golden Lane Estate buildings to a degree. However, it is considered that the building will result in some harm to the setting of Basterfield House and Hatfield House from this viewpoint through the introduction of a highly prominent tall building. This view is not identified as a key contributor of setting to the significance of the estate but in view of the visible bulk of the tower and the visibility of three Estate buildings in the foreground it is considered to result in some harm to the setting of the estate as a whole.

View 6 – View east along Baltic Street West



- 11.170 This view is from the eastern edge of the Hat and Feathers Conservation Area and the townscape shown to the left of the view is located within the St. Luke's Conservation Area. Hatfield House is visible on the right and 109 Golden Lane is visible to the left of centre in the background. If one were to step back from this viewpoint then the Grade II\* listed Crescent House would become visible in the foreground.
- 11.171 The proposed new school building can be seen adjacent to Hatfield House and will appear generally consistent with Hatfield House in terms of its height whilst the palette of materials can be considered to reference those of the buildings in the immediate vicinity. The top 4 floors of the proposed residential tower are visible above the proposed school building. It should be noted that when the mature trees in the foreground are in leaf the tower and part of the school building will be obscured from view. When viewed as a whole from this viewpoint, the proposal would introduce bulky structures within the settings of Hatfield House and the St. Luke's Conservation Area and in this regard is considered to result in a minor degree of harm to the settings of these heritage assets. In view of the distance of the building from the Hat and Feather's Conservation Area it is not considered that the proposal would be unduly harmful to its setting.



View 7A – View west along Banner Street



- 11.172 This view is from a resident's car park separated from Banner Street by a footpath. The Peabody Estate is visible to the left in this view and there are buildings within the St Luke's Conservation Area to the right. Buildings in the view are around 5 storeys in height and the view will predominantly be experienced by residents of the Peabody Estate.
- 11.173 The quality of the architectural treatment of the tower will again be evident from this view whilst, for the months of the year when the trees in the foreground are in leaf, the disconnect between the podium and the tower which is noticeable from some views within the HTVIA would be less evident. However, the proposed 14 storey building would appear overbearing and dominant from this view by reason of its height, scale and massing and would result in some harm in townscape terms as well as to the setting of the St. Luke's Conservation Area.

View 7B – View west along Banner Street



- 11.174 The Peabody Estate buildings are visible to the left in this view and buildings within the St Luke's Conservation Area are visible to the right. The low rise scale of the existing buildings on the application site is particularly apparent from this view.
- 11.175 As with view 7A, the quality of the architectural treatment of the tower will be evident from this view. The proposed building would however appear monolithic and dominant from this view by reason of its height, scale and massing and will again result in some harm in townscape terms as well as to the setting of the St. Luke's Conservation Area.

#### View 8 – View west from Roscoe Street



- 11.176 This view is from the Peabody Estate towards the site with Stanley Cohen House and Basterfield House visible and a 6 storey block within the Roscoe Street Peabody Estate is visible on the right.
- 11.177 The relationship between the podium and tower appears somewhat uncomfortable from this view as they read as two separate buildings, one placed on top of the other. The height of the podium is considered to relate satisfactorily to that of Stanley Cohen House whilst the quality of the architectural treatment of the tower can be appreciated from this view. However, the height and bulk of the proposed building is such that it looms over the six storey Peabody building to the foreground in a dominant and overbearing manner whilst the proposed step up in height from Stanley Cohen House to the proposed tower appears somewhat jarring resulting in a degree of harm in townscape terms.

#### View 9 – View north-west near to junction of Golden Lane and Fortune Street



- 11.178 The view is taken from the edge of Fortune Street Park and Stanley Cohen House is visible in the foreground and 109 and 115 Golden Lane are visible to the north of the site.
- 11.179 The height of the podium is considered to relate satisfactorily to Stanley Cohen House in this view. However, it is considered that, overall, the proposed building would represent an uncomfortable feature on the relatively low rise street scene with an abrupt step up in building height, in particular appearing at odds with Stanley Cohen House which has a strong horizontal emphasis. This view illustrates the lack of space afforded to the tower and the abrupt rise from pavement edge the whole way up the 14 storey building, unlike those few examples of taller buildings in the vicinity of the site. This view is considered to demonstrate



that the proposed development would result in some harm to the setting of Stanley Cohen House and to the setting of the St. Luke's Conservation Area.

View 10 – Golden Lane Estate looking north-east towards Basterfield House



- 11.180 This is a view of the southern elevation of Basterfield House across the lawn to the south of the building and Stanley Cohen House is visible to the right. The view provides an appreciation of the façade treatment of Basterfield House and its landscaped setting. It also illustrates that this is the main façade of the building, in terms of the largely inward facing design of the Estate due to the contextual surroundings at the time the Estate was planned and brought forward.
- 11.181 The top 5 storeys of the proposed residential building are visible above Basterfield House and the quality of the architectural treatment of the building can be appreciated from this view. This was previously an intact view of Basterfield House and the Council's Design and Conservation Officer notes that the disruption of this view would harm the original design intention that the Golden Lane Estate buildings be appreciated as objects within a landscaped setting. Accordingly, it is considered that the proposal will result in some harm to the setting of the Golden Lane Estate from this view.

View 11 – East from junction of Goswell Road and Baltic Street West (wireline)



- 11.182 This view is taken from the southern edge of the Hat and Feathers Conservation Area and the townscape to the left of the image is located in both this conservation area and the St Luke's Conservation Area. The Grade II\* listed Crescent House is visible in the foreground.
- 11.183 As a wireline image with trees in leaf has been provided the full impact of the development cannot be so easily appreciated. However, it would appear that, given the location of the site in relation to this view, the proposed development would appear relatively distant and would not result in a significant impact on the setting of Crescent House although it is noted that this forms part of the Golden Lane Estate whole. The photograph below indicates the extent of the site that will be visible when the trees are not in leaf.

Photograph when trees are not in leaf



View 13 – View south east from junction of Golden Lane and Garrett Street



- 11.184 This view provides views of the towers in the Barbican Estate, Great Arthur House, Stanley Cohen House and Basterfield House with buildings within St Luke's Conservation Area (and locally listed) visible in the foreground.
- 11.185 The podium and tower read as two separate buildings from this view, although it should be acknowledged that the elevational treatment of the podium has since been revised and significantly improved whilst the inactive ground floor frontage that is apparent from this view has since been revised through the introduction of 3 small/micro office units.

- 11.186 The impression from this view is of a building out of scale with its surroundings by reason of its height, bulk and massing. It appears overbearing on the street scene, in particular by reason of its siting against the pavement with a lack of space around it to ameliorate its bulk. Accordingly, it is considered that this view demonstrates that the proposed development will result in a high degree of harm in general character terms to the Golden Lane street scene and harm in heritage terms to the settings of Stanley Cohen House and the St. Luke's Conservation Area.
- 11.187 This view presently also provides an ability to appreciate the Estate from outside views in, with the dominance of Great Arthur House in contrast to the more humble scale of the perimeter blocks, as well as an ability to appreciate the visual relationship with the Barbican to the south. As a result of the proposed development the views of this relationship will be substantially obscured, resulting in harm to the setting and significance of the Golden Lane Estate. However, it should be noted that any medium density redevelopment of the site would be likely to result in the substantial loss of this view and it is considered unlikely that an otherwise acceptable redevelopment of the site would be resisted in order to maintain this view. Accordingly, it is considered that the substantial loss of this view into the Golden Lane Estate is considered to result in a minor degree of harm to the setting, and therefore the significance, of the Golden Lane Estate.

#### St. Luke's Church

- 11.188 Representations have been received noting that views of St. Luke's Church spire will be affected by the proposed development. In view of the location of St. Luke's Church in relation to the application site it is not considered that there will be an adverse impact.

#### Summary of Heritage Impact

- 11.189 It is considered that the introduction of a highly prominent tall building will result in some harm to the settings of Basterfield House and Hatfield House and the St. Luke's Conservation Area from views from the west through the introduction of a highly prominent tall building. Similarly, the proposed residential building will result in harm to the setting of the St Luke's Conservation Area in views from the east.
- 11.190 The proposal will result in harm in heritage terms to the setting of the Grade II listed Stanley Cohen House and harm to the setting of the St. Luke's Conservation Area and to the locally listed buildings within the Golden Lane street scene through its uncomfortable design and its overly dominant height, scale and massing with little space around it to provide relief.
- 11.191 The proposed development will result in harm to the setting and significance of the Golden Lane Estate as a whole in views from within the estate, most notably through the introduction of bulky and looming development into a previously open diagonal view across the estate, detracting from an appreciation of the unity and spatial composition of the existing buildings.

#### Assessment of Harm

- 11.192 Substantial harm is a high test and is considered to represent harm that is destructive to the significance of a heritage asset. As indicated by the Planning Practice Guidance, it is a matter of judgement whether or not a proposal causes substantial harm or less than substantial harm, and indeed it is considered perfectly reasonable to conclude that within the parameters of the phrase 'less than substantial harm', some impacts can be more harmful than others.



- 11.193 The Council's Design & Conservation Officer considers the degree of harm to be towards the higher end of less than substantial harm particularly when considering views 3, 4, 7A, 7B, 9 and 13 from the Townscape and Visual Impact Assessment. The GLA in their Stage 1 response consider that the proposals represent no harm to the setting of heritage assets in the immediate vicinity. The City of London observations (noting they are the view of the Chief Planning Officer, not the City of London Planning and Transportation Committee) has advised in relation to the Golden Lane Estate harm:

*"The emerging view from Old Street is currently defined by the human scale of Basterfield and Stanley Cohen House, of the strong rectilinear orthogonal blocks and a skyline defined by Great Arthur House and the Barbican tower and podium composition. This offers a rich appreciation of a multi-layered and comprehensive Post-War townscape by a single notable architectural practice. This view would be impacted by the proposed tower, restricting views of Great Arthur House and the Barbican Tower and impacting on the scale of the perimeter blocks.*

*On approach from the south, from Beech Street, the proposed tower element, again due to its siting, terminating the strong horizontality of Stanley Cohen House, and significant height, bulk and mass, would diminish the of Great Arthur House and an appreciation and understanding of its significance, but to a lesser extent than from the north.*

*The proposal would have a less significant impact on the east-west approaches, where Great Arthur House would retain its primacy, in particular in views from Goswell Road and Fortune Street/Fortune Street Park.*

*From within the Estate, it is considered that the overall sense of enclosure, openness, light and sightlines would be preserved, but the sheer height, and in particular the bulk and massing of the proposed tower, would have an apparent overbearing impact on views from the raised circulation spaces surrounding the Bastion/Basterfield Lawn, the space around the children play area the tennis courts. From these, it would challenge the primacy of Great Arthur House, diminish an appreciation of the scale of the blocks and reduce the integrity of their clean parapet lines. It is acknowledged that these views would be transient, in places fleeting/glimpsed and generally oblique, whilst from significant spaces such as the community piazza, sunken ornamental garden, community centre and western piazza, the impact would at times be removed or much diminished.*

*Overall, it is considered that in the majority of instances, Great Arthur House would continue to define the Estate, not least because of its distinctive silhouette and striking primary yellow Muro glass curtain wall façade, and that the disposition of the maisonette blocks and strong enclosure of its spaces would still allow it to retain a significant degree of primacy over the Estate as a whole. The proposed tower would be no higher or wider than Great Arthur House, whilst its more understated design would not detract from an appreciation of it."*

- 11.194 Additionally, the City of London have undertaken an assessment of the significance of and the harm to the setting of the Barbican, Cripplegate House and Jewin Chapel (non-designated heritage asset). The conclusions of harm for each are copied below and the full assessment is appended (Appendix 4).

*Overall, it is considered that the proposal, because of the diminished view in the approach from Golden Lane, would cause slight, less than substantial harm to the significance of the Barbican as a listed building and registered landscape.*

*The proposed tower would be visible on approach to Cripplegate House from Beech Street/Golden Lane. Given the substantial distance between the two, and the scale of Cripplegate House within its immediate townscape, it is not considered that the proposal would harm the significance of Cripplegate House, or an appreciation or understanding of it.*

*The chapel would be viewed in the context of the proposed tower in views from Fann Street and, to an extent, Viscount Street. In Viscount Street, given the scale of the church and tower relative to the enclosing built environment, it is considered that the proposed tower would not diminish the church. From Fann Street, it is considered that the impact would be neutral.*

*Overall, the significance of the Jewin Chapel as a non-designated heritage asset would not be harmed by the proposed development.*

- 11.195 The Design Review Panel considered in their responses that the proposals would result in harm to the setting of heritage assets, but did not give a view as to the degree of harm caused. Finally, Historic England raised particular concerns that the residential tower not be taller than Great Arthur House, that the design of the top and the ground floor be well considered.
- 11.196 Having had regard to the responses set out above, as well as the many consultation responses (including the assessment of the Chief officer, City of London) it is the view of officers that the degree of harm to the setting of the Golden Lane Estate, the St Luke's Conservation Area (including the locally listed buildings on Golden Lane) and the heritage assets within the City (the Barbican, Cripplegate and Jewin Chapel) is less than substantial.
- 11.197 In cases where the degree of harm is considered to be less than substantial, paragraph 134 of the NPPF is of relevance and this indicates that the harm should be weighed against the public benefits of the proposal. An overall assessment is carried out later in this report.
- 11.198 In terms of townscape impact, the proposed development is considered to be at odds with the form, proportion, scale and character of surrounding buildings on the Golden Lane frontage and that this disconnect is harmful, even with the welcome insertion of active ground floor uses and improved elevational treatment of the podium.

#### Optimum Viable Use

- 11.199 Objectors have commented that the proposal does not represent the optimum viable use of the site. The National Planning Policy Guidance states at paragraph 15 that:

*'The vast majority of heritage assets are in private hands. Thus, sustaining heritage assets in the long term often requires an incentive for their active conservation. Putting heritage assets to a viable use is likely to lead to the investment in their maintenance necessary for their long-term conservation...'*

*In a small number of cases a heritage asset may be capable of active use in theory but be so important and sensitive to change that alterations to accommodate a viable use would lead to an unacceptable loss of significance.*

*It is important that any use is viable, not just for the owner, but also the future conservation of the asset. It is obviously desirable to avoid successive harmful changes carried out in the interests of repeated speculative and failed uses.*

*If there is only one viable use, that use is the optimum viable use. If there is a range of alternative viable uses, the optimum use is the one likely to cause the least harm to the significance of the asset, not just through necessary initial changes, but also as a result of subsequent wear and tear and likely future changes.*

*optimum viable use may not necessarily be the most profitable one. It might be the original use, but that may no longer be economically viable or even the most compatible with the long-term conservation of the asset. However, if from a conservation point of view there is no real difference between viable uses, then the choice of use is a decision for the owner.*

*Harmful development may sometimes be justified in the interests of realising the optimum viable use of an asset, notwithstanding the loss of significance caused provided the harm is minimised. The policy in addressing substantial and less than substantial harm is set out in paragraphs 132 – 134 of the National Planning Policy Framework.'*

- 11.200 It is therefore the case that 'optimum viable use' as addressed within the NPPG is concerned with development involving a heritage asset and not development affecting the setting of a heritage asset.

### **Density**

- 11.201 The London Plan encourages developments to achieve the highest possible intensity of use compatible with the local context. The development scheme proposes a total of 66 new residential dwellings comprising a total of 173 habitable rooms. The footprint of the proposed residential block is 710m<sup>2</sup>. The proposed residential density would therefore be 930 units per hectare or 2,437 habitable rooms per hectare.
- 11.202 Policy 3.4 of the London Plan states that development should optimise housing output taking into consideration local context and character, design principles and public transport capacity, appropriate to location (central) within the relevant density range shown in Table 3.2. Table 3.2 and London Plan Policy 3.4 suggest that a density level of 650-1100 habitable rooms per hectare (215-415 units per hectare) is appropriate in a central location. In view of the high density character of much of the built development within the locality it is considered reasonable to identify the site as within a 'Central' area.
- 11.203 It should be noted that the density matrix has been deleted from the Draft London Plan and it refers to a design led approach.
- 11.204 Paragraph 1.3.1 of the Mayor of London's Housing SPG (2016) states, inter alia, that:

*'Policy 3.4 and Table 3.2 are critical in assessing individual residential proposals but their inherent flexibility means that Table 3.2 in particular should be used as a starting point and guide rather than as an absolute rule so as to also take proper account of other objectives, especially for dwelling mix, environmental and social infrastructure, the need for other land uses (e.g. employment or commercial floorspace), local character and context, together with*

*other local circumstances such as improvements to public transport capacity and accessibility.*

11.205 Paragraphs 1.3.50-1.3.52 state that it may be appropriate to exceed the density ranges subject to high design quality and should be tested against the factors outlined in Policy 3.4 (local context and character, public transport capacity and the design principles set out in Chapter 7 of the London Plan); PTAL, social infrastructure provision and other local amenities and services; high quality design in terms of liveability, public realm, residential and environmental quality, and, in particular, accord with the housing quality standards; local 'place making', residential mix and dwelling types proposed in a scheme, taking into account factors such as children's play space provision, school capacity and location; need for appropriate management and design of refuse/food waste/recycling and cycle parking facilities; and whether proposals are within a town centres, opportunity areas, intensification areas, surplus industrial land, and other large sites.

11.206 Paragraph 1.6.70 of the Housing SPG states with respect of mixed use schemes that:

*'Where schemes have a substantial proportion of non-residential uses e.g. more than 30% - 35%, the density matrix can usefully be complemented by plot ratio in addition to calculating density. In calculating plot ratio for these purposes, the total floorspace of all uses (measured as GIA) should be divided by the net site area...*

#### Density - considerations

- 11.207 The site has a Public Transport Accessibility Level (PTAL) of 6A (Excellent) whilst Transport for London's WebCAT planning tool identifies that proposed changes to the public transport network results in a forecast PTAL output for 2031 of 6b, the highest level obtainable. The residential units comprise an average of 2.62 habitable rooms.
- 11.208 The proposed residential density of the development, as assessed against Table 3.2, would be double the maximum units per hectare for a central location. In terms of rooms per hectare, the proposed residential density would be 2.22 times higher than the maximum for a central location. The proposed residential density is therefore substantially in excess of the maximum density indicated in Table 3.2. However, based upon a net site area of 0.4ha, a residential GIA of 5,470m<sup>2</sup> (69% of the total floorspace) and a non-residential GIA of 2,461.9m<sup>2</sup> (31% of the total floorspace) the residential site area for density calculation purposes would be 0.286 ha. On this basis, the proposed residential density would be 239 units per hectare (627 habitable rooms per hectare), which would be within the parameters set out within Table 3.2.
- 11.209 It can be acknowledged that, by reason of the site's central London location, it has excellent access to local amenities and services. Furthermore, the proposals comprise a nursery and a school, including a sports hall to be made accessible to the local community outside of school hours (secured through a Community Use Agreement) and therefore has excellent access to local amenities.
- 11.210 It is acknowledged that very high density development is a characteristic of the locality, with the 43 and 44 storey Barbican residential towers located nearby to the south. It is also acknowledged that the quality of the residential accommodation is very good, as set out in the Quality of Residential Accommodation section of this report.

- 11.211 The building has been designed to maximise the efficiency of both the building fabric and the building services, reducing the overall energy consumption associated carbon dioxide (CO<sub>2</sub>) emissions and the building has had connection to Bunhill Heat Network futureproofed. The environmental quality of the building is therefore of a very good standard.
- 11.212 The proposal would deliver public realm improvements to the Basterfield Service Road and on Baltic Street West and Golden Lane including a scheme of hard and soft landscaping and new lighting. There would be considerable public realm improvements through pavement widening, quality active ground floor uses, street tree planting to deliver place making improvements.
- 11.213 The proposed social housing is supported by the housing departments of both authorities and officers. Given the significant need for social rented accommodation and given that in this part of the borough shared ownership units are unaffordable, this mix is strongly supported.
- 11.214 The GLA's population yield calculator gives rise to a requirement for 430m<sup>2</sup> dedicated children's play space. The proposal includes provision for the MUGA to be available for use by occupants of the residential block outside of school hours and during school holidays (420sqm). Mobile play equipment suitable for under 5s would be provided for use within the MUGA and stored in the residential basement when not in use. The applicant has agreed to make a financial contribution of £134,676 towards improving playspace in the locality. These proposals go a significant way towards meeting the requirement to provide on-site play space and it is acknowledged that this provision is often not met by developments in Islington due to the constraints of available land. This is particularly welcomed.
- 11.215 Draft Delivery and Serving Plans demonstrate that there is no or very little adverse impact upon the local transport network or residential units, subject to enhanced travel plans and secured Delivery and Servicing Plan. Compliant cycle parking is proposed.
- 11.216 The GLA Stage 1 response advised that: *'The net residential density for the proposed development is 579 habitable rooms/239 units per hectare, which, given the residential quality and overall design as set out later in this report, is acceptable in accordance with London Plan Policy 3.4.'*
- 11.217 The City of London (Chief Officer response) raises no objection to the proposals by virtue of density.

#### Residential Density - Conclusion

- 11.218 The proposed residential density would be substantially in excess of the maximums indicated within Table 3.2 of the London Plan, however it is clearly advised not to apply those mechanistically. Regard has been had to the guidance within the Mayor's Housing SPG on assessing proposals which exceed these parameters and the mixed use calculations for assessing density by plot ratio. The assessment above shows that a significant number of the design criteria are met. Whilst the height, scale and massing would result in harm in townscape and heritage terms the detailed design is considered to be of high quality with conditions recommended to secure further enhancements. Whilst the site is not located within a Town Centre, it is located within the Central Activities Zone in an extremely accessible location. In this regard the proposed density is considered to be acceptable due

to very high quality residential units, creative play space provision and contributions and community use of the school facilities.

### **Accessibility**

- 11.219 London Plan Policy 7.2 states that development should achieve the highest standards of accessible and inclusive design, ensuring that developments can be used safely, easily and with dignity by all regardless of disability, age gender ethnicity or economic circumstances.
- 11.220 London Plan Policy 3.8 states there should be genuine housing choice which meets requirements for different sizes and types of dwellings in the highest quality environments. These requirements are reinforced by Islington Core Strategy CS12 and the Accessible Housing SPD.
- 11.221 Development Management Policy DM2.2 requires all new developments to demonstrate inclusive design whilst Policy DM3.4 provides housing standards for all types of residential developments. The Council's Inclusive Design SPD sets out guidelines for the appropriate design and layout of dwellings, including wheelchair accessible units.
- 11.222 The National Standard for Housing Design is enshrined as an enhancement of Part M of the Building Regulations which will be enforced by Building Control or an Approved Inspector. The new National Standard is broken down into 3 categories: Category 1 (Visitable Dwellings), Category 2 (Accessible and Adaptable Dwellings, similar to Lifetime Homes) and Category 3 (Wheelchair Accessible dwellings, similar to Islington's present wheelchair accessible housing standard).
- 11.223 London Plan Policy 3.8 (Housing Choice) to require that 90% of new housing be built to Category 2 and 10% to Category 3. A total of 7 of the units (10%) are wheelchair accessible (meeting Approved Document Part M, Category 3. The remaining apartments are designed to Approved Document Part M, Category 2 – Accessible and Adaptable.
- 11.224 With regard to external space, open space and landscaping should comply with the principles of inclusive design, with particular consideration for surfaces and seating. All areas should have step-free access and access to amenity facilities such as the bin store will also need to be fully accessible.
- 11.225 The applicants have provided satisfactory responses to address various technical matters regarding accessibility, including in relation to emergency evacuation and the specification of the wheelchair units.
- 11.226 The Council's Accessibility Officer has raised no specific objections to the proposals for either the school or the residential elements and it is considered that outstanding accessibility matters, including fire escape strategies for the school and residential/commercial developments, can be satisfactorily addressed through conditions.

### **Landscaping, Trees and Ecology**

- 11.227 London Plan Policy 7.21 states that existing trees of value should be retained and any loss as the result of development should be replaced following the principle of 'right place, right

tree'. Wherever appropriate, the planting of additional trees should be included in new developments, particularly large-canopied species.

- 11.228 Islington's Core Strategy identifies the importance of trees and open spaces in the borough with Policy CS15 "protecting all existing local open spaces, including open spaces of heritage value, as well as incidental green space, trees and private gardens".
- 11.229 Moreover, Policy DM6.5 maintains that new developments must protect, contribute to and enhance the landscape, biodiversity value and growing conditions of a development site and surrounding area, including protecting connectivity between habitats. Developments are required to maximise the provision of soft landscaping, including trees, shrubs and other vegetation, and maximise biodiversity benefits, including through the incorporation of wildlife habitats that complement surrounding habitat and support the council's Biodiversity Action Plan.
- 11.230 Site Allocation BC34 identifies that the site is located within an area of deficiency in regard to access to nature. Accordingly, the proposed development seeks to enhance biodiversity on the site.
- 11.231 The City of London has policies DM10.2 and 19.2 relating to encouraging the maximisation of green (extensive) roofs and (19.2) the seek for developments to promote biodiversity and contribute to urban greening by incorporating: green roofs and walls, soft landscaping and trees; features for wildlife, such as nesting boxes and beehives; a planting mix which encourages biodiversity; planting which will be resilient to a range of climate conditions; maintenance of habitats within Sites of Importance for Nature Conservation.
- 11.232 Ecology: A Preliminary Ecology Appraisal Report has been submitted as part of the application, which provides details of a desktop study and site survey. The report concludes that the trees and vegetation in the unmanaged planted beds along the western boundary provide suitable habitat for nesting birds, however this is limited and it is unlikely that nesting birds would utilise the site in great numbers. Following the initial assessment, the site was not considered to provide a suitable habitat for roosting bats, or any other protected species and further surveys are not considered to be necessary.
- 11.233 In order to avoid any potential impacts on breeding birds any vegetation clearance, particularly within the planted beds along the western site boundary, clearance should be carried out outside of the main bird nesting season which runs from March to August inclusive. If any nests are found during the works, all activities in the vicinity of the nest must cease and the nests should be protected until such time as the young have fledged and left the nest. If any nesting birds are found at any time during clearance works, work should stop immediately and an ecologist consulted. This should be secured by condition and an update habitat survey is undertaken if more than 12 months lapse between the survey and the point at which any development decisions have been made at the site.
- 11.234 Bird boxes, log piles and a bug hotel are a feature of the school playground, which would support the site's ecology, and would be secured as part of the landscape conditions.
- 11.235 Existing Trees: The application is accompanied by an Arboricultural Impact Assessment which identifies that 5 category C trees located adjacent to the allotments to the west of the site will be affected by the proposed development along with a category C group of bundle

planted birch at the Golden Lane entrance to the site and 2 areas of category C scrub/climbing plants. The Assessment identifies that the only trees of any visual significance comprise a group of 3 birch in a raised planting bed along the western boundary of the site adjacent to the allotments, and within the site curtilage. These trees have outgrown their small raised planting bed, and have inadequate soil volume to sustain either stability or long-term health.

11.236 It is proposed to remove all of the trees and scrub/climbing plants to facilitate the proposed development with the exception of one birch tree (T5) to the west of the site which will be retained in the existing raised planting bed which will be extended to provide a greater soil volume and ensure the longer term health of the tree. This tree will be protected by tree protection conditions.

11.237 Proposed Landscaping: The landscaping and biodiversity proposals include replacement tree planting to the western boundary, green walls on the school hall and sedum and wildflower roofs. The plan below indicates the proposed landscaping.

Landscaping Plan



1. Shared surface public realm featuring new paving, street furniture, bollards and flush kerbs.
2. Shade tolerant soft landscaping to nursery playground and provision of insect habitat stations.
3. Tree planting to upper level flexible play space.
4. Tree planting to lower level flexible play space.
5. Reception class outdoor play and teaching space with native hedge planting and timber picket fence to provide segregation from older pupil's play space.
6. 'Amphitheatre' with seating
7. Multi Use Games Area (MUGA)



8. Public realm improvements including tree planting to Golden Lane frontage and tree and hedge planting to Basterfield service road
9. Rooftop play area with food growing beds

- 11.238 The landscaping proposals include replacement and additional tree planting (a total of 20 new trees would be in place at the completion of the development) which would mitigate the loss of the existing trees on the site and deliver public realm improvements on Golden Lane. The landscaping and tree planting proposed along the Basterfield Service Road will result in a significant enhancement to the local area in visual amenity terms.
- 11.239 The Council's Tree Officer raises no objections to the proposal in terms of the trees and landscaping proposals subject to tree protection and landscaping conditions that secure a maintenance and replacement strategy for any trees that may fail within the first 5 years.

### **Neighbouring Amenity**

- 11.240 The Development Plan contains policies which seek to appropriately safeguard the amenities of residential occupiers when considering new development. London Plan policy 7.6 identifies that buildings should not cause unacceptable harm to the amenity of in particular, residential buildings in respect of matters including privacy and overshadowing. Policy DM2.1 of the Development Management Policies Document 2013 identifies that satisfactory consideration shall be given to noise and the impact of disturbance, vibration, as well as overshadowing, overlooking, privacy, direct sunlight and daylight receipt, over-dominance, sense of enclosure and outlook.
- 11.241 It should be noted that the City of London's Local Plan (January 2015) has three policies that refer to residential amenity including daylight and sunlight matters:

*Policy CS10: "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 and creating an inclusive and attractive environment, by: 1. Ensuring that the 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."*

*Policy DM 10.7 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." and "2. The design of new developments should allow for the lighting needs of intended occupiers and provide acceptable levels of daylight and sunlight."*

*Policy DM 21.3 Residential environment: "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."*

- 11.242 Daylight and Sunlight: In general, for assessing the sunlight and daylight impact of new development on existing buildings, Building Research Establishment (BRE) criteria is adopted. In accordance with both local and national policies, consideration has to be given to the context of the site, the more efficient and effective use of valuable urban land and the degree of material impact on neighbours.
- 11.243 BRE Guidelines paragraph 1.1 states: "*People expect good natural lighting in their homes and in a wide range of non-habitable buildings. Daylight makes an interior look more attractive and interesting as well as providing light to work or read by*". Paragraph 1.6 states:

*“The advice given here is not mandatory and the guide should not be seen as an instrument of planning policy; its aim is to help rather than constrain the designer. Although it gives numerical guidelines, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design...In special circumstances the developer or local planning authority may wish to use different target values. For example, in a historic city centre, or in an area with modern high rise buildings, a higher degree of obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings”.*

- 11.244 Daylight: the BRE Guidelines stipulate that... “the diffuse daylighting of the existing building may be adversely affected if either:

*the VSC [Vertical Sky Component] measured at the centre of an existing main window is less than 27%, and less than 0.8 times its former value*

*the area of the working plane in a room which can receive direct skylight is reduced to less than 0.8 times its former value.” (No Sky Line / Daylight Distribution).*

- 11.245 The BRE Guidelines state (paragraph 2.1.4) that the maximum VSC value achievable is almost 40% for a completely unobstructed vertical wall. This is important to note particularly given the (in some cases) very high levels of existing VSC currently held by surrounding properties due to the very low scale school buildings currently on this site.
- 11.246 At paragraph 2.2.7 of the BRE Guidelines it states: *“If this VSC is greater than 27% then enough skylight should still be reaching the window of the existing building. Any reduction below this level should be kept to a minimum. If the VSC, with the development in place is both less than 27% and less than 0.8 times its former value, occupants of the existing building will notice the reduction in the amount of skylight. The area lit by the window is likely to appear more gloomy, and electric lighting will be needed more of the time.”*
- 11.247 At paragraph 2.2.8 the BRE Guidelines state: *“Where room layouts are known, the impact on the daylighting distribution in the existing building can be found by plotting the ‘no sky line’ in each of the main rooms. For houses this would include living rooms, dining rooms and kitchens. Bedrooms should also be analysed although they are less important... The no sky line divides points on the working plane which can and cannot see the sky... Areas beyond the no sky line, since they receive no direct daylight, usually look dark and gloomy compared with the rest of the room, however bright it is outside”.*
- 11.248 Paragraph 2.2.11 states: *Existing windows with balconies above them typically receive less daylight. Because the balcony cuts out light from the top part of the sky, even a modest obstruction may result in a large relative impact on the VSC, and on the area receiving direct skylight.”* The paragraph goes on to recommend the testing of VSC with and without the balconies in place to test if it the development or the balcony itself causing the most significant impact.
- 11.249 The BRE Guidelines at its Appendix F gives provisions to set alternative target values for access to skylight and sunlight. It sets out that the numerical targets widely given are purely advisory and different targets may be used based on the special requirements of the proposed development or its location. An example given is *“in a mews development within a historic city centre where a typical obstruction angle from ground floor window level might*

*be close to 40 degree. This would correspond to a VSC of 18% which could be used as a target value for development in that street if new development is to match the existing layout”*

11.250 Paragraph 1.3.45-46 of the Mayor of London’s Housing SPD states that:

*‘Policy 7.6Bd requires new development to avoid causing ‘unacceptable harm’ to the amenity of surrounding land and buildings, particularly in relation to privacy and overshadowing and where tall buildings are proposed. An appropriate degree of flexibility needs to be applied when using BRE guidelines to assess the daylight and sunlight impacts of new development on surrounding properties, as well as within new developments themselves. Guidelines should be applied sensitively to higher density development, especially in opportunity areas, town centres, large sites and accessible locations, where BRE advice suggests considering the use of alternative targets. This should take into account local circumstances; the need to optimise housing capacity; and scope for the character and form of an area to change over time.*

*The degree of harm on adjacent properties and the daylight targets within a proposed scheme should be assessed drawing on broadly comparable residential typologies within the area and of a similar nature across London. Decision makers should recognise that fully optimising housing potential on large sites may necessitate standards which depart from those presently experienced but which still achieve satisfactory levels of residential amenity and avoid unacceptable harm.’*

11.251 Sunlight: The BRE Guidelines (2011) state in relation to sunlight at paragraph 3.2.11:

*“If a living room of an existing dwelling has a main window facing within 90degrees of due south, and any part of a new development subtends an angle of more than 25 degrees to the horizontal measured from the centre of the window in a vertical section perpendicular to the window, then the sunlighting of the existing dwelling may be adversely affected. This will be the case if the centre of the window:*

- Receives less than 25% of annual probable sunlight hours, or less than 5% of annual probable sunlight hours between 21 September and 21 March and*
- Receives less than 0.8 times its former sunlight hours during either period and*
- Has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours.”*

11.252 The BRE Guidelines state at paragraph 3.16 in relation to orientation: *“A south-facing window will, receive most sunlight, while a north-facing one will only receive it on a handful of occasions (early morning and late evening in summer). East and west-facing windows will receive sunlight only at certain times of the day. A dwelling with no main window wall within 90 degrees of due south is likely to be perceived as insufficiently sunlit.”*

11.253 They go on to state (paragraph 3.2.3): *“... it is suggested that all main living rooms of dwellings, and conservatories, should be checked if they have a window facing within 90 degrees of due south. Kitchens and bedrooms are less important, although care should be taken not to block too much sun.”*

11.254 Open spaces: The Guidelines state that it is good practice to check the sunlighting of open spaces where it will be required and would normally include: *‘gardens to existing buildings (usually the back garden of a house), parks and playing fields and children’s playgrounds,*

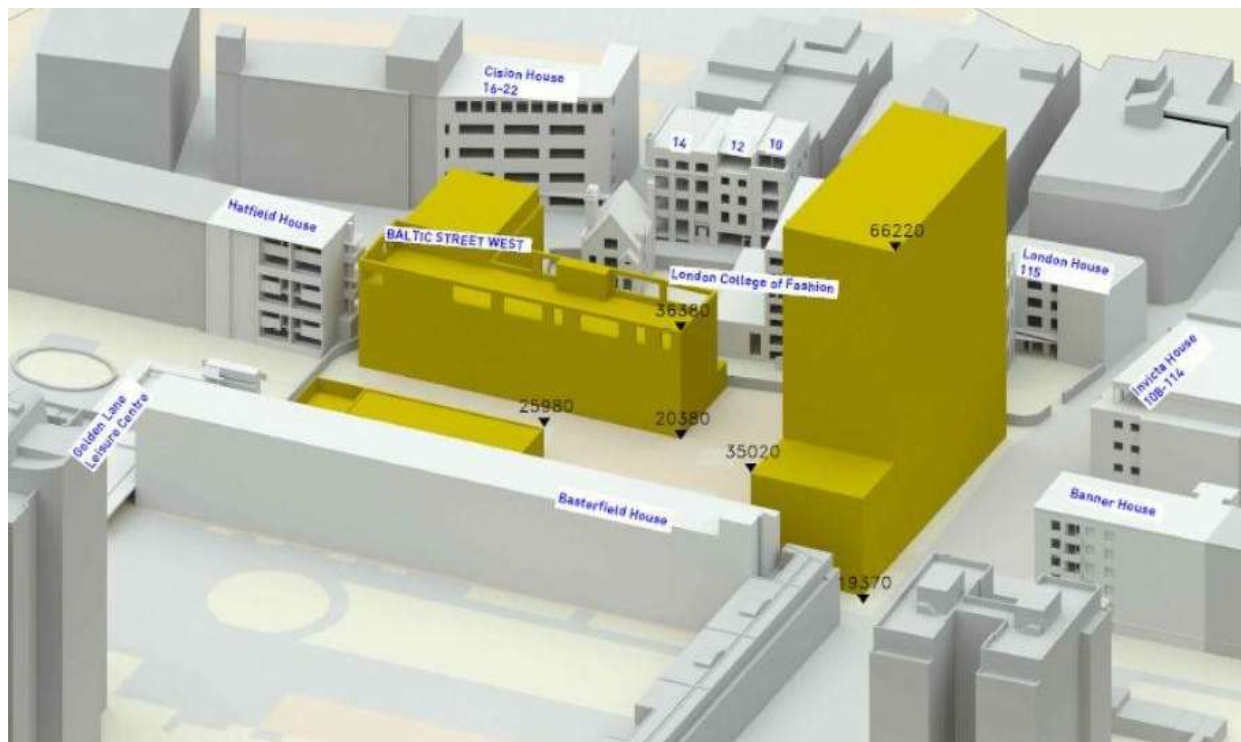
*outdoor swimming pools and paddling pools, sitting out areas such as those between non-domestic buildings and in public squares, focal points for views such as a group of monuments or fountains’.*

11.255 At paragraph 3.3.17 it states: *“It is recommended that for it to appear adequately sunlit throughout the year, at least half of a garden or amenity area should receive at least two hours of sunlight on 21 March. If as a result of new development an existing garden or amenity area does not meet the above, and the area which can receive two hours of sun on 21 March is less than 0.8 times its former value, then the loss of sunlight is likely to be noticeable. If a detailed calculation cannot be carried out, it is recommended that the centre of the area should receive at least two hours of sunlight on 21 March.”*

11.256 The applicant tested the properties identified in the table below with respect of daylight and sunlight impacts within their consultant Anstey Horne: Daylight and Sunlight reports (dated July and October 2017). It should be noted that those not referenced as BRE compliant are discussed in greater detail below.

<b>Property name</b>	<b>Daylight Test</b>	<b>Sunlight Test</b>
Banner House, Peabody Estate (LBI)	Yes	Yes – fully BRE compliant
Basterfield House, Golden Lane Estate	Yes	No – affected rooms face north therefore no testing required
Hatfield House, Golden Lane Estate	Yes	Yes – south facing rooms fully BRE compliant
Golden Lane Leisure Centre Community Room	Yes	No
12 Baltic Street East	Yes – BRE Compliant	Yes – BRE Compliant
10 Baltic Street East	Yes – BRE compliant	Yes – BRE compliant
London College of Fashion, Golden Lane	Yes	Yes
London College of Fashion School House	Yes	Yes

Image showing the 3D computer modelling programme (in 2D) used by the applicant's consultants to model the daylight and sunlight impacts to nearby properties.



- 11.257 Within the tables set out below, those windows or rooms that experience a loss greater than 20% (BRE guidance level threshold) of either VSC or No Sky Line / Daylight Distribution are provided in **bold** text.
- 11.258 **Banner House**, Golden Lane (Peabody Estate) is a residential building owned by the Peabody Trust situated on the eastern side of Golden Lane. It is located within the London Borough of Islington. The rooms behind the two columns of windows in the west-facing flank elevation were tested and the applicant has assumed those windows to serve one single-aspect bedroom and one dual aspect bedroom per dwelling. As stipulated within the BRE Guidelines themselves, all habitable rooms should be tested for daylight purposes, however it notes that bedrooms have a lesser requirement than living rooms for both daylight (in particular the no skyline test) and sunlight.

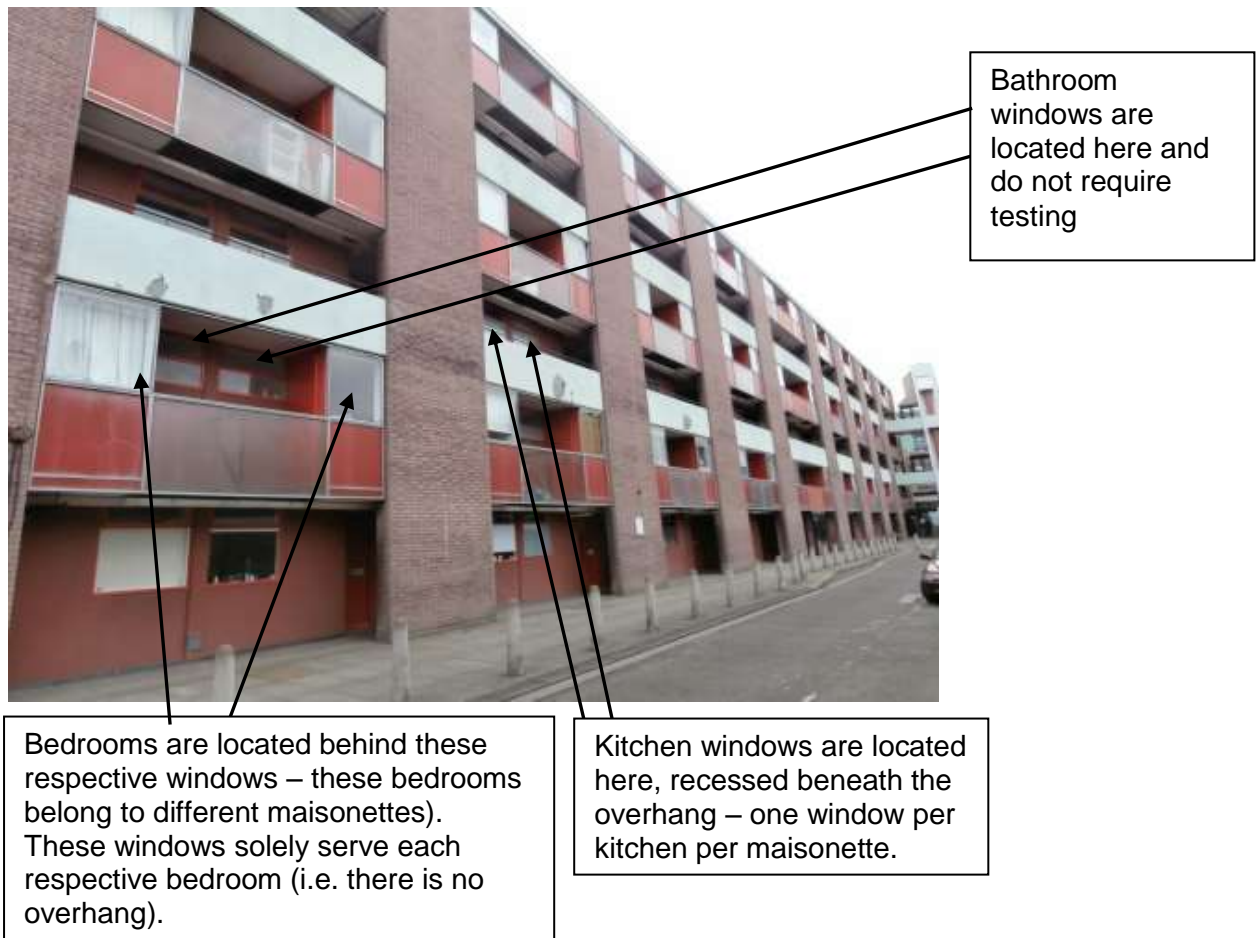
11.259 The daylight tests results for Banner House are set out in the table below with those results identified in bold where there is a loss of daylight in excess of the BRE Guidelines:

			Vertical Sky Component			No Sky Line (Daylight Distribution)			
Flat No.	Room / Window	Room use	Existing (%)	Proposed (%)	Percentage reduction in VSC	Whole room m²	Previous m²	Proposed m²	Percentage reduction in Daylight Distribution
Banner House Peabody Estate									
127	Gnd Floor R1 / W1	Bedroom	31.97	16.53	48	12.10	11.82	8.08	32
	Gnd Floor R2 / W2	Bedroom	31.81	17.26	46	13.35	13.13	12.08	8
135	1st Floor R1 / W1	Bedroom	33.63	18.38	45	11.74	11.44	8.66	24
	1st Floor R2 / W2	Bedroom	33.45	19.13	43	13.00	12.78	12.65	1
143	2nd Floor R1 / W1	Bedroom	34.82	20.08	42	11.74	11.44	9.58	16
	2nd Floor R2 / W2	Bedroom	34.66	20.87	40	12.99	12.77	12.73	0
151	3rd Floor R1 / W1	Bedroom	35.80	21.69	39	11.74	11.44	9.62	16
	3rd Floor R2 / W2	Bedroom	35.68	22.54	37	12.99	12.78	12.73	0
159	4th Floor R1 / W1	Bedroom	36.59	23.20	37	11.74	11.44	9.63	16
	4th Floor R2 / W2	Bedroom	36.49	24.08	34	12.99	12.78	12.73	0
167	5th Floor R1 / W1	Bedroom	37.17	24.54	34	11.74	11.44	9.66	16
	5th Floor R2 / W2	Bedroom	37.11	25.47	31	12.99	12.79	12.74	0

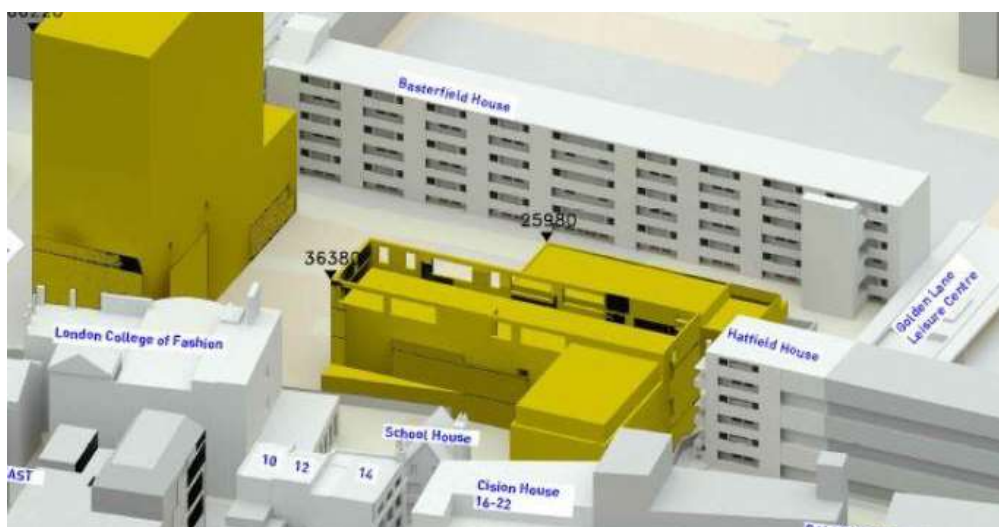
11.260 VSC to all 12 windows in the flank wall will reduce by between 31% and 48% of their former value, half or 6 of those windows would experience losses of between 40% and 48%. As expected, the ground floor windows would experience the greatest loss, with window W1 (bedroom R1) changing from a VSC of 31.97% to 16.53%, which is a retained VSC level of very similar value to the worst affected Basterfield House first floor bedroom window. Again, the existing VSC levels to these windows are very high for an urban location such as this with 31.97% and 31.81% respectively for the ground floor bedroom windows. This is extremely high and whilst the degree of losses will be very noticeable the resulting levels would not be so dissimilar to other properties in this type of City fringe location. The degree of percentage change is partly as a result of the under developed nature of the school site at present for such a centrally located city fringe site.

- 11.261 As discussed in the section below a retained VSC level of 16.53% is not considered to be a level dissimilar to other central London locations. Whilst this bedroom would also experience a loss of 32% of its daylight distribution, it is noted that under BRE the daylight distribution within a room is of lesser importance for bedrooms and the retained daylight within that room would still reach over two thirds of the room's area. Whilst the changes would be noticeable, the resulting daylight levels would not be so dissimilar to other central London properties so as to be wholly unacceptable for this context. An example given is the recently considered scheme for Finsbury Tower to illustrate previous considerations given to daylight in such dense urban locations as this city fringe position.
- 11.262 It should be noted that 10 of the 12 rooms tested meet the BRE targets for daylight distribution. The corner room on each floor, which is likely to be the main bedroom, is dual aspect, and all retain very good daylight distribution. The daylight distribution results show that a single aspect bedroom (R1) at ground and first floor level will reduce by 32% and 24% respectively, with BRE adherence on the floors above. As noted in the BRE introductions, bedrooms should still be tested for this daylight measure but the guidance notes that there is a lesser requirement for such working plane daylight within bedrooms and this should therefore be noted as a mitigating factor in terms of the percentage working plane area lit within these rooms.
- 11.263 Sunlight: Banner House is fully compliant in relation to sunlight receipt to all windows, with all windows retaining greater than 25% annual probable sunlight hours and greater than 5% of annual probable sunlight hours during winter months (21 September to 21 March).
- 11.264 **Basterfield House** is part of the Golden Lane Estate and runs parallel to the application sites southern boundary. It comprises dual aspect two storey maisonettes with kitchens on the lower level, and bathrooms and bedrooms on the upper level. The kitchens and bathrooms are recessed from the façade such that their view of sky is limited by the projecting balconies above and projecting bays to either side. The building itself therefore poses a large obstruction to its own light due to its own design. When looking at the daylight (VSC) results for this building, this impact is illustrated by the fact that often a significant failure for the kitchen (due to its recessed positioning) is starkly contrasted on two accounts when compared to the bedroom windows which aren't recessed but sit flush on the elevation. Those reasons include that the kitchens currently receive a very limited amount of daylight to the window face, therefore any change is therefore shown (in percentage terms) as a significant proportion or loss. Comparing this to the bedroom windows, they (on the whole) receive very high levels of daylight to the window due to the low heights of the existing school buildings on the site. The losses in some cases are high, but in many cases the resultant actual levels of VSC retained could be considered to be similar to that of nearby properties, given the urban location of the site.





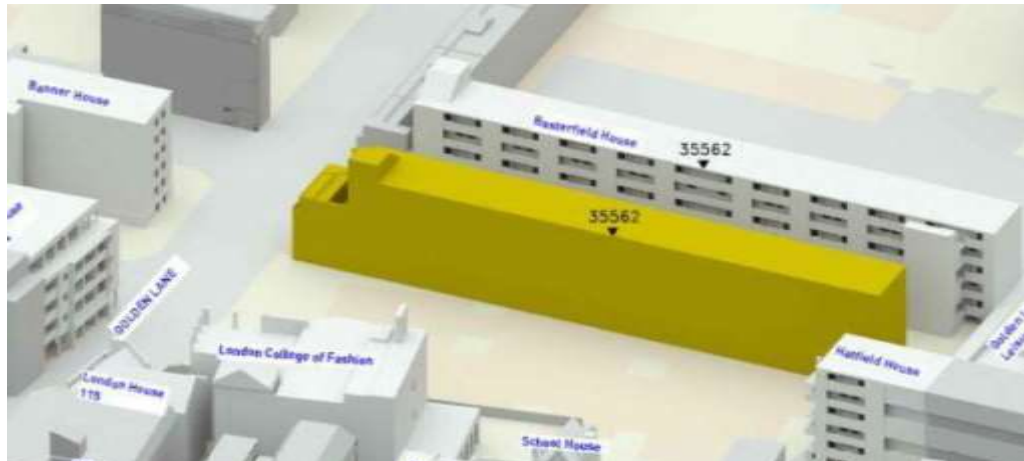
11.265 The living rooms, which are considered to be the most important rooms (as stipulated within the BRE Guidelines) are located on the opposite elevation from the application site (facing south) and are therefore unaffected by the development, along with two more bedrooms. The image below shows the massing of the proposal with Basterfield House in the background.



11.266 The applicant's Daylight and Sunlight consultants carried out a mirror massing exercise for Basterfield House which is an accepted 'alternative target setting' approach within the BRE



Guide. However, given the listed status of the Golden Lane Estate, and as the separation distances between the blocks would be less than 18m it is not considered that a mirror massing exercise in this instance is appropriate to give weight to. That form of development is likely to be considered harmful to the special architectural significance of the Grade II Listed Golden Lane Estate by failing to respect the historic and careful site layout planning that characterises the estate and would unacceptably impact on residential amenity by way of unacceptable overlooking. That mirror image is shown below:



- 11.267 The daylight results for Basterfield House are set out in the table below with those figures provided in **bold** identifying a loss in excess of the BRE Guideline of 20%. As stipulated above, the affected rooms are kitchens and bedrooms. Bedrooms are identified as being less important (specifically for Daylight Distribution / No Sky Line purposes) and it is also accepted that if those areas of affected rooms still retain their main area of working surface “working plane” within daylight areas, then the impacts or loss will be less felt.
- 11.268 Paragraph 2.2.11 of the BRE Guidelines states: *Existing windows with balconies above them typically receive less daylight. Because the balcony cuts out light from the top part of the sky, even a modest obstruction may result in a large relative impact on the VSC, and on the area receiving direct skylight.*” The paragraph goes on to recommend the testing of VSC with and without the balconies in place to test if it is the development or the balcony itself causing the most significant impact. In this regard the kitchens all suffer from this scenario both from an overhang and also from projecting side elements (as anticipated by the BRE). However, no testing with balconies removed was undertaken by the applicant to compare against. However, the results of the bedrooms tested (for VSC) can give an indication of the relative impact the overhangs have, bearing in mind that the very low existing levels of VSC for the kitchens mean losses have a significant percentage change.
- 11.269 Looking at the table below, as noted previously all flats are dual aspect maisonettes (located over two floors). The living rooms face southwards away from the application site and are therefore not tested for daylight impacts as the proposal would not obstruct daylight or impact on them. In this regard, the most important room in these units maintains existing daylight and sunlight levels.
- 11.270 In terms of bedroom windows, there are 15 bedroom windows that would experience losses in excess of BRE guidelines for VSC ranging between 21% and 51% losses. These relate to 15 individual flats that are all dual aspect and over two levels. Of those 15 windows, 2 windows experience losses of 51% and 43% respectively (flats 01 and 20), 6 windows

experience losses of between 31% and 39% and 7 windows experience losses between 21% and 28%. The actual levels of retained VSC to these bedroom windows differ from:

- 8.68% (Flat 17 which is reduced by 21% from the former VSC value and is obstructed by the structure in front of this window which is an integral part of the building itself)
- 16.42% (Flat 01 experiencing a 51% reduction)
- 20.33% (Flat 20 experiencing a 43% reduction)
- 26.68% (Flat 24 which almost retains the 27% target of the BRE Guide but experiences a loss of 26% from the original very high level.

11.271 In terms of kitchen windows there are 42 windows that fail the VSC test ranging between 23% and 65% losses. These all relate to individual flats as set out in the table below. Of these 42 windows that fail 4 kitchen windows experience losses of between 60% and 65% (flats 01, 12, 17 and 20), 9 windows experience losses between 51% and 59% (flats 02, 08, 11, 13, 14, 15, 16, 21 and 40), 12 windows experience losses between 41% and 50%, 8 windows experience losses between 31% and 40% and 9 windows experience losses between 21% and 30%.

11.272 Looking at the worst affected flat (Flat 01) in relation to VSC to the bedroom window, it is located over the ground and first floors with ground floor kitchen (R2) and first floor bedroom (R1). The bedroom window (W1) is flush and has a VSC of 33.76% (noting that the most VSC a window could possibly achieve is 40%). In this regard this is an extremely high level of daylight received by this window. Compare this to the kitchen (R2) window (W2) at ground floor level and whilst this window would receive less daylight as it is located at a lower level, due to the significant obstruction from its own building design its existing VSC by comparison is 6.19%. This can be compared to the maisonette at the floors above, where Flat 20 second floor kitchen (R2) window (W2) has an existing VSC of 9.97% (changing to 3.70% being a 63% reduction) compared to the VSC of the bedroom (R1) window (W1) at third floor of 35.96% (altered to 20.33% or a 43% reduction). These results do demonstrate that the inherent building design is causing significant restriction to existing VSC with respect of the kitchens.

11.273 Whilst flat 01 would experience a reduction of VSC to the kitchen window of 60% (a change from 6.19% to 2.28%) and the bedroom window would experience a loss of VSC of 51% (a change from 33.76% to 16.42% of actual VSC). Whilst these changes are considerable and will be extremely noticeable and cause harm it should be noted that the retained level of VSC to the bedroom would still remain comparable to central London locations after the development being in place at 16.42%. Whilst the percentage loss to the kitchen is significant, as quoted above from the BRE Guidance this is clearly significantly influenced by the design of the building itself (exacerbated by some 9%). In terms of daylight distribution, both rooms would retain complying levels of daylight within the respective rooms.

11.274 It should be noted that these two flats (01 and 20) would not experience a loss of daylight distribution beyond the BRE guidance. Given these considerations and as the living room (and 2 additional bedrooms) would maintain existing daylight levels these impacts are in this instance not considered to result in significant or unacceptable impacts to the overall residential amenity of these flats as a whole. Having regard to the considerations above, it is considered that whilst the losses of VSC will be noticeable they would not be significantly at odds with properties within central London locations such as this and the kitchen losses are largely as a result of the inherent building design. The retention of existing daylight levels

to the living rooms is a particularly important consideration and maintains overall an acceptable amenity level for each of these flats.

- 11.275 Flats 02, 04, 06, 21 and 23 would experience losses of both VSC and daylight distribution in excess of BRE Guidelines to both the bedroom and kitchens. Flats 08, 10 and 27 would experience losses in excess of BRE guidelines of both VSC and daylight distribution to the kitchens only (it should be noted that the bedroom to flat 10 would retain more than 27% VSC after the development which exceeds the BRE Guidelines). Flat 41 would experience losses in excess of BRE for both tests just in relation to the bedroom. It should be noted that the kitchens are small (less than 5sqm) and would not be considered as 'habitable' (having regard to paragraph 1.3.19 of the Mayor of London's Housing SPG).
- 11.276 As discussed above, the retained VSC levels for the bedrooms (Flats 02, 04, 06, 08 and 10) would be 20.63%, 22.64%, 24.60% and 26.17%, 26.40%. As discussed above, these retained levels are very good for an urban location and whilst they may be reduced by more than 20% that is reflective of the very low scale of buildings on the application site. Whilst the change will be noticeable, having regard to the urban location of the site these VSC levels are not considered to be unacceptable for the site's location. Whilst these bedrooms would experience daylight distribution losses of 40%, 29%, and 27% and the change would be noticeable, given the starting point was light reaching the working plane within almost the entire extent of these rooms, the retained light within the room would remain at least 60% and as bedrooms have a lesser requirement for light (in particular in relation to this test – as stipulated by the BRE Guidelines) in these instances the impacts are considered to be acceptable, owing to the dual aspect, split level nature of the units and given the south facing unaffected living rooms.
- 11.277 Moving to the kitchens losses of daylight distribution of 41%, 40%, 34%, 28% and 21% would be experienced by flats 02, 04, 06, 08 and 10. As quoted from the BRE Guidelines above, the existing obstructions of the building themselves cause an increase in sensitivity to DD changes. All kitchens but flat 02 would retain direct skylight to the working plane of more than 50% of the kitchen area and given its small size, non-habitable room status and the mitigating factors outlined above, these losses (particularly 41%, 40% and 34%) whilst noticeable would not cause such harm to the amenity of the flat overall such as to warrant refusal of this application.

			Vertical Sky Component			No Sky Line (Daylight Distribution)			
Flat No.	Room / Window	Room use	Existing (%)	Proposed (%)	Percentage reduction in VSC	Whole room m²	Previous m²	Proposed m²	Percentage reduction in Daylight Distribution
Basterfield House, Golden Lane Estate									
01	1st Floor R1 / W1	Bedroom	33.76	16.42	51	9.56	9.33	5.64	17
	Gnd Floor R2 / W2	Kitchen	6.19	2.48	60	4.82	4.10	3.98	3
02	Gnd Floor R3 / W3	Kitchen	6.24	3.08	51	4.82	3.95	2.33	41
	1st Floor R4 / W4	Bedroom	33.93	20.63	39	9.56	9.33	5.64	40
03	1st Floor R5 / W5	Bedroom	34.03	21.61	36	9.56	9.33	9.33	0
	Gnd Floor R6 / W6	Kitchen	6.68	3.50	48	4.82	4.09	4.09	0
04	Gnd Floor R7 / W7	Kitchen	6.73	3.50	48	4.82	4.04	2.43	40
	1st Floor R8 / W8	Bedroom	34.09	22.64	34	9.56	9.32	6.60	29
05	1st Floor R9 / W9	Bedroom	34.11	23.64	31	9.56	9.34	9.34	0
	Gnd Floor R10 / W10	Kitchen	7.20	3.76	48	4.82	4.08	4.08	0
06	Gnd Floor R11 / W11	Kitchen	7.45	3.71	50	4.82	4.08	2.71	34
	1st Floor R12 / W12	Bedroom	34.15	24.60	28	9.56	9.33	7.77	27
07	1st Floor R13 / W13	Bedroom	34.18	25.44	26	9.56	9.34	9.34	0
	Gnd Floor R14 / W14	Kitchen	7.69	3.86	50	4.82	4.09	4.08	0
08	Gnd Floor R15 / W15	Kitchen	7.81	3.76	52	4.82	4.10	2.94	28
	1st Floor R16 / W16	Bedroom	34.19	26.17	23	9.56	9.34	8.49	9
09	1st Floor R17 / W17	Bedroom	33.70	26.40	22	9.56	9.31	9.31	0
	Gnd Floor R18 / W18	Kitchen	9.84	5.35	46	4.82	4.29	4.29	0
10	1st Floor R20 / W20	Bedroom	33.55	27.20	NA	9.56	9.34	7.74	17
	Gnd Floor R20	Kitchen	9.84	4.97	50	4.82	4.29	3.41	21
11	Gnd Floor R23 / W28	Kitchen	7.30	3.00	59	4.82	4.09	4.09	0
	1st Floor R21 / W21	Bedroom	33.70	27.84	NA	9.56	9.32	9.32	0

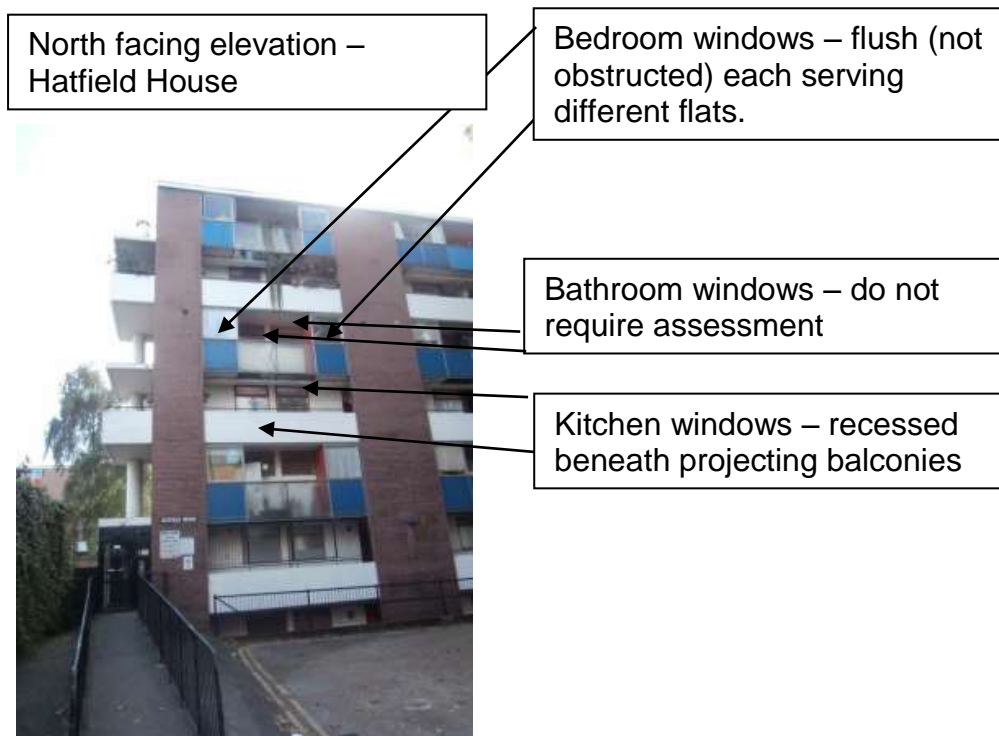
12	Gnd Floor R24 / W29	Kitchen	7.27	2.90	<b>60</b>	4.82	4.10	3.52	14
	1st Floor R24 / W24	Bedroom	33.52	28.10	NA	9.56	9.32	9.21	2
13	Gnd Floor R27 / W32	Kitchen	6.82	2.99	<b>56</b>	4.82	4.04	4.04	0
	1st Floor R25 / W25	Bedroom	33.05	28.07	NA	9.56	9.24	9.24	0
14	Gnd Floor R28 / W33	Kitchen	6.74	2.94	<b>56</b>	4.82	4.10	3.65	11
	1st Floor R28 / W28	Bedroom	32.37	27.82	NA				
15	Gnd Floor R31 / W36	Kitchen	5.82	2.75	<b>53</b>	4.82	3.61	3.61	0
	1st Floor R29 / W29	Bedroom	30.48	26.36	14				
16	Gnd Floor R32 / W37	Kitchen	5.70	2.55	<b>55</b>	4.82	4.10	3.77	8
	1st Floor R32 / W32	Bedroom	25.10	21.40	15				
17	Gnd Floor R35 / W40	Kitchen	0.82	0.29	<b>65</b>	4.82	0.93	0.90	3
	1st Floor R33 / W33	Bedroom	8.48	6.70	<b>21</b>	9.56	1.47	1.47	0
20	2nd Floor R2 / W2	Kitchen	9.97	3.70	<b>63</b>	4.82	3.87	3.75	3
	3rd Floor R1 / W1	Bedroom	35.96	20.33	<b>43</b>	9.56	9.34	8.03	14
21	2nd Floor R3 / W3	Kitchen	9.85	4.45	<b>55</b>	4.82	3.88	2.84	<b>27</b>
	3rd Floor R4 / W4	Bedroom	36.04	23.73	<b>34</b>	9.56	9.33	6.80	<b>27</b>
22	2nd Floor R6 / W6	Kitchen	9.98	5.24	<b>47</b>	4.82	3.90	3.90	0
	3rd Floor R5 / W5	Bedroom	36.07	24.60	<b>32</b>	9.56	9.33	9.33	0
23	2nd Floor R7 / W7	Kitchen	9.86	5.22	<b>48</b>	4.82	3.88	2.28	<b>41</b>
	3rd Floor R8 / W8	Bedroom	36.07	25.60	<b>29</b>	9.56	9.32	7.05	<b>24</b>
24	2nd Floor R10 / W10	Kitchen	9.90	5.91	<b>40</b>	4.82	3.86	3.86	0
	3rd Floor R9 / W9	Bedroom	36.06	26.68	<b>26</b>	9.56	9.34	9.34	0
25	2nd Floor R11 / W11	Kitchen	9.95	5.86	<b>41</b>	4.82	3.86	3.86	0
	3rd Floor R12 / W12	Bedroom	36.07	27.74	NA	9.56	9.33	7.84	16
26	2nd Floor R14 / W14	Kitchen	9.93	6.41	<b>35</b>	4.82	3.90	3.90	0
27	2nd Floor R15 / W15	Kitchen	10.00	6.32	<b>37</b>	4.82	3.88	2.85	<b>27</b>
28	2nd Floor R18 / W18	Kitchen	8.68	5.84	<b>33</b>	4.82	3.73	3.73	0
29	2nd Floor R19 / W19	Kitchen	8.62	5.75	<b>33</b>	4.82	3.73	3.00	20
30	2nd Floor R22 / W22	Kitchen	9.52	6.76	<b>27</b>	4.82	3.90	3.90	0

31	2nd Floor R23 / W23	Kitchen	9.52	6.82	<b>28</b>	4.82	3.88	3.38	13
32	2nd Floor R26 / W26	Kitchen	9.24	7.00	<b>26</b>	4.82	3.88	3.88	0
33	2nd Floor R27 / W27	Kitchen	9.26	6.88	<b>26</b>	4.82	3.88	3.53	9
34	2nd Floor R30 / W30	Kitchen	8.31	6.41	<b>23</b>	4.82	3.52	3.52	0
35	2nd Floor R31 / W31	Kitchen	7.99	5.98	<b>25</b>	4.82	3.88	3.61	7
36	2nd Floor R34 / W34	Kitchen	1.15	0.73	<b>36</b>	4.82	1.59	1.59	0
40	4th Floor R2 / W2	Kitchen	11.63	5.61	<b>52</b>	4.82	3.87	3.86	0
	5th Floor R1 / W1	Bedroom	37.19	24.74	<b>33</b>	9.56	9.31	8.60	8
41	4th Floor R3 / W3	Kitchen	11.56	6.20	<b>46</b>	4.82	3.88	3.86	1
	5th Floor R4 / W4	Bedroom	37.20	26.14	<b>30</b>	9.56	9.31	6.98	<b>25</b>
42	4th Floor R6 / W6	Kitchen	11.59	6.86	<b>41</b>	4.82	3.90	3.90	0
	5th Floor R5 / W5	Bedroom	37.20	26.78	<b>28</b>	9.56	9.31	9.31	0
43	4th Floor R7 / W7	Kitchen	11.58	6.90	<b>40</b>	4.82	3.88	3.56	8
44	4th Floor R10 / W10	Kitchen	11.52	7.76	<b>33</b>	4.82	3.89	3.89	0
45	4th Floor R11 / W11	Kitchen	11.55	7.82	<b>32</b>	4.82	3.88	3.35	14
46	4th Floor R14 / W14	Kitchen	11.53	8.67	<b>25</b>	4.82	3.90	3.90	0
47	4th Floor R15 / W15	Kitchen	11.56	8.61	<b>26</b>	4.82	3.88	3.26	16
56	4th Floor R34 / W34	Kitchen	1.48	1.13	<b>23</b>	4.82	1.69	1.69	0

11.278 An example of a recent planning application with similar or greater daylight impacts is the Finsbury Tower planning application (P2016/3939/FUL) proposals that were considered by the Islington Planning Committee on 27 April 2017 and secured a resolution to grant. The application proposed a development opposite a low rise site (although noting that was opposite a public highway). Dufferin Court was impacted in a similar manner to Basterfield House. For example, Flat 10 (Dufferin Court) is located on the ground floor and includes a kitchen and a living room/bedroom facing the application site. The kitchen would experience a 63% reduction in VSC whilst the living room/bedroom would experience a 66% reduction. The retained levels of VSC would be 7% for the kitchen and 6% for the living area. The kitchen would experience an 80% reduction in daylight distribution whilst the living area would experience an 88% reduction in daylight distribution. Flat 13 is located on the first floor and comprises five rooms, four of which are in habitable use (two bedrooms, a living room and a kitchen) and which are each served by one window. The two bedrooms will experience a 35% and a 41% reduction in VSC whilst the living room will experience a 59% reduction and the kitchen will experience a 57% reduction. The retained VSC would be 7.6% and 9.3% for the bedrooms, 8.2% for the living room and 9.1% for the kitchen.

11.279 **Hatfield House** is part of the Golden Lane Estate and is positioned to the west of the application site, closest to the proposed school building (which is to be close to the equivalent of 4 storeys in height once the rooftop play area and plant enclosure is taken into account). It is owned by the City of London. The building is a similar design to Basterfield House, comprising a series of two storey maisonettes, with additional single storey flats located at lower ground floor level. The maisonettes have their kitchens located on the north side of the building on their lower level, and bathrooms and bedrooms are above. As for Basterfield House, the kitchens are recessed from the façade such that their view of sky is limited by the projecting balconies above and projecting bays to either side. The building itself therefore poses a large obstruction to its own light due to its design as indicated below.

11.280 It is the positioning and the height of the school and nursery buildings that is impacting on these properties in terms of daylight and sunlight.



South facing elevation -  
Hatfield House



Bathrooms (don't require testing)

Bedrooms

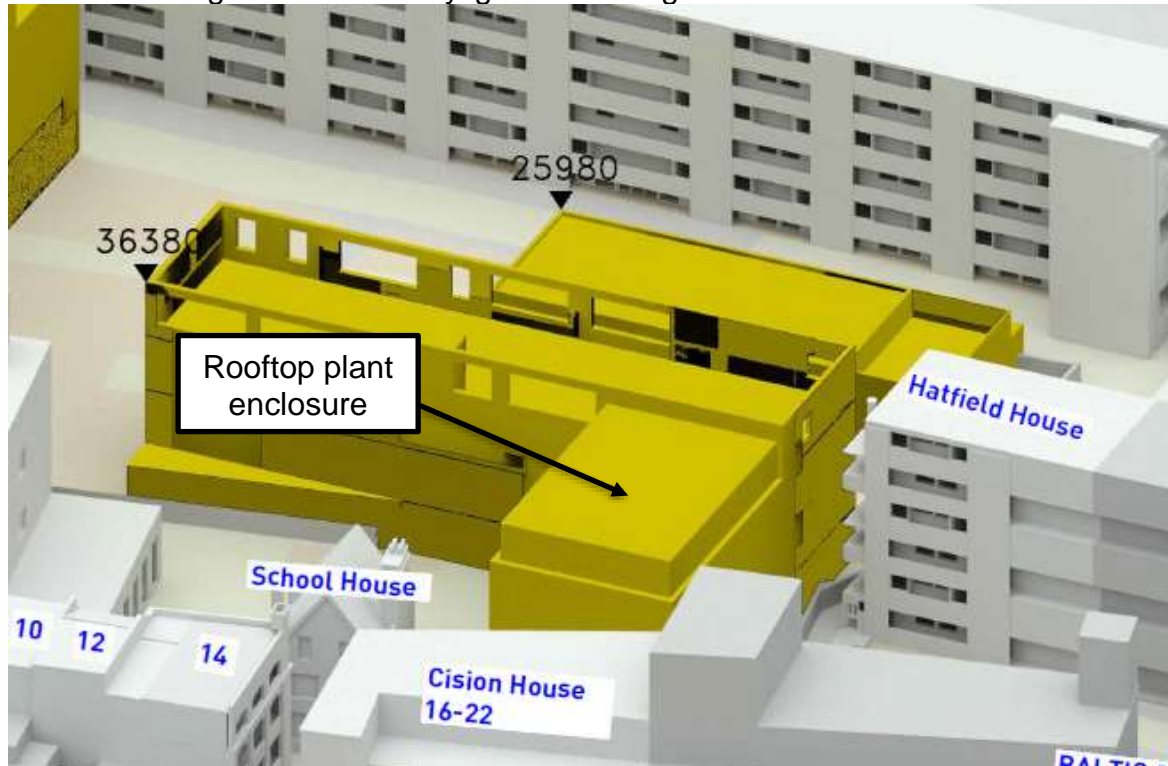
Reception rooms  
(projecting pillars and recessed)

			Vertical Sky Component			No Sky Line (Daylight Distribution)			
Flat No.	Room / Window	Room use	Existing (%)	Proposed (%)	Percentage reduction in VSC	Whole room m²	Previous m²	Proposed m²	Percentage reduction in Daylight Distribution
Hatfield House									
01	Basement R2 / W2	Bedroom?	0.06	0.03	46	5.45	0.25	0.00	98
	R6 / W5	LKD	21.77	21.77	0	22.96	20.89	20.89	0
	R6 / W6	LKD	11.10	11.08	0				
02	Basement R3 / W3	Bedroom?	0.05	0.02	64	5.45	1.11	0.13	88
	R5 / W7	LKD	12.11	12.13	0	22.96	22.40	22.40	0
	R5 / W8	LKD	24.8	24.69	0				
21	Gnd Floor R3 / W7	Kitchen	2.55	1.24	51	5.45	3.70	3.68	0
	1st Floor R1 / W1	Bedroom	28.26	22.51	20	9.38	8.11	8.11	0
22	Gnd Floor R5 / W9	Kitchen	2.46	1.25	49	5.45	4.63	3.32	28
	1st Floor R6/W6	Bedroom	27.94	24.57	12	9.38	8.62	8.44	2
41	2nd Floor R2 W2	Kitchen	6.51	4.63	29	5.45	5.03	5.03	0
42	2nd Floor R4 W4	Kitchen	6.43	4.68	27	5.45	5.05	4.16	18



- 11.281 As shown in the table above, there are 6 windows that fail the VSC test within Hatfield House. Of those 6 windows, 4 serve kitchens and the losses range from 27% to 51% and two relate to (assumed) bedrooms both of which are located at basement level and experience losses of 46% and 64% respectively. The two (assumed) basement bedrooms experience such a tiny amount of light to the window because of their positioning that the tiny loss is shown as a significant percentage change, however in reality it is questionable if the change would in fact be noticeable within the room. These rooms would lose 98% and 88% of daylight within the room themselves as well which is significant. However given existing obstructions and the sensitivity to any change it is not considered that the proposed approximately 4 storey (equivalent) school building adjacent to this building is of such unacceptable siting or massing in relation to these windows that these impacts would warrant a refusal of the application. Whilst this is a regrettable outcome and the impacts may be noticeable it is considered that the basement location of these windows and rooms is causing significant sensitivity to change. Additionally, those flats have a combined living/kitchen/dining room that are unaffected in terms of both VSC and daylight distribution due to the southerly aspect of those rooms and this is a significant mitigating factor when considering the overall harm to these flats.
- 11.282 The 4 kitchen windows that are affected, serve small (5.5sqm rooms) behind which would not be classed as habitable. Whilst the VSC losses range from 27% to 51% the design is similar to that of Basterfield House with the windows set beneath projecting balconies and partially obscured by projecting side elements. The existing VSC levels to these windows are low 2.55% to 6.51% and the obstructions by the building itself is exacerbating the VSC losses. As you move up the elevation the kitchen window VSC improves as would be expected and the relative loss of VSC is lesser at second floor level (being 27% and 29% respectively). The kitchen that fails both VSC and DD still retains daylight to 61% of the room size, even with a reduction in daylight distribution of 28%. This is a particularly urban location and the degree of enclosure and relationship between buildings in this part of Baltic Street East and West is considered to be of such a character and tight urban grain where actual retained VSC levels are not uncommon (refer to the Finsbury Tower planning application reference).
- 11.283 The model for the school building indicated within the Daylight and Sunlight Assessment indicated a rooftop plant enclosure which appears to differ in scale to that indicated in the proposed plans, as indicated below.

School building model from Daylight and Sunlight Assessment



Elevation Plan (rooftop plant enclosure above main entrance on the right)



- 11.284 The applicant's daylight and sunlight surveyors have advised that the slight increase in height of the plant enclosure would have a minor impact on some of the results obtained for the properties to the north. However, they advise that the scale of change is unlikely to represent a material change and would not be of a scale that would affect their overall conclusions.
- 11.285 Golden Lane Leisure Centre Community Room. Although not a residential property, the applicant included this building in their analysis for completeness. It is a dual-aspect space lit by windows on the north side facing the development and other windows on the west site, plus three rooflights. Tables aren't provided in this instance as it is a single room affected

and commentary is therefore considered straightforward. Additionally as it is non-residential there is a lesser requirement for daylight and it is therefore appropriate to present the information in this manner.

- 11.286 The results show VSC losses to the five north-facing windows of between 34% and 79%. These windows are undershot beneath a deep overhang and have low existing VSC values, so in reality these are small impacts in absolute terms. However, the community room is also lit by windows to its west elevation and three rooflights all of which will be unaffected. Given the number of windows and rooflights serving this community room, the daylight distribution will be unaffected and will retain access to direct sky light to its entire area. Having regard to the non-residential use of this community room and as the daylight internally is unchanged, the impacts on daylight in this instance are considered to be acceptable.
- 11.287 London College of Fashion. The applicant tested two buildings occupied by the London College of Fashion which adjoin the development site to the north. These buildings are not currently in residential use, however for completeness they tested them. The impacts on the school house, which the applicant has assumed is in educational or ancillary office use, show VSC transgressions (between 33% and 50% losses) to all windows facing the site. However, 6 out of 7 rooms tested meet the daylight distribution targets with only one daylight distribution loss of 35% to R1 at ground floor level. To the main College building, 14 out of 42 windows tested meet the VSC targets. At ground floor level the VSC levels will experience losses of between 62% and 25%. However, 31 of the 42 windows serve between them seven multi-lit rooms so the VSC results in isolation may be misleading. The daylight distribution results confirm 9 out of 15 rooms tested meet the daylight distribution targets. One room (R6 at first floor level) will experience a loss of 51% but the others fall only slightly short of the BRE guidelines with losses ranging between 23% and 25%. Given the non-residential uses of this building the losses in VSC and daylight distribution terms are considered to be acceptable for this central location.

#### Overshadowing

- 11.288 BRE guidance states that 50% of an area should be able to receive more than two hours of sun on 21 March. Currently, 62.44% of the allotments receive more than two hours of sun on that date. The results for the Golden Lane Allotments confirm that the amount of allotment receiving two hours or more of sun will remain the same on 21 March, and therefore is fully adherent with the recommendations of the BRE guide. The results across the day for 21 March shows that it is the existing Golden Lane Estate buildings that overshadow the allotments.
- 11.289 An exercise in shadow plotting of the allotments confirms that, although there will be some additional overshadowing in the height of summer (21 June), it will be very limited in extent and duration, largely in the sunshine hours before 9am.
- 11.290 Outlook / Sense of Enclosure: The impact of a development on outlook can be considered a material planning consideration if there is an undue sense of enclosure for neighbouring residential properties. There are no established guidelines for what is acceptable or unacceptable in this regard, with any assessment subjective as opposed to empirical with key factors in this assessment being the local context and arrangement of buildings and uses.

- 11.291 In view of the degree of separation to the nearest residential properties, and given the surrounding built up urban context, it is considered that there would be no unduly harmful impacts in terms of outlook and any increased sense of enclosure. Whilst the building arrangements may differ from the established spaciousness that is characteristic of the Golden Lane Estate that is a townscape relationship assessed elsewhere within this report. From an amenity enclosure perspective, it is considered that the proposed development would not have an unduly unacceptable enclosure or loss of outlook impact having regard to the central urban location of the site, and the orientation of nearby buildings. Additionally, the Basterfield House properties have their main living areas facing northwards internal to the estate which would be un-impacted and very good, being an inherent design principle of the estate when it was designed.
- 11.292 Overlooking / Privacy: Development Management Policy 2.1 identifies that 'to protect privacy for residential developments and existing residential properties, there should be a minimum distance of 18 metres between windows of habitable rooms. This does not apply across the public highway, overlooking across a public highway does not constitute an unacceptable loss of privacy'. In the application of this policy, consideration has to be given also to the nature of views between habitable rooms. For instance, where the views between habitable rooms are oblique as a result of angles or height difference between windows, there may be no harm. Habitable rooms provide the living accommodation of the dwelling. Habitable rooms are defined as any room used or intended to be used for sleeping, cooking, living or eating purposes. Enclosed spaces such as bath or toilet facilities, service rooms, corridors, laundries, hallways, or similar spaces are excluded from this definition. However, service/utility/store rooms larger than 8sqm within single dwellings will normally be considered as habitable rooms.
- 11.293 The City of London policy DM21.3 of the Local Plan states that all development proposals should be designed to avoid overlooking.
- 11.294 Basterfield House: On the podium part of the residential block there are windows on the southern elevation (looking towards Basterfield House) serving a bedroom at first floor level and a bedroom, the living room/kitchen and the balcony at third floor level. The separation distance between these buildings is approx. 8.5m. The windows on Basterfield House serve bedrooms. This is a short distance and is not across a public highway. In this respect, it is considered to be appropriate to secure a scheme of obscure glazing and privacy screens to the windows and balconies facing these Basterfield House bedroom windows.
- 11.295 On the 4th-6th floors the windows on the southern elevation serve a bedroom and living room/kitchen. The separation distance here is approx. 18.2m. Whilst the City of London initial response considered this distance to be acceptable, whilst the distance marginally exceeds the 18m rule established by Islington policy, given that the units have a dual aspect including dual aspect to the living room, it is considered appropriate to obscure the facing windows at these levels to further prevent overlooking of the bedrooms of Basterfield House.
- 11.296 The upper floors would look over the roof of Basterfield House. The southern elevation of the school hall is without windows and would have no impact.
- 11.297 Banner House, Golden Lane: The Council's policies for residential to residential facing windows is that the overlooking across a public highway is not considered to merit undue overlooking. This is because such arrangements will be in place already because of existing

townscape arrangements and to meet the 18m distance would render sites undevelopable or result in such degree of obscure glazing to scheme as to render the quality of the accommodation coming forward as unacceptable. The distance from the front elevation of the proposed building to the side elevation (bedroom windows) within Banner House is sufficient given the above context. The facing windows are set beneath deck access corridor's that provide a further visual screen and privacy buffer to limit the sense of overlooking further still. Having regard to the above considerations it is the view of officers that the proposals would not result in unacceptable overlooking of windows within Banner House.

- 11.298 It is considered that there are no other residential or other properties that would experience undue overlooking or loss of privacy due to separation distances, proposed conditions to secure screening and obscure glazing and due to the detailed design of the proposed building. Subject to conditions the proposals comply with policy DM2.1 of the Islington Development Management Policies and policy DM21.3 of the City of London Local Plan.

#### Construction Impacts

- 11.299 In the interest of protecting neighbouring residential amenity during the construction phase of the development (having regard to impacts such as noise and dust) the applicant is required to comply with the Council's Code of Construction Practice. Compliance would need to be secured as part of a Section 106 agreement together with a payment towards the monitoring of the site to ensure its neighbourliness. This payment is considered be an acceptable level of contribution having regard to the scale of the development, the proximity of other properties, and likely duration of the construction project.
- 11.300 The Council's Environmental Health (Pollution) Officer has observed that, given the amount of demolition proposed and the close proximity of existing residential dwellings (along with the deadline of the academic year) there is considerable potential for disruption. In order to further address any concerns over noise and disturbance resulting from the construction of the development, a planning condition could be attached to any planning permission to secure details to address the environmental impacts of the proposed development (including, but not limited to, noise, air quality including dust, smoke and odour, vibration and TV reception) (condition 29).

#### Cooking Odours

- 11.301 Concerns have been raised by residents regarding the potential for cooking odours from the school kitchen which is to be located in the hall. It is considered that appropriate mitigation measures can be secured by condition (no. 37) to prevent undue odours from affecting residential amenity.

#### Air Quality

- 11.302 It is noted that objections have been received against the school for reasons of traffic generation due to commute to drop off children from elsewhere in the borough and the impacts of that on air quality.

#### Noise considerations

- 11.303 Development Management Policy DM6.1 states that noise sensitive developments should be separated from major sources of noise, and that noise generating uses within new developments should be sited away from noise sensitive uses.

11.304 Policy DM15.7 of the City of London Local Plan is concerned with noise and light pollution and requires, inter alia, that

*‘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.’ Furthermore, ‘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.’*

11.305 The application is accompanied by a Noise Assessment which identifies the principles of the acoustic design required to provide an effective and functional solution whilst complying with regulatory requirements, as well as other local, regional and national policies. The Assessment recommends plant noise emission limits, preliminary specifications for the external building fabric elements, and provides advice in relation to noise mitigation measures for the proposed buildings.

11.306 The Assessment was revised following the first public consultation on the planning application to include the results of an additional environmental sound survey undertaken at a location considered representative of the receptors at Basterfield House. The revision also excluded noise related to construction activity observed by objectors during the noise survey which were considered unrepresentative of the sound climate of the area. The updated Assessment also considered noise associated with the operation of the school including playground activities and pupil arrivals and departures.

11.307 The Assessment concludes that, whilst the change in ambient noise levels are likely to be ‘noticeable and intrusive’ at some locations during some activities as the noise impact falls below the significant observed adverse effect level the proposed development should be considered acceptable in terms of noise.

11.308 The Council’s Public Protection Officer raises no objections to the proposed development in terms of noise. It is noted that the Noise Assessment considers the impact of the proposed external play areas on existing residential properties but does not consider the impact on the proposed residential block and it is noted that the MUGA is located in close proximity. Community use of the MUGA outside of the school day (e.g. for five-a-side football) could result in complaints and the applicant has confirmed that this is not proposed (additionally if used out of hours, the MGA would be used by residents of the residential tower forming part of this application and only during daylight hours). The Public Protection Officer has requested that any planning permission secure sound insulation and noise control measures to achieve acceptable noise levels within the proposed residential accommodation. The rooftop school play area should be screened by a solid, imperforate barrier and this should be secured by condition (no. 12).

11.309 Conditions are recommended to address the design and installation of fixed plant and to secure sound insulation to the proposed residential units to ensure that the fixed plant is acceptable in terms of noise levels. Fixed plant is proposed to the roof of the school building, adjacent to Hatfield House and to the residential building plant is proposed to be located at ground floor and basement level.

- 11.310 It is noted that objections have been received from neighbouring residents in terms of the noise impact of the proposed development and, as noted above, there is likely to be a noticeable and intrusive increase in noise at some locations during some activities. The School uses, by their nature, generate noise and it should be noted that the site was previously in use as a school, albeit that the play area was located within a central courtyard. The most significant noise impacts from the proposed development would be likely to occur during the school day and would not occur during evenings nor weekends when a greater proportion of neighbouring dwellings would be likely to be occupied. It is considered that the proposed development would not result in an unduly adverse noise impact upon the amenities of the occupants of neighbouring residential dwellings, having regard to the previous lawful use of the site and having regard to proposed conditions controlling plant noise, and hours of use of the sports hall.

### **Quality of Resulting Residential Accommodation**

- 11.311 Islington Core Strategy policy CS12 identifies that to help achieve a good quality of life, residential space and design standards will be significantly increased and enhanced from their current levels. The Islington Development Management Policies DM3.4 sets out the detail of these housing standards. In accordance with this policy, all new housing is required to provide functional and useable spaces with good quality amenity space, sufficient space for storage and flexible internal living arrangements.
- 11.312 Unit Sizes: All of the proposed residential units would exceed nationally described and London Plan space standards as detailed below. The proposal is therefore considered acceptable in terms of unit sizes.

Unit Size	Nationally Described Space Standards / London Plan Standards	Proposed unit sizes	Difference
1 bed / 2 person	50m <sup>2</sup>	51-52m <sup>2</sup>	+1-2m <sup>2</sup>
1 bed / 2 person (wheelchair units)	50m <sup>2</sup>	55m <sup>2</sup>	+5m <sup>2</sup>
2 bed / 3 person (wheelchair units)	63m <sup>2</sup>	70m <sup>2</sup>	+7m <sup>2</sup>
2 bed / 4 person	70m <sup>2</sup>	71m <sup>2</sup>	+1m <sup>2</sup>
3 bed / 5 person (two storeys)	93m <sup>2</sup>	98-104m <sup>2</sup>	+5-11m <sup>2</sup>

### **Residential Unit Layouts**

- 11.313 The application advises that the proposed residential units are inspired by the layout of the apartments on the existing estate. Unit layouts are repeated and divided by structural party walls and living spaces are arranged on the western side of the building and feature full width windows and wide private balconies. Kitchens and bathrooms are arranged at the middle of the plan to simplify the distribution of services and drainage. Bedrooms are located adjacent to the deck access walkway and concerns have been raised by both the Design Review Panel and the GLA in relation to privacy, with the possibility of neighbours approaching open bedroom windows. The GLA have suggested that the applicant could use detailing along



the deck to create a sense of ownership and defensible space. However, it is considered that any such measures are unlikely to prove particularly effective whilst any physical measures to provide defensible space around the windows would detract from the limited circulation space. Additional security gates along the deck access would be likely to detract from the appearance of the building and may be considered to represent an unsatisfactory solution. It is therefore concluded that the lack of bedroom privacy would represent a shortfall of the scheme from a residential amenity and privacy point of view. It is considered that security concerns could be partially mitigated by ensuring that key or fob access is required from the core to the deck coded per floor and it is recommended that such a system is secured by condition.

Typical Tower Floor Plan



11.314 Aspect/Daylight Provision: Policy DM3.4 part D states that 'new residential units are required to provide dual aspect accommodation, unless exceptional circumstances can be demonstrated'. The subtext at paragraph 3.47 advises that 'Dual aspect design is key to maximising natural light, cross ventilation and access to quiet parts of the home. In exceptional circumstances where single aspect dwellings may be acceptable, they must not be exposed to noise exposure categories C or D, or comprise family housing (3 or more bedrooms).

11.315 The residential units will all benefit from a dual aspect which allows passive cross ventilation from air flow through the units when windows are opened at either end, reducing potential for overheating. In the summer, the access deck provides shade to the homes whilst in the winter low sun can penetrate deep into the plan.

#### Amenity Space

11.316 Core Strategy Policy CS7 is concerned with Bunhill and Clerkenwell and states at Part I, inter alia, that:

*'Major development proposals will be required to improve the public realm, provide ample private/semi-private and public open space, incorporate space for nature, and must not*



*result in detrimental microclimatic effects or overshadowing of existing residential buildings. This is necessary in order to address existing deficiencies in access to quality public open space and nature.'*

11.317 Policy DM3.5 of the Council's Development Management Policies Document within part A identifies that 'all new residential development will be required to provide good quality private outdoor space in the form of gardens, balconies, roof terraces and/or glazed ventilated winter gardens'. The policy in part C then goes on to state that the minimum requirement for private outdoor space is 5 square metres on upper floors and 15 square metres on ground floor for 1-2 person dwellings. For each additional occupant, an extra 1 square metre is required on upper floors and 5 square metres on ground floor level with a minimum of 30 square metres for family housing (defined as 3 bed units and above).

11.318 City of London Policy is concerned with Additional Open Space and states, inter alia, that:

1. Major residential developments should provide new and enhanced open space where possible. Where on-site provision is not feasible, new or enhanced open space should be provided near the site, or elsewhere in the City.
2. New open space should:
  - a) be publicly accessible where feasible; this may be achieved through a legal agreement;
  - b) provide a high quality environment;
  - c) incorporate soft landscaping and Sustainable Drainage Systems, where practicable;
  - d) have regard to biodiversity and the creation of green corridors;
  - e) have regard to acoustic design to minimise noise and create tranquil spaces.'

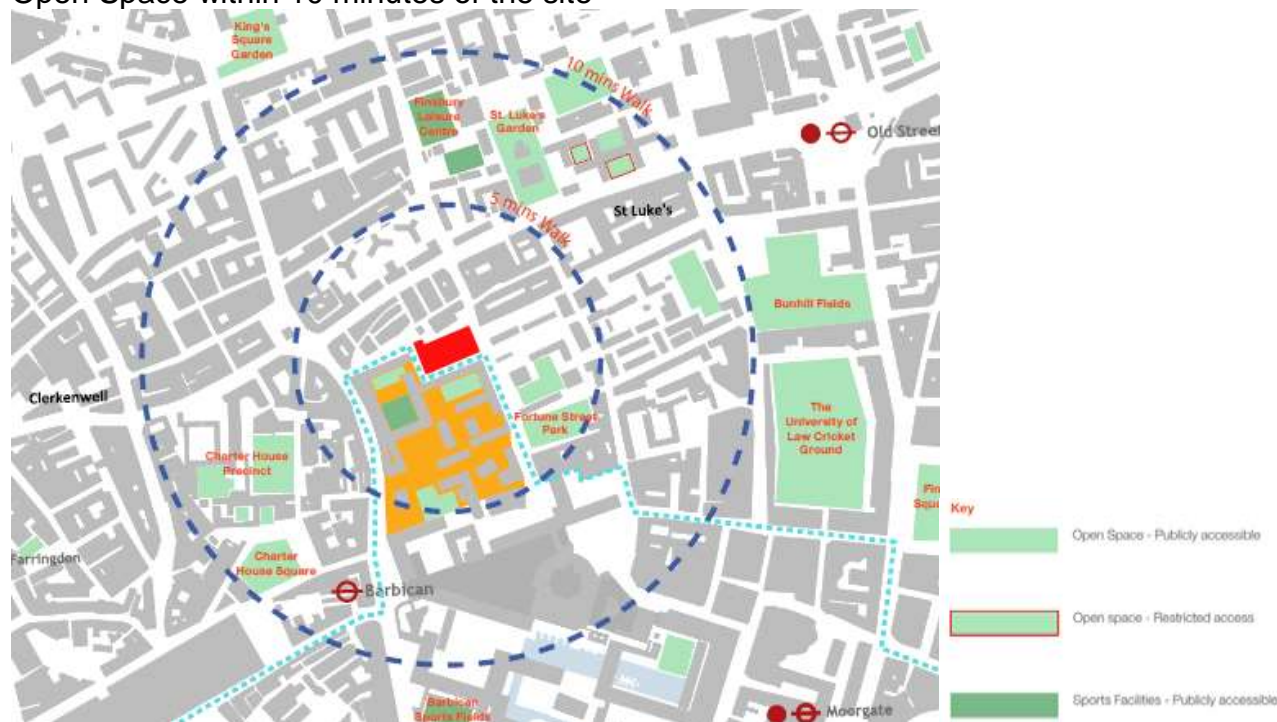
11.319 The proposed private amenity space to the residential units is detailed below. The provision would be in excess of the minimum policy requirements and would contribute to providing a good standard of residential accommodation.

#### Private Amenity Space Provision

Unit Size	Amenity Space Policy Requirement	Proposed Amenity Space Provision	Difference	Total
1 bed 2 person (35)	5m <sup>2</sup>	7m <sup>2</sup>	+2m <sup>2</sup>	245m <sup>2</sup>
2 bed 3 person (2)	6m <sup>2</sup>	10m <sup>2</sup>	+4m <sup>2</sup>	20m <sup>2</sup>
2 bed 4 person (24)	7m <sup>2</sup>	10m <sup>2</sup>	+3m <sup>2</sup>	240m <sup>2</sup>
3 bed duplex (5)	8m <sup>2</sup>	18m <sup>2</sup>	+10m <sup>2</sup>	90m <sup>2</sup>
				<b>595m<sup>2</sup></b>

11.320 The proposed development would not provide communal amenity space and it should be noted that the Development Management Policies Document does not set out a requirement for communal amenity space. The application is accompanied by a contextual plan indicating local green spaces located within a five and ten minute radius of the site. The plan shows that within 5 minutes of the site, there are public open space facilities within Fortune Street Park, whilst within 10 minutes of the site there is an accessible open space at Charterhouse Square.

## Open Space within 10 minutes of the site



11.321 It is noted at paragraph 3.62 of the Development Management Policies document that Islington has the second lowest amount of open space of any local authority in the country and London. The Open Space Sport and Recreation Assessment (2009) was prepared to inform the policies of the Local Plan. Map 36 of this document identifies the shortfall/surplus in provision as at 2025 against the quantity standard of 0.521 ha per 1,000 people for public open space. The document identifies that the Bunhill Ward is not an area of open space deficiency, with the Ward projected to have a marginal surplus of 0.101 – 0.250 ha per 1,000 people.

11.322 Paragraph 17.14 of the Assessment notes that:

*'The wards in the South Area Committee have little or no access to larger, more multifunctional parks and gardens. In this densely urban part of the borough there is little scope to create a new large park. This may mean that smaller parks and gardens are under greater pressure and need to 'punch above their weight' to provide facilities which would normally be expected of larger spaces. It is notable that 9 of the 16 parks and gardens in Clerkenwell Ward and Bunhill Ward are classed as being below quality which may reflect such pressures. It is recommended that planning obligations/ council funds should be used to enhance the quality of parks and gardens in these wards, given the lack of scope to create new larger spaces.'*

11.323 Site Allocation BC34 of the Finsbury Local Plan) states that 'Public open space should be provided to offset the loss of playground space and to relieve pressure on Fortune Street Park'. However, the site allocation did not envisage the provision of a school on the site with replacement playground space. The playground space on the site will increase from 710m<sup>2</sup> at present to 2,360m<sup>2</sup> (comprising 1,190m<sup>2</sup> ground-level playground, 400m<sup>2</sup> MUGA, and 450m<sup>2</sup> roof-level play). Residents will have access to the MUGA outside of school hours.

- 11.324 The applicant makes reference to Policy DM6.2 which is concerned with Sport and Recreation and states, inter alia, that:

*'A. Developments in excess of 200 residential units or 10,000m<sup>2</sup> gross external floorspace, or where a specific need has been identified by the council, are required to provide on-site publicly accessible public open space. This shall be provided in addition to private amenity space and landscaping and shall be fully publicly accessible, without any restrictions and maintained in perpetuity.*

*B. For those development types referred to in Part A above, in exceptional circumstances, where it is clearly demonstrated that public open space cannot be provided on site or that the required amount cannot be provided on site in full, and where the proposal has over-riding planning benefits, a financial contribution shall be paid to the council towards the provision of new public open space or enhancements to existing spaces. Other developments will also create the need for public open space provision and will be expected to provide financial contributions towards this.'*

- 11.325 The above policy does not apply to the proposed development as it falls below the unit number and floorspace threshold. However, the applicant suggests that the policy indicates the acceptability in principle of a financial contribution in lieu of on-site open space and is proposing to make a contribution of £134,676 towards the improvement of local open spaces. In any event, it has been discussed previously that it is not considered reasonable to expect public open space from the site given the land uses being delivered and in the context of changes since the site allocation was adopted.

#### Play Space

- 11.326 Policy 3.6 of the London Plan is concerned with Children and Young People's Play and Informal Recreation Facilities and states, inter alia, that:

*B. Development proposals that include housing should make provision for play and informal recreation, based on the expected child population generated by the scheme and an assessment of future needs. The Mayor's Supplementary Planning Guidance Providing for Children and Young People's Play and Informal Recreation sets out guidance to assist in this process.*

- 11.327 Based upon the GLA's child population yield calculator the residential development would give rise to the following child yield and play space requirement.

Child Age	Number	Percentage	Play space requirement (10m <sup>2</sup> per child)
Under 5	27	62%	270m <sup>2</sup>
5-11	11	25%	110m <sup>2</sup>
12+	6	13%	60m <sup>2</sup>
<b>Total</b>	<b>44</b>	<b>100%</b>	<b>440m<sup>2</sup></b>

- 11.328 Policy DM3.6 of the Council's Development Management Policies Document requires that all major residential developments make provision for play, based on anticipated child yield. Provision shall be 5m<sup>2</sup> of private/informal play space per child (including semi-private outdoor space, private outdoor space and gardens suitable for play). Based upon Islington's

child yield formulae the proposed development would give rise to the following child yield and play space requirement.

Child Age	Number	Percentage	Play space requirement (5m <sup>2</sup> per child)
0-4	27	62%	135m <sup>2</sup>
5-10	10	23%	50m <sup>2</sup>
11-15	4	10%	20m <sup>2</sup>
16-18	2	5%	10m <sup>2</sup>
<b>Total</b>	<b>43</b>	<b>100%</b>	<b>215m<sup>2</sup></b>

11.329 Based upon Islington's child population yield calculator the proposed development would give rise to a requirement for 215m<sup>2</sup> playspace.

11.330 City of London Policy DM19.4 is concerned with Play Areas and Facilities and states that:

1. *'The City Corporation will protect existing play provision and seek additional or enhanced play facilities or space, particularly in areas identified as deficient, by:*
  - a) *protecting existing play areas and facilities and, on redevelopment, requiring the replacement of facilities either on-site or nearby to an equivalent or better standard;*
  - b) *where the creation of new play facilities is not feasible, requiring developers to work with the City Corporation to deliver enhanced provision nearby;*
  - c) *requiring external play space and facilities as part of new residential developments which include 20 or more family units (those with 3 or more bedrooms) or 10 or more affordable units of 2 or more bedrooms;*
  - d) *promoting opportunities for informal play and play within open spaces where it is not possible to secure formal play areas.*
2. *Play areas and facilities should not be located where they would cause undue disturbance to neighbouring occupiers.'*

11.331 Figure 4.2 of the Mayor's Shaping Neighbourhoods: Play and Informal Recreation SPG sets out a 5-step assessment to be undertaken to determine the play space requirement for new development. This has been undertaken by the applicant and is detailed below:

Step B1: Determine if the development generates a demand for play space provision.

11.332 This exercise has been carried out above.

Step B2: Calculate how much space is required.

11.333 This exercise has been carried out above. The London Plan requirement is 440m<sup>2</sup> the Islington requirement is 215m<sup>2</sup>.

Step B3: Establish accessibility to existing play provision.

11.334 The context plan above identifies local play spaces within a 5 minute and 10-minute walk radius of the site.

11.335 The Golden Lane Estate playground is located 40m to the west of the site boundary, and approximately 170m from the proposed residential entrance. Completion of upgrade works are imminent following the grants of planning permission and listed building consent in April 2016 (refs: 15/01390/FULL and 16/00024/LBC). The play area will feature educational trails, places to hide and tunnels, and the reintroduction of a slide.

## Golden Lane Estate Playground – planning application CGI



11.336 The application advises that the facility serves approximately 50 children of various ages who live on the estate. There is presently signage outside of the play area advising that it is for the use of estate residents only. The City of London is the applicant and is the freeholder of the Golden Lane Estate. Leaseholders on the estate will have an interest in the playground and will presently pay a service charge which will cover its upkeep. If the use of the play area by residents of the proposed development were to be formalised then it would be anticipated that this would also be reflected in a service charge. If the use of the play area by residents of the proposed development were to be formalised then it is anticipated that some form of agreement on the part of Golden Lane Estate leaseholders would be required. It cannot be assumed that this would simply be a formality. Whilst there may be every possibility that the play area could be used by residents of the proposed development, in the absence of a formalised arrangement it is recommended that weight is not given to its availability in an assessment of playspace provision. Additionally, there are the following play areas:

- Fortune Street Park is located approximately 171m from the proposed residential entrance. It is identified in the Open Space, Sport and Recreation Assessment (2009) as having neighbourhood playable space which is appropriate for all age groups of children.
- Quaker Gardens is located approximately 348m from the proposed residential entrance. It is identified in the Open Space, Sport and Recreation Assessment (2009) as having neighbourhood playable space, which is appropriate for all age groups of children.
- Golden Lane Children's Centre is part of Prior Weston School at the Golden Lane Campus. This facility is for LB Islington residents, and is provided by the Council to provide play, support and classes for children aged from 6 months to 5 years, including Nursery and Reception children. The service also offers stay and play sessions, as well as courses for parents with crèches provided.
- Toffee Park Adventure Playground is located approximately 453m from the proposed residential entrance. It is identified in the Open Space, Sport and Recreation

Assessment (2009) as having neighbourhood playable space, which is appropriate for 6-11 years old and 11+ years old.

- King Square Gardens is a large (1.18ha) popular park with an extensive play area. It is located approximately 630m from the residential entrance. The children's play area includes a large sand pit, climbing frames, swings, slide, play huts, roundabout, grass mound with water pumps, accessible children's toilets, interactive water play feature, bog garden, pergola, planting beds and seating.

Step B4: Establish the requirement for on-site or off-site provision

- 11.337 The Shaping Neighbourhoods: Play and Informal Recreation SPG states at paragraph 3.26 that:

*'School facilities and school playing fields can provide an important contribution to high quality play spaces for a range of community activities, such as pre or after school cultural and other sports activities. Where possible, children should be allowed access to use them outside school hours. Maximum use of schools after school hours or at weekends can contribute to reducing deficiencies in play provision, providing children with greater choice for play activities, respond to the needs of working parents as well as supporting educational attainment. Already undertaken initiatives have also demonstrated that it contributes to social inclusion, community cohesion, improved health, youth diversion and parental engagement'*

- 11.338 The SPG states at Paragraph 4.40, inter alia:

*'Whilst the Mayor will expect provision to be made on site, off-site play provision including the creation of new provision, improvements to existing play facilities and/or an appropriate financial contribution secured by legal agreement towards this provision may be acceptable in accordance with Policy 3.6 where it can be demonstrated that there are planning constraints and that it fully satisfies the needs of the development whilst continuing to meet the needs of existing residents. If there is existing provision within an acceptable distance of a proposed development, boroughs should consider the option of off-site financial contributions as an alternative to new provision if this would meet the objectives set out in the play strategy. If there is no existing provision within an acceptable radius of the site, there will be a requirement for on-site provision or for an equivalent off-site provision to be made which satisfies the accessibility standards. This is summarised in tables 4.5 and 4.7.'*



**Table 4.5 Provision of play space to meet the needs of new development**

		<b>Under 5s</b>	<b>5-11</b>	<b>12+</b>
<b>Existing provision</b>	within 100 m	On site or off-site contribution	Off-site contribution	Off-site contribution
	within 100-400m	On-site	On site or off-site contribution	On site or off-site contribution
	within 400-800m	On-site	On-site	On-site or off-site contribution
<b>No existing provision</b>	within 100 m	On-site	Off-site provision	Off-site provision
	within 100-400m	On-site	On-site	On site or off-site provision
	within 400-800m	On-site	On-site	On-site

- 11.339 It will be noted from the above table that an off-site contribution is acceptable in cases where there is existing provision within 100m of the site. However, in order that an off-site contribution is considered acceptable there should be play space provision for under 5s within 100m of the site.

**Step B5: Establish type of on-site or off-site provision / contributions in the context of the play strategy**

- 11.340 As noted in paragraph 3.26 of the SPG above, school facilities can make a high quality contribution to play provision. The application notes that the proposed school will provide an 'extended' day offer, including an 'Early Bird Breakfast Club' and 'Enrichment Club'.
- 11.341 The Early Bird Breakfast Club runs daily from 8.00am – 9.00am, for pupils from each year group and alongside offering breakfast and childcare provision would provide a stimulating and creative range of early morning activities and a safe and secure place to play.
- 11.342 The Enrichment Club would operate from 3.30pm-6.00pm and is intended to 'develop character, talents and interests outside of the classroom, to enhance the learning of students.' Through the 'extended' day offer there will be the opportunity for children to remain within school until 4.30pm for at least one session per week to take advantage of opportunities to pursue sports, the creative arts, music, dance, drama, coding or an environment club. Child care will be offered between 4.30pm and 6.00pm.
- 11.343 In addition to the before and after school clubs the application notes that the school hall is to be made available for use by members of the community out of school hours through a community use agreement.
- 11.344 On-site external play facilities are to be provided by making the MUGA available to residents of the proposed scheme outside of school hours. The MUGA would have an area of 400m<sup>2</sup> which would exceed Islington's space requirement of 220m<sup>2</sup> and would fall 40m<sup>2</sup> short of the London Plan requirement of 440m<sup>2</sup>.

11.345 In order to justify an off-site contribution there should be under 5s play space within 100m of the site. The MUGA will provide on-site play space to residents of the proposed development outside of school hours. This will provide opportunities for its use by residents in the evenings when daylight allows and at weekends. The MUGA will be suitable for use by under 5s but will not feature dedicated play facilities for under 5s. Whilst it can be acknowledged that the availability of the MUGA outside of school hours will go some way towards addressing a requirement for on-site play space, it does not represent a dedicated facility for under 5s. It is therefore considered that an off-site contribution cannot be fully justified in the context of Table 4.5.

11.346 The GLA Stage 1 comments stated:

*'In view of the site constraints, the scheme will not provide the required 430m<sup>2</sup> of play space in line with the SPG. However, given the inclusion of a publicly accessible school hall as part of the development and the proximity of Fortune Park to the site as well as the applicant's willingness to provide a financial contribution towards play provision in the vicinity via legal obligation, this is acceptable.'*

#### Conclusion

11.347 In light of the constraints of the site, the role that schools have in play and recreation, relatively close proximity to other play spaces in the area, community use to be secured of the sports hall and the out of hours use of the MUGA to be secured for residents, in this instance it is considered acceptable that the scheme would provide an off-site contribution towards playspace of £134,676 to mitigate the dedicated full time under 5's play on-site shortfall. Accordingly, the proposal is considered acceptable in terms of children's play space.

11.348 Dwelling Mix: The scheme proposes a total of 66 residential units with an overall mix comprised as follows:

Unit type	Number of units	Percentage
1 bed	35 (including 11 wheelchair units)	53.0
2 bed	26 (including 2 wheelchair units)	39.4
3 bed	5	7.6
<b>Total</b>	66	100

11.349 Policy CS12(e) requires a range of unit sizes within each housing proposal to meet the needs in the borough, including maximising the proportion of family accommodation in both affordable and market housing. Policy DM3.1 advises that new development should provide a good mix of unit sizes based upon Islington's Local Housing Needs Assessment. Paragraph 3.14 states that the mix of dwelling sizes appropriate to specific developments will also be considered in relation to the character of the development, the site and the area.

11.350 Since the adoption of policy DM3.1, which was informed by Islington's *Local Housing Needs Assessment* (2008), changes to housing legislation (the Welfare Reform Act 2012) to address the under occupation of social housing have created a greater demand for smaller social housing units. This is reflected by the higher proportion of 1 and 2 bedroom units proposed that will allow for mobility within the social housing sector to accommodate these national changes to the welfare system. The provision of smaller units will allow for mobility within the borough which would help to address under occupation.



- 11.351 The proposed affordable housing has been agreed with the Council's Housing Division.
- 11.352 The quantity, quality and mix of the proposed affordable housing is considered to make a significant positive contribution to the housing needs of the borough. Accordingly, the proposal is considered acceptable in terms of unit mix, and is strongly supported.
- 11.353 Noise: The impacts of noise is addressed largely in the 'Neighbouring Residential Amenity Section' However, the Council's Public Protection Officer raises no objections to the proposed development in terms of noise. It is noted that the Noise Assessment considers the impact of the proposed external play areas on existing residential properties but does not consider the impact on the proposed residential block and it is noted that the MUGA is located in close proximity. Community use of the MUGA outside of the school day (e.g. for five-a-side football) could result in complaints if used out of hours, the MUGA would be used by residents of the residential tower forming part of this application and only during daylight hours). The Public Protection Officer has requested that any planning permission secure sound insulation and noise control measures to achieve acceptable noise levels within the proposed residential accommodation. The rooftop school play area should be screened by a solid, imperforate barrier and it is recommended that this be secured by condition (no. 12).
- 11.354 Air Quality: Policy 7.14 of the London Plan states that development proposals should minimise increased exposure to existing poor air quality and make provision to address local problems of air quality (particularly within Air Quality Management Areas (AQMAs)). Policy DM 6.1 of the Development Management Policies document requires that development should not cause significant harm to air quality, cumulatively or individually.
- 11.355 Policy DM15.6 of the City of London Local Plan states that development that would result in deterioration of the City's nitrogen dioxide or PM10 pollution levels will be resisted. 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. Demolition and construction and the transport of construction materials and waste must be carried out in such a way as to minimise air quality impacts.
- 11.356 The application is accompanied by an Air Quality Assessment which considers the air quality impacts relating to the construction and operation of the proposed development. The Assessment notes that existing conditions within the study area show poor air quality, with measured nitrogen dioxide concentrations in 2015 exceeding the annual mean objective adjacent to main roads, close to the development site. The site also lies within whole-borough Air Quality Management Areas declared by the City of London and Islington Council.
- 11.357 The Assessment identifies that construction works will give rise to a 'Medium Risk' of dust soiling impacts, and a 'Low to Medium Risk' of human health impacts. A series of mitigation measures are therefore proposed to minimise dust emissions in order to reduce the overall impacts during construction to 'not significant'. It is recommended that these measures be secured through a Demolition Construction Environmental Management Plan to be secured by condition (no. 29) as requested by the Council's Public Protection officer.

- 11.358 The Assessment identifies that the additional traffic flows generated by the proposed development are below the screening criteria for a detailed assessment (as specified by industry guidance) and therefore traffic generated by the development would not have a significant impact on local air quality. The impacts of traffic emissions have been assessed at eleven worst-case locations within the new development and it is concluded that future users of the proposed development would experience acceptable levels of air quality.
- 11.359 The Assessment also identifies that the proposed development would meet the London Plan requirement that new development is at least 'air quality neutral' in terms of transport emissions. An assessment to determine whether or not the proposed development is 'air quality neutral' in terms of building emissions will be undertaken at a later stage once more detailed information is available on the design of the proposed CHP unit. A condition is recommended to ensure that, if the development is not at least air quality neutral, a scheme to mitigate the air quality impact of the development shall be secured (no. 32).
- 11.360 The Assessment concludes that the overall construction and operational air quality impacts of the proposed development would be 'not significant'.
- 11.361 The Council's Environmental Health Officer raises no objections to the proposal in terms of air quality. It is noted that future users of the proposed development will be exposed to nitrogen dioxide levels below the annual mean objective. However, there is potential for the school use to give rise to traffic impacts at drop off and pick up, with air quality concerns noted at other school sites as a result of congestion and idling engines. It is recommended that an Air Quality Report detailing steps to minimise the development's future occupiers' exposure to air pollution shall be submitted to and approved by the Local Planning Authority. The report should consider:
- Ventilation which draws in clean filtered air
  - Provision of information for staff and pupils on reducing their exposure to nitrogen dioxide
  - Measures to promote walking/cycling and public transport (Travel Plan)
  - Discouragement of private car use and measures to stop idling engines (Travel Plan)
  - Specification of ultra-low nitrogen dioxide boilers
  - Any greening measures to reduce exposure to nitrogen dioxide; and
  - Any other relevant measures.
- 11.362 Separate CHP systems are proposed for the school and the residential block. The Council's Public Protection Officer notes that the impact of any CHP has not been assessed and this will need to be assessed and emissions modelled. Given the height of the proposed new block and nearby blocks it is likely that any low level flue extract would result in a visible plume and potential complaints. Accordingly, it is recommended that a condition is attached to any planning permission requiring details and specification of each CHP system to include the following:
- Make and model of the system and details of the additional abatement technology that has been investigated for fitment to reduce air pollution emissions;
  - Type, height and location of the flue/chimney (including calculation details regarding the height of the flue / chimney);
  - Certification for use of the flue / chimney in a smoke control area;

- A breakdown of emissions factors of nitrogen oxides, particulates and any other harmful emissions from the gas fired CHP and details of any mitigation measures to reduce emissions to an acceptable level (No CHP plant in the thermal input range 50kWth to 20MWth with NOx emissions exceeding that specified in Band B of Appendix 7 to the GLA Sustainable Design and Construction Supplementary Planning Guidance published April 2014 (or any updates thereof applicable at time of installation) will be acceptable);
- An assessment of the impact of the emissions to ground level concentrations and any additional impact for surrounding buildings/structures, including the rooftop play area of the school;
- An acoustic report for the plant
- An ongoing maintenance schedule.

11.363 It is considered that the proposed development would be acceptable in terms of air quality subject to the matters to be addressed through the recommended conditions, which have enabled the separation of the school and residential assessment for phasing and delivery reasons.

### **Sustainability, Energy Efficiency and Renewable Energy**

- 11.364 London Plan Policy 5.1 stipulates a London-wide reduction of carbon emissions of 60 per cent (below 1990 levels) by 2025. Policy 5.2 of the plan requires all development proposals to contribute towards climate change mitigation by minimising carbon dioxide emissions through the use of less energy (be lean), energy efficient design (be clean) and the incorporation of renewable energy (be green). London Plan Policy 5.5 sets strategic targets for new developments to connect to localised and decentralised energy systems while Policy 5.6 requires developments to evaluate the feasibility of Combined Heat and Power (CHP) systems.
- 11.365 Islington Core Strategy Policy CS10 requires it to be demonstrated that new development has been designed to minimise onsite carbon dioxide emissions by maximising energy efficiency, supplying energy efficiently and using onsite renewable energy generation. Developments should achieve a total (regulated and unregulated) CO2 emissions reduction of at least 27% relative to total emissions from a building which complies with Building Regulations 2013 (39% where connection to a Decentralised Heating Network is possible). Typically, all remaining CO2 emissions should be offset through a financial contribution towards measures which reduce CO2 emissions from the existing building stock.
- 11.366 The relevant Islington Development Management Policies are detailed below and considered under each topic heading.
- 11.367 Policy CS15 of the City of London Local Plan seeks to enable businesses and residents to make sustainable choices in their daily activities, creating a more sustainable City, including through requiring sustainable development, minimising carbon emissions and addressing environmental impacts. Policy DM15.3 is concerned with low and zero carbon technologies and promotes connection to decentralised energy networks. Policy DM15.4 sets out a requirement for financial contribution to an approved carbon offsetting scheme where carbon emission reduction targets cannot be met on-site.

## BE LEAN

### *Energy efficiency standards*

- 11.368 The council's Environmental Design SPD states 'The highest possible standards of thermal insulation and air tightness and energy efficient lighting should be specified'. 'U values' are a measure of heat loss from a building and a low value indicates good insulation.
- 11.369 The proposed U-values for the school building are: walls = 0.216w/m<sup>2</sup>k, roof = 0.186w/m<sup>2</sup>k, floors = 0.186w/m<sup>2</sup>k and glazing = 1.2w/m<sup>2</sup>k. Aside from the glazing these values do not meet the energy efficiency standards set out in the Council's Environmental Design SPD and the Council's Energy Advisor recommends that these are improved.
- 11.370 The proposed U-values for the residential building are walls = 0.15w/m<sup>2</sup>k, roof = 0.13w/m<sup>2</sup>k, floors = 0.13 w/m<sup>2</sup>k and glazing = 1.2w/m<sup>2</sup>k. These U-values meet or exceed the energy efficiency standards set out in the Environmental Design SPD although the Council's Energy Advisor suggests there may be scope for small further improvements. The air permeability of both the school and residential buildings would be 3m<sup>3</sup>/hr.m<sup>2</sup>@50pa, in line with the Council's energy efficiency standards.
- 11.371 Discussions are ongoing regarding thermal insulation and heat loss and an update will be provided in this regard.
- 11.372 Low energy lighting is proposed throughout the residential building. The school buildings would incorporate a lighting control strategy which includes photocells, occupancy sensors, time control, zoning and dimming capability, all of which is supported. LED lighting is proposed throughout the school, with an efficacy of 85lm/circuit-watt. The Council's Energy Advisor notes that this is considered good and has queried whether any further improvement can be achieved given that lighting represents a significant component of the building's energy use.

## BE CLEAN

### *District heating*

- 11.373 Policy DM7.3B requires that proposals for major developments within 500m of an existing or planned District Energy Network (DEN) should be accompanied by a feasibility assessment of connection to that network, to determine whether connection is reasonably possible.
- 11.374 The Bunhill network is estimated to be around 200m from the site and the Citigen network is estimated to be around 300m from the site. Both networks therefore fall within the 500m threshold and the feasibility of connection to the networks should be assessed.
- 11.375 The applicant has submitted details of correspondence with both Bunhill and Citigen network operators. The applicant has also stated that that a 30-year life cycle cost, assessing connection to either network, is being undertaken and the results of this are awaited.
- 11.376 The applicant has submitted details of correspondence with both Bunhill and Citigen network operators. The applicant has also stated that a 30-year life cycle cost, assessing connection to an existing DE network, is being undertaken and has provided further information regarding anticipated heat loads for the development but a full technical assessment of feasibility for connection has not yet been completed.

- 11.377 The observations from the City of London's Chief Officer note that development should include connection to a local District Heat Network. If there are exceptional circumstances which make this impossible then this should be fully justified and mitigation for carbon emissions and air quality impacts should be put into place. This would need to be required by either a condition or through the S106 agreement.
- 11.378 The Council's Energy Advisor notes that the application currently proposes a gas CHP solution and therefore the assessment is currently based upon this fall back position. However, discussions are ongoing on a two-pronged basis noting that London Plan policy 5.6(B) prioritises connection to a DE network over the use of a CHP network. An update will be provided in this regard.
- 11.379 The applicant has provided details of future proofing the development for connection to a DE network in the event that it is not connected at this stage.

#### SHARED HEAT NETWORK

##### *Combined Heat and Power*

- 11.380 Policy DM7.3(D) requires that 'Where connection to an existing or future DEN is not possible, major developments should develop and/or connect to a Shared Heating Network (SHN) linking neighbouring developments and/or existing buildings, unless it can be demonstrated that this is not reasonably possible.' The Energy Statement does not assess connection to a shared heat network and this should normally be investigated. However, the Council's Energy Advisor has recommended that the applicant prioritises investigating connection to one of the two local district heating networks.
- 11.381 It is proposed that heating and hot water will be provided via CHP-led systems, incorporated with gas boilers providing peak and back-up heat. The residential tower and school site will be served by separate plant rooms and heating systems. The residential element is to be served by a CHP unit of 11kWe and 33.5kWth outputs, while the school will be served by a unit of 25kWe and 54.2kWth outputs. The Council's Energy Advisor has indicated that this approach is considered acceptable.

#### BE GREEN

##### *Renewable energy technologies*

- 11.382 The Energy Strategy indicates a 140m<sup>2</sup> photovoltaic array for the roof of the residential tower which would provide an output of 24kWp and this is strongly supported as it would fully exploit the available roof area.
- 11.383 Carbon Emissions: Policy CS10A seeks to promote zero carbon development by minimising on-site carbon dioxide emissions, promoting decentralised energy networks and by requiring development to offset all remaining CO<sub>2</sub> emissions associated with the building through a financial contribution towards measures which reduce CO<sub>2</sub> emissions from the existing building stock.
- 11.384 Paragraph 2.0.7 of the Council's Environmental Design states that the Council's 'CO<sub>2</sub> reduction targets apply to all major developments, including refurbishments. It is accepted that some schemes, particularly refurbishment schemes, may struggle to reach the relevant target. In such instances the onus will be on the applicant to demonstrate that CO<sub>2</sub> emissions have been minimised as far as reasonably possible.'

11.385 Paragraphs 2.0.8 – 2.0.10 detail the Council's energy hierarchy which should be followed in meeting the Council's CO<sub>2</sub> emissions reduction target. The final stage of the hierarchy requires developers to:

*'...offset all remaining CO<sub>2</sub> emissions (Policy CS10) through a financial contribution, secured via a Section 106 agreement, towards measures which reduce CO<sub>2</sub> emissions from the existing building stock (e.g. through solid wall insulation of social housing). For all major developments the financial contribution shall be calculated based on an established price per tonne of CO<sub>2</sub> for Islington. The price per annual tonne of carbon is currently set at £920, based on analysis of the costs and carbon savings of retrofit measures suitable for properties in Islington.*

11.386 The applicant proposes a reduction in regulated emissions of 41.8% compared to a 2013 baseline target (41.1% for the residential element and 43.4% for the school element), which exceeds the London Plan target of 35%. The development is predicted to achieve a reduction in total emissions of 22.2% compared to a 2013 Building Regulations Baseline (20.2% for the residential element and 28.0% for the school element), which falls short of the Islington requirement of 27%. In order to mitigate against the remaining carbon emissions generated by the development a financial contribution of £155,991 would be required.

11.387 Overheating and Cooling: Policy DM7.5A requires developments to demonstrate that the proposed design has maximised passive design measures to control heat gain and deliver passive cooling, in order to avoid increased vulnerability against rising temperatures whilst minimising energy intensive cooling. Part B of the policy supports this approach, stating that the use of mechanical cooling shall not be supported unless evidence is provided to demonstrate that passive design measures cannot deliver sufficient heat control. Part C of the policy requires applicants to demonstrate that overheating has been effectively addressed by meeting standards in the latest CIBSE (Chartered Institute of Building Service Engineers) guidance.

11.388 Dynamic thermal modelling has been carried out for the entire development. The modelling for the residential building covered two example properties and demonstrated that these passed the overall TM52 assessment (although there were some fails on the second Criterion 2, Daily Weighted Exceedance). Active cooling is not proposed for the residential building. The modelling for the school demonstrates that, under the mixed-mode ventilation strategy, all of the areas tested pass the TM52 methodology. These tended to fail under Criterion 1 (Hours of Exceedance) but passed under the other two criteria. The Council's Energy Advisor considers the assumptions used within the modelling to be reasonable.

11.389 The applicant has confirmed that active cooling will only be provided within the computer room of the school and that this may not be implemented should it prove possible to manage temperatures in this area sufficiently without it. Further information addressing the cooling hierarchy has been provided which covers areas such as shading (e.g. from balconies), planting / green roof and ventilation strategy. The information submitted is considered sufficient in terms of cooling.

### Green Performance Plan

- 11.390 A Green Performance Plan and post occupation Green Performance Plan will be secured through the Section 106 agreement.
- 11.391 Sustainable Urban Drainage System (SUDS): Policy DM6.6 is concerned with flood prevention and requires that schemes must be designed to reduce surface water run-off to a 'greenfield rate', where feasible.
- 11.392 The application is accompanied by a Flood Risk Assessment (FRA) as the site is located within Flood Zone 1 (less than 1 in 1,000 annual probability of river or sea flooding) but the site is located within a Critical Drainage Area. The FRA concludes that the site is at relatively low risk of flooding caused by fluvial/tidal, surface water, groundwater or sewers and this would remain the case post development. The FRA also notes that there are no records of flooding on the site.
- 11.393 There will be separate drainage systems for the residential and school uses on the site and the proposed runoff rate for each network will be 5l/s, and will therefore discharge to the existing combined sewer at 10l/s. In order to achieve the proposed discharge rates for a 1 in 100 year storm event plus a 40% allowance for climate change it is proposed to use a geo-cellular system to provide 166m<sup>3</sup> of storage for the school and 30m<sup>3</sup> of storage for the residential development. It is recommended that the proposed surface water drainage attenuation measures are secured by condition.
- 11.394 The Council's Sustainable Design Officer has reviewed the proposals and has raised no objections subject to details of green roofs and SUDS measures to be secured by condition.
- 11.395 The proposal is considered acceptable in terms of surface water drainage and flood risk.

### Basement Development

- 11.396 The proposed development was revised in January 2018 to include the provision of a basement to accommodate plant, services and bicycle storage in order to introduce an active frontage at ground floor level.
- 11.397 The Council's Basement Development SPD (January 2016) requires that planning applications for basements should be accompanied by a Structural Method Statement which must be signed and endorsed by a Chartered Civil Engineer or Chartered Structural Engineer with relevant experience, appointed by the applicant.
- 11.398 Types of investigations that should be used to inform the design process include:
- site history
  - site survey (existing buildings and other structures)
  - underlying geology
  - groundwater level
  - current and historic watercourses
  - areas of archaeological interest (archaeological priority areas and scheduled monuments)
  - existing trees
  - underground infrastructure (e.g. utilities, services, tunnels and drains)
  - listed buildings in proximity to the site

- constructed and/or consented schemes with basements in proximity to the site.

- 11.399 The application is not accompanied by a Basement Impact Assessment at the time of writing due to timescales. However, the applicant has provided the following commentary in relation to the above considerations.
- 11.400 Site history: The site and surrounding area was heavily affected by bomb damage during World War II and the application is accompanied by an Unexploded Ordnance Report which is considered in more detail later within this report. The existing school building was constructed in 1972 and is to be demolished as part of the comprehensive development of the site.
- 11.401 Site Survey: The site is to be redeveloped with all buildings and structures removed.
- 11.402 Underlying Geology: The application is accompanied by a Ground Condition Survey which indicates that the ground to be excavated to construct the basement would comprise a mixture of clay, sand and gravel.
- 11.403 Topography: The site is generally flat, with some minor increase in levels predominantly going east-west. The site levels are to be adjusted as part of the wider development and the proposed basement will have no impact on the approach being taken.
- 11.404 Current and historic water courses: There are no current or historic water courses on or adjacent to the site.
- 11.405 Groundwater level: The application is accompanied by a Flood Risk Assessment which provides an assessment of the ground conditions of the site and concludes that the site lies in an aquifer in which flow is virtually all through fractures and other discontinuities, with essentially no groundwater. Groundwater is present in the River Terrace Deposits at approximately 7.5 m below ground level. Accordingly, the creation of the proposed basement will have no detrimental impact upon groundwater.
- 11.406 Flooding: Section 4 of the Flood Risk Assessment discusses likely sources of flooding, concluding that the site is at relatively low risk of flooding caused by fluvial/tidal, surface water, groundwater or sewers.
- 11.407 Trees: There are no trees located in the area of proposed basement. There are two grouped trees to the south of the basement area which are to be removed to facilitate the proposed development. The proposed basement will not be impacted by the proposed street-tree planting to Golden Lane.
- 11.408 Areas of archaeological interest (archaeological priority areas and scheduled monuments): The application is accompanied by an Archaeological Assessment which is considered in detail later within this report. The Assessment identifies potential for archaeological remains on site and it is recommended that archaeological mitigation in accordance with a written scheme of investigation is secured by condition.
- 11.409 Listed buildings in proximity to the site: The listed buildings of the Golden Lane Estate are located to the south and west of the site. Basterfield House to the south is located 23 m from the nearest basement wall, and Hatfield House to the west is located 67 m from the nearest



basement wall. The proposed basement is a sufficient distance from the listed buildings to ensure that there will be no structural impact.

- 11.410 Underground infrastructure (utilities, services, drains and tunnels): The basement area falls within a wider site that is to be redeveloped. Accordingly any services within the site will be moved as part of the scheme in a coordinated manner. There will be no impact to underground infrastructure.
- 11.411 Other consented or constructed basements in proximity to the site (to identify potential cumulative impacts): The Golden Lane Estate benefits from differing level changes and basement servicing from Baltic Street West. The proposed basement is located a sufficient distance from these established basement areas and the proposed basement should result in no cumulative impact.
- 11.412 On the basis of the above information it is considered that sufficient information has been provided to satisfy Officers that a basement design can be progressed without any likely adverse impacts in terms of

### **Highways and Transportation**

#### Transport Assessment

- 11.413 The application is accompanied by a Transport Assessment which addresses the anticipated impacts of the proposed development on public transport, the local highway network and pedestrians and cyclists.
- 11.414 The Assessment identifies that there would be a negligible impact on the public transport network as a result of the proposed development. Furthermore, as the development is car free it is anticipated that the impact on the highways network will be limited to delivery and servicing trips for the school and accordingly it is anticipated that there will be a negligible impact on the highways network.
- 11.415 The GLA Stage 1 comments advise that the Transport Assessment should be revised to reflect deliveries and servicing vehicle trips and any pick up/drop offs. The applicant's transport consultants have provided a response in which they note that deliveries and servicing will be the subject of a Delivery and Servicing Plan and are anticipated to take place outside of the AM and PM peak and have therefore not been included in the peak hours assessment included within the Transport Assessment. In relation to pick up/drop offs, the transport consultants have modelled a worst case scenario and advise that there would be a marginal amount of traffic generated by the school use with an average of one car journey every two to three minutes during the AM peak and negligible movements during the PM peak. It is also stated that there is also a strong likelihood that these trips would be link trips and journeys that already exist on the highway network, therefore these may not be additional to the network.
- 11.416 A number of objections have raised concerns that, due to pupils attending the school who do not reside in the immediate locality, there will be a greater number of car trips associated with the school use than anticipated within the Transport Assessment. The applicant's transport consultants have responded that pupils travelling from the Canonbury area are expected to arrive by public transport as Bus Route 4 provides a direct connection to the school (Baltic Street West stop on Goswell Road). The transport consultants also refer to

the worst case scenario detailed above which was modelled in response to TfL's comments. It is further noted that if cars were to use Golden Lane for drop off, then pay & display bays on Golden lane can be used for this purpose. The cost of parking on Golden Lane is £4.80 per hour which, coupled with the increase in restriction hours on the Islington side of Golden Lane, should discourage drop offs by car. Vehicular travel can be further addressed through the implementation of stricter targets within the school Travel Plan (which would be secured by legal agreement) with regular monitoring during the first few years of operation to ensure that targets are being achieved.

- 11.417 If vehicle travel is a concern, it would be appropriate to implement stricter targets through the school travel plan (secured via s106), with more regular monitoring during the first few years of operation to ensure that targets are being achieved.
- 11.418 The Transport Assessment includes Pedestrian Environment Review System (PERS) Audit and a Cycle Level of Service (CLOs) and conclude that there would be no detrimental impact as a result of an increase in pedestrians and cyclists within the area.
- 11.419 The GLA Stage 1 comments note that the Pedestrian Environment Review Survey (PERS) audit identifies low scoring areas but no potential improvements. Improvements and means of delivery should therefore be identified in line with the Mayor's and TfL policy documents on Healthy Streets, and the draft Mayor's Transport Strategy.
- 11.420 The applicant has commented that no link, crossing, public transport waiting area or public space achieved less than an 'Amber' rating and notes that the TfL guidance on PERS audits advises that 'Amber' represents average provision, with some features that potentially give cause for concern. The applicant states that the amber links, crossings, etc. are not of a poor quality and that many of the links, particularly the streets to the north of the site such as Garrett Street, Honduras Street, Timber Street, etc. have narrow footways resulting in lower scores, most of which experience very low pedestrian footfall. The applicant further advises that, as the streets are not key routes, they are mainly used for pedestrian access only and, due to the constrained widths of the footways, it is difficult to improve the quality of these links. It is therefore suggested that the main links, which have achieved higher scores and are therefore deemed as better pedestrian routes, will be promoted through improved signage to the school and wider Golden Lane Estate. It is recommended that improved signage be secured through a Section 106 agreement, as requested by the GLA within the Stage 1 response.

#### Car Parking

- 11.421 The proposed development would be car free.
- 11.422 The GLA Stage 1 comments also advise that at least one on-site/off-site Blue Badge car parking space should be provided with suitable drop off/pick up facilities for disabled people. The applicant advises that two on-street disabled car parking spaces would be provided. One of these would replace an existing disabled parking space within a garage on the service road adjacent to Basterfield House whilst the second will be provided for blue badge holders.
- 11.423 The applicant advises that the City of London have acknowledged the need to provide these spaces within the highway. Should there be a conflict over providing spaces within the highway due to demand for spaces in the area, the City of London have acknowledged that

a review of estate parking will be required and that the same level of parking around the area would be maintained so that parking for blue badge holders can be located within an appropriate distance of the site. Further discussions are taking place in relation to on-street disabled parking and it is anticipated that this matter can be satisfactorily resolved and an appropriate arrangement can be secured through a Section 106 and, as appropriate, a Section 278 agreement. An update on this matter will be provided verbally at the committee meeting.

#### Construction Management Plan

- 11.424 The application is accompanied by a Draft Construction Management Plan which sets out the construction methodology, programme and general logistical requirements for the proposed development.
- 11.425 The GLA have requested a two stage condition which would require an initial Construction Logistics Plan to be agreed prior to the appointment of a contractor and a further Plan to be agreed following the appointment of a contractor. The applicant advises that a contractor is already in place subject to the grant of planning permission and it is therefore recommended that a single stage Demolition and Construction Logistics Plan be secured by condition to incorporate the requirements of the GLA, Islington's Public Protection Officer and also requests from the City of London.
- 11.426 It is also recommended that a Demolition Construction Environmental Management Plan be secured by condition should planning permission be granted which would also be required to incorporate requirements of the GLA, Islington's Public Protection Officer and the City of London.

#### Public Realm Works

- 11.427 No objections are raised in relation to the public realm works proposed on Golden Lane and Baltic Street East and these would be secured through the Section 106 agreement and a Section 278 agreement.

#### Servicing

- 11.428 The application states that servicing for the proposed residential use is anticipated to be 'minimal', with a small number of deliveries (e.g. Amazon or supermarket) occurring at off-peak times on an ad-hoc basis to Golden Lane.
- 11.429 Servicing for the proposed school use is anticipated to typically comprise 2 to 3 vehicular deliveries per day and is expected to comprise:
- A weekly Bin Collection;
  - A biweekly Recycling Collection;
  - A daily Kitchen Delivery;
  - A daily post delivery (made on foot); and
  - A further daily delivery for other resources.
- 11.430 Delivery and servicing for the school would take place from Baltic Street West. The applicant has submitted a vehicle tracking diagram demonstrating that a 7.5 tonne box van which would be expected to carry out the servicing can perform a three point turn on Baltic Street West. It is proposed that the trips would be the subject of a Delivery and Servicing Plan with deliveries timed for day time hours when Pupils are within the school in order to avoid conflict

between pupils and delivery vehicles and unsocial delivery times for residents living in close proximity to the school. Refuse vehicle servicing is addressed below.

- 11.431 Further discussions are taking place in relation to servicing arrangements including the on-street servicing proposals on Golden Lane. It is anticipated that these matters can be satisfactorily resolved and appropriate arrangements can be secured through a Section 106 and a Section 278 agreement. An update on this matter will be provided verbally at the committee meeting.

#### Waste

- 11.432 The proposed residential bin stores are located on the ground floor of the building with doors on the northern elevation of the residential building with gates opening up onto Golden Lane to facilitate easy access in line with the Council's standards. It is anticipated that the residential refuse and recycling collections would take place bi-weekly.
- 11.433 It is anticipated that there would be a weekly bin collection and a bi-weekly recycling collection for the school use which would take place from Baltic Street West. The refuse vehicles then using the existing underground service route accessed to the front of Hatfield House which runs south under the Golden Lane Estate and exits onto Fann Street, in line with existing arrangements. The school's facilities manager will be responsible for moving the refuse from the bin store to the on-street location for collection. The proposed refuse servicing arrangements would involve an additional stop for the refuse vehicle on an existing route, which already operates via the Golden Lane Estate underground service road.
- 11.434 The proposed waste collection arrangements have been considered against the Council's recycling and refuse storage arrangements and are considered acceptable subject to a condition securing further details of the refuse collection point.

#### Cycle Access and Parking

- 11.435 Policy DM8.4 (Walking and Cycling), Part D requires the provision of secure, sheltered, integrated, conveniently located, adequately lit, step-free and accessible cycle parking.
- 11.436 Islington's cycle parking requirements are set out in Appendix 6 of the Development Management Policies document and give rise to a requirement for 102 spaces for the residential use and 46 spaces for the school use. The London Plan cycle parking requirements are set out in Table 6.3 and specify a requirement for 98 long stay spaces and one short stay space for the residential use and 56 long stay and 4 short stay spaces for the school use. 102 long stay spaces will be provided for the residential use, in line with Islington's requirements, whilst 12 spaces will be provided for the school use. TfL have commented that 56 long stay and 4 short stay spaces should be provided. 48 long stay and 12 short stay cycle parking spaces are proposed for the school use.
- 11.437 School cycle parking standards do not differentiate between secondary and primary school children, and it may be considered that secondary schools would be likely to generate a greater level of cycling than a primary school. It is also the case that some pupils, and increasing numbers of pupils in the future, would live in close proximity to the school. It is therefore considered that the shortfall in the provision of long stay spaces and the corresponding over provision of short stay spaces would represent an acceptable provision of cycle parking for the school use in this case. Conditions are recommended to secure these spaces.

- 11.438 The proposed development would not meet the specific requirements of the Development Plan in terms of numbers of long stay and short stay cycle parking spaces but would meet the overall numerical requirement. It is recommended that cycle parking for the development be secured by condition should planning permission be granted.

#### Travel Plan

- 11.439 The application is accompanied by a draft Travel Plan.
- 11.440 The GLA Stage 1 comments advised that mode share targets for walking and cycling put forward in the draft Travel Plan are unambitious and should be higher in line with the draft Mayor's Transport Strategy approach and to reflect local context. The Travel Plan should therefore be redrafted to reflect these concerns prior to determination and appropriately secured.
- 11.441 The applicant has submitted a revised residential Travel Plan which reflects the emerging London Plan's emphasis on the health benefits of walking and cycling and therefore includes more ambitious targets to further increase the walking and cycling from the site, particularly from the residential development.
- 11.442 Objections have been received in relation to nearby residents' views that a significant portion of the school role would be from locations beyond walking distance to the site and that this would create safety concerns. It is noted that a revised Travel Plan was received from the applicant and that the City has recommended further details of measures to discourage private car use. In this regard, a bespoke targeted Travel Plan is to be required as part of the s106 legal agreement to specifically:
- Discourage private car use.
  - Measures to stop idling engines and any other relevant measures.
  - It is noted that some schools have adopted processes of fining parents who drive children to school and this is not ruled out as an option to seek to address air quality concerns.

#### Wind Impact

- 11.443 The application is not accompanied by a wind impact assessment. The applicant has advised that a preliminary report for an earlier iteration of the scheme was prepared by BMT Fluid Mechanics for internal purposes only to inform the bulk, massing and design approach of the scheme. The report identified that the proposed development is well sheltered by neighbouring developments (bar the west facing façade of the residential block). It stated that:

*"...the balcony configuration across the aforementioned façade of the proposed development will have a beneficial impact on wind conditions, alleviating the potential for downdraughts and corner accelerations. Consequently, wind conditions around the proposed development at ground level are expected to rate as suitable, in terms of both pedestrian safety and comfort, for their intended usages."*

- 11.444 Accordingly, the report concluded that *"The introduction of the proposed development is expected to have a negligible impact on the wind conditions within its immediate surrounding."*

- 11.445 The assessment noted that the proposed balconies needed to include solid balustrades to ensure that the environmental conditions on the balconies are at a comfortable level. This has been taken forward in to the scheme as shown on the submitted plans. The applicant advises that, given the conclusions of the initial testing, further modelling was not taken forward through the design development.
- 11.446 It would appear credible that, given the height of the building and the design, which incorporates balconies and decks which may cause an obstruction to any downdraft, that the proposed tall building would be unlikely to result in any adverse wind impacts at street level. Nevertheless, a condition securing wind mitigation measures is recommended.

### **Archaeology**

- 11.447 The site is located within an Archaeological Priority Area and the application is accompanied by an Archaeological Desk Based Assessment. The Assessment identifies that the site was at least partly developed by the late 16th century and therefore a programme of archaeological mitigation works is envisaged. In particular, it is noted that the site has a low to medium potential for Roman remains, a medium to high potential for medieval remains and a high potential for post-medieval remains.
- 11.448 Historic map regression suggests that at least three cycles of building and demolition have taken place on the site, which was also bombed during the Second World War. It is therefore likely that evidence of previous phases of use will have been impacted by subsequent development, although the extent to which earlier remains survive cannot be confirmed without investigations on the ground. It is therefore recommended that a two stage programme of investigation be undertaken prior to the commencement of development as follows:
- 1) An archaeological watching brief during the excavation of geotechnical test pits following demolition of existing buildings - this would give a clear indication, of both the potential for archaeological remains to survive, and the areas of the site where they are likely to be located.
  - 2) An archaeological trial trench evaluation which would follow the watching brief and focus on areas where the geotechnical pits indicated a potential for buried archaeological remains to survive.
- 11.449 Should the presence of buried archaeological remains be confirmed then it is likely that further mitigation works would be required. It is recommended that the scope of any further archaeological works would be limited to the excavation and recording of any remains which would be directly impacted by the development. A programme of post-excavation analysis, reporting and dissemination would be carried out as necessary.
- 11.450 Historic England (Greater London Archaeology Advisory Service) agree with the applicant's assessment of the potential for archaeological remains. It is noted that no substantive assessment is made of the impact of the proposed development, in the absence of which there is a risk of substantial harm to any surviving buried archaeological remains. Further information is required on the survival, character, extent, depth and significance of archaeological remains to develop a 'deposit model' in order to meaningfully assess the archaeological impact of development and means of mitigating that impact. It is therefore recommended that investigations be carried out as proposed within the applicant's

Assessment. A field evaluation report, which would normally include the excavation of trial trenches, would usually be used to inform a planning decision prior to determination but can also be required by condition to refine a mitigation strategy after permission has been granted.

- 11.451 GLAAS advise that the nature and scope of assessment and evaluation should be agreed and carried out prior to any grant of planning permission. The subsequent archaeological report would be required to establish the significance of the site and the impact of the proposed development which would inform a recommendation by GLAAS. Archaeological safeguards could involve design measures to preserve remains in situ or, where that is not feasible, archaeological investigation prior to development. GLAAS advise that if a planning decision is to be taken without the provision of sufficient archaeological information then the failure of the applicant to provide adequate archaeological information would constitute grounds for refusal of planning permission.
- 11.452 The representation from GLAAS is noted. However, there is a building in place on much of the site and it is understood that the excavation of archaeological trenches would involve significant intrusive works which would cause substantial damage to the existing building.
- 11.453 It is considered that any archaeological interest on the site can be satisfactorily safeguarded through a planning condition securing a programme of archaeological investigation prior to the commencement of development (excluding demolition) where there is likely to be any impact on remains as a result of the proposed development. This would facilitate the demolition of the existing building prior to excavation of archaeological trenches. On this basis, the proposal is considered acceptable in terms of archaeology and to accord with London Plan, Islington and City of London's policies subject to conditions.

### **Contaminated Land**

- 11.454 Policies 5.21 of the London Plan, DM6.1 of the Council's Development Management Policies document and DM15.8 of the City of London's Local Plan require the identification and appropriate remediation of contaminated land.
- 11.455 The application is accompanied by a Ground Condition Survey which includes a desktop Geo-Environmental Risk Assessment which advises that elevated concentrations of potential contaminants are likely to be present in the near-surface soils on the site and any free waters in those soils associated primarily with former commercial and industrial uses on the site. The Risk Assessment indicates no significant risk to human health, controlled waters or ecology and wildlife as a result of the proposed development. Accordingly, the site would not be designated as contaminated land under Part II(a) of the Environmental Protection Act 1990. It is therefore suggested that a ground investigation is not required to support the planning application and any requirement for an intrusive geo-environmental investigation can be dealt through a condition should planning permission be granted.
- 11.456 The Council's Public Protection Officer has raised no objections to the proposed development in terms of contaminated land subject to a condition securing a land contamination investigation and any required contamination remediation works.

## **Unexploded Ordnance**

- 11.457 The application is accompanied by a Detailed Unexploded Ordnance (UXO) Threat and Risk Assessment which identifies that there is a medium risk of unexploded ordnance on the site. The following risk mitigation measures are recommended:
- Site specific unexploded ordnance awareness briefings to all personnel conducting intrusive works;
  - Unexploded ordnance specialist on-site support;
  - Intrusive Magnetometer Survey of all borehole and pile locations/clusters down to maximum bomb penetration depth.
- 11.458 The Council's Public Protection Officer has recommended that the above recommendations are secured by a condition (No. 8).

## **Planning Obligations and Community Infrastructure Levy**

- 11.459 The Community Infrastructure Levy (CIL) Regulations 2010, part 11 introduced the requirement that planning obligations under section 106 must meet three statutory tests, i.e. that they (i) necessary to make the development acceptable in planning terms, (ii) directly related to the development, and (iii) fairly and reasonably related in scale and kind to the development.
- 11.460 The Section 106 agreement would include the following agreed Heads of Terms:
1. On-site provision of 66 affordable (social rented) housing units with nomination rights split between the City of London and Islington in line with agreed principles
  2. Community Use agreement and management plan for the school hall
  3. Contribution in lieu of on-site children's play space of £134,676.
  4. Residents of the residential building to have unrestricted access of the school's MUGA outside of school hours in accordance with an agreed management programme.
  5. The relocation of the Adult Community Education centre *Update to be provided and this may not be required as a Head of Term.*
  6. Public realm improvements along the public right of way between the site and Basterfield House and on Golden Lane and Baltic Street West.
  7. Submission of a Green Performance Plan and a post occupation Green Performance Plan.
  8. Future proofing for connection to a local energy network if a viable opportunity arises in the future.
  9. Contribution of £155,991 towards offsetting projected residual CO2 emissions of the development.
  10. Compliance with the Code of Employment and Training.
  11. Facilitation of 3 work placements during the construction phase of the development, lasting a minimum of 26 weeks, or a fee of £15,000 to be paid to LBI.
  12. Compliance with the Code of Local Procurement.
  13. Compliance with the Code of Construction Practice, including a monitoring fee of £6,000 and submission of site-specific response document to the Code of Construction Practice for approval of LBI Public Protection, which shall be submitted prior to any works commencing on site.



14. The repair and re-instatement of the footways and highways adjoining the development, including the removal of redundant footway crossovers. The cost is to be confirmed by LBI Highways, paid for by the applicant/developer and the work carried out by LBI Highways. Condition surveys may be required.
15. Provision of 2 accessible (blue badge) car parking bays.
16. Provision of a contribution of £10,000 towards provision of on-street bays or other accessible transport initiatives.
17. Submission of a draft full Travel Plan for Council approval prior to occupation, and of a full Travel Plan for Council approval 6 months from first occupation of the development or phase.
18. Removal of eligibility for residents' car parking permits.
19. Payment of Council's fees in preparing and monitoring the S106.
20. Improved signage to school and wider Golden Lane Estate.

11.461 Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), the Mayor of London's and Islington's Community Infrastructure Levy (CIL) will be chargeable on this application on grant of planning permission. This will be calculated in accordance with the Mayor's adopted Community Infrastructure Levy Charging Schedule 2012 and the Islington adopted Community Infrastructure Levy Charging Schedule 2014.

## **12. OVERALL ASSESSMENT, SUMMARY AND CONCLUSION**

- 12.1 As identified within this report, the proposed development would result in identified benefits and identified harm in planning terms.
- 12.2 Section 70(2) of the Town and Country Planning Act 1990 states that in dealing with a planning application 'the authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material consideration.'
- 12.3 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that 'If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'
- 12.4 There are the following additional requirements when considering planning applications which affect the setting of a listed building or the character and appearance of a conservation area. (Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that: 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall 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'.)
- 12.5 Section 72(1) of the Act states: 'In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area'.
- 12.6 The effect of the duties imposed by section 66(1) and 72(1) of the Planning (Listed buildings and Conservation Areas) Act 1990 is, respectively, to require decision-makers to give

considerable weight and importance to the desirability of preserving the setting of listed buildings, and to the desirability of preserving or enhancing the character or appearance of a conservation area.

12.7 The NPPF states at paragraphs 132 and 134-135, inter alia, that:

132. *'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification...'*

134. *'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.'*

135. *'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'*

#### Assessment of Harm

12.8 It is considered that the introduction of a highly prominent tall building will result in some harm to the settings of Basterfield House and Hatfield House and the St. Luke's Conservation Area from views from the west. Similarly, the proposed residential building will result in harm to the setting of the St Luke's Conservation Area in views from the east.

12.9 The proposed development will result in harm to the setting of the Golden Lane Estate as a whole in views from within the estate, most notably through the introduction of bulky and looming development into a previously open diagonal view across the estate, detracting from an appreciation of the unity and spatial composition of the existing buildings. This harm to the setting of the estate is considered particularly harmful in terms of the identified contribution of the setting to the significance of the Golden Lane Estate.

12.10 The proposal will result in harm in heritage terms to the setting of the Grade II listed Stanley Cohen House and harm to the setting of the St. Luke's Conservation Area, including the two locally listed buildings located within the St Luke's Conservation Area fronting Golden Lane on the Golden Lane street scene through its uncomfortable design and its dominant and excessive height, scale and massing with little space around it to provide relief.

12.11 Overall, it is considered that this harm will constitute less than substantial harm to the significance of designated heritage assets. In cases where the degree of harm is considered to be less than substantial, paragraph 134 of the NPPF requires that the harm should be weighed against the public benefits of the proposal. The effect of the duties imposed by section 66(1) and 72(1) of the Planning (Listed buildings and Conservation Areas) Act 1990 is that where harm is identified, that harm should be given considerable importance and weight in the planning balance.

- 12.12 It is considered that the proposed residential block, by reason of its excessive height, scale and massing with little space around it to provide relief, would overall result in a significant degree of harm to the appearance of the Golden Lane street scene in views from the north and the south. This harm includes the aforementioned harm in heritage terms to the settings of Stanley Cohen House, the Golden Lane Estate as a whole, and the St. Luke's Conservation Area.
- 12.13 The block would also result in some harm in general townscape terms in views from the east and the west, and this includes the aforementioned harm to the settings of Hatfield House, Basterfield House and the St. Luke's Conservation Area.
- 12.14 The proposal will result in harm in policy terms due to conflict with Policy CS9 of the Core Strategy and Policy BC9 of the Finsbury Local Plan. The site is located outside of the locations identified as suitable for tall buildings identified in Policy BC9. Even if the site were located in an area suitable for tall buildings the proposal is not considered to meet the criteria set out in Policy BC9(D) for tall buildings to be acceptable. In particular,
- The building would be harmful in street level views and would not enhance long-distance views.
  - The building would harm the setting of designated and non-designated heritage assets.
  - The building would fall short of the requirement to deliver an exceptional standard of architecture
  - The development would not provide public space.
- 12.15 Similarly, the proposal is not considered to meet the criteria set out in Policy 7.7 of the London Plan for tall buildings to be considered acceptable. In particular:
- The scale, mass and bulk of the building would result in harm to the character of the area.
  - The building would be at odds with the form, proportion, composition, scale and character of surrounding buildings, the urban grain on the Golden Lane frontage
  - The building would not enhance the skyline and image of London.
  - The development would not contribute to improving the permeability of the site and wider area.
  - The building would harm designated and non-designated heritage assets.
- 12.16 Furthermore, the proposal is not considered to meet the criteria set out in Policy CS14 of the City of London Local Plan for tall buildings to be considered acceptable (although it is noted that the City planners have not raised such an objection although have concluded less than substantial harm in heritage terms, that could be reduced by further detailed design work to be secured by conditions. In particular, the building does not represent an example of world class architecture which has suitable regard to the character and amenity of its surroundings and the significance of heritage assets.
- 12.17 The proposal is also considered to be contrary to London Plan policies 7.4 (Local Character) and 7.6 (Architecture), Islington Development Management Policies document policy DM2.1 (Design) and City of London Local Plan policy DM10.1 (New Development) for the reasons set out above.
- 12.18 The proposal will result in harm to the residential amenities of properties in Banner House, Basterfield House and Hatfield House by reason of loss of daylight. Whilst some inevitable

loss/harm would be expected due to the underutilised nature of this central London site, there is nevertheless harm caused to living conditions.

- 12.19 There is a lack of off-street servicing arrangements for the school and the residential development. Due to the sensitive nature of the school use, this will need to be very carefully managed to ensure that this is an acceptable arrangement and will need to be part of a management plan within the s106 agreement.

#### Assessment of Benefits

- 12.20 The City of London Primary Academy Islington is now an established school which opened in September 2017 and currently occupies temporary accommodation. The delivery of a new school facility is required in order to provide permanent accommodation for the school which will continue accept a new reception year intake each September.
- 12.21 The proposal will result in a substantial public benefit through the delivery of a 2 form entry primary school to address existing and in particular future demand for school places within the surrounding area, through the provision of 420 additional primary school places. The proposed development will also provide social infrastructure through the delivery of a nursery with capacity to accommodate 38 children, resulting in a further public benefit. It is noted that London's, Islington's and the City's populations are all set to continue to increase and there are scarce locations for new schools to be located. In this regard the re-use of an existing school site for increased primary school provision is strongly supported and the National Planning Policy Framework places great weight on the need to support proposals for new and improved schools. The design of the school is considered to offer a very high quality education facility for a central London location (scarcity of land availability).
- 12.22 The proposal will result in the delivery of 66 units of good quality social rented affordable housing. Islington will have nomination rights for 33 (50%) of these units. This social rented housing will assist in addressing a significant and pressing need within the borough and will result in a substantial public benefit.
- 12.23 The proposed development would deliver 3 small / micro office units which is a size and type of use that historically contributed to the character of the area and additionally supports a diverse local economy which supports and complements the central London economy (consistent with Core Strategy CS13). The provision of these units is strongly supported in policy terms and is considered to be a public benefit of the scheme additionally as providing an active vibrant street frontage to the benefit of the public realm and functioning of Golden Lane which at this end has a lack of active uses and so will bring surveillance and public safety benefits.
- 12.24 The proposed development includes proposals for public realm and tree and landscape improvements to the surrounds of the site. Golden Lane would benefit from a widened footway with 5 street trees planted along its length. The Basterfield service lane would be upgraded with improved paving, new bollards and green walls along the proposed sports hall. Baltic Street West would benefit from public realm improvements also. The site would see the replacement of a number of category C trees that are noted to have approximately 10 years of continued life span remaining. A total of 20 new trees would be planted (including the 5 on Golden Lane) which would represent an uplift in tree cover and when considered alongside the green roof and wall to the sports hall would represent an enhancement in biodiversity value across the site.

- 12.25 Overall, it is considered that, in view of the identified educational and housing need, substantial weight can be attached to these substantial public benefits. Additionally the public benefits of active frontage with greater surveillance and small / micro units which are regarded as affordable by virtue of their size, the enhancement to the public realm surrounding the site and the public benefits of tree and biodiversity enhancements when taken together are considered to further increase the substantial public benefits arising from these proposals.

#### Conclusion on Planning Balance

- 12.26 It is considered that the overall harm arising from the proposed development identified above is considerable. However, it is also considered that the overall benefits arising from the proposal are also considerable. This is considered to be a finely balanced case with great weight to be attached to both the harm (particularly the heritage and townscape harm) and the benefits (particularly the social housing and new school and nursery) and on balance, it is considered that the proposal is acceptable in planning terms.

#### **Conclusion**

- 12.27 It is recommended that planning permission be granted for that part of the proposed development within the London Borough of Islington subject to:
- a) the conditions set out in Appendix 1; and
  - b) the prior completion of a Deed of Planning Obligation made under section 106 of the Town and Country Planning Act 1990 securing the heads of terms as set out in Appendix 1; and
  - c) the City of London resolving to grant planning permission in respect of duplicate application reference 17/00770/FULL on the same terms as 1 a) and b) for that part of the proposed development within the City of London; and
  - d) any direction by the Mayor of London to refuse the application or for it to be called in for the determination by the Mayor of London.

AND to delegate to the Corporate Director of Environment & Regeneration in consultation with the Chair of the Committee to make minor amendments to the Heads of Terms and conditions following the resolution of the City of London to ensure consistency.

# APPENDIX 1 – RECOMMENDATIONS

## RECOMMENDATION A

That planning permission be granted **for the reasons summarised in paragraphs ?? of this report** and subject to the prior completion subject to the prior completion of a Deed of Planning Obligation made under section 106 of the Town and Country Planning Act 1990 between the Council and all persons with an interest in the land (including mortgagees) in order to secure the following planning obligations to the satisfaction of the Head of Law and Public Services and the Service Director, Planning and Development / Head of Service – Development Management or, in their absence, the Deputy Head of Service.

1. On-site provision of 66 affordable (social rented) housing units with nomination rights split between the City of London and Islington in line with agreed unit allocations
2. Community Use agreement and management plan for the school hall
3. Contribution in lieu of on-site children's play space of £134,676.
4. Residents of the residential building to have unrestricted access of the school's MUGA outside of school hours in accordance with an agreed management programme.
5. The relocation of the Adult education centre. *Note: this may not be required as a Head of Term and an update will be provided.*
6. Public realm improvements along the public right of way between the site and Basterfield House and on Golden Lane and Baltic Street West.
7. Submission of a Green Performance Plan and a post occupation Green Performance Plan.
8. Future proofing for connection to a local energy network if a viable opportunity arises in the future.
9. Contribution of £155,991 towards offsetting projected residual CO2 emissions of the development.
10. Compliance with the Code of Employment and Training.
11. Facilitation of 3 work placements during the construction phase of the development, lasting a minimum of 26 weeks, or a fee of £15,000 to be paid to LBI.
12. Compliance with the Code of Local Procurement.
13. Compliance with the Code of Construction Practice, including a monitoring fee of £6,000 and submission of site-specific response document to the Code of Construction Practice for approval of LBI Public Protection, which shall be submitted prior to any works commencing on site.
14. The repair and re-instatement of the footways and highways adjoining the development, including the removal of redundant footway crossovers. The cost is to be confirmed by LBI Highways, paid for by the applicant/developer and the work carried out by LBI Highways. Condition surveys may be required.
15. Provision of 2 accessible (blue badge) car parking bays.
16. Provision of a contribution of £10,000 towards provision of on-street bays or other accessible transport initiatives.
17. Submission of a draft full Travel Plan for Council approval prior to occupation, and of a full Travel Plan for Council approval 6 months from first occupation of the development or phase.
18. Removal of eligibility for residents' car parking permits.

19. Payment of Council's fees in preparing and monitoring the S106.
20. Improved signage to school and wider Golden Lane Estate.

That, should the **Section 106** Deed of Planning Obligation not be completed within 13 weeks / 16 weeks (for EIA development) from the date when the application was made valid, the Service Director, Planning and Development / Head of Service – Development Management or, in their absence, the Deputy Head of Service may refuse the application on the grounds that the proposed development, in the absence of a Deed of Planning Obligation is not acceptable in planning terms.

ALTERNATIVELY should this application be refused (including refusals on the direction of The Secretary of State or The Mayor) and appealed to the Secretary of State, the Service Director, Planning and Development / Head of Service – Development Management or, in their absence, the Deputy Head of Service be authorised to enter into a Deed of Planning Obligation under section 106 of the Town and Country Planning Act 1990 to secure to the heads of terms as set out in this report to Committee.

## RECOMMENDATION B

That the grant of planning permission be subject to **conditions** to secure the following:

1	<b>Commencement (compliance)</b>
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	<b>Approved plans list (compliance)</b>
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>COL-HBA-00-00-DR-A-00_0010 Rev. P2; COL-HBA-00-00-DR-A-00_0011 Rev. P1; COL-HBA-00-00-DR-A-00_0012 Rev. P1; COL-HBA-00-00-DR-A-00_0013 Rev. P1; COL-HBA-00-00-DR-A-00_0014 Rev. P1; COL-HBA-00-00-DR-A-00_0015 Rev. P2; COL-HBA-00-00-DR-A-00_0020 Rev. P1; COL-HBA-00-00-DR-A-00_0021 Rev. P1; COL-HBA-00-00-DR-A-00_0022 Rev. P1; COL-HBA-00-00-DR-A-00_0050 Rev. P1; COL-HBA-00-00-DR-A-00_0051 Rev. P1; COL-HBA-00-00-DR-A-00_0052 Rev. P1; COL-HBA-00-00-DR-A-00_200 Rev. P2; COL-HBA-00-00-DR-A-00_201 Rev. P5; COL-HBA-00-00-DR-A-00_202 Rev. P5; COL-HBA-00-00-DR-A-00_203 Rev. P5; COL-HBA-00-00-DR-A-00_204 Rev. P5; COL-HBA-00-00-DR-A-00_205 Rev. P5; COL-HBA-00-00-DR-A-00_206 Rev. P5; COL-HBA-00-00-DR-A-00_207 Rev. P4; COL-HBA-00-00-DR-A-00_208 Rev. P4; COL-HBA-00-00-DR-A-00_209 Rev. P2; COL-HBA-00-00-DR-A-00_0220 Rev. P4; COL-HBA-00-00-DR-A-00_0221 Rev. P3; COL-HBA-00-00-DR-A-00_0222 Rev. P3; COL-HBA-00-00-DR-A-00_0223 Rev. P4; COL-HBA-00-00-DR-A-00_0224 Rev. P4; COL-HBA-00-00-DR-A-00_0225 Rev. P3; COL-HBA-00-00-DR-A-00_0226 Rev. P3; COL-HBA-00-00-DR-A-00_0227 Rev. P3; COL-HBA-00-00-DR-A-00_0240 Rev. P3; COL-HBA-00-00-DR-A-00_0241 Rev. P3; COL-HBA-00-00-DR-A-00_0242 Rev. P2; COL-HBA-00-00-DR-A-PL_0560 Rev. P2; COL-HBA-00-00-DR-A-PL_0561 Rev. P2; COL-HBA-00-00-DR-A-PL_0562 Rev. P2; Planning Statement (July 2017); Planning Statement Addendum</p>

	<p>(October 2017); Heritage Townscape and Visual Impact Assessment (July 2017); Design and Access Statement (July 2017); Design and Access Statement Addendum (October 2017); Sustainability and Energy Statement (July 2017); Sustainability and Energy Statement Addendum (October 2017); Ecology Report (July 2017); Transport Assessment (July 2017); Transport Assessment Addendum (October 2017); Transport Technical Note (February 2018); Draft Travel Plan (Residential &amp; School Uses) (July 2017); Statement of Community Involvement (July 2017); Flood Risk Assessment (July 2017); Site Drainage Report (July 2017); Noise Assessment (July 2017); Noise Assessment Addendum (October 2017); Daylight and Sunlight Assessment (July 2017); Daylight and Sunlight Addendum (October 2017); Archaeological Assessment (July 2017); Utilities and Foul Sewerage Assessment (July 2017); Unexploded Ordnance Survey (July 2017); Draft Construction Management Plan (July 2017); Arboricultural Impact Assessment (July 2017); Fire Strategy (July 2017); Fire Strategy Addendum Technical Note (February 2018); Air Quality Assessment (July 2017); Phase 1 Ground Condition Assessment (July 2017); Housing and Educational Need Statement (January 2018); School Green Performance Plan (October 2017); Residential Green Performance Plan (October 2017).</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p>
3	<p><b>Materials and Samples for school buildings (Compliance and Details)</b></p> <p>Details and samples (where appropriate) of the following facing materials for the school buildings shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of superstructure or relevant works. The details and samples shall include:</p> <ul style="list-style-type: none"> <li>a) Brickwork, bond and mortar courses;</li> <li>b) Particulars and samples of the materials to be used on all external faces of the building including external ground and upper level surfaces;;</li> <li>c) Window treatment (including glazing, sections and reveals) and external joinery;</li> <li>d) Doors</li> <li>e) Green procurement plan for sourcing the proposed materials;</li> <li>f) Soffits, handrails and ballustrades;</li> <li>g) Details of junctions;</li> <li>h) Louvres;</li> <li>i) Details of any mansafe system;</li> <li>j) Details of the school entrance on Golden Lane, including surface, wall and soffit treatment and seating;</li> <li>k) Any other materials to be used.</li> </ul> <p>The Green Procurement Plan shall demonstrate how the procurement of materials for the development will promote sustainability, including through the use of low impact, sustainably-sourced, reused and recycled materials and the reuse of demolition waste.</p> <p>The development shall be carried out strictly in accordance with the details and samples so approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p>



	<p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
4	<p><b>Materials and Samples for residential/commercial building (Compliance and Details)</b></p> <p>Details and samples (where appropriate) of the following facing materials of the residential/commercial building shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of superstructure or relevant works. The details and samples shall include:</p> <ul style="list-style-type: none"> <li>a) Brickwork, bond and mortar courses;</li> <li>b) Particulars and samples of the materials to be used on all external faces of the building including external ground and upper level surfaces;;</li> <li>c) Window treatment (including glazing, sections and reveals) and external joinery;</li> <li>d) Doors</li> <li>e) Green procurement plan for sourcing the proposed materials;</li> <li>f) Soffits, handrails and balustrades;</li> <li>g) Details of junctions;</li> <li>h) Details of balconies and decks;</li> <li>i) Louvres;</li> <li>j) Details of any mansafe system;</li> <li>k) Details of the ground floor office entrances;</li> <li>l) Details of the top storey of the podium to the residential tower;</li> <li>m) Any other materials to be used.</li> </ul> <p>The Green Procurement Plan shall demonstrate how the procurement of materials for the development will promote sustainability, including through the use of low impact, sustainably-sourced, reused and recycled materials and the reuse of demolition waste.</p> <p>The development shall be carried out strictly in accordance with the details and samples so approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
5	<p><b>Landscaping/Tree Planting for school (Details)</b></p> <p>CONDITION: A landscaping scheme for the school development shall be submitted to and approved in writing by the Local Planning Authority prior to relevant works. The landscaping scheme shall include the following details:</p> <ul style="list-style-type: none"> <li>a) specification to ensure successful establishment and survival of new planting.</li> <li>b) a schedule detailing sizes, species and numbers of all new trees/plants;</li> <li>c) a biodiversity statement detailing how the landscaping scheme maximises biodiversity;</li> <li>d) existing and proposed underground services and their relationship to both hard and soft landscaping;</li> <li>e) proposed trees: their location, species and size;</li> <li>f) soft plantings: including grass and turf areas, shrub and herbaceous areas;</li> </ul>

	<ul style="list-style-type: none"> <li>g) specifications, plans sections and details including earthworks, ground finishes, top soiling with both conserved and imported topsoils, levels, drainage and fall in drain types;</li> <li>h) enclosures: including types, dimensions and treatments of walls, fences, screen walls, barriers, rails, retaining walls and hedges;</li> <li>i) hard landscaping: including ground surfaces, kerbs, edges, rigid and flexible pavings, unit paving, furniture, steps</li> <li>j) any other landscaping features forming part of the scheme.</li> </ul> <p>All landscaping in accordance with the approved scheme shall be completed / planted during the first planting season following practical completion of the development hereby approved. The landscaping and tree planting shall have a two year maintenance / watering provision following planting and any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of completion of the development shall be replaced with the same species or an approved alternative to the satisfaction of the Local Planning Authority within the next planting season.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p>
6	<p><b>Landscaping/Tree Planting for public realm and Basterfield Service Road (Details)</b></p> <p>CONDITION: A landscaping scheme for the public realm on Golden Lane and Baltic Street West and for the the Basterfield Service Road shall be submitted to and approved in writing by the Local Planning Authority prior to relevant works. The landscaping scheme shall include the following details:</p> <ul style="list-style-type: none"> <li>a) specification to ensure successful establishment and survival of new planting.</li> <li>b) a schedule detailing sizes, species and numbers of all new trees/plants;</li> <li>b) a biodiversity statement detailing how the landscaping scheme maximises biodiversity;</li> <li>c) existing and proposed underground services and their relationship to both hard and soft landscaping;</li> <li>d) proposed trees: their location, species and size;</li> <li>e) soft plantings: including grass and turf areas, shrub and herbaceous areas;</li> <li>f) specifications, plans sections and details including earthworks, ground finishes, top soiling with both conserved and imported topsoils, levels, drainage and fall in drain types;</li> <li>g) enclosures: including types, dimensions and treatments of walls, fences, screen walls, barriers, rails, retaining walls and hedges;</li> <li>h) hard landscaping: including ground surfaces, kerbs, edges, rigid and flexible pavings, unit paving, furniture, steps</li> <li>i) any other landscaping features forming part of the scheme.</li> </ul> <p>All landscaping in accordance with the approved scheme shall be completed / planted during the first planting season following practical completion of the development hereby</p>

	<p>approved. The landscaping and tree planting shall have a two year maintenance / watering provision following planting and any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of completion of the development shall be replaced with the same species or an approved alternative to the satisfaction of the Local Planning Authority within the next planting season.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p>
<b>7</b>	<b>Tree Pits and Tree Pit Details (Details)</b>
	<p>CONDITION: Details of all tree pits; their locations, dimensions and depths in relation to ground levels, underground services, and hard landscaping shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the relevant works.</p> <p>The tree pits shall be carried out strictly in accordance with the details so approved, provided/installed prior to occupation and shall be maintained as such thereafter.</p> <p>REASON: To secure the appropriate provision of street-trees and to ensure that the life of the trees would not unduly constrained.</p>
<b>8</b>	<b>Green/Brown Biodiversity Roofs (Details)</b>
	<p>CONDITION: Details of the biodiversity (green) roofs as shown on plans COL-HBA-00-00-DR-A-00_202 Rev. P4 and COL-HBA-00-00-DR-A-00_204 Rev. P4 shall be submitted to and approved in writing by the Local Planning Authority prior to relevant works. The biodiversity (green) roofs shall be:</p> <ul style="list-style-type: none"> <li>a) biodiversity based with extensive substrate base (depth 80-150mm); and</li> <li>b) planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum).</li> </ul> <p>Details of the irrigation and maintenance regime for the proposed green roofs shall be submitted to and approved in writing by the local planning authority before any works thereby affected are begun.</p> <p>The biodiversity (green) roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.</p> <p>The biodiversity roofs shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
<b>9</b>	<b>Land Contamination (Details)</b>

	<p>CONDITION: Prior to the commencement of works below ground the following assessment in response to the NPPF and in accordance with CLR11, BS10175:2011 and the requirements of DEFRA shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>a) A land contamination investigation and risk assessment to establish if the site is contaminated and to determine the potential for pollution.</p> <p>Following the agreement to details relating to point a); details of the following works shall be submitted to and approved in writing by the Local Planning Authority prior to the relevant works commencing on site:</p> <p>b) A programme of any necessary remedial land contamination remediation works arising from the land contamination investigation to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and to the natural and historical environment. Unless otherwise agreed in writing by the Local Planning Authority the remediation scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.</p> <p>The development shall be carried out strictly in accordance with the investigation and any scheme of remedial works so approved and no change therefrom shall take place without the prior written approval of the Local Planning Authority.</p> <p>c) Following completion of measures identified in the approved remediation scheme a verification report, that demonstrates the effectiveness of the remediation carried out, must be produced which is subject to the approval in writing of the Local Planning Authority in accordance with part b).</p> <p>REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.</p>
10	<p><b>Unexploded Ordnance (Compliance)</b></p> <p>CONDITION: The development shall be carried out strictly in accordance with the Detailed Unexploded Ordnance (UXO) Threat and Risk Assessment so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority. The following risk mitigation methods shall be implemented during the site development:</p> <ul style="list-style-type: none"> <li>• Site specific unexploded ordnance awareness briefings to all personnel conducting intrusive works;</li> <li>• Unexploded ordnance specialist on-site support;</li> <li>• Intrusive Magnetometer Survey of all borehole and pile locations/clusters down to maximum bomb penetration depth.</li> </ul> <p>REASON: In the interests of the safety of personnel working on site and the public.</p>

11	<b>Fixed Plant (Details and Compliance)</b>
	<p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating 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. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014.</p> <p>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.</p> <p>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.</p> <p>REASON: To protect the amenities of neighbouring residential/commercial occupiers.</p>
12	<b>Sound Insulation (Details)</b>
	<p>CONDITION: A scheme for sound insulation and noise control measures shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of superstructure in respect of the residential element. The sound insulation and noise control measures shall achieve the following internal noise targets (in line with BS 8233:2014):</p> <p>Bedrooms (23.00-07.00 hrs) 30 dB <math>L_{Aeq, 8 \text{ hour}}</math> and 45 dB <math>L_{Amax (fast)}</math> (<i>design based on the 10<sup>th</sup> -15<sup>th</sup> highest representative <math>L_{Amax}</math> measured during a typical night-time period</i>)</p> <p>Living Rooms (07.00-23.00 hrs) 35 dB <math>L_{Aeq, 16 \text{ hour}}</math></p> <p>Dining rooms (07.00 –23.00 hrs) 40 dB <math>L_{Aeq, 16 \text{ hour}}</math></p> <p>The sound insulation and noise control measures shall be carried out strictly in accordance with the details so approved, shall be implemented prior to the first occupation of the development hereby approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure satisfactory living conditions for future occupants of the development.</p>
13	<b>Use of Generator (Compliance)</b>
	<p>CONDITION: Any generator on the site shall be used solely on intermittent and exceptional occasions when required in response to a life threatening emergency or an exceptional event requiring business continuity and for the testing necessary to meet that purpose and shall not be used at any other time. At all times the generator shall be operated to minimise noise impacts and emissions of air pollutants and a log of its use shall be maintained and be available for inspection by the Local Planning Authority.</p> <p>REASON: To minimise adverse air quality.</p>
14	<b>Acoustic Barrier to Rooftop Play Area (Details)</b>
	<p>CONDITION: Prior to first occupation of the school buildings hereby permitted details of the acoustic barrier to the rooftop play area shall have been submitted to and approved in writing by the Local Planning Authority and shall be installed in accordance with the approved details and shall be permanently thereafter.</p>

	REASON: In the interests of the amenities of the occupants of nearby residential dwellings.
15	<b>Piling Method Statement (Details)</b>
	<p>CONDITION: No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of the piling method statement.</p> <p>REASON: The proposed works will be in close proximity to underground water utility infrastructure. Piling has the potential to impact on local underground water utility infrastructure.</p>
16	<b>Sewer Vents and Interceptor Traps for School Development (Details)</b>
	<p>CONDITION: Before any piling or construction of basements for the school development is commenced a scheme for the provision of sewer vents and interceptor traps within the building shall be submitted to and approved in writing by the local planning authority. Unless otherwise agreed in writing by the local planning authority the agreed scheme for the provision of sewer vents and interceptor traps shall be implemented and brought into operation before the development is occupied and shall be so maintained for the life of the building.</p> <p>REASON: To vent sewerage odour from (or substantially from) the development hereby permitted and mitigate any adverse air pollution or environmental conditions in order to protect the amenity of the area.</p>
17	<b>Sewer Vents and Interceptor Traps for Residential/Commercial Development (Details)</b>
	<p>CONDITION: Before any piling or construction of basements for the residential/commercial development is commenced a scheme for the provision of sewer vents and interceptor traps within the building shall be submitted to and approved in writing by the local planning authority. Unless otherwise agreed in writing by the local planning authority the agreed scheme for the provision of sewer vents and interceptor traps shall be implemented and brought into operation before the development is occupied and shall be so maintained for the life of the building.</p> <p>REASON: To vent sewerage odour from (or substantially from) the development hereby permitted and mitigate any adverse air pollution or environmental conditions in order to protect the amenity of the area.</p>
18	<b>Lighting Plan for School Development (Details)</b>
	<p>CONDITION: Full details of the lighting across the school site shall be submitted to and approved in writing by the Local Planning Authority prior to relevant works.</p> <p>The details shall include the location and full specification of: all lamps; light levels/spill lamps, floodlights, support structures, hours of operation and technical details on how impacts on bat foraging will be minimised. The lighting strategy shall include consideration of all ambient and decorative lighting, including the lighting of spaces and buildings, accounting for siting, intensity, visual brightness, uniformity and colour. The lighting</p>

	<p>measures shall be carried out strictly in accordance with the details so approved, shall be installed prior to occupation of the development and shall be maintained as such thereafter.</p> <p>Prior to commencement of construction a lighting strategy shall be submitted to and approved by the local planning authority. The lighting strategy shall include consideration of all ambient and decorative lighting, including the lighting of spaces and buildings, accounting for siting, intensity, visual brightness, uniformity and colour.</p> <p>REASON: To ensure that any resulting general or security lighting is appropriately located, designed do not adversely impact neighbouring residential amenity and are appropriate to the overall design of the buildings as well as protecting the biodiversity value of the site.</p>
19	<p><b>Lighting Plan for Residential/Commercial Development (Details)</b></p> <p>CONDITON: Full details of the lighting across the residential/commercial site shall be submitted to and approved in writing by the Local Planning Authority prior to relevant works.</p> <p>The details shall include the location and full specification of: all lamps; light levels/spill lamps, floodlights, support structures, hours of operation and technical details on how impacts on bat foraging will be minimised. The lighting strategy shall include consideration of all ambient and decorative lighting, including the lighting of spaces and buildings, accounting for siting, intensity, visual brightness, uniformity and colour. The lighting measures shall be carried out strictly in accordance with the details so approved, shall be installed prior to occupation of the development and shall be maintained as such thereafter.</p> <p>REASON: To ensure that any resulting general or security lighting is appropriately located, designed do not adversely impact neighbouring residential amenity and are appropriate to the overall design of the buildings as well as protecting the biodiversity value of the site.</p>
20	<p><b>Energy Efficiency – CO2 Reduction (Compliance/Details)</b></p> <p>CONDITION: The energy efficiency measures as outlined within the approved Energy Strategy which shall together provide for no less than a 22.2% on-site total CO2 reduction in comparison with total emissions from a building which complies with Building Regulations 2013 as detailed within the Sustainability Statement shall be installed and operational prior to the first occupation of the development.</p> <p>Should there be any change to the energy efficiency measures within the approved Energy Strategy, the following shall be submitted prior to the commencement of the development:</p> <p>A revised Energy Strategy, which shall provide for no less than a 22.2% onsite total CO2 reduction in comparison with total emissions from a building which complies with Building Regulation 2010. This shall include the details of any strategy needed to mitigate poor air quality (such as mechanical ventilation).</p> <p>The final agreed scheme shall be installed and in operation prior to the first occupation of the development.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development.</p>

21	<b>Renewable Energy (Compliance)</b>
	<p>CONDITION: The energy efficiency measures/features and renewable energy technology (solar PV panels), which shall provide for no less than tbc% on-site regulated CO<sub>2</sub> reduction as detailed within the 'Energy Strategy' shall be installed and operational prior to the first occupation of the development.</p> <p>Should, following further assessment, the approved renewable energy option be found to be no-longer suitable:</p> <p>a) a revised scheme of renewable energy provision, which shall provide for no less than tbc% onsite regulated CO<sub>2</sub> reduction, shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The final agreed scheme shall be installed and operational prior to the first occupation of the development and shall be maintained as such thereafter.</p> <p>REASON: In the interest of sustainable development and to ensure that the Local Planning Authority may be satisfied that CO<sub>2</sub> emission reduction targets by energy efficient measures/features and renewable energy are met.</p>
22	<b>Solar Photovoltaic Panels (Details)</b>
	<p>CONDITION: Prior to relevant works, details of the proposed Solar Photovoltaic Panels at the site shall be submitted to and approved in writing by the Local Planning Authority. These details shall include but not be limited to:</p> <ul style="list-style-type: none"> <li>- Location;</li> <li>- Area of panels; and</li> <li>- Design (including elevation plans).</li> </ul> <p>The solar photovoltaic panels as approved shall be installed prior to the first occupation of the development and retained as such permanently thereafter.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development and to secure high quality design in the resultant development.</p>
23	<b>Long and Short Stay Cycle Parking Provision (Compliance)</b>
	<p>CONDITION: The long and short stay bicycle parking indicated on approved plans refs. COL-HBA-00-00-DR-A-00_209 Rev. P1 and COL-HBA-00-00-DR-A-00_201 Rev. P4 which shall provide no less than:</p> <ul style="list-style-type: none"> <li>• 102 long stay parking spaces for the residential use</li> <li>• 48 long stay cycle parking spaces for the school use</li> <li>• 12 short stay cycle parking spaces for the school use</li> <li>• 3 long stay spaces for the commercial use</li> <li>• 8 short stay spaces on the Golden Lane footway for the residential/commercial use.</li> </ul> <p>The bicycle parking spaces shall be provided prior to the first occupation of the relevant part of the development hereby approved and maintained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport.</p>
24	<b>Sustainable Urban Drainage System (Details)</b>



	<p>CONDITION: Prior to the commencement of construction works the following details shall be submitted to and approved in writing by the Local Planning Authority in conjunction with the Lead Local Flood Authority and all development pursuant to this permission shall be carried out in accordance with the approved details:</p> <ul style="list-style-type: none"> <li>a) Fully detailed design and layout drawings for the proposed SuDS components including but not limited to: attenuation systems, rainwater pipework, flow control devices, design for system exceedance, design for ongoing maintenance; surface water flow rates shall be restricted to no greater than 5 l/s from each outfall and from no more than two distinct outfalls, provision should be made for an attenuation volume capacity capable of achieving this, which should be no less than 196m<sup>3</sup>;</li> <li>b) Full details of measures to be taken to prevent flooding (of the site or caused by the site) during the course of the construction works.</li> <li>c) Evidence that Thames Water have been consulted and consider the proposed discharged rate to be satisfactory.</li> </ul> <p>REASON: To improve sustainability, reduce flood risk and reduce water runoff rates.</p>
25	<p><b>Maintenance of SuDS Components (Details)</b></p> <p>CONDITION: Prior to the completion of the shell and core of each building a Lifetime Maintenance Plan for the SuDS system shall be submitted to and approved in writing by the Local Planning Authority in conjunction with the Lead Local Flood Authority. The Lifetime Maintenance Plan shall include:</p> <ul style="list-style-type: none"> <li>- A full description of how the system would work, it's aims and objectives and the flow control arrangements;</li> <li>- A Maintenance Inspection Checklist/Log;</li> <li>- A Maintenance Schedule of Work itemising the tasks to be undertaken, such as the frequency required and the costs incurred to maintain the system.</li> </ul> <p>REASON: To improve sustainability, reduce flood risk and reduce water runoff rates.</p>
26	<p><b>Ground Floor Elevations (Details)</b></p> <p>CONDITION: Full details of the design and treatment of ground floor elevations of the commercial units shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on the ground floor elevations of buildings. The details shall include: doors, sections, elevational and threshold treatments, all to be shown in context and to a scale of 1:50. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter. The approved design/treatments shall be provided prior to the first occupation of the part of the development to which they relate.</p> <p>REASON: To ensure that the Authority may be satisfied with the access arrangements and the street level external appearance / interface of the buildings.</p>
27	<p><b>Roof-Top Plant &amp; Lift Overrun (Details)</b></p> <p>CONDITION: Details of any roof-top structures/enclosures shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works</p>

	<p>commencing on site for the building to which they relate. The details shall include the location, height above roof level, specifications and cladding and shall relate to:</p> <ul style="list-style-type: none"> <li>a) roof-top plant;</li> <li>b) ancillary enclosures/structure; and</li> <li>c) lift overrun</li> </ul> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of good design and also to ensure that the Authority may be satisfied that any roof-top plant, ancillary enclosure/structure and/or the lift overruns do not have a harmful impact on the surrounding streetscene.</p>
28	<p><b>Future Connection (Details)</b></p> <p>CONDITION: Details of how the boiler and associated infrastructure shall be designed to allow for the future connection to any neighbouring heating and cooling network shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The agreed scheme shall be installed prior to the first occupation of the development hereby approved. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure the facility is provided appropriately and so that it is designed in a manner which allows for the future connection to a district system</p>
29	<p><b>BREEAM (Compliance)</b></p> <p>CONDITION: A post construction BREEAM assessment demonstrating that a target rating of 'Excellent' has been achieved for the school and commercial development (or such other target rating as the local planning authority may agree provided that it is satisfied all reasonable endeavours have been used to achieve an 'Excellent' rating) shall be submitted as soon as practicable after practical completion.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development.</p>
30	<p><b>Delivery Servicing Plan – TfL (Details)</b></p> <p>CONDITION: Delivery and servicing plans (DSP) for the school and residential/commercial parts of the development detailing servicing arrangements including the location, times and frequency shall be submitted to and approved in writing by the Local Planning Authority (in consultation with TfL) prior to the first occupation of the relevant part of the development hereby approved.</p> <p>The DSPs shall follow TfL guidance on minimising the impact of freight movements on the transport network.</p> <p>The DSPs shall provide that no servicing shall take place between the hours of 2300 on one day and 0700 on the following day on any day.</p>

	<p>The building facilities shall thereafter be operated strictly in accordance with the details so approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the resulting servicing arrangements are satisfactory in terms of their impact on highway safety and the free-flow of traffic and do not adversely impact on existing and future residential amenity.</p>
31	<p><b>Demolition and Construction Logistics Plans for School Development (Details)</b></p> <p>CONDITION: No demolition or construction works relating to the school development shall take place unless and until a Demolition and Construction Logistics Plan (DCLP) has been submitted to and approved in writing by the Local Planning Authority.</p> <p>The DCLP shall assess the impacts during the demolition and construction phase of the development on surrounding streets and include relevant measures from Section 3 of the Mayor of London's Construction Logistics Plan Guidance for Developers issued in April 2013, and specifically address the safety of vulnerable road users through compliance with the Construction Logistics and Cyclist Safety (CLOCS) Standard for Construction Logistics, Managing Work Related Road Risk.</p> <p>The DCLP should address all vehicular movements to and from the site during demolition and construction phases of development and also demonstrate that vehicular activity associated with construction will be co-ordinated with activity associated with the redevelopment of neighbouring sites in order to manage the cumulative impact on the local highway network.</p> <p>The development shall be carried out strictly in accordance with the approved DCLP throughout the demolition and construction period.</p> <p>REASON: To ensure that demolition and construction works do not have an adverse impact on public safety and the transport network.</p>
32	<p><b>Construction Logistics Plan for Residential/Commercial Development (Details)</b></p> <p>CONDITION: No construction works relating to the residential/commercial development shall take place unless and until a Construction Logistics Plan (CLP) has been submitted to and approved in writing by the Local Planning Authority.</p> <p>The CLP shall assess the impacts during the demolition and construction phase of the development on surrounding streets and include relevant measures from Section 3 of the Mayor of London's Construction Logistics Plan Guidance for Developers issued in April 2013, and specifically address the safety of vulnerable road users through compliance with the Construction Logistics and Cyclist Safety (CLOCS) Standard for Construction Logistics, Managing Work Related Road Risk.</p> <p>The CLP should address all vehicular movements to and from the site during demolition and construction phases of development and also demonstrate that vehicular activity associated with construction will be co-ordinated with activity associated with the redevelopment of neighbouring sites in order to manage the cumulative impact on the local highway network.</p> <p>The development shall be carried out strictly in accordance with the approved CLP throughout the demolition and construction period.</p>

	REASON: To ensure that construction works do not have an adverse impact on public safety and the transport network.
33	<b>Demolition Construction Environmental Management Plan for the School Development (Details)</b>
	<p>CONDITION: A Demolition and Construction Environmental Management Plan (DCEMP) assessing the environmental impacts (including (but not limited to) noise, air quality including dust, smoke and odour, vibration and TV reception) of the development shall be submitted to and approved in writing by the Local Planning Authority prior to any demolition works commencing on site. The report shall assess impacts during the demolition and construction phases of the development on nearby residents and other occupiers together with means of mitigating any identified impacts. The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>THE DCEMP should pay reference to BS5228:2009, LBI's Code of Construction Practice, CoL's Department of Markets and Consumer Protection's Code of Practice for Deconstruction and Construction Sites (and arrangements for liaison set out therein), the GLA's SPG on construction dust and emissions (including the Non-Road Mobile Machinery register) and any other relevant guidance.</p> <p>The DCEMP shall include details of a telephone contact for neighbouring residents in relation to queries or concerns regarding construction management.</p> <p>REASON: In the interests of residential and local amenity, public safety and air quality.</p>
34	<b>Construction Environmental Management Plan for the Residential/Commercial Development (Details)</b>
	<p>CONDITION: A Construction Environmental Management Plan (CEMP) assessing the environmental impacts (including (but not limited to) noise, air quality including dust, smoke and odour, vibration and TV reception) of the development shall be submitted to and approved in writing by the Local Planning Authority prior to any demolition works commencing on site. The report shall assess impacts during the demolition and construction phases of the development on nearby residents and other occupiers together with means of mitigating any identified impacts. The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>THE CEMP should pay reference to BS5228:2009, LBI's Code of Construction Practice, CoL's Department of Markets and Consumer Protection's Code of Practice for Deconstruction and Construction Sites (and arrangements for liaison set out therein), the GLA's SPG on construction dust and emissions (including the Non-Road Mobile Machinery register) and any other relevant guidance.</p> <p>The CEMP shall include details of a telephone contact for neighbouring residents in relation to queries or concerns regarding construction management.</p> <p>REASON: In the interests of residential and local amenity, public safety and air quality.</p>
35	<b>Mounting of Mechanical Plant (Details)</b>
	CONDITION: Before any mechanical plant is used on the premises it shall be mounted in a way which will minimise transmission of structure borne sound or vibration to any other

	<p>part of the building in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.</p> <p>REASON: In order to protect the amenities of occupiers of the building.</p>
36	<p><b>Accessible Housing – Major Schemes (Details)</b></p> <p>CONDITION: Notwithstanding the Design and Access Statement and plans hereby approved, 59 of the residential units shall be constructed to meet the requirements of Category 2 of the National Standard for Housing Design as set out in the Approved Document M 2015 'Accessible and adaptable dwellings' M4 (2) and 7 units shall be constructed to meet the requirements of Category 3 of the National Standard for Housing Design as set out in the Approved Document M 2015 'Wheelchair user dwellings' M4 (3). The Category 3 units shall meet the requirements of M4 (3) (2) (b).</p> <p>A total of six 1-bed and one 2-bed units shall be provided to Category 3 standards.</p> <p>A total of twenty-nine 2-bed, twenty-five 2-bed and five three bed units shall be provided to Category 2 standards.</p> <p>Building Regulations Approved Plans and Decision Advice Notice, confirming that these requirements will be achieved, shall be submitted to and approved in writing by Local Planning Authority prior to commencement of superstructure in respect of the residential element.</p> <p>The development shall be constructed strictly in accordance with the details so approved.</p> <p>REASON - To secure the provision of visitable and adaptable homes appropriate to meet diverse and changing needs, in accordance with London Plan 2016 policy 3.8 (Housing Choice).</p>
37	<p><b>Air Quality Assessment (Details)</b></p> <p>CONDITION: Prior to the commencement of any works an Air Quality Assessment, that includes an assessment as to whether the development is air quality neutral, shall be submitted to and approved in writing by the Local Planning Authority. If the development is not at least air quality neutral, a scheme to mitigate the air quality impact of the development shall also be submitted and approved in writing by the Local Planning Authority prior to any works taking place. The mitigation scheme shall prioritise mitigation on-site unless it can be demonstrated that on-site provision is impractical or inappropriate. The approved mitigation shall be implemented and maintained as agreed.</p> <p>REASON: In order to positively address local air quality, particularly nitrogen dioxide and particulates PM10.</p>
38	<p><b>Air Quality (Details)</b></p> <p>CONDITION: Prior to the commencement of any superstructure works a site report detailing steps to minimise the development's future occupiers' exposure to air pollution shall be submitted to and approved by the Local Planning Authority.</p> <p>The report should consider:</p> <ul style="list-style-type: none"> <li>- Ventilation which draws in clean filtered air</li> <li>- Provision of information for staff and pupils on reducing their exposure to nitrogen dioxide</li> </ul>

	<ul style="list-style-type: none"> <li>- Measures to promote walking/cycling and public transport</li> <li>- Discouragement of private car use and measures to stop idling engines</li> <li>- Specification of ultra-low nitrogen dioxide boilers</li> <li>- Any greening measures to reduce exposure to nitrogen dioxide; and</li> <li>- Any other relevant measures.</li> </ul> <p>The approved scheme is to be completed prior to occupation of the development and shall be permanently maintained thereafter.</p> <p>REASON: In order to ensure satisfactory air quality for future occupants of the development.</p>
39	<p><b>Combined Heat and Power (CHP) System – Air Quality (Details)</b></p> <p>Prior to the installation or subsequent replacement of each CHP system, details and specification of each system shall be submitted to and approved in writing and by the Local Planning Authority. The details and specification of the CHP systems shall include the following:</p> <ul style="list-style-type: none"> <li>• Make and model of the system and details of the additional abatement technology that has been investigated for fitment to reduce air pollution emissions;</li> <li>• Type, height and location of the flue/chimney (including calculation details regarding the height of the flue / chimney);</li> <li>• Certification for use of the flue / chimney in a smoke control area;</li> <li>• A breakdown of emissions factors of nitrogen oxides, particulates and any other harmful emissions from the gas fired CHP and details of any mitigation measures to reduce emissions to an acceptable level (No CHP plant in the thermal input range 50kWth to 20MWth with NOx emissions exceeding that specified in Band B of Appendix 7 to the GLA Sustainable Design and Construction Supplementary Planning Guidance published April 2014 (or any updates thereof applicable at time of installation) will be acceptable);</li> <li>• An assessment of the impact of the emissions to ground level concentrations and any additional impact for surrounding buildings/structures, including the rooftop play area of the school;</li> <li>• An acoustic report for the plant</li> <li>• An ongoing maintenance schedule.</li> </ul> <p>Prior to any CHP plant coming into operation the results of an emissions test demonstrating compliance with the approved emissions factors shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>REASON: In order to ensure satisfactory air quality in the locality.</p>
40	<p><b>Boiler Installation (Compliance)</b></p> <p>CONDITION: No boilers that have a dry NOx emission level exceeding 40 mg/kWh (measured at 0% excess O2) shall at any time be installed in the building.</p> <p>REASON: In order to ensure satisfactory air quality in the locality.</p>
41	<p><b>Refuse/Recycling Provided (Compliance)</b></p> <p>CONDITION: The dedicated refuse / recycling enclosures indicated on approved drawings ref. COL-HBA-00-00-DR-A-00_201 Rev. P4 shall be provided prior to the first occupation of the development hereby approved and maintained as such thereafter.</p>

	<p>All the occupants of the development shall have access to and be required to place their waste in the storage chambers.</p> <p>The storage chamber shall comply with BS5906 specifications.</p> <p>The resident's waste chamber shall be fitted with a fire brigade FB2 or budget type lock.</p> <p>REASON: To secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to.</p>
42	<b>Refuse Collection Point (Details)</b>
	<p>Prior to first occupation details of a collection point for refuse shall be submitted to and approved by the Local Planning Authority. The refuse storage facilities shown on the drawings hereby approved shall be provided and maintained throughout the life of the development for the use of all occupiers.</p> <p>REASON: To provide adequate facilities for the storage and collection of waste in accordance with the following policy of the Local Plan: DM17.1.</p>
43	<b>Kitchen Extraction Units (Details)</b>
	<p>CONDITION: Full details of the following shall have been submitted to and approved in writing by the Local Planning Authority and installed prior to first occupation of the school development hereby approved and shall be permanently maintained in accordance with the approved details thereafter:</p> <ul style="list-style-type: none"> <li>a) All externally ventilated kitchen plant;</li> <li>b) Kitchen extraction and discharge, including, smoke grease and odour control in accordance with DEFRA Guidance on the control of odour and noise from commercial kitchen exhaust systems.</li> </ul> <p>Flues must terminate at roof level or an agreed high level location which will not give rise to nuisance to other occupiers of adjacent buildings. Any works that would materially affect the external appearance of the building will require a separate planning permission.</p> <p>REASON: In the interests of the residential amenities of the occupants of adjacent dwellings.</p>
44	<b>Mobile Play Equipment for Under 5s (Details)</b>
	<p>CONDITION: Details of the specification of mobile play equipment suitable for under 5s to be stored when not in use within the dedicated storage room within the basement of the residential block shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the residential block. The mobile play equipment shall be provided in accordance with the approved details and installed in accordance with the approved programme and shall be permanently maintained as such thereafter.</p> <p>REASON: To secure the appropriate provision of doorstep children's playspace.</p>
45	<b>Fire escape strategy (Details)</b>
	<p>CONDITION: Details of a fire escape strategy for the school and residential/commercial buildings to include details of means of escape from the rooftop play area shall be submitted to and approved in writing by the Local Planning Authority in consultation with the London Fire and Emergency Planning Authority prior to first occupation of the school buildings and the strategy shall remain in place thereafter.</p>

	REASON: In the interests of the safety of occupants of the buildings in the event of a fire.
46	<b>Lifts (Details)</b>
	<p>CONDITION: All lifts serving the dwellings hereby approved shall be installed and operational prior to the first occupation of the residential dwellings hereby approved.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure that adequate access is provided to the residential units at all floors.</p>
47	<b>Programme of Archaeological Investigation (Details)</b>
	<p>CONDITION: No development other than demolition shall take place on site unless and until the applicant has secured the implementation of a programme of archaeological mitigation in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the Local Planning Authority in consultation with Historic England. The Written Scheme of Mitigation shall include any temporary works which may have an impact on the archaeology of the site</p> <p>No development or demolition shall take place other than in accordance with the Written Scheme of Investigation approved. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved Written Scheme of Investigation, and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.</p> <p>REASON: Heritage assets of archaeological interest may survive on the site. The planning authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development.</p>
48	<b>Details of Ground Level Slab (Details)</b>
	<p>CONDITION: No works except demolition to ground slab level shall take place before details of the new ground floor slab and all below groundworks including drainage and foundation design, 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.</p> <p>REASON: To ensure the preservation of archaeological remains following archaeological investigation.</p>
49	<b>Inclusive Design (Compliance)</b>
	<p>CONDITION: The development shall be designed in accordance with the principles of Inclusive Design. To achieve this the development shall incorporate step free external space, open space and landscaping, and level access to amenity facilities.</p> <p>The development shall be carried out strictly in accordance with the details so approved, shall be maintained as such thereafter and no change there from shall take place without the prior written consent of the Local Planning Authority</p> <p>REASON: In order to facilitate and promote inclusive and sustainable communities.</p>



50	<b>Nesting Boxes (Details)</b>
	<p>CONDITION: Details of bird and bat nesting boxes and/or bricks shall be submitted to and approved in writing by the Local Planning Authority prior to relevant works.</p> <p>The details shall include the exact number, location, specification and design of the habitats.</p> <p>The nesting boxes / bricks shall be provided strictly in accordance with the details so approved, installed prior to the first occupation of the building to which they form part or the first use of the space in which they are contained and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
51	<b>Security fobs coded from core to decks for each floor (Compliance)</b>
	<p>CONDITION: Access to each residential deck from the building core shall be controlled by coded security fobs which shall ensure that only residents of flats on each deck have access to the deck. The security fob system shall be permanently maintained thereafter.</p> <p>REASON: In the interests of the safety and residential amenity of the occupants of dwellings within the residential block given the lack of defensible space around habitable room windows.</p>
52	<b>Wind Mitigation Measures (Details)</b>
	<p>CONDITION: No development other than demolition shall take place until the detailed design of all wind mitigation measures has been submitted to and approved in writing by the Local Planning Authority. These details shall include the size and appearance of any features, the size and appearance of any planting containers, trees species, planting medium and irrigation systems. No part of the building shall be occupied until the approved wind mitigation measures have been implemented unless the Local Planning Authority agrees otherwise in writing. The said wind mitigation measures shall be retained in place for the life of the building unless otherwise agreed by the Local Planning Authority.</p> <p>REASON: In order to ensure that the proposed development does not have a detrimental impact on the amenities of the area. These details are required prior to construction in order that any changes to satisfy this condition are incorporated into the development before the design is too advanced to make changes.</p>
53	<b>Base Line Terrestrial Television and Radio Interference Study (Details)</b>
	<p>CONDITION: No development including demolition shall take place until the developer has secured the completion of a Base-Line Terrestrial Television and Radio Interference Study ("the Base-Line Study") to assess terrestrial television and radio reception to residential properties in the vicinity of the site. The Base-Line Study shall be carried out in accordance with a Base-Line Study Scheme first submitted to and approved in writing by the Local Planning Authority, and which shall include details of the residential properties to be surveyed.</p> <p>REASON: To ensure that the existing television reception at other premises is not significantly affected by the proposed development. These details are required prior to commencement in order to create a record of the conditions prior to changes caused by the development.</p>
54	<b>No development in advance of building lines (Compliance)</b>

	<p>CONDITION: Except as may otherwise be approved in writing by the Local Planning Authority, no development shall be carried out in advance of the building lines as shown on the deposited plans.</p> <p>REASON: To ensure compliance with the proposed building lines and site boundaries.</p>
55	<p><b>Land between existing building lines and new building (Details)</b></p> <p>CONDITION Prior to the occupation of any part of the building, the land between the existing building lines and the face of the proposed new building shall be brought up to street level, paved and drained in accordance with details to be submitted to and approved in writing by the Local Planning Authority and shall not be fenced or otherwise enclosed or obstructed.</p> <p>REASON: To ensure compliance with building lines and to ensure a satisfactory treatment at ground level.</p>
56	<p><b>No additional plant or telecommunications equipment (Compliance)</b></p> <p>CONDITION: Unless otherwise approved by the LPA no plant or telecommunications equipment shall be installed on the exterior of the building, including any plant or telecommunications equipment permitted by the Town &amp; Country Planning (General Permitted Development) Order 2015 or in any provisions in any statutory instrument revoking and re-enacting that Order with or without modification.</p> <p>REASON: To ensure a satisfactory external appearance.</p>
57	<p><b>Road vehicle attack mitigation (Details)</b></p> <p>CONDITION: The development shall incorporate such measures as are necessary within the site to resist structural damage arising from an attack with a road vehicle or road vehicle borne explosive device, details of which must be submitted to and approved in writing by the Local Planning Authority before any construction works hereby permitted are begun.</p> <p>REASON: To ensure that the premises are protected from road vehicle borne damage within the site. These details are required prior to construction work commencing in order that any changes to satisfy this condition are incorporated into the development before the design is too advanced to make changes.</p>
58	<p><b>Scheme for Avoidance of Expansion Joints (Details)</b></p> <p>CONDITION: Before any works thereby affected are begun a scheme for the avoidance of expansion joints in the elevation shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.</p> <p>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.</p>
59	<p><b>Installation of Street Lighting (Details)</b></p> <p>CONDITION: Unless otherwise approved in writing by the Local Planning Authority, before any works thereby affected are begun, details of the provision to be made in the building's design to enable the discreet installation of street lighting on the development, including details of the location of light fittings, cable runs and other necessary apparatus, shall be submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.</p>

	REASON: To ensure provision for street lighting is discreetly integrated into the design of the building in accordance with the following policy of the City of London Local Plan: DM10.1.
60	<b>Hours of Community Use of School Hall (Compliance)</b>
	CONDITION: The school hall shall not be made available for community use outside of the hours of 8am to 10pm.  REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.
61	<b>Submission of Basement Impact Assessment (Details)</b>
	CONDITION: Prior to the commencement of development (excluding demolition) a Basement Impact Assessment shall be submitted to and approved in writing by the Local Planning Authority. The Basement Impact Assessment shall be accompanied by a Structural Method Statement which must be signed and endorsed by a Chartered Civil Engineer or Chartered Structural Engineer with relevant experience.  REASON: In order to ensure a satisfactory design for the basement which takes account of ground conditions, archaeology and neighbouring properties.

### List of Informatives

1	<b>Planning Obligations Agreement</b>
	SECTION 106 AGREEMENT You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.
2	<b>Superstructure</b>
	DEFINITION OF 'SUPERSTRUCTURE' AND 'PRACTICAL COMPLETION' A number of conditions attached to this permission have the time restrictions 'prior to superstructure works commencing on site' and/or 'following practical completion'. In this case, the council considers the definition of 'superstructure' as having its normal or dictionary meaning, which is: the part of the new element of a building above its foundations, excluding demolition.  The council considers the definition of 'practical completion' to be: when the work reaches a state of readiness for use or occupation even though there may be outstanding works/matters to be carried out.
3	<b>Thames Water (Surface Water Drainage)</b>
	With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921.
4	<b>Thames Water (Mains Water Pressure)</b>
	A Thames Water recommend the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m

	head (approx. 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
5	<b>Compliance with the Clean Air Act 1993</b>
	Any furnace burning liquid or gaseous matter at a rate of 366.4 kilowatts or more, and any furnace burning pulverised fuel or any solid matter at a rate of more than 45.4 kilograms or more an hour, requires chimney height approval. Use of such a furnace without chimney height approval is an offence. The calculated chimney height can conflict with requirements of planning control and further mitigation measures may need to be taken to allow installation of the plant.
6	<b>Terraces and Open Space</b>
	The location of outside space is an important consideration with regard to the exposure of air pollutants. The applicant is therefore minded to consider the location of existing and planned combustion plant termination points relative to any terrace, general access areas or openable windows etc. In addition to any building control or planning requirements, the third edition of the Chimney Height Memorandum (1981) requires that that certain types of combustion plant terminate at least 3m above any area to which there is general access.
7	<b>Combustion Plant</b>
	Developers are encouraged to install non-combustion renewable technology to work towards energy security and carbon reduction targets in preference to combustion based technology.
8	<b>Biomass CHP</b>
	When considering how to achieve, or work towards the achievement of, the renewable energy targets, it is preferred that developers do not to consider installing a biomass burners as the City and Islington are Air Quality Management Areas for fine particles and nitrogen dioxide. Research indicates that the widespread use of these appliances has the potential to increase particulate levels in London to an unacceptable level. Until the two authorities are satisfied that these appliances can be installed without causing a detriment to the local air quality they are discouraging their use. Biomass CHP may be acceptable providing sufficient abatement is fitted to the plant to reduce emissions to air.
9	<b>Generator Pollution</b>
	Advice on a range of measures to achieve the best environmental option on the control of pollution from standby generators can be obtained from the City of London's Department of Markets and Consumer Protection.  There is a potential for standby generators to give out dark smoke on start-up and to cause noise nuisance. Guidance is available from the Department of Markets and Consumer Protection on measures to avoid this.
10	<b>CIL Informative</b>
	Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the London Borough of Islington Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). These charges will be calculated in accordance with the London Borough of Islington CIL Charging Schedule 2014 and the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at <a href="mailto:cil@islington.gov.uk">cil@islington.gov.uk</a> . The Council will then issue a Liability Notice setting out the amount of CIL payable on commencement of the development.

	<p>Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed and the development will not benefit from the 60 day payment window.</p> <p>Further information and all CIL forms are available on the Planning Portal at <a href="http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil">www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</a> and the Islington Council website at <a href="http://www.islington.gov.uk/cilinfo">www.islington.gov.uk/cilinfo</a>. Guidance on the Community Infrastructure Levy can be found on the National Planning Practice Guidance website at <a href="http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/">http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/</a></p>
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## **APPENDIX 2: RELEVANT POLICIES**

This appendix lists all relevant development plan policies and guidance notes pertinent to the determination of this planning application.

### **1 National Guidance**

The National Planning Policy Framework 2012 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

### **2. Development Plan**

The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013.

It should be noted that the policies of the City of London Development Plan are attached to the end of the City of London officer comments which are appended as Appendix 4 to this report.

The following policies of the Development Plan are considered relevant to this application:

## **A) The London Plan 2016 - Spatial Development Strategy for Greater London**

### **1 Context and strategy**

Policy 1.1 Delivering the strategic vision and objectives for London

### **2 London's places**

Policy 2.9 Inner London

Policy 2.10 Central Activities Zone – strategic priorities

Policy 2.11 Central Activities Zone – strategic functions

### **3 London's people**

Policy 3.2 Improving health and addressing health inequalities

Policy 3.3 Increasing housing supply

Policy 3.4 Optimising housing potential

Policy 3.5 Quality and design of housing developments

Policy 3.6 Children and young people's play and informal recreation facilities

Policy 3.8 Housing choice

Policy 3.9 Mixed and balanced communities

Policy 3.10 Definition of affordable housing

Policy 3.11 Affordable housing targets

Policy 3.12 Negotiating affordable housing on individual private residential and mixed use schemes

### **4 London's economy**

Policy 4.12 Improving opportunities for all

### **5 London's response to climate change**

Policy 5.1 Climate change mitigation

Policy 5.2 Minimising carbon dioxide emissions

Policy 5.3 Sustainable design and construction

Policy 5.6 Decentralised energy in development proposals

Policy 5.7 Renewable energy

Policy 5.9 Overheating and cooling

Policy 5.10 Urban greening

Policy 5.11 Green roofs and development site environs

Policy 5.12 Flood risk management

Policy 5.13 Sustainable drainage

Policy 5.14 Water quality and wastewater infrastructure

Policy 5.15 Water use and supplies

Policy 5.18 Construction, excavation and demolition waste

Policy 5.21 Contaminated land

### **6 London's transport**

Policy 6.3 Assessing effects of development on transport capacity

Policy 6.5 Funding Crossrail and other strategically important transport infrastructure

Policy 6.9 Cycling

Policy 6.10 Walking

Policy 6.13 Parking

### **7 London's living places and spaces**

Policy 7.1 Lifetime Neighbourhoods

Policy 7.2 An inclusive environment

Policy 7.3 Designing out crime

Policy 7.4 Local character

Policy 7.5 Public realm

Policy 7.6 Architecture

Policy 7.7 Location and Design of Tall and Large Buildings

Policy 7.8 Heritage assets and archaeology

Policy 7.14 Improving air quality

Policy 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes

Policy 7.19 Biodiversity and access to nature

Policy 7.21 Trees and woodlands

### **8 Implementation, monitoring and review**

Policy 8.1 Implementation

Policy 8.2 Planning obligations

Policy 8.3 Community infrastructure levy

## **B) Islington Core Strategy 2011**

### Spatial Strategy

Policy CS7 (Bunhill and Clerkenwell)  
Policy CS8 (Enhancing Islington's Character)

### Strategic Policies

Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment)  
Policy CS10 (Sustainable Design)  
Policy CS11 (Waste)

Policy CS12 (Meeting the Housing Challenge)  
Policy CS13 (Employment Spaces)  
Policy CS14 (Retail and Services)  
Policy CS16 (Play Space)

Infrastructure and Implementation  
Policy CS18 (Delivery and Infrastructure)  
Policy CS19 (Health Impact Assessments)

## **C) Development Management Policies June 2013**

### Design and Heritage

DM2.1 Design  
DM2.2 Inclusive Design  
DM2.3 Heritage  
DM2.4 Protected Views

### Housing

DM3.1 Mix of housing sizes  
DM3.4 Housing standards  
DM3.5 Private outdoor space  
DM3.6 Play space  
DM3.7 Noise and vibration (residential uses)

### Employment

DM5.4 Size and affordability of workspace

### Health and open space

DM6.1 Healthy development  
DM6.2 New and improved public open spaces  
DM6.5 Landscaping, trees and biodiversity  
DM6.6 Flood Prevention

### Energy and Environmental Standards

DM7.1 Sustainable design and construction statements  
DM7.2 Energy efficiency and carbon reduction in minor schemes  
DM7.3 Decentralised energy networks  
DM7.4 Sustainable design standards  
DM7.5 Heating and cooling

### Transport

DM8.1 Movement hierarchy  
DM8.2 Managing transport impacts  
DM8.3 Public transport  
DM8.4 Walking and cycling  
DM8.5 Vehicle parking  
DM8.6 Delivery and servicing for new developments

### Infrastructure

DM9.1 Infrastructure  
DM9.2 Planning obligations  
DM9.3 Implementation

## **D) Finsbury Local Plan June 2013**

BC34 – Richard Cloudesley

Delivery and Monitoring  
BC10 Implementation



### 3. **Designations**

The site has the following designations under the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013 and Site Allocations 2013:

- Site Allocation BC34 'Richard Cloudesley School' Central Activities Zone (CAZ)
- Core Strategy CS7 - Key Area Bunhill and Clerkenwell
- Moorfields Archaeological Priority Area
- Local Cycle routes
- St Luke's Conservation Area (northern part of the site)
- Within 50m of the Hat & Feathers Conservation Area
- Article 4 Direction (A1-A2)

### 4. **Supplementary Planning Guidance (SPG) / Document (SPD)**

The following SPGs and/or SPDs are relevant:

Islington Local Development Plan	London Plan
<ul style="list-style-type: none"><li>- Conservation Area Design Guidelines</li><li>- Planning Obligations and S106</li><li>- Urban Design Guide</li><li>- Environmental Design</li><li>- Development Viability</li></ul>	<ul style="list-style-type: none"><li>- Accessible London: Achieving an Inclusive Environment</li><li>- Housing</li><li>- Affordable Housing and Viability</li><li>- Social Infrastructure</li><li>- The Control of Dust and Emissions during Construction and Demolition</li><li>- Shaping Neighbourhoods: Character and Context</li><li>- Sustainable Design &amp; Construction</li><li>- Use of planning obligations in the funding of Crossrail, and the Mayoral Community Infrastructure Levy</li><li>- Shaping Neighbourhoods: Play and Informal Recreation</li><li>- Central Activities Zone</li></ul>

## **APPENDIX 3: DESIGN REVIEW PANEL RESPONSE LETTERS**

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Our ref: DRP/97

Date: 26 August 2016

Dear Jade Wong,

**ISLINGTON DESIGN REVIEW PANEL**

**RE: 99 Golden Lane, London, EC1Y 0TZ (pre-application ref. Q2016/1875/MJR)**

Thank you for attending Islington's Design Review Panel meeting on 10 August 2016 for a first review of the above scheme. The proposed scheme under consideration is for a part double height ground floor/part 4 storey building to provide a 2 form entry primary school plus nursery and a 16 storey block (above double height ground floor/undercroft) to provide 69 residential units (social rented tenure) with school play area (officer's description).

**Review Process**

The Design Review Panel provides expert impartial design advice following the 10 key principles of design review established by Design Council/CABE. The scheme was reviewed by Dominic Papa (chair), Thomas Lefevre, Richard Lavington, Cordula Zeidler, Patrick Lynch and Simon Foxell on 10 August 2016 including a site visit and a presentation from the design team followed by a question and answer session and deliberations at Islington Town Hall. The views expressed below are a reflection of the Panel's discussions as an independent advisory board to the Council.

**Panel's observations**

The Panel thanked the design team for presenting the scheme to them at an early stage of development. They appreciated the constraints of the site and the ambitions of the brief. However, panel members were concerned that they had not been presented with enough information on the process of design development to offer sufficient justification for the proposed approach. The Panel made the following observations.

Height and density

The Panel was sympathetic to the intention of the brief to provide a great amount of social housing on site in addition to the educational building. However, panel members were concerned about the proposed density and felt there had been insufficient assessment of the context to guide the proposal.

They felt the proposed height did not respond to its context and such approach would require a very robust justification which had not been presented yet. Panel members were concerned that a building of this height would potentially have an adverse impact on the

school itself and also the existing buildings to the East and the North of the site. They questioned whether the design team had explored other ways to provide the same density without such excessive height.

The Panel was not convinced that proposing a very high building in such a delicate urban grain would provide a successful building.

#### Impact on the Golden Lane Estate and Great Arthur House

Strong concerns were raised in relation to the impact on the listed Golden Lane Estate (GLE). The Panel felt that Great Arthur House (GAH) was the crown in the arrangement of the GLE and that replicating it would fundamentally change the way the estate would be read and undermine the significance of GAH. They were concerned that a true assessment of the significance of the estate and the impact of the scheme had not been undertaken. They emphasised that detailed view studies would be required in order to assess the impact of the scheme on the listed estate and the rest of the surrounding area.

The Panel felt that the robust original masterplan for the GLE had been cited by the design team as reference for the proposal. However, they were concerned that in fact the proposed scheme would be an interruption to the original masterplan and would detract from it. They did not think the scheme could be justified as an extension of the estate but should instead be considered as a building in its own right which required an appropriate response to both its immediate context and the setting of the estate.

#### Environmental impacts

Whereas GAH is located within the estate, the proposed new tower would be located on the edge of the street. Panel members were concerned that not only the scheme would detract from the character of Baltic Street East but also there could be serious implications in terms of overshadowing, wind effects, etc. They highlighted that further studies were required to establish what the real impact of such a tall building on the back of the pavement would be.

#### Street frontage and access

Panel members were also concerned about how the building would meet the ground and whether there would be sufficient activity fronting the street. They felt it was not necessary to provide the school entrance under the housing block and thought a North entrance to the school would be better than one on Golden Lane - placed between the school and the residential.

There were also questions regarding security – while the estate has no gates a school will require the provision of some kind of barrier. The Panel felt that this could be problematic in the context of the estate and questioned whether the design team proposed to mitigate that with level changes or whether they had accepted that this would be a different element to the estate and how they proposed to resolve it.

#### Spaces around the development

Panel members recognised that developing the site would create or impact on several areas of significant public realm around the proposed buildings including outside the new entrance to the school on Baltic Street East and the pedestrian route into the estate along the southern boundary of the site. It was important that any development of the design should specifically consider the quality of these spaces and present studies for them so they could be discussed at future design review sessions.



#### Elevation design

The Panel encouraged the design team to consider the cost efficiency of the design (form, elevation design) and the function of the design features (e.g. continuous horizontal element) to ensure the quality of the building which will be delivered.

#### **Summary**

The Panel welcomed the opportunity to see the scheme at an early stage and thought the scheme could be a fantastic opportunity for the area. However, the Panel did not believe sufficient analysis of the site and its surroundings had been undertaken. Although they did not entirely rule out the idea of a taller element to the west side of the site, they did not think this was yet justified. Panel members were concerned that the scheme did not yet provide an appropriate response to its context.

The Panel strongly recommended that the scheme be presented to them again as it progresses and emphasised they would like to see appropriate analysis and information on the process the design team has gone through, including discounting options which would help justify their approach.

Thank you for consulting Islington's Design Review Panel. If there is any point that requires clarification please do not hesitate to contact me and I will be happy to seek further advice from the Panel.

#### **Confidentiality**

Please note that since the scheme is at pre-application stage, the advice contained in this letter is provided in confidence. However, should this scheme become the subject of a planning application, the views expressed in this letter may become public and will be taken into account by the Council in the assessment of the proposal and determination of the application.

Yours sincerely,



**Luciana Grave**

Design Review Panel Coordinator  
Design & Conservation Team Manager

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Our ref: DRP/113

Date: 14 February 2017

Dear Jade Wong,

**ISLINGTON DESIGN REVIEW PANEL**

**RE: City of London Primary Academy Islington, 99 Golden Lane, London, EC1Y 0TZ**  
(pre-application ref. Q2016/1875/MJR)

Thank you for attending Islington's Design Review Panel meeting on 25 January 2017 for a second review of the above scheme. The proposed scheme under consideration is for a part double height ground floor / part 3 storey building to provide a 2 form entry primary school plus nursery and a 14 storey block to provide 72 residential units (social rented tenure) with school play area (officer's description).

**Review Process**

The Design Review Panel provides expert impartial design advice following the 10 key principles of design review established by Design Council/CABE. The scheme was reviewed by Dominic Papa (chair), Thomas Lefevre, Richard Lavington, Cordula Zeidler, Patrick Lynch and Simon Foxell on 25 January 2017 including a presentation from the design team followed by a question and answer session and deliberations at the offices of the London Borough of Islington. There was no site visit as this was a second review. The views expressed below are a reflection of the Panel's discussions as an independent advisory board to the Council.

**Panel's observations**

The Panel welcomed the opportunity to see the scheme for a second time, noting the rationale behind changes to the design and the response of other consultees since the first review. Concerns raised by the Panel related predominantly to the design of the proposed new residential tower.

**Height, massing and design**

Panel members remained concerned that a building of this height would potentially have an adverse impact on the school itself and also the existing buildings to the East and the North of the site. The Panel felt that the tower had become more bulky than its previous iteration and would therefore play a more prominent role in the townscape, which was considered undesirable. Panel members remain concerned about the height of the proposed residential building and still felt that this should not be higher than Great Arthur House.



The Panel also commented on the orientation of the building and felt that the apartments could be re-orientated to face west, not east. They felt that, if the deck access was to be maintained, the deck areas are likely to be more active than the balconies in general and as such may be more appropriate orientated away from the school playground and with the balconies facing west.

#### Street frontage and access

The narrow, rectangular shape of the residential building, combined with the location of the building hard against the pavement, were questioned by the Panel. It was thought that a deeper building with a narrower street frontage would be more appropriate, because the street would not be presented with such a monolithic elevation. Panel members were concerned that the scheme would detract from the character of Baltic Street East when viewed from this street and felt that the massing could be stepped or the building could appear as two different buildings when viewed from Baltic Street East. The necessity for the provision of an entrance to the school as part of the ground floor frontage of the tower block was again questioned.

#### Relationship to the Golden Lane Estate and Great Arthur House

The Panel pointed out the very great differences between the plot on which Great Arthur House (GAH) is constructed and the proposed site of the new residential tower. GAH is at the centre of the estate and as a focal point, it is afforded considerable space, without any other estate buildings in close proximity. By comparison, the application site is hemmed in and also fronts the street directly.

The Panel felt that it was not appropriate or possible to replicate the qualities and character of GAH successfully, and therefore the design of the new tower should be developed in its own right and in response to the particular brief for this building for high quality social housing. By the same token, panel members were also unconvinced by the idea that the characteristics and spirit of GAH could be achieved under current building regulations, which are much changed since the 1950s. The Panel therefore advised that a tall building in this location was not a problem in principle, but it needed to be a convincing design in its own right, so as not to detract from the legibility of the Golden Lane Estate.

#### Environmental impacts

Panel members raised concerns over well-known wind issues arising from point blocks, which would be more problematic in this location, considering the close relationship to both the street and school playground. Panel members suggested that the inevitable wind trap should not be addressed using trees, thereby dictating a landscaping scheme for the school, and should instead be mitigated through the design of the residential block. One potential solution was recommended which would be to step back the top storeys of the residential block and make up units elsewhere on the site, to create an asymmetric building. This may help to address both the potential wind trap and the harm to the townscape. The Panel also recommended that a building or covered area was needed to define the edge of the playground and provide appropriate shelter.

#### Energy efficiency

Significant concerns were raised by panel members over issues of efficiency arising from the layout of the proposed residential block. The balconies and deck access arrangement would result in a large amount of shading, which in turn would require large expanses of glazing in order to provide sufficient light to each unit. Panel members pointed out that this is likely to make the residential units less energy efficient.

### Landscaping

The proposed school playground landscaping was felt to be unresolved and potentially problematic for free-flow activities, and lacked a proper rationale.

### **Summary**

The Panel commended the emerging design for the new school building, considering this to be a high quality response to the site context. However, the proposed residential tower is still a major concern. The issues arising from the proposed deck access, balconies and glazing, in addition to the relationship of the proposed tower block to the street, should be thought about in this context. The landscaping strategy presented was also of considerable concern and the Panel felt that a change in direction was needed in order to properly address the issues and constraints of the site.

The Panel recommended that the scheme was brought back to the DRP for a third review as key issues remained unresolved.

Thank you for consulting Islington's Design Review Panel. If there is any point that requires clarification please do not hesitate to contact me and I will be happy to seek further advice from the Panel.

### **Confidentiality**

Please note that since the scheme is at pre-application stage, the advice contained in this letter is provided in confidence. However, should this scheme become the subject of a planning application, the views expressed in this letter may become public and will be taken into account by the Council in the assessment of the proposal and determination of the application.

Yours sincerely,



**Luciana Grave**  
Design Review Panel Coordinator  
Design & Conservation Team Manager



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Our ref: DRP/125  
  
Date: 06 June 2017

Dear Jade Wong,

**ISLINGTON DESIGN REVIEW PANEL**

**RE: City of London Primary Academy Islington, 99 Golden Lane, London, EC1Y 0TZ**  
(pre-application ref. Q2016/1875/MJR)

Thank you for attending Islington's Design Review Panel meeting on 16 May 2017 for a third review of the above scheme. The proposed scheme under consideration is for the demolition of the existing buildings on the site and the erection of a 3 storey school building with enclosed rooftop play area along with a separate single storey school hall building to accommodate a two form entry primary school and a nursery for 38 children and a 14 storey residential block to provide 66 residential units (social rented tenure) (officer's description).

**Review Process**

The Design Review Panel provides expert impartial design advice following the 10 key principles of design review established by Design Council/CABE. The scheme was reviewed by Dominic Papa (chair), Thomas Lefevre, Richard Lavington and Cordula Zeidler on 16 May 2017 including a presentation from the design team followed by a question and answer session and deliberations at the offices of the London Borough of Islington. There was no site visit as this was a third review. The views expressed below are a reflection of the Panel's discussions as an independent advisory board to the Council. Comments were also provided by Patrick Lynch, who was unable to attend the review due to illness. These have also been reviewed by the chair and included within this letter.

**Panel's observations**

The Panel welcomed the opportunity to see the scheme for a third time and most members acknowledged improvements have been made to the proposals since the last review in January. However, substantial concerns were raised by the Panel on the height, design and quality of the proposed new residential tower.

Height, massing and design of residential tower

The Panel had mixed views about the height, bulk and mass of the building, with some still concerned about the height and its dominance on the street and within the setting of the heritage assets and commented that the building still looked too "lumpy". Some panel members were also disappointed at the lack of exploration and specifically a full justification

for why other options, that better broke down the mass or proposed a number of lower blocks as the Panel had previously suggested, did not work. Panel members questioned the lack of verified views, as these were not presented to the Panel at this review, and felt that these would further aid their assessment of the proposals. They were particularly concerned about the view from Old Street, also raised concerns with views from Banner Street and felt that the height needed to be looked at further from surrounding views.

Although it was generally felt that the podium had improved the relationship between the proposed building and the building heights on Golden Lane and Banner Street, there was a discussion about the appropriate height of the podium. Some thought the podium was too tall and that the relationship was still unsuccessful with the wider, bulkier building not relating well to the other more elegant buildings in the area. Generally panel members did feel that stepping the height in from one end of the plinth may improve the tower when viewed from Banner Street and may also allay some fears of Basterfield House residents, but raised concerns about the potential problems with providing a publicly accessible (to the local community) terrace to the top of the podium and also highlighted potential overlooking issues to residents in Basterfield House and suggested that this may either be limited in terms of its use and/or be set in from the edge.

However as a result of introducing a podium it was felt that the podium and the tower above looked too separate and did not read well as one building, making the tower element look even bigger. The articulation of the elevations, especially above the podium, also did not help with how the building's massing, bulk and height is read. They felt that as a result this approach reduced the potential elegance of the building.

More detail was required in order to properly assess the proposed materials, but panel members expressed concern over the use of GRC in relation to joints and detailing. With the requirement for a building of outstanding quality the Panel felt the residential tower needed better articulation and that the architectural expression was unresolved and did not sit well as currently proposed. They commented that further refinement and detail is needed. Panel members accepted the public benefits provided by the proposals for the site but argued that this was no excuse for poor design and that significant design improvements were required in order to make a building of this height acceptable on the site.

The Panel welcomed the reorientation of the apartments to face west, as this was in line with their advice given at the previous review, but questioned the orientation of the duplexes. They did, however, support the relocation of the duplex apartments to the lower level.

#### Street frontage and access

The Panel was originally unconvinced by the school entrance underneath the residential block in addition to the entrance on Baltic Street West. However, they understood the rationale for two entrances with the reconfigured ground floor and welcomed the more detailed work that had been done. However, the Panel still needed to be convinced that it worked as a recessed space on the street and more detail is required in terms of lighting, material, design of the gates, and security.

#### School design

The Panel was supportive of the school and changes to the design, including the separate hall. They commented that this would enable the more flexible use of this space by the community at varying times. Panel members added that the separate buildings better related



to the morphology of the Golden Lane Estate as a collection of buildings with spaces around them. They were supportive of the materials proposed for the school buildings. They commented that it was important that any greening proposed to boundary walls between the school and the existing residents should be carefully managed to ensure that it really happens and is maintained properly.

#### Environmental impacts and energy efficiency

The Panel were generally supportive of the changes and improvement made in terms of the environmental impact of the building, but suggested that the desire to express the strong horizontals and verticals, and depth of the maisonette balconies may have a negative impact on the quality of the residential units in terms of the daylight within units and the quality of the internal space.

#### Landscaping

The Panel felt that the landscape proposals had greatly improved since the last review and were now far more appropriately designed for use as a school playground.

#### **Summary**

The Panel welcomed the design improvements and supported the changes made to the boundaries, access and servicing for the school and playground. However, panel members still had major concerns with the residential building with mixed views expressed and some still feeling it was too tall. Panel members also felt that the two elements of the building lacked integration and did not currently read as one building. They were particularly worried with how the tower element would appear within the streetscape from Banner Street and Old Street. The Panel all agreed that the building needed greater articulation and refinement as it was not yet considered to be of sufficient quality to justify a tall building. Previous concerns about the daylight and quality of the space within the residential units remained.

The Panel recognises that the proposed residential building is a tall building outside of Islington's designated tall buildings area, but felt that harm to the townscape and heritage assets could possibly be justified with public benefit if a design came forward for a building of outstanding quality. A proposal for such a building would need to clearly demonstrate its quality in terms of design, detailing and materials. However, this would have to be assessed based on a more thorough townscape views in order to accurately understand the impact on the townscape and heritage assets. Consequently, the Panel does not think the design or height has currently been properly justified. As such the Panel requested that the residential part of the scheme is substantially reconsidered based on these comments and returns for a fourth review with all the necessary detail and views so that panel members are able to properly assess the proposals.

Thank you for consulting Islington's Design Review Panel. If there is any point that requires clarification please do not hesitate to contact me and I will be happy to seek further advice from the Panel.

#### **Confidentiality**

Please note that since the scheme is at pre-application stage, the advice contained in this letter is provided in confidence. However, should this scheme become the subject of a planning application, the views expressed in this letter may become public and will be taken into account by the Council in the assessment of the proposal and determination of the application.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Lucy'.

**Luciana Grave**  
Design Review Panel Coordinator  
Design & Conservation Team Manager

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Our ref: DRP/134

Date: 29 September 2017

Dear Jade Wong,

**ISLINGTON DESIGN REVIEW PANEL**

**RE: City of London Primary Academy Islington, 99 Golden Lane, London, EC1Y 0TZ**  
**(planning application ref. P2017/2961/FUL)**

Thank you for attending Islington's Design Review Panel meeting on 12 September 2017 for a forth review of the above scheme. The proposed scheme under consideration is for the demolition of the existing buildings on the site and the erection of a 3 storey school building with enclosed rooftop play area along with a separate single storey school hall building to accommodate a two form entry primary school and a nursery for 38 children and a 14 storey residential block to provide 66 residential units (social rented tenure) (officer's description).

**Review Process**

The Design Review Panel provides expert impartial design advice following the 10 key principles of design review established by Design Council/CABE. The scheme was reviewed by Dominic Papa (chair), Thomas Lefevre, Richard Lavington and Cordula Zeidler on 12 September 2017 including a presentation from the design team followed by a question and answer session and deliberations at the offices of the London Borough of Islington. There was no site visit as this was a forth review. The views expressed below are a reflection of the Panel's discussions as an independent advisory body to the Council.

**Panel's observations**

The Panel welcomed the opportunity to review the scheme for a fourth time and acknowledged that improvements had been made to the proposals since the last review in May. Panel members also discussed some of their previous concerns which had not been fully overcome. The Panel did not revisit the discussion over the height and impact on the townscape and heritage assets, but acknowledged that it would make an impact on their setting. Instead, panel members concentrated their discussions on the design development of the scheme and the quality of the proposed new residential tower. They expressed their support to the provision of affordable housing, but highlighted that should the public benefits of the scheme be considered to justify a tall building in this location, the design quality would also need to be exceptional in order to comply with policy. Unfortunately, the Panel did not believe that the design is yet of an exceptional level of quality and made comments in relation to different aspects of the scheme as set out below.



#### Relationship between podium and tower

Panel members raised concerns over the relationship between the podium and the upper part of the tower. They acknowledged some progress had been made in relation to the design of the upper part of the scheme, however they considered its relationship with the podium was still unsuccessful. They felt they read as two separate buildings, one placed uncomfortably over the other.

#### Tower design

While the reduction in the mass to the corners of the tower was welcomed, it was felt that the positive impact would likely be reduced by solid perforated metal balconies, the effect of which was not clear from the plans. They encouraged the design team to explore a different treatment to the balustrades. Likewise, panel members felt it was difficult to assess the visual impact of the background cladding in relation to the frame. They commented that there may be a risk, for example, that an excessive amount of grey metal panels could lead to a 'dead' appearance. The Panel stated that a 1:50 model and more 'zoomed in' CGI views are required in order to assess this.

The Panel suggested that the building should be constructed with the highest quality materials and they expressed their preference for pre-cast concrete as they had concerns about the detailing and longevity of GRC. Panel members expressed concern over the difficulty of ensuring quality of construction through the planning system and felt that certainty in construction quality is required in order for them to be convinced that the design is of an exceptional standard.

Panel members were concerned that construction issues had not been fully considered and were not convinced that quality was clearly deliverable. For example, the Panel was concerned that the jointing detail was not shown on drawings of the upper part of the tower as this would have a significant impact on the resulting appearance of the building. Concerns were also raised over the construction detail of the balconies and the best approach in terms of sustainability. Consequently, they encouraged the design team to explore these construction details as part of the planning application (including 1:5 details) to ensure that the aspirations of a high quality, durable and sustainable building are delivered. Given the importance of how this project will be detailed and realised, they suggested the local authority and the design team should liaise to ensure there is control over procurement and detailing post planning so that the intended quality is safeguarded.

#### Podium design

Panel members raised concerns over the proportions of the podium, specifically with the maisonettes expressed as double storeys, which was not considered successful. There was a discussion about the proposed brick and the Panel concluded that they were not convinced that the choice was right.

The Panel expressed concerns in relation to the entrance to the school which they felt lacked legibility and needed to have greater prominence. The Panel also feared that the proposed enclosed space and large recess might lead to anti-social behaviour. Concern was also raised over the ground floor fronting the street, which the Panel felt lacked visual interest and activity, with much of the space given over to servicing. It is preferred that the ground floor extended the 'covered walkway' established by the existing estate building along Golden Lane. They commented that this would make the detailing even more important. Panel members questioned the design of the columns and stated that these needed to be better considered and detailed.

#### School design

The Panel was generally supportive of the school design. There was some discussion regarding the use of 'hit and miss' brickwork, as well as textured brick. Although, panel members did not necessarily object to this approach, some of them questioned whether there were too many different features being proposed. They also feared this could impact on the architectural identity of the scheme given that this is a feature currently being used in many schemes throughout

London. They also commented that it might be better to re-instate the framing to the top of the elevations as previously shown.

### **Summary**

The Panel welcomed the design improvements that have been made to the proposals since the last review in May, but also commented that some of the concerns raised had not been fully overcome. They acknowledged the public benefits of the scheme and raised no objections to the height should it be considered that these benefits outweigh the harm to the heritage assets. However, they stressed the importance of delivering a scheme of exceptional design quality as part of the justification for the proposed height.

The Panel made comments in relation to the detailing of the tower, its relationship with the podium and necessary improvements to the overall design. They concluded that the design is not yet considered exceptional and that the concerns raised still need to be addressed before they can fully support the scheme. For these reasons they encouraged the design team to return to the DRP for a further review once the design has evolved to address the Panel's concerns.

Thank you for consulting Islington's Design Review Panel. If there is any point that requires clarification, please do not hesitate to contact me and I will be happy to seek further advice from the Panel.

### **Confidentiality**

Please note that since the scheme is at planning application stage, the views expressed in this letter may become public and will be taken into account by the council in the assessment of the proposal and determination of the application.

Yours sincerely,



**Luciana Grave**  
Design Review Panel Coordinator  
Design & Conservation Team Manager



**CONFIDENTIAL**

ATT: Jade Wong  
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Our ref: Q2017/4274/DRP  
  
Date: 16/11/2017

Dear Jade Wong,

**ISLINGTON DESIGN REVIEW PANEL**

**RE: City of London Primary Academy Islington, 99 Golden Lane, London, EC1Y 0TZ**  
(application ref. P2017/2961/FUL).

Thank you for attending Islington's Design Review Panel meeting on 30 October 2017 for a fifth review of the above scheme. The proposed scheme under consideration is for the demolition of the existing buildings on the site and the erection of a 3 storey school building with enclosed rooftop play area along with a separate single storey school hall building to accommodate a two form entry primary school and a nursery for 38 children and a 14 storey residential block to provide 66 residential units (social rented tenure).

**Review Process**

The Design Review Panel provides expert impartial design advice following the 10 key principles of design review established by Design Council/CABE. The scheme was reviewed by Richard Portchmouth (chair), Thomas Lefevre, Richard Lavington and Cordula Zeidler on 30 October 2017 including a presentation from the design team followed by a question and answer session and deliberations at the offices of the London Borough of Islington. Dominic Papa, who chaired the last four reviews was unable to attend the meeting but reviewed all the material submitted, provided comments and has been consulted on the letter which also reflects his own views. There was no full panel site visit as this was a fifth review but the Chair, Richard Portchmouth, undertook a site visit prior to the review accompanied by Dominic Papa to ensure consistency. The views expressed below are a reflection of the Panel's discussions as an independent advisory body to the Council.

**Panel's observations**

The Panel reviewed the scheme for a fifth time. Members recognised and appreciated the public benefit of providing a school and social housing and acknowledged that improvements have been made to the proposals since the last review in September but many concerns remained.

The Panel did not revisit the discussion over the height and impact on the heritage assets but once again concentrated on the design detailing. However, the Chair noted that the proposed building would have a substantial impact on townscape views by virtue of its scale and massing, as well as on the Golden Lane Estate. The heritage expert on the panel re-



iterated that the height, bulk and massing will have a major impact on the setting of the heritage assets and that there will be some harm. Previously the panel stated that should the public benefit of social housing be considered to justify a tall building outside of an area designated for tall buildings the design quality would need to be exceptional in order to comply with policy. However, the Panel continued to raise the following concerns.

The Panel previously raised substantial concerns over the relationship between the podium and the upper part of the tower which was considered to be unsuccessful as it read as two separate buildings, one placed uncomfortably over the other. While some panel members thought the addition of concrete columns to the podium had helped the relationship some were unconvinced. The Chair noted that the clear expression of a podium and a tower to one side in contrasting materials leads to an awkward and unbalanced relationship resulting in an unsatisfactory composition. The recent amendment appeared to be an inadequately cosmetic transition between these elements with a stronger design solution being required. There was a discussion of the relationship between the different form and materiality of the columns. The Panel felt that these needed greater consideration, for example vertical columns between the tower and the podium were too similar and the ground floor columns might be more successful if all in concrete and not some being built of brick.

Since the last review a substantial concrete parapet, potentially with external lighting, had been added to the design and the Panel did not support this change which appeared heavy. The Panel stated that this needs to be reconsidered and that a social housing tower should not have unnecessary and energy wasting external lighting. The Chair noted that the building had been designed with an expressed base and middle but that the top lacked and missed the opportunity of articulation in some form.

The Panel renewed their concerns over the ground floor plan and the lack of an active frontage. Panel members noted that the previous design had a more generous lobby and that the entrance needs to be larger and more welcoming. The design team informed the Panel that the bike store/some servicing was not placed in a basement because of the cost that this would add to the scheme. Some Panel members raised general security concerns and questioned whether a bike store that was so highly visible from the street would be well used. The Panel thought that a more active frontage was required.

The sustainability expert on the panel expressed concerns over the secondary skin and that the more detailed/heavy it is, the more expensive it will be. The client informed the Panel that the scheme was already costed at £3million over budget. Previously the Panel raised concerns over the need for the tower to be constructed to a high standard and budget concerns could impact on this.

The Panel renewed their concerns over the walkways and the lack of privacy for future residents with the possibility of neighbours approaching open bedroom windows.

The Panel welcomed the design changes to the school but some panel members still questioned the choice of brick.

### **Summary**

The Panel acknowledged that improvements have been made to the proposals but many concerns remained. The proposed building would have a substantial impact on the townscape and harm the setting of the heritage assets. Should the public benefit of social housing be considered to justify a tall building outside of an area designated for tall buildings then the design quality would need to be exceptional in order to comply with policy. However, the Panel continued to raise concerns over the relationship between the

podium and the upper part of the tower, the form and materiality of the columns, the concrete parapet, the layout and use of the ground floor, the lack of an active frontage, cost of construction and the delivery of quality and a lack of privacy for future residents due to the walkways. Consequently, the Panel were unable to say that the design is of an exceptional level of quality.

Thank you for consulting Islington's Design Review Panel. If there is any point that requires clarification please do not hesitate to contact me and I will be happy to seek further advice from the Panel.

**Confidentiality**

Please note that since the scheme is at pre-application stage, the advice contained in this letter is provided in confidence. However, should this scheme become the subject of a planning application, the views expressed in this letter may become public and will be taken into account by the Council in the assessment of the proposal and determination of the application.

Yours sincerely,



**Luciana Grave**  
Design Review Panel Coordinator  
Design & Conservation Team Manager

## Planning Committee - 1 March 2018

**Present:** **Councillors:** Khan (Chair), Donovan-Hart (Vice-Chair), Picknell (Vice-Chair), Fletcher, Gantly, Kay and Convery

**Also Present:** **Councillors:** Williamson and Gill ( substitutes)

**368     INTRODUCTIONS (Item A1)**  
Councillor Khan welcomed everyone to the meeting. Members of the Committee and officers introduced themselves.

**370**      **DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)**  
Councillors Gill and Williamson substituted for Councillors Ward and Nicholls.

**372**      **ORDER OF BUSINESS (Item A5)**  
The order of business would be B2 and B1.

That the minutes of the meeting held on 6 February 2018 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

## Page 395

addresses objectors concerns especially regarding the noise levels from the playground. Members were advised of the response from the Acoustics officer that the levels of noise were deemed acceptable and expected. However, he has suggested a condition which would restrict the hours of playground use only and not applicable to the MUGA (Multi Use Ground Use) as 7.30am – 6.30pm, Monday to Friday to account for out of school hours. In addition the Planning Officer advised that the uploaded updated report included issues relating to highways, transportation and fire safety as well as a formatting error on paragraph 11.280 of the Committee report which is now correctly presented.

- Since the publication of the updates 2 further objections had been received, one objector raised no new issues while the other objector mentioned the prevalence of bats living in the school building and has requested surveys be undertaken. Although the prevalence of bats was not observed as part of the ecological survey carried out by the applicant's consultant.
- The Planning Officer highlighted a number of corrections in the report. On page 11.124 of page 126, reference to the size of the MUGA has been incorrectly given as 420 sqm instead of 482sqm (the MUGA and the area around it). At page 56 paragraph 10.1 the last sentence which states the 'relevant development plans...' to be deleted. The Planning Officer also noted that the updated servicing condition would be secured by way of condition and not by section 106 and a condition requiring obscure glazing of the southern elevation over floors 1-4.
- In response to concerns about a single staircase, the Planning Officer advised that no objections were submitted by the Fire authority but had suggested a few things such as installation of sprinklers. Members were advised that the applicant had submitted a fire strategy (condition 45 of the report) and on the issue of a single staircase, the Planning Officer advised that this was a scheme different from the Grenfell Tower in London.
- Neighbouring residents questioned the need for a two form entry school as school places were available at a nearby primary school. Objections also raised concerns about the height and massing of the scheme, substantial loss of daylight and sunlight, impact on the amenity of the residential amenity, impact on the character and appearance of the scheme, lack of open spaces, fire safety concerns and parking issues.
- In response, the agent advised that there was a pressing need for a two form school as the school was presently in a temporary location, highlighted a number of benefits such as the provision of affordable homes, delivery of workspaces for small businesses, the improvement of the public realm and the regeneration of the area. In addition, the agent informed Members that with the delivery of social homes, the school would be within the catchment area.
- The agent reminded Members that considering 18,000 people are on the waiting list and 70,000 residents were living in temporary accommodation, social housing would be a significant benefit of the scheme.
- In response to a question from the Chair, the Legal Officer acknowledged that as the site being considered by the Committee straddles both the boundaries of both Islington Council and the City of London Corporation, a decision to grant planning permission would still have to be considered by the planning committee of the City Corporation. In summary for the scheme to proceed, it would require permissions

from both authorities.

- The Chair informed the meeting that he had attended a site visit with Councillors Donovan-Hart, Kay and Williamson which had been helpful in providing an understanding of the context of the application site.
- The Chair reminded Members that, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act (2004) the application should be determined in accordance with the development plan unless other material considerations indicate otherwise. Furthermore, in accordance with Section 66(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 there is a statutory duty to give considerable weight and importance to the desirability of preserving the setting of listed buildings. The Chair also reminded Members that Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 states that, with respect of any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Members were further reminded that Paragraph 134 of the National Planning Policy Framework 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.
- The Chair noted that the Officer's report made clear that there was policy harm in terms of conflict with the Council's tall buildings policy and the acceptability of that harm is something that the committee would have to consider. The Chair advised that the committee would have to reach a decision on harm to heritage assets and if they decide that there is substantial harm to the significance of designated heritage assets then they should refuse the application. However, if there is less than substantial harm to the significance of designated heritage assets then the committee can consider that harm against the public benefits of the proposal. The Chair noted that there was some contention that there would be substantial harm, some contention that there would be less than substantial harm and some contention that there would be nil harm to the significance of designated heritage assets.
- The Chair noted that the GLA considered there would be no harm to heritage assets. It was also noted that Historic England at pre-application stage noted that the height of the residential block should be lower than Great Arthur House, and that this is the case. The Chair observed that the Council's Design and Conservation Officer concluded that there would be less than substantial harm albeit at the higher end of less than substantial harm, and that the Barnwell judgement indicated that, even when it is considered that there will be less than substantial harm, the more harm that is identified the more carefully that harm should be balanced against the benefits of the proposal. The Chair reminded Members that the City of London, in their observations, concluded that the degree of harm to the Golden Lane Estate would be less than substantial and should be weighed against the public benefits, whilst there would be slight, less than substantial harm to the setting of the Barbican (listed building and registered landscape). The Chair sought the views of the committee regarding the degree of harm to the significance of designated heritage assets.
- Councillor Convery noted that the proposal would clearly not result in harm to the fabric of heritage assets. However, it would result in some harm the setting of these assets but the extent of this harm is a subjective judgement. Councillor Convery



considered that the detailing of the proposed residential building would complement that of the Golden Lane Estate whilst not representing a pastiche of, or attempting to mimic, the Estate. Councillor Convery recalled that, at the time of its construction, the Barbican was considered the most 'hideous' development in London, and was now a heritage asset within the setting of the application site. It was noted that the proposed building may not immediately appear entirely in keeping with its surroundings but it has a quality and may one day be viewed as part of the established heritage of the area. Councillor Convery concluded that the harm to designated heritage assets would be slight.

- Councillor Williamson advised that she was broadly in agreement with Councillor Convery's views and observed that, having visited the site, it is clear that it is located within a high density area and in this regard the proposed residential building would not appear out of context. Accordingly, Councillor Williamson concluded that there would be some harm to the significance of designated heritage assets but this harm would be limited.
- Councillor Fletcher commented that there would be some impact on the street scene but in terms of impact on heritage assets it should be noted that the City of London is characterised by tall, high density buildings juxtaposed with much smaller buildings. Councillor Fletcher concluded that the harm from the proposal to designated heritage assets would be minimal.
- Councillor Kay noted that, whilst the degree of harm to the significance of designated heritage assets would not be substantial, she was in agreement with the views of Officers that there would be a significant change which should be carefully considered against the public benefits. The proposal would by no means represent a small change to the character of the site and the development would be highly visible from some viewpoints in the surrounding area.
- The Chair noted that the proposal would result in harm in residential amenity terms, including impacts on daylight and sunlight affecting residents of Basterfield House. Councillor Picknell noted that the design of the Basterfield House flats was such that, whilst there would be a loss of light to bedrooms and kitchens, the dual aspect design of the block was such that there would be no impact on the main living rooms. Councillor Picknell noted that any redevelopment of the site would be likely to result in some impact in terms of loss of light therefore, on balance, it was considered that this harm would be acceptable.
- Councillor Ward also noted the dual aspect design and layout of the Basterfield Road flats was such that the main living areas would be unaffected by the proposed development in daylight and sunlight terms.
- The Chair drew a comparison with the Finsbury Tower application approved by the Committee which was considered acceptable in daylight terms as neighbouring residents had previously benefitted from low rise development on the application site and an increase in the height and massing of built form resulted in high losses due to the very high existing Vertical Sky Component.
- Councillor Convery noted that the school roll projections demonstrated an acute educational need for the proposed school within this part of the borough, noting that there has historically been a tendency to underestimate population growth in London whilst the geographical Planning Areas used for planning school places are not perfect. Councillor Convery further noted that the school has already opened and is

currently in unsatisfactory, temporary accommodation and he could not think of another site where the school could be accommodated if the proposal were not accepted. Furthermore, it was noted that the Education Funding Agency were supporting the proposal, as were the City of London and Islington as Education Authorities. Councillor Convery concluded that the education need case was indisputable.

- Councillor Kay noted the views of the parents who had spoken in support of the proposals and observed that there was a clear and compelling case for working with the City of London to deliver the proposed school.
- Councillor Fletcher noted that the current housing crisis dictated that there was a compelling case to support the proposal in terms of a pressing need for the delivery of more social housing within the borough.
- The Chair noted that the 33 units for which Islington would have nomination rights would represent 5% of the annual requirement for the delivery of new social housing units.
- The Chair concluded that in the committee's view the proposed development would result in some harm to the significance of designated heritage assets and some harm to neighbouring amenity but that there was a compelling educational and housing need.
- Councillor Donovan-Hart concluded that there was a justification for granting approval in this case having regard to the context of the application site and the compelling education and housing need.

Councillor Khan proposed a motion to grant planning permission for the reasons set out in the report and the considerations of the committee in the discussions. This was seconded by Councillor Fletcher and carried.

**RESOLVED:**

That planning permission be granted for the part of the proposed development within the London Borough of Islington subject to:

- a) the conditions set out in Appendix 1; and
- b) the prior completion of a Deed of Planning Obligation made under section 106 of the Town and Country Planning Act 1990 securing the heads of terms as set out in Appendix 1; and
- c) the City of London resolving to grant planning permission in respect of duplicate application reference 17/00770/FULL on the same terms as 1 a) and b) for that part of the proposed development within the City of London; and
- d) any direction by the Mayor of London to refuse the application or for it to be called in for the determination by the Mayor of London.

AND to delegate to the Corporate Director of Environment & Regeneration in consultation with the Chair of the Committee to make minor amendments to the Heads

of Terms and conditions following the resolution of the City of London to ensure consistency.

**375 WINDSOR STREET CAR PARK, ISLINGTON, LONDON N1 8QF (Item B2)**

Demolition of 12 (twelve) existing garage units and removal of adjacent car parking facilities to facilitate construction of a three storey (plus basement), 11-bedroom (plus staff sleep-in unit) building to accommodate a supported living scheme (use Class C2). The proposal also includes communal kitchen/living/dining facilities, staff offices, laundry, plant room, and accessible bathroom facility. Associated landscaping including courtyard garden areas, refuse and cycle storage provision for both residents and staff, is also proposed.

(Planning application number: P2017/3493/FUL)

In the discussion the following points were made:

- The Planning Officer highlighted a number of typographical errors in the report. Members were informed that the report (paragraphs 6.6 and 24.4) incorrectly refers to the removal of 6 trees and 2 trees respectively instead of the removal and replacement of 4 trees and 1 tree stump. Members were advised that the removed trees would be replaced as part of the landscape strategy submitted by the applicant. Also throughout the report, the number of PV panels is referred to as being reduced from 73 to 40; the number has actually reduced from 73 to 55. The Planning Officer also informed Members that the report erroneously describes 13 Windsor street in paragraph 20.19 as commercial instead of residential but that the BRE assessment remained accurate and did not need to be corrected.
- The Planning Officer informed the meeting that since the publication of the agenda, 4 new objections had been received and 4 further objections had been made. In addition, a further 15 new letters of support for the scheme had been received.
- With regard to the objectors concerns of possible contamination, the Planning Officer informed Members advised that this could be addressed by way of a condition which will ensure an investigation survey for any possible residue is undertaken before any works commences.
- In response to a resident's concern that the loss of a tree was a subject of a Tree Preservation Order, the Planning Officer advised that although Packington Street lies within a conservation area, and as such the tree would be afforded some level of protection as a result of this, Council records did not indicate that the tree in question had a TPO attached to it.
- Members were advised that the loss of the off street car parking and garages due to the proposed scheme was welcomed as Islington Council promotes schemes that deters car movement and car ownership in the borough and aligns with council policy on parking.
- Objections raised included loss of light, light pollution, noise & disturbance and quality of accommodation. Concern was raised that the scheme would not result in a satisfactory level of accommodation for future occupiers of the building. Members were advised by neighbouring residents that the design of the buildings would not be suitable for residents as it represents a form of institution which was not ideal for the intended client group. Other concerns included inadequate and inaccurate consultation, overdevelopment of the site and the loss of parking resulting in parking



pressures to neighbouring streets.

- The Project Manager of the scheme informed Members that the building would provide accommodation for adults with a range of support needs. Members were informed that due to accommodation shortages within the borough, the Council has had to place over 130 residents outside the borough and providing a building within the community would provide a place for tenants with family ties. Members were advised that the building has been designed to ensure that tenants having been fully assessed would be able to live independently and still interact with the community.
- The meeting was also informed that accessibility to shops and close proximity to transport modes was welcomed and that Adult Social Services would be responsible for the allocation of rooms in accordance with the standard procedure and it remains in Council ownership in perpetuity.
- Members were advised that the scheme had been revised prior to the formal submission of the planning application, to take into consideration concerns raised by neighbouring residents. The building had been moved further back from the boundary of the residents of Packington Street and the height of the scheme had been reduced to address overlooking concerns. Also the number of units had now been reduced from 14 to 11 with the result that additional facilities such as communal space had been able to be incorporated into the design to meet the request from the client user and Family Carers Reference Group.
- In response to concerns raised by the objector the applicant informed Members that the revised scheme was as a result of extensive consultation with members of the local community and a number of meetings had been facilitated with local residents. Members were advised that resident's input had informed the design process of the proposals and if planning permission was granted, consultation with residents of Packington street would still continue in order to resolve any issues.
- Members acknowledged the pressing demand for this type of accommodation in the borough especially as most of the Council's residents were being accommodated outside the borough. Members noted the arguments around the application of social care policy and discussions on the best solutions of housing people with learning disabilities, however noted that this was not a matter for planning committee as Members of the Committee were guided solely on planning matters and policy.
- Members welcomed Officers reassurances that any provider of the services would have to be registered with the Care Quality Commission.
- Members acknowledged the objectors concerns around sunlight, daylight, density and scale of the scheme, but noted that with any scheme sited within a dense setting, this scheme appears to be a modest application in terms of any breaches such as sunlight/daylight loss and overlooking.
- The Chair noted the sensitivity of this application and that this would require a balancing act between future residents being able to live in appropriate accommodation and possible impact of those that would potentially be affected. Members noted the slight breaches in terms of daylight and sunlight, the overlooking concerns but considered the separation distances of over 18 metres between the scheme and windows of residents in Packington Street as sufficient and that any loss of privacy was minimal.

## **Planning Committee - 1 March 2018**

- Members agreed that in planning terms, the scheme was policy compliant, was set within a community and in close proximity to transport modes, that the design of the building would provide sufficient amenity space for residents it serves and have minimal impact on the amenity of neighbouring residents and benefit the area in terms of its attractiveness.
- A suggestion to include as a condition for a contamination survey to be undertaken to identify whether there were any contaminants on the site which would need to be treated, was agreed.

Councillor Convery proposed a motion to address site contamination issues raised by the Objector. This was seconded by Councillor Picknell and carried.

### **RESOLVED:**

That planning permission be granted subject to the conditions and set out in Appendix 1 of the officer report plus the amendments above and the additional condition outlined above relating to contamination concerns and conditional upon the prior completion of a Directors' Agreement securing the heads of terms as set out in Appendix 1 of the officer report.

The meeting ended at 10.30 pm

**CHAIR**



## PLANNING COMMITTEE REPORT UPDATE

Development Management Service  
Planning and Development Division  
Environment and Regeneration Department  
Islington Town Hall  
Upper Street  
LONDON N1 2UD

<b>PLANNING COMMITTEE</b>		<b>AGENDA ITEM NO: B1</b>
<b>Date:</b>	1 March 2018	<b>NON-EXEMPT</b>

Application number	P2017/2961/FUL
Application type	Full Planning Application
Ward	Bunhill
Listed building	Adjacent to Grade II and Grade II* Listed Golden Lane Estate
Conservation area	Partly within St. Luke's Conservation Area and within 50m of Hat and Feathers Conservation Area
Development Plan Context	Site Allocation BC34 'Richard Cloudesley School' Central Activities Zone (CAZ) Core Strategy CS7 - Key Area Bunhill and Clerkenwell Moorfields Archaeological Priority Area Local Cycle routes St Luke's Conservation Area (northern part of the site) Within 50m of the Hat & Feathers Conservation Area Article 4 Direction (A1-A2)
Licensing Implications	None
Site Address	Former Richard Cloudesley School, Golden Lane, EC1Y 0TZ
Proposal	Demolition of the former Richard Cloudesley School, City of London Community Education Centre; garages and substation; erection of a 3 storey building with rooftop play area (Class D1) (2300.5 SQM GEA) and a single storey school sports hall (Class D1) (431 sqm GEA) to provide a two-form entry primary school; erection of a 14 storey building (plus basement) building to provide 66 social rented units (Class C3) (6135 sqm GEA), and affordable workspace (Class B1a) (244sqm GEA), landscaping and associated works.

Case Officer	Simon Greenwood
Applicant	Corporation of London
Agent	Montagu Evans – Mr Jon Bradburn

## **1. ASSESSING A CROSS-BOUNDARY PLANNING APPLICATION**

- 1.1 Duplicate planning applications for the whole development have been submitted to Islington and to the City. Islington can only formally grant permission for that part of the application that falls within its administrative boundary (which is most of its site) and the City for the small part of the site which falls within its administrative boundary. Nevertheless, members should evaluate the whole application including that part in the City.
- 1.2 Town and Country Planning Act 1990 S70 provides that in dealing with a planning application the local planning authority should have regard to the development plan, any local finance consideration and any other material considerations. Planning and Compulsory Purchase Act S38 (6) provides that where regard is to be had to the Development Plan the determination should be in accordance with the development plan unless material considerations indicate otherwise. Members should evaluate the whole application on the basis of the council's development plan with the status conferred by S38(6) and should take into account the City's development plan in respect of the whole development as material considerations along with the City's observations.
- 1.3 If both authorities grant planning permission, then each authority will grant permission for that part of the development that is within its administrative boundary and the development will be governed by the two permissions.

## **2. SUSTAINABILITY, RENEWABLE ENERGY AND ENERGY EFFICIENCY**

- 2.1 Thermal Insulation and Heat Loss: The applicant has commented that the U values currently used are all at the lower end of the industry standards and that the economic and practical impact of reducing the U values further will put a further strain on the project. The current U values and design solutions deliver in excess of 40% reduction in regulated carbon emissions, however it is the unregulated carbon emissions (which we have no control over by design) that bring the overall total carbon emission down. The architects are looking to remove the combustible materials from the residential facades which presents a further challenge in relation to the U values.
- 2.2 The Council's Energy Advisor has commented that it is reasonable to proceed with the currently proposed U values for the residential building whilst the school building may still offer further opportunity for reductions.
- 2.3 District Heating and Cooling Networks: A full technical assessment of feasibility for connection to the Bunhill or Citigen District Energy Networks has not yet been completed. Details of peak heat loads have been provided but monthly heating and hot water are required in order to establish the feasibility or otherwise of connecting to the Bunhill or Citigen networks. It is therefore recommended that further information to establish the feasibility of connection is secured through the section 106 agreement. If it is demonstrated that connection is feasible then connection to a District Energy Network would be required through the Section 106 agreement and if it is demonstrated that it is not feasible then future proofing for future connection would be required (and is designed into the scheme with such a plant room located in the basement). Accordingly, it is recommended that Head of Term No. 8 within Appendix 1 (Recommendations) is amended as follows: *'Connection to a local energy network if further studies demonstrate feasibility or, if not currently feasible, future proofing for connection to a network if a viable opportunity arises in the future.'*

### 3. NOISE

3.1 Further representations have been received from the Golden Lane Residents Association in relation to the applicant's noise survey which are detailed as follows, with the responses from the applicant's noise consultants in italics:

- The approach to assessing playground noise within the noise assessment involved establishing a background ambient noise level and we have concerns regarding the methodology. Initially the assumed ambient noise level was 65dB which did not sound realistic so we asked the noise consultants to measure it, and they measured a 55db ambient sound level outside Basterfield House over the lunchtime period, which they have used as a baseline. They then used a formula to calculate the noise impact at Basterfield House using an assumed a figure of 75dB at the perimeter of the playground, based on previous measurements made on 6 October 2017 – a day when there were unusual noise events immediately adjacent to the measuring station. The consultants claim to have made allowances for this, but since the station was not manned, there is no way that they could confirm the noise source which this puts the baseline reading open in doubt.

*Noise consultant's response: As stated in the acoustic report, full audio recordings were obtained to allow investigation of measured sound levels where appropriate. To avoid increasing measured sound levels, noise events that were deemed to be unrepresentative of the sound climate of the area were excluded from the measurements used to undertake the assessment.*

- The noise assessment advised that the consultants had previously undertaken noise measurements of schools' playground areas and compiled a database of these noise data for use in similar noise assessments. At the edge of an external play area with a similar number of pupils, noise level was found to be around 75dB. After challenging the errors in the other variables the consultants reduced this figure arbitrarily, abandoning their own measurements and database and preferring a study of a Mr Weixong Wu in New York in 2006 which reduced the noise at the perimeter to 71dB. We consider that we are entitled to rely on the consultant's own analysis, since our interpretation of the report by Weixiong Wu is that it is not directly relevant to UK primary schools.

*Noise consultants response: Prior to the issue of the revised report a detailed review was undertaken of the source sound levels (which are based on historical data from previous measurements) and compared both with those used by peers and those within the study undertaken by Mr Weixong Wu. Following this review it was determined that a level of 75 dB  $L_{Aeq,1hour}$  was likely to be too high in the context of this application. A revised level of 71 dB  $L_{Aeq,1hour}$  was therefore chosen. PBA highlight that this is on the higher side of levels measured by Mr Weixong Wu during his study and is considered representative of the likely future noise levels associated with the use of the playgrounds.*

- The assessment carried out assumed a 25m distance from the playground to the windows of Basterfield House but when measured this distance was in fact 8.8m and this was corrected in the revised Noise Assessment (October 2017) and a 6dB compensating factor was applied to account for the fact that the windows to Basterfield House are recessed under balconies and no evidence provided to justify this figure. This is also an error as the bedroom windows at Basterfield House are not recessed, but are flush with the facade of the building.

*Noise consultant's response: As playground activities are to take place during the daytime, the assessment of impact is based on noise levels outside living rooms (i.e. the room most likely to be used at this time of day) which we understand to be set back.*

- All of these identified errors combine to give an unrealistically low impression of the noise impact. Using the same methodology but substituting the correct figures produces a result 13dB higher than the ambient noise level which would result in a 'noticeable and very disruptive change' resulting in an 'unacceptable adverse impact'.

3.2 A further response was received from the Golden Lane Residents Association which is summarised as follows, with the Noise Consultant's response in italics:

- No explanation given as to why the detailed review was required after the first Noise Assessment was prepared and we consider that it was because we had pointed out the errors in the first report. There are a number of similar schools nearby (Morelands, Prior Weston) with a similar, relevant acoustic environment which could have been used to take measurements rather than produce figures from an obscure overseas source, which is not directly comparable, to artificially improve their case.  
*Noise consultant's response: We undertake a continuous review of the sources and data on which we base our assessments to ensure consistency and accuracy in all of the work we undertake. A study which we had not previously been aware of indicated source noise levels which we considered to be more representative than those used in the original assessment. The assessment was therefore updated on this basis. Obtaining access to schools to undertake surveys not associated with an application is, in our professional experience, usually rejected by the school on safeguarding grounds. It is also standard practice across the industry to base assessments on sound level measurements undertaken by others, particularly where these are well documented and have been detailed in papers presented at industry conferences. We therefore stand by our results as an accurate and industry standard approach to calculating the noise impact that is likely to be generated by the continued use of the site as a school.*
- The balconies are unlikely to have any ameliorative effect on the noise reaching the windows. The balconies themselves provide no acoustic attenuation and in the majority of cases, and certainly for all but the highest storey, the noise from the playground is line-of-sight to the windows - recessed or not. If anything, the hard soffit of the balconies is likely to reflect noise towards the recessed windows.
- The applicants have provided no calculation to support their claim that the balconies reduce the noise reaching the windows by 6dB and if the applicants intend to continue to rely on this figure they should carry out site testing to establish the technical basis of this claim. In any case the majority of the windows are not recessed. We do not believe it is correct to rely on the design of neighbouring buildings for mitigation and it is primarily the responsibility of the applicants to prove that the noise emanating from their proposed development will not cause an unacceptable adverse effect.  
*Noise consultant's response: With respect to the loss provided by the balconies and the sketch provide by GLERA whilst we do not consider it to be strictly necessary, if concerns remain with respect to noise impact on the residents the boundary fence to Basterfield Road surrounding the main play area could be made imperforate. There is already a draft condition relating to the provision of a suitable acoustic screen to the Skygarden play areas and it is considered that this could be amended to include the main play area. (Officer note: it is not recommended that an acoustic barrier along*

*the southern boundary of the site be secured through a condition. Whilst an acoustic barrier would mitigate some of the noise there is a balance to be struck between noise mitigation and other impacts upon residential amenity. A 2m high acoustic barrier, for example, may mitigate some noise to the ground floor kitchens within Basterfield House but the noise would still be expected to carry upwards to accommodation on the upper floors. A higher acoustic barrier would have implications in terms of outlook from the Basterfield House flats and the daylight amenities of these dwellings.)*

- The suggestion that the impact of noise from the playground is only relevant to living room windows has no planning policy basis. Working hours are no longer 9-5 and many residents are on shift work patterns or work partly from home. Many, if not the majority of our residents are elderly, or disabled and are at home all day long. The design of the flats and maisonettes at Golden Lane are largely open-plan which was an intentional part of the original plan form. It is not possible to limit noise from spreading throughout the entire flat and the implication would be that parts of our homes would be no-go zones at certain times of the day.
- For ventilation purposes the windows of Basterfield House were designed with permanent ventilation gaps all round them that cannot be closed entirely. They are single glazed. There is no way to prevent whatever noise comes from outside from entering our homes. It would be possible to replace the windows facing the site with sealed double-glazed units to reduce the effect of the noise, but we understand this is not something that the applicants have offered to do. It would have been possible for the applicants to have sited the playground away from the homes, or to have proposed acoustic mitigation measures, or increasing the vestigial landscaping provision, but they have not done so.
- We wrote to the Environmental Health Officer at the City of London in connection with this application and asked him to review the acoustic report, but he has not done so, which is disappointing as there is no independent review of the technical merits of the report. Given the numerous errors to date, the rather crude method of calculation and the repeated attempts to manipulate the results we have no confidence that the report by Peter Brett Associates has provided an accurate assessment of the impact of the school playground on the adjacent residential properties, and what evidence it does provide, proves that the impact of the noise will have an unacceptable adverse effect.
- Measurements should be taken at one of the comparable nearby two-form entry primary schools to establish a baseline for noise levels at the perimeter of the playground and acoustic computer modelling of the environment should be undertaken to assess the impact of the noise from the playground on all the homes adjacent to the proposed development.

3.3 The Council's Public Protection Officer has provided a further response as follows:

*'People noise is more difficult to model than say an item of mechanical plant which is lab tested and emits a certain sound pressure level. There are a number of variables such as number of people, age, gender, type of activities undertaken, layout etc which will all affect the overall sound level at a certain location. The sound level will vary from day to day. For an assessment of the impact we would look for a model based upon valid data and assumptions. There is no direct guidance on assessment of people noise or playground usage such as a British Standard. There is guidance produced by the Institute of Acoustics/Association of Noise Consultants but this is targeted at providing a suitable acoustic environment for children to learn ("Acoustics of Schools: A design guide") in line with Building Regs.*

The PBA report is based upon the data from the “Development of Noise Assessment Method for School Playground Noise” Weixiong Wu paper (Inter-Noise 2006). This paper has been used as a basis for other reports and in the absence of a guidance document appears a reasonable approach to adopt. The study was undertaken at schools in New York with the following values at the boundary of the playground attributed to different age group facilities:

School Types	Leq dB(A)
Early Childhood Center	71.5
Elementary School	71.4
Intermediate School	71.0
High School	68.2

Source: Weixiong Wu, AKRF Inc., Development of Noise Assessment Method for School Playground Noise, December 2006.

This is further broken down into an hour by hour approach reflecting the changes over the day, with the table reproduced in Table 8.3 of the report.

Looking at the impact, the report has used Table 8.2, taken from the IEMA guidance (and from HS2) below. This looks at impacts over a 16 hour day or 8 hour night.

Change in Sound Level (dB)	Magnitude of Impact	Perception from Increase	Increasing Effect Level
0	No Change	Not Noticeable	No Observed Effect
0.1-2.9	Negligible	Noticeable and not intrusive	No Observed Adverse Effect
3-4.9	Minor	Noticeable and intrusive	Observed Adverse Effect
5-9.9	Moderate	Noticeable and disruptive	Significant Observed Adverse Effect
10+	Major	Noticeable and very disruptive	Unacceptable Adverse Effect

In terms of the impact, the impact for the residents to the west, south and east vary over the day, with the highest impact during the lunch time break when all pupils will be outside (weather permitting). The stated changes and effect descriptions are based upon a 16 hour day and 8 hour night. With the summary of assessment results in Table 8.5 of the report it is noted that these comparisons are against the one hour ambient sound level. This has to be taken in context - the one hour time period will not take into account the shortened school day (and term holiday times). It is also noted that the site has been a school previously and some school activity noise would have been part of the soundscape here.

The Golden Lane Estate Residents’ Association comments of 12<sup>th</sup> February, using their own calculations, state that sound levels at Basterfield House would be 13dB higher than the ambient noise level. Again this is looking at a one hour period during the noisiest school activity (i.e. the lunch time break) rather than looking at the whole day period. In the case of the residential properties adjacent to the playground there will be periods when noise levels



*exceed the ambient sound levels, however when considered in context, short periods of noise above these thresholds is normally considered acceptable given that these are for limited periods during weekdays only and only occurring during term time. This will be the case with many school sites in urban areas. Officer note: an additional condition is recommended to prevent out of hours use of the school playground.*

*The Basterfield House flats are two storey maisonettes with the entrance door and kitchens on the lower floor and bedrooms/bathrooms on the upper floor facing onto the site. Living rooms and balconies/garden spaces, where the ordinary resident would be during the day, face onto the internal courtyard. The flats have full balconies for the kitchens and partial balconies for the bedrooms, as indicated below. This will provide some screening of the school playground noise. The report uses a 6dB figure. It's difficult to put a number on this as it will depend on the position but a common rule of thumb is a 5dB reduction for a screen that partially obscures the line of sight to the noise source. Where the bedroom window is flush then no reduction should be assumed.*

Basterfield House northern elevation



*Sounds must also be considered in their context rather than purely as a decibel figure. Some sounds due to their character are more likely to annoy people than others. We have had complaints in relation to a number of MUGAs in Islington used for private hire five a side football (shouting, screaming, swearing, balls slamming against fences, anti-social behaviour etc.) outside of school times in the evening and at weekends. I'm not aware of any complaints listed against typical school playground usage. The 1993 BRE paper "Effects of environmental noise on people at home" described the typical reaction to the sound of children and laughter as "enjoyed, appreciated or welcomed".*

- 3.4 Having regard to the above, the conclusions relating to noise at paragraphs 11.308-11.310 of the committee report remain applicable.

## 4. FIRE SAFETY

- 4.1 The application is accompanied by a Fire Strategy File Note which includes the following points:

### Residential building

- The evacuation strategy for the residential accommodation will adopt a 'stay put' or 'defend in place' approach. This is where a stand-alone detection and alarm system is proposed within each flat and every individual flat has an independent means of escape (irrespective of a fire occurring in a neighbouring flat or any other flat within the residential building). All other ancillary areas within the residential building are to be evacuated simultaneously.
- The 'stay put' approach is in accordance with current legislation under Approved Document B as well as BS9991. The benefits of this are as follows:
  - High level of compartmentation is a requirement as part of the 'stay put' approach and aids in either containing the fire or allowing it to burn out.
  - Without the 'stay put' policy, we would expect the whole building to evacuate which would be disruptive and impractical as the building would need to be designed to cater for this evacuation strategy.
  - Fire service intervention would be hindered as the fire service may clash with those attempting to leave the building. The building serves floors >18m and thus a fire-fighting shaft (inclusive of a fire main) is required to help with fire service access in getting to higher floor levels more quickly. The building serves floors >30m and thus a form of Automatic Water Fire Suppression systems (AWFSS) are required.
- The base requirement for insulation in buildings in excess of 18m is limited combustibility, however we will be strongly recommending that the insulation be non-combustible.
- The provision of a single stair core is in line with all current guidance and considered reasonable based on the points above including extensive compartmentation, balcony approaches and ventilation to the fire-fighting lobby & stair.

### School

- The guidance of BS 9999 where the only fire-engineering involved is fire service vehicle access to the school – this does not mean there is no access into the site, it is just not in accordance with the tender reversing distance of 20m (currently measured to be 53m) which is mentioned within all guidance documents. This is to be discussed with the Statutory Approvers at the next stage of design.
- There is no requirement to provide sprinklers within the school building but these are being proposed.

- 4.2 The Golden Lane Resident's Association have made a representation raising concerns in relation to the Fire Strategy. The applicant has provided a response which provides the following additional clarification regarding the evacuation strategy:

*'The evacuation strategy for the residential accommodation will adopt a 'stay put' or 'defend in place' approach. This is where a stand-alone detection and alarm system is proposed within each flat and every individual flat has an independent means of escape (irrespective of a fire occurring in a neighbouring flat or any other flat within the residential building). All other ancillary areas within the residential building are to be evacuated simultaneously.'*

*The current single stair is designed as part of the firefighting shaft. This staircase will also be used for means of escape, where it is expected only the fire affected residential flat to evacuate and escape. This strategy is uses BS 9991:2015 in complying with Building Regulations Part B and has followed the guidance within this document.'*

4.3 Specific comments made by the Golden Lane Resident's Association and the response from the applicant is detailed as follows:

- GLERA note that the Design and Access Statement Addendum (October 2017) states that the design is 'in line with BS9991' - we would hope that the design was fully compliant with BS9991  
*Applicant response: The residential accommodation is in line with guidance of BS 9991:2015 whilst the School is in line with BS 9999: 2017 - both British Standard guidance documents serves to satisfy Building Regulations Part B, where there are deviations from the guidance these have been highlighted within the report and fire engineered justifications have been given (fire engineering is an alternative approach in satisfying Building Regulations Part B for which approvals from the approving bodies is required, where fire engineering is used is often to provide flexibility to the design).*
- Internal layout: There is no door on the kitchen within the flats - they have an open plan layout. Application mentions that there has had to be fire engineering for this but no details are provided. The maisonettes should have a protected staircase under BS9991 2015.  
*Applicant response: Internal Layouts will be required to achieve Building Control sign off and will therefore include door separation between corridor/kitchen areas and corridor/living room areas. Officer note: is recommended that these measures are secured through an additional condition.*
- Basement: A common staircase should not be extended down to a basement - there should be a separate stair down to the basement. BS9991 2015: 30.2 Single stair buildings: 'If a stair forms part of the only escape route from an upper storey or part thereof, the stair should not continue down to the basement'.  
*Applicant response: The proposed break in the staircase on ground floor level allows for adequate separation in breaking the staircase. This solution is recognised within the new BS 9999:2017 where there would be a 0.4m<sup>2</sup> permanently ventilated lobby approach into the staircase on basement level. These provisions significantly reduce the spread of smoke from the basement affecting the final means of escape and upper levels.*
- Automatic Opening Vent (AOV): The stair lobby would need an AOV at each level, and this should be on the opposite side from the deck access. However, since the deck access swaps to different sides of the building at the upper levels there is a risk that the AOV on the first floor would discharge beneath the access deck on the upper floors, which would not be a good idea.  
*Applicant response: The fire-fighting shaft requirements include a ventilated lobby – however in this case the open-deck arrangement provides a ventilated approach to the stair lobby in which the stair-lobby is treated as a sterile area, just as the staircase is treated as a sterile area. The addition of an AOV Window can be made to the stair lobby, however please note the main fire risk is associated with that of a flat – and all of these are approached via an open deck with no to little risk of any smoke being drawn into the stair lobby. The common areas i.e. stair lobby of the building is assumed to be kept sterile, we are not able to design for when this is considered not*

*to be the case – as then one can say the same for a small single stair building (<11m in height) which is a code compliant situation where the single stair is treated as being non-sterile, this is just not something that can be designed for.*

- **Wheelchair escape:** 10% of the flats (seven presumably) are designed as wheelchair accessible. Consideration should be given to the location of these flats as they may not be able to duck down beneath the windows of adjacent flats to pass them.

*Applicant response: The current guidance documents in satisfying Building Regulations Part B does not recognise escape of disable occupants within a residential building. This is based on the 'defend in place' strategy, should there be a fire on the single escape route of the open deck approach – It is expected only the fire affected flat to evacuate. It should be noted there is no acknowledgement in the guidance documents in associating the action or someone's ability to 'ducking down' with the 1.1m fire rating requirement.*

- **External Storage:** No store or other fire risk should be erected externally on a balcony. In the current scheme the first floor maisonette still have bicycle storage outside on the deck. The Fire Strategy Draft Report has not been provided; only a summary. This leaves open questions regarding the means of escape and it is not clear what compromises may have been made in the design. We also question the wisdom of pushing ahead with a single staircase tower at this point, when building regulations in precisely this area are being actively reviewed by Dame Judith Hackett.

*Applicant response: The basement cycle storage room has the capacity to store all of the bikes associated with the residential development. This will mean that the areas in front of the duplex units at level 1 will not be needed and are therefore not a designated storage area in any form. The space in front of the duplex units is designated as garden space, a break between the front door and the main access walkway.*

## **5. TRANSPORTATION AND HIGHWAYS**

### **5.1 Cycle parking: paragraph 11.436 of the committee report is corrected as follows:**

The cycle provision for the school/nursery has been based on an occupancy figures 420 students and 50 staff. The London Plan cycle parking standards identify nurseries in the same category as primary and secondary schools. However, nursery children have been excluded from the occupancy for the purposes of assessing cycle parking requirements on the basis that any bicycles used by Under 5s would likely be unsuitable for standard cycle racks or stands.

Islington's cycle parking standards for schools (generically) detailed at Appendix 6 of the Development Management Policies Document seek 1 per 7 staff and 1 per 10 students, which equates to 42 spaces for students and 7 spaces for staff and therefore a total requirement of 49 spaces.

Table 6.3 of the London Plan indicates that one long stay cycle parking space should be provided per 8 staff and one long stay space per 8 students which equates to a requirement for 6.25 spaces for staff and 52.5 spaces for which is a total of 59 spaces. One long stay space per 100 pupils is also required and this equates to a requirement for 4 short stay spaces. The ground floor plan indicates 60 spaces for the school use comprising 6 Sheffield stand hoops (12 spaces) at the school building entrance on Baltic Street East and 24 Sheffield stand hoops (48 spaces) at the pick-up/drop-off area inside the Golden Lane

entrance to the school. The provision of 60 spaces is in excess of Islington's requirements and the long stay requirements of the London Plan. Four Sheffield stand hoops (8 spaces) are proposed on the Golden Lane pavement which will provide some short stay provision for all of the proposed uses on the site.

- 5.2 Refuse arrangements: The Council's Waste Advisor has now reviewed the proposed refuse collection arrangements and advises that they are considered acceptable.
- 5.3 Controlled Parking Zone: It should be noted that Controlled Parking Zone C which covers Golden Lane has recently been changed and now enforces parking restrictions 24 hours per day with the exception of midnight to 6am on Sundays.
- 5.4 Car Free Development: Core Strategy Policy CS10(H) requires that new development is car-free which means that means that occupiers will have no ability to obtain car parking permits, except for parking needed to meet the needs of disabled people, with the exception of Islington residents who have held a permit for the previous 12 months. As noted at paragraph 11.421 the proposed development would be car free and this would be secured through recommended Head of Term No. 18 detailed in Appendix 1 (Recommendations) of the committee report.
- 5.5 The applicant's highways consultant has advised that the garages on the site which are presently being used for vehicle parking would be addressed as part of a review of an estate wide review of parking provision.
- 5.6 Disabled Car Parking: The Council's Traffic and Safety Manager has observed that the existing 'School Keep Clear' markings are approximately 55 metres in length along Golden Lane whilst the proposed school frontage on Golden Lane would be significantly reduced in width. Accordingly, there is capacity to reduce the extent of the 'School Keep Clear' marking to provide space for two Blue Badge disabled parking bays on Golden Lane in front of the residential block. The Council's Highways Officer has indicated that this approach is considered acceptable and that provided a minimum 29m 'School Keep Clear' marked area is retained, the provision of the disabled bays is implemented in such a manner as to cause no obstruction to the road, no increased danger to vulnerable road users or any decrease sight lines. The applicant's Transport Consultant has prepared a plan to indicate the location of the proposed Blue Badge parking bays and these would be secured through Head of Term No. 15 indicated at Appendix 1 (Recommendations) to be re-worded to state:
- Provision of 2 accessible (Blue Badge) parking bays with all costs to be borne by the developer with works to be carried out by the Council, including any TMOs.
- 5.7 The two existing disabled parking spaces within the garages on the application site will need to be provided within proximity of the residential unit. As such, the applicant's transport consultant has suggested that some spaces on Golden Lane (City side) could be converted to disabled parking, with other permit holders provided spaces elsewhere within the Estate, if needed. Accordingly, an additional Head of Term is recommended to require 'The relocation of two parking bays elsewhere within the Golden Lane Estate car parking areas'.
- 5.8 Servicing: The Council's highways engineer has commented that deliveries and refuse collections should be made outside of school start and finish times (i.e. between 10am and 3pm). The Council's highways engineer has also advised that no vehicles larger than a 7.5

tonne box van should service the school from Baltic Street West and that a banksman must be required to supervise 3 point turns on Baltic Street West by servicing vehicles. These measures and arrangements can be secured through the delivery and servicing plans which it is recommended be secured by condition and amendments to that condition wording to include these provisions are recommended. It is also recommended that measures to address cyclist safety during these vehicular movements are secured through the Delivery and Servicing Plan.

- 5.9 The Council's highways engineer does not raise any particular concerns in relation to the servicing arrangements for the proposed residential block on Golden Lane.
- 5.10 Baltic Street East school frontage: The Council's highways engineer has observed that the Baltic Street East entrance will serve the nursery and a guardrail and new 'School Warning' signs will be required on Baltic Street East/West. It is suggested that the existing motorcycle parking bay on Baltic Street West be removed and re-provided elsewhere in the vicinity to facilitate the provision of an informal crossing point to serve the nursery. These works would be secured through a Section 278 agreement.
- 5.11 Travel Plan: The Council's Traffic and Safety Manager has commented that the School Travel Plan is considered acceptable from a highway and pedestrian safety point of view.
- 5.12 Transport Assessment: The applicant's transport consultant has provided a response to comments from objectors stating that the Transport Assessment should be based upon real data for existing pupils at COLPAI rather than modelling data. The existing school is at Rheidol Terrace and therefore doesn't represent the travel patterns that are predicted for this site. It is therefore stated that the consultants reviewed Travel in London (TfL data source) Islington travel for education purposes in Islington and modified it based on the proposed site conditions. It is also state that a full trip generation for residential purposes will be conducted as part of the conditioned Delivery and Servicing Plan.

## **6. DAYLIGHT AND SUNLIGHT TO PROPOSED RESIDENTIAL ACCOMMODATION**

- 6.1 The applicant has submitted a Daylight and Sunlight to Proposed Dwellings report to demonstrate the daylight and sunlight amenity within the proposed residential units. The report identifies that, despite the presence of the balconies, the daylight results are good. All living/dining rooms, shallow Lounge-Kitchen-Diners (LKDs) and 95% of bedrooms met the relevant Average Daylight Factor (ADF) target. The deep LKDs with their kitchen areas at the rear of the rooms would not meet their ADF target, but when the living dining areas are tested in isolation, 24 of the 26 rooms met the relevant ADF target.
- 6.2 The availability of sunlight is affected by the presence of balconies and orientation. The west elevation faces south of due west so has better potential for sunlight availability than the east elevation. The majority of main living areas have been located on the west side of the building and meet the BRE targets for winter Annual Probable Sunlight Hours (APSH), falling short of the total APSH targets due to the shading effect of the balconies.
- 6.3 Overall, it is considered that the report demonstrates that the proposed residential units will benefit from satisfactory levels of daylight and sunlight amenity which would contribute towards an overall high standard of residential accommodation.

## **7. FURTHER REPRESENTATIONS**

- 7.1 4 further objections and 4 further representations in support have been received which reiterate comments detailed within the committee report. One objection criticises the committee report in relation to the assessments of children's play space, the need for the school, the siting of the school hall and the layout of the residential building. A representation in support of the proposal advises that it has been submitted on behalf of 100+ parents of the school and reiterates comments regarding high quality design of the proposal, the need for the school and housing, the success of the school to date, the efficient use of the site and the implications of a delay in the delivery of the school.

## **8. REVISED PLANS**

- 8.1 The Golden Lane Estate Resident's Association identified errors on the application plans relating to the staircases to the residential block which do not line up between the ground floor and the first floor. The applicant has commented that there are three flights of stairs from the ground floor to first floor and two flights of stairs from the first floor upwards. Revised plans were received on 16 February 2018 to correctly indicate this arrangement.

## **9. COMMUNITY EDUCATION CENTRE**

- 9.1 Appendix 1 (Recommendations) indicates that an update will be provided in relation to Head of Term No. 5 securing the relocation of the Community Education Centre facilities. The City of London have confirmed that works to deliver the re-provided facilities within the Golden Lane Community Centre will be completed in April 2018. Advice regarding a timescale for the facilities within the business library has not been received at the time of writing. Accordingly, it is recommended that the re-provided facilities are secured through the Section 106 agreement. In the event that the replacement facilities are delivered prior to the completion of the Section 106 agreement this requirement will fall away.

## **10. DAYLIGHT AND SUNLIGHT ASSESSMENT**

- 10.1 A formatting error has occurred after paragraph 11.280 of the committee report and the images are correctly presented below.

North facing elevation –  
Hatfield House



Bedroom windows – flush (not obstructed) each serving different flats.

Bathroom windows – do not require assessment

Kitchen windows – recessed beneath projecting balconies

South facing elevation -  
Hatfield House



Bathrooms (don't require testing)

Bedrooms

Reception rooms  
(projecting pillars and recessed)



<b>Committee:</b>	<b>Date:</b>
Planning and Transportation	26 March 2018
<b>Subject:</b> 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 enlarged 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.	<b>Public</b>
<b>Ward:</b> Farringdon Without	<b>For Decision</b>
<b>Registered No:</b> 17/00937/FULL	<b>Registered on:</b> 12 September 2017
<b>Conservation Area:</b> Temples	<b>Listed Building:</b> Grade II

## Summary

The proposal relates to 1 & 2 Garden Court, a pair of grade II red brick chamber buildings located within the Temples Conservation Area and 3 Garden Court (Blackstone House) as well as the land between the rear of Blackstone House and 1& 2 Garden Court located within the Strand Conservation Area.

Planning permission is sought for; the change of use of one residential unit (Class C3) to office (Class B1), enlargement of openings at second, third and fourth floor level at the rear of 1 & 2 Garden Court and refurbishment and repair works, the erection of a glazed infill extension between 1 and 2 Garden Court and Blackstone House to create a new atrium connecting the two buildings at second, third and fourth floor levels and associated alterations including new rooftop plant equipment.

An identical application has been submitted to the City of London Corporation (CoL) and Westminster City Council (WCC). The site plan below shows 1 & 2 Garden Court within the administrative area of the City of London and 3 Garden Court (Blackstone House) within the administrative area of WCC.

Representations have been received from residents living in Westminster which 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, removal of the existing fire escape 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.

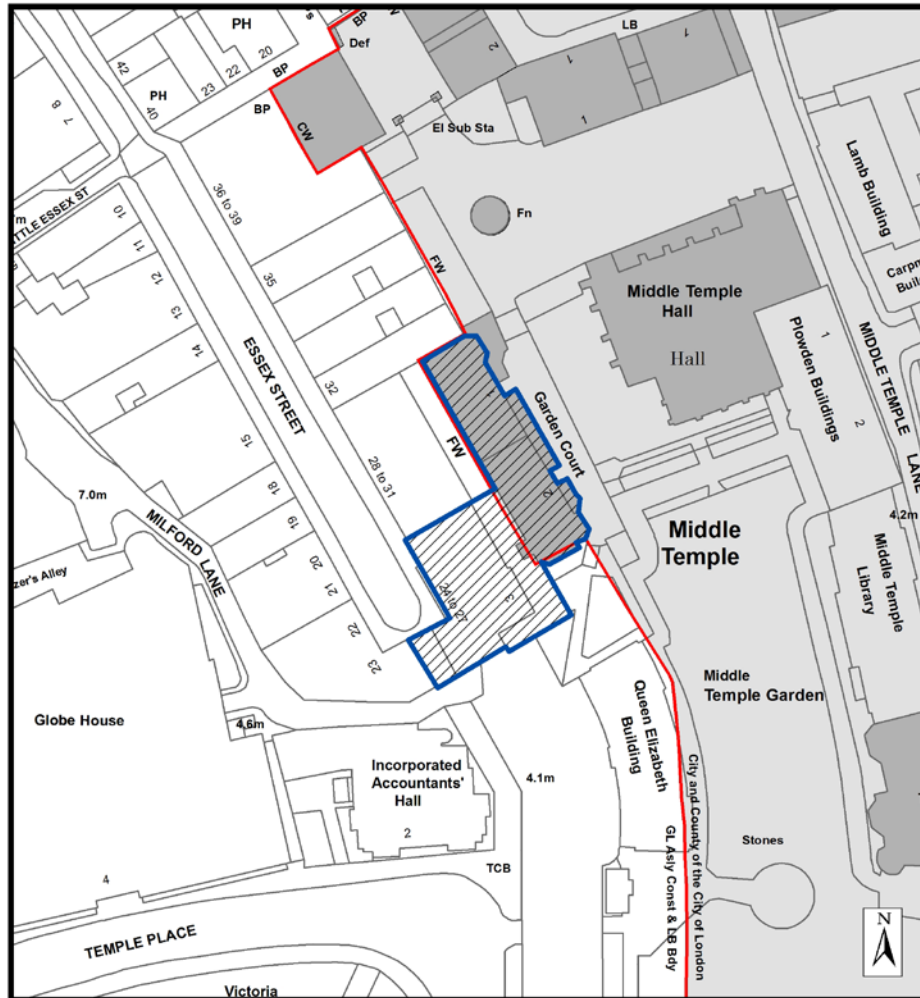
It is considered that the development complies with the NPPF and the Development Plan as a whole and is appropriate subject to conditions.

### **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

5.



## **Main Report**

### **Assessing a cross-boundary planning application**

1. Identical planning applications for 'Change of use of 1 x residential unit (C3) to office use (B1) at fourth floor level and external alterations including the formation of enlarged 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.' The whole development has been submitted to Westminster City Council (WCC) and the City of London Corporation (The City). The proper approach is for each authority to determine the application as made, in accordance with the considerations below. (However, any permission issued by the City would only be granted insofar as it relates to land in the City).
2. Town and Country Planning Act 1990 S70 provides that in dealing with a planning application the local planning authority should have regard to the development plan, any local finance consideration and any other material considerations. Planning and Compulsory Purchase Act S38 (6) provides that where regard is to be had to the development plan the determination should be in accordance with the development plan unless material considerations indicate otherwise.
3. When assessing the application as made to the City the development plan to which regard is to be had is the development plan for the City. Members should take into account WCC's development plan as another material consideration along with WCC's observations. The WCC officers' report is appended to this report. The WCC officers' report identifies relevant policies in the development plan for Westminster and other policies which apply in Westminster. Your officers advise that you should take account of all the policies referred to in the Westminster officers' report and the advice given by Westminster Officers on the application, and that, insofar as those policies relate only to Westminster you should have regard to them as material considerations when dealing with the application before you. You are advised to rely upon the advice given in this report by your own officers when considering the application of policies in the City's Local Plan, the London Plan and other policies which apply in the City as referred to in this report.
4. The application was prepared for the Westminster Planning Applications Sub Committee with a recommendation for refusal 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 Westminster 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).
5. Each authority will make a decision in so far as it relates to land in their respective administrative area.

## **Site**

6. 1 & 2 Garden Court are a pair of red brick chamber buildings comprising four storeys plus basement dating to 1885 with stone dressings and prominent 'Elizabethan' features. They are grade II listed and located within the Temple Conservation Area. They are in use as barristers' chambers (Class B1) with residential uses (Class C3) at levels four and five.
7. 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.
8. 1 & 2 Garden Court and Blackstone House are currently linked by a glazed part one, part two storey extension between 2 Garden Court and Blackstone House.
9. The Grade II registered Middle Temple park and garden extends to the edge of the site to the east and south, with the area 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.

## **Relevant Planning History**

10. 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**

11. Planning permission is sought for alterations to the grade II listed 1 and 2 Garden Court and 3 Garden Court (Blackstone House). The works 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
  - Enlarging openings at the rear of 2 Garden Court at second, third and fourth floor levels (in association with a three storey glazed structure linking 1 and 2 Garden Court and Blackstone House.
  - 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. (located within the administrative area of Westminster City Council).

12. This report deals with the application for planning permission (17/00937/FULL). A separate application for listed building consent has been submitted and is before you for consideration.

### **Consultations**

13. 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.
14. 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 and nearby residents in City of London and Westminster.
15. The application was amended and revised plans and updated daylight and sunlight information was submitted and these were consulted on for an additional 14 days.
16. Historic England does not wish to comment on the proposal and has deferred to the view of the local planning authority.
17. City of London Conservation Area Advisory Committee raised no objections.
18. Westminster City Council has concerns regarding the visual impact of the proposed infill extension with regards to its scale, design, materiality, and its relationship with neighbouring buildings and its surroundings. It considers 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.
19. A drop-in session was arranged for residents by the applicants on 1 February 2018. The key concerns from residents included the existing fire escape stair (located outside the site boundary between 1 & 2 Garden Court and Blackstone House) and potential options for rerouting or adapting the staircase to improve light to residential windows and to reduce the sense of enclosure. Daylight and sunlight concerns were also discussed and concerns were raised by the residents about the accuracy of the window positions and sizes in the daylight and sunlight assessment.
20. Following the drop-in session, the applicants amended the design of the proposed link structure, in response to resident concerns. The revised design shows a step in the roof profile of the proposed link structure resulting in a reduction in height by 1.2m. Additional daylight and sunlight assessments following verification of window sizes and

positions and the amended plans were submitted and the additional information was re-consulted on.

21. Representations have been received from residential occupiers at Aldwych Chambers (29 Essex Street - within the area of Westminster City Council) during both rounds of consultation. They are summarised below:

Topic	Objection	Response
Residential Amenity	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).	See paragraph 90-110
	The revised submission does little to address the concerns raised previously, regarding loss of amenity, sense of enclosure, unacceptable reduction in light. An overbearing design at odds with the current style of architecture and lack of regard to the impact on residential neighbours.	See Paragraphs 47-66 and paragraph 90-110
	Changing the height of a small section of the roofline to the atrium on the north side of the atrium is a token gesture at best. The southern wall of the atrium is still at the same height and will block most of the light that enters the back of Aldwych Chambers.	See Paragraphs 98-105
Design and Heritage	The proposed link structure is out of 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. Proposed link structure would impact on the character of the	See paragraph 55-61



	property	
Noise	Concerns about the disturbance during construction.	See paragraph 115
Other Material Considerations	<p>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.</p> <p>Revisions have been submitted prior to the follow up meetings with residents planned for 6th and 13th March. The design still proposes a substantial increase in the height of the solid wall immediately adjacent to our apartment and this design combined with the existing fire escape would inflict a detrimental situation.</p> <p>Understand that the application for the Garden Court buildings in the City of London are mostly for internal refurbishment works and external maintenance to the front of Garden Court. We have no objection to this part of the application, but strongly object to the part of the application the addresses the link to Blackstone Chambers on Essex Street and request that this part of the application where the link is concerned is set aside.</p>	<p>See paragraphs 55-61 and paragraphs 83-89</p> <p>See paragraphs 15 and paragraphs 95-105 and 119</p> <p>Each authority will make a decision in so far as it relates to land in their respective administrative area.</p>
Other Non-Material Considerations	<p>Devaluation of the nearby residential properties.</p> <p>The applicant should investigate the removal of the adjoining external fire escape stair.</p>	<p>See paragraph 118</p> <p>See paragraph 119</p>

	Safety concerns regarding compliance of the current escape route to the surrounding buildings utilising the fire escape.	See paragraph 119
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### **Policy Context**

22. The development plan, so far as material 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.
23. Although Westminster's development plan, and other policies relevant to the Westminster Application do not form part of the development plan for the City, for the purposes of determining the City Application, they are a material consideration and should be taken into account. As set out above, your officers recommend that you have regard to all the Westminster development plan, and other Westminster specific policies, identified in the Westminster officers' report, Government Guidance is contained in the National Planning Policy Framework (NPPF).

### **Considerations**

24. 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;

25. 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.
26. 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.
27. 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.
28. 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.
29. 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**

30. 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.
31. 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)
32. 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)

33. 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.
34. 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.
35. 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.
36. 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.
37. Essex Watergate has historical and aesthetic significance as a former gateway from the Thames dating to c.1676.
38. 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**

39. 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."
40. 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.
41. 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)

42. 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”.

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

43. 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.
44. The proposed enlargement of the openings in the rear elevation would be formed in connection with a proposed link extension. The works to create the link extension 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 works to the openings at the rear of 1 & 2 Garden Court would not be implemented until the associated glazed link extension (within Westminster City Council) is approved and implemented.
45. 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.
46. 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**

47. The exterior brick and stonework of 1 & 2 Garden Court would be cleaned and repaired where required.
48. 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.
49. 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.
50. 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.
51. 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.
52. 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.
53. The proposed development would not have a significant impact on the setting of the Essex Watergate due to its set back behind Blackstone House.
54. 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**

55. 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.
56. 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.

57. 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.
58. 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.
59. 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, (which are discussed below).
60. 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.
61. 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**

62. 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 an area in long-established use as a car park.
63. 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.
64. 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.

65. The proposed link extension is not considered to be harmful to the setting and significance of Middle Temple Garden.
66. 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**

67. 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.”
68. 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...”
69. 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.”
70. 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”.
71. 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”.
72. 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.”
73. 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**

74. 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.
75. 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.
76. 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.
77. 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. The glazed roof of the link would slope down to the rear to minimise its visual impact when viewed from the north.
78. 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.
79. 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.
80. 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.
81. 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.

82. 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**

83. 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.
84. 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.
85. 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.

86. The existing buildings' 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.
87. 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.
88. 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**

89. 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 and larger international chambers cannot be accommodated, it would impact on the character of the Temples Conservation Area (both in terms of its continuing occupation by the legal profession and in terms of the income required by the Middle Temple from the bigger chambers to maintain the environment).

#### **Change of Use**

90. 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**

91. There are residential units within 1 and 2 Garden Court, Aldwych Chambers (29 Essex Street, in Westminster) and New Court Chambers. The flats in Aldwych Chambers have windows which face into the gap between Blackstone House and 1 & 2 Garden Court.
92. 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.
93. 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. The BRE guidelines consider a number of factors in measuring the impact of development on the daylight and sunlight of existing residential properties:
  - Daylight to windows: Vertical Sky Component (VSC): a measure of the amount of sky visible from a centre point of a window. The VSC test is the main test used to assess the impact of a development on neighbouring properties. A window that achieves 27% or more is considered to provide good levels of light, but if with the proposed development in place the figure is both less than 27% and reduced by 20% or more from the existing level (0.8 times the existing value), the loss would be noticeable.
  - Daylight Distribution: No Sky Line (NSL): The distribution of daylight within a room is measured by the no sky line, which separates the areas of the room (usually measured in sq. ft) at a working height (usually 0.85m) that do and do not have a direct view of the sky. The BRE guidelines states that if with the proposed development in place the level of daylight distribution in a room is reduced by 20% or more from the existing level (0.8 times the existing value), the loss would be noticeable. The BRE advises that this measurement should be used to assess daylight within living rooms, dining rooms and kitchens; bedrooms should also be analysed although they are considered less important.
  - Sunlight: sunlight levels are calculated for all main living rooms in dwellings if they have a window facing within 90 degrees of due south. Kitchens and bedrooms are considered less important

although care should be taken not to block too much sun. The BRE explains that sunlight availability may be adversely affected if the centre of the window receives less than 25% of annual probable sunlight hours (APSH), or less than 5% APSH between 21 September and 21 March; and receives less than 0.8 times its former sunlight hours as result of a proposed development; and has a reduction in sunlight hours received over the whole year greater than 4% of annual probable sunlight hours.

94. 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.
95. The proposed link extension would result in three additional stories next 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.
96. A daylight and sunlight report has been submitted in support of the application with a subsequent addendum received in October 2017 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.
97. Following the residents' meeting on 1 February 2018, a site inspection was undertaken by the daylight and sunlight consultants to record the window sizes and positions to address residents' concerns about the accuracy of the assessment. A measured survey was also taken from within Apartments 1, 6 and 14. Following this, an amended daylight and sunlight assessment was submitted verifying the window sizes and positions. After the subsequent amendment to the design of the proposed link extension an addendum daylight and sunlight assessment has been submitted to assess the impact of the revised design. The assessment as updated has been reviewed and is considered sound.

### **Daylight**

98. Of the 71 windows tested, 67 would continue to meet BRE target values for VSC. The report identifies that the properties at New Court Chambers would not be affected in terms of daylighting.
99. The report identifies four windows in Aldwych Chambers which would experience a loss of daylight which would not meet BRE target values for VSC. The four windows that do not meet the target already experience exceptionally low VSC results. 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 a further four 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 daylight.

100. A daylight distribution assessment has been undertaken to analyse the impact on the rooms served by the four windows which did not meet the BRE target for VSC. Of the four rooms assessed all four windows would not be noticeably affected in terms of daylight distribution.

### **Sunlight**

101. 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.
102. Eight windows located on the south elevation of New Court Chambers were assessed for any impact on sunlighting levels. All the windows would continue to meet the target values set out in the BRE guidelines.
103. An overshadowing assessment has been undertaken in accordance with BRE Guidelines. Four amenity areas at Aldwych Chambers were assessed and these areas would meet the BRE target criteria for sunlight.

### **Daylight and Sunlight Conclusions**

104. 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.
105. 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**

106. 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).
107. Local Plan Policy DM21.3 requires developments to be designed to avoid overlooking and seek to protect the privacy of neighbouring occupiers.
108. The glazing of the link extension would include a metal mesh which would help to reduce the transparency of the glazing. If planning

permission is approved by Westminster City Council, it is recommended a condition should be added 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.

109. In relation to residential amenity, the impacts would arise to residents in Westminster. 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.
110. 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**

111. 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 House 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**

112. 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.
113. The proposed alterations including extensions to existing lift pits and localised excavation within the sub-basement would have an archaeological impact.
114. 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**

115. 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**

116. Details of waste storage and collection have not been provided. If planning permission is approved by Westminster City Council, the City of London would recommend that a condition should be imposed to provide further details of refuse storage and collection facilities.

### **Rooftop Plant (3 Garden Court within Westminster CC)**

117. 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. If the planning permission is approved by Westminster City Council, the City of London would recommend that a condition should be imposed to manage noise levels from the new plant equipment.

### **Other Matters**

118. 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.
119. 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. Following the residents' meeting the applicants undertook further research into the existing fire escape. It was established a number of properties use the existing fire escape stair as a means of escape including the upper levels of Blackstone House, 22-23 Essex Street and 20-21 Essex Street. Amendments have been introduced at the fifth floor of Blackstone House to provide an alternative means of fire escape for the upper floors of Blackstone House and as a result the existing fire escape stair is no longer required as a means of escape for any occupants of Blackstone House.

### **Conclusions**

120. 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.
121. The proposal has been assessed in accordance with the London Plan and City of London Local Plan. Westminster City Council's policies and



their assessment has been taken into account as a material consideration in the determination of this application.

122. Other matters which have been identified as requiring further information or detailing are capable of being dealt with by the imposition of appropriate conditions either by the Westminster or by the City in respect of the relevant parts of the scheme.
123. 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.
124. 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 and 08.03.2018 Mr Brian Reinker

Representation 22.11.2017 Mrs Faye Milburn

Representation 23.11.2017 and 10.03.2018 Mr Ronald Chua

Representation 23.11.2017 Mr Sean Coxall

Representation 27.11.2017 and 13.03.2018 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 and 13.03.2018 Ms Natasha and Mr Christian  
D'Souza

Representation 06.03.2018 Mr Chris Milburn

Representation 07.03.2018 Mr John Makinson

Representation 09.03.2018 Mr Robert Gutstein

Letter 08.11.2017 City of Westminster Observation

Committee Report 09.01.2018 City of Westminster

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 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

Daylight and Sunlight Additional Assessment, prepared by Malcolm Hollis dated 16 February 2018

Daylight and Sunlight Addendum Letter, prepared by Malcolm Hollis dated 28 February 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 enlarged 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 (by the relevant planning authority for the Westminster City Council administrative area), 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 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 Rev A, MS180, MS181, MS182, MS183, MS184, MS200 Rev D, MS201 Rev C, MS202 Rev A, MS203 Rev A, MS204 Rev A, MS205 Rev A, MS206 Rev B, MS20R Rev A, MS220, MS221, MS222, MS223, MS224, MS225, MS320, MS321, MS330, MS331, MS332, MS333, MS334, MS340, MS341, MS342, MS600, MS610, MS611, MS700, MS701 Rev A, MS702 Rev A, MS703, MS704, MS705 Rev A

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.

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<b>Committee:</b>	<b>Date:</b>
Planning and Transportation	26 March 2018
<b>Subject:</b> 1 & 2 Garden Court & 3 Garden Court (Blackstone House) Middle Temple London EC4Y 9BL  Internal and external alterations including; the formation of enlarged openings in the rear of 2 Garden Court at second, third and fourth floor levels (in association with a glazed link structure), replacement of existing secondary glazing units and introduction of additional units, removal of structural and non-structural partitions, replacement internal lifts, installation of an air conditioning units above suspended ceiling rafts and associated refurbishment and repair works.	<b>Public</b>
<b>Ward:</b> Farringdon Without	<b>For Decision</b>
<b>Registered No:</b> 17/00938/LBC	<b>Registered on:</b> 11 September 2017
<b>Conservation Area:</b> Temples	<b>Listed Building:</b> Grade II

## Summary

The proposals relate 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.

Listed building consent is sought for internal and external alterations to the grade II listed 1 and 2 Garden Court. The works to 1 and 2 Garden Court include; the formation of new openings in the rear of 2 Garden Court at second, third and fourth floor levels, repair and works and cleaning to the external elevations of 1 & 2 Garden Court, damp proofing, new flooring, removal of structural and non-structural partition walls, replacement of the existing lifts, installation of secondary glazing and installation of an air conditioning system above a suspended raft.

The proposed internal and external alterations 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 internal works would be minor in relation to the scale and significance of the building, and would not result in the loss of any significant fabric or features. The alterations throughout would be accompanied by an extensive package of repair works that would enhance the significance of the listed building.

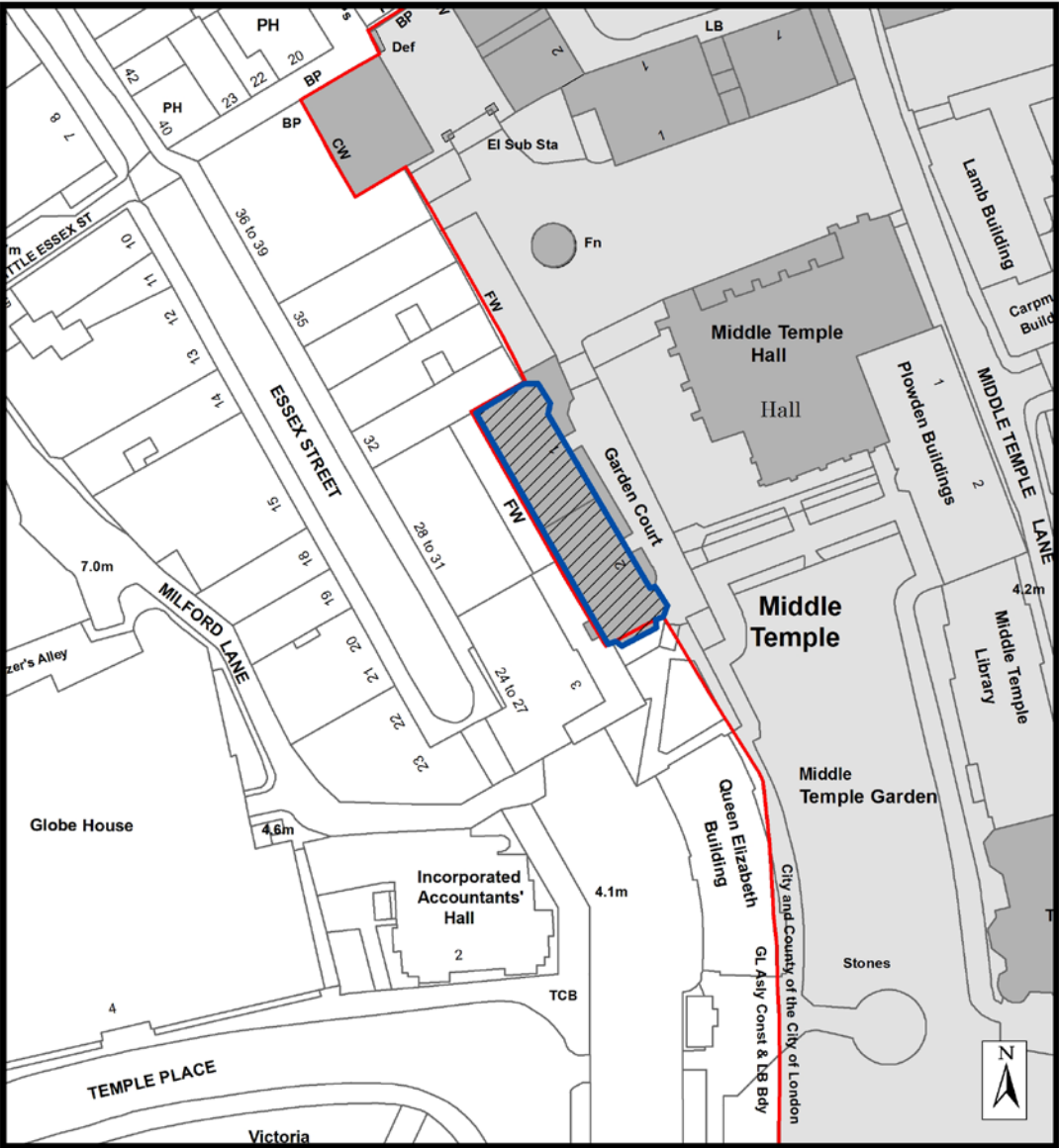
It is considered that the development complies with the NPPF and the Development Plan as a whole and is appropriate subject to conditions.

### **Recommendation**

Listed building consent be granted for the works referred to above in accordance with the details set out on the attached schedule.



# Site Location Plan



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ADDRESS:

1-2 Garden Court

CASE No.

17/00938/LBC

- 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 chambers 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. 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**

5. In July 2007 planning permission and listed building consent were granted by the City of London and Westminster City Council 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 2 Garden Court included the formation of a new opening in the rear elevation and associated alterations.

### **Proposals**

6. Listed building consent is sought for internal and external alterations to the grade II listed 1 and 2 Garden Court. The works to 1 and 2 Garden Court include:
  - Formation of enlarged 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)
  - Refurbishment and repair works to 1&2 Garden Court including replacement of all services, full façade clean and repairs to the roof
  - Replacement of existing internal secondary glazing and the introduction of additional units
  - Installation of two new glazed lifts in the existing locations
  - Removal of structural and non-structural partitions to create new openings and modify the layout of rooms.
  - Installation of an air conditioning system above suspended ceiling rafts.

7. This report deals with the listed building consent (17/00938/LBC). A separate application for planning permission has been submitted and is before you for consideration (17/00937/FULL).

### **Consultations**

8. 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.
9. 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.
10. Historic England does not wish to comment on the proposal and has deferred to the view of the local planning authority.

### **Policy Context**

11. 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.
12. Government Guidance is contained in the National Planning Policy Framework (NPPF).

### **Considerations**

13. The Corporation, in determining the listed building application has the following main statutory duties to perform:-
  - In considering whether to grant listed building consent special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses (S.16(2) Planning (Listed Buildings and Conservation Areas) Act 1990).
14. Considerable importance and weight should be given to the desirability of preserving a listed building and/or its setting, 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.
15. In considering the listed building consent 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.
16. The principal issues in considering this application are:
  - The extent to which the proposals comply with Government policy advice (NPPF) and with the relevant policies of the Development Plan having regard to the impact of the proposal on the character

and significance of designated heritage assets; specifically - whether the proposed alterations, both external and internal, would be sympathetic to the character and appearance of the listed building and would preserve its special significance.

## **HERITAGE**

### **Identification of Heritage Assets and their significance**

17. 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.
18. The designated heritage assets of relevance in the consideration of this case are:
  - 1 & 2 Garden Court – Grade II listed
19. 1 and 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. The grade II listed buildings have group value in relation to adjacent heritage assets including Middle Temple Hall (Grade I listed).

### **Heritage Policies**

20. 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.”
21. 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.
22. 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 DM12.3 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)

23. 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”.

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

24. 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 proposed internal alterations would be sympathetic to the special architectural and historic interest of the listed building and would ensure its continued use for the purpose for which it was designed.
25. The proposed openings in the rear elevation would be formed in connection with a proposed link extension which is under consideration in an associated planning application (17/00937/FULL). These works would fall within the City of Westminster.
26. A condition would be added to the listed building consent to ensure that the works to the openings at the rear of 1 & 2 Garden Court would not be implemented until the associated glazed link extension is approved (by the relevant planning authorities including the authority for the Westminster City Council administrative area), and implemented.

#### **Impact on the significance of the listed building**

##### **External works**

27. The exterior brick and stonework of the building would be cleaned and repaired where required. 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.
28. Existing window openings in the rear, 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.
29. 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.

30. A series of ventilation ducts would be installed to the rear elevation in connection with the proposed internal air-conditioning system.
31. Details and a method statement would be required by condition to agree the extent and nature of the repair and alterations of works to the rear elevation.

#### Internal works

32. Additional damp proofing measures would be installed at the north end of 1 Garden Court which has a chronic penetrating damp issue caused by the change in levels at this part of the site. A membrane would be installed to the interior of the north elevation at basement and ground floor level, with the internal finishes made good to match. The existing injected damp proof course would be supplemented to further improve the building's resilience against damp at the northern end.
33. The basement timber floors have largely been replaced with concrete in previous decades. Small areas of timber flooring remain but these are degraded and considered beyond repair. It is proposed to insert concrete floors in these areas.
34. At basement level at the northern end of the building a series of partition walls would be removed in order to create two larger meetings rooms which would largely revert the area of the building to its original layout. At the southern end on the same floor two original walls would be partially removed, leaving nibs, down-stands and cornices to maintain historic features and an impression of the historic plan form.
35. Outdated lifts run through the centre of the two main staircases. These would be replaced with modern glazed lift cars in the same locations, requiring no further alteration to the staircases. The painted glazed bricks in the stairwells would be restored to their original green ceramic finish.
36. The cast iron radiators, which are not of historic interest, would be removed and replaced with fancoil units in new cabinets.
37. An air-conditioning system would be installed throughout the office areas of the building. This would be run along corridors and into offices above a suspended raft. The raft would comprise a contemporary insertion set in from each side of the corridors so that the cornice could be viewed above. A series of penetrations in the rear elevation would be made as part of the system. The installation of the raft through the corridors would alter the volume and character of the space, but the works would be reversible and could be taken out in future leaving historic features intact.
38. Secondary glazing would be installed throughout, with the existing rear window units replaced and new units installed to the front of the building. The secondary glazing units would be white slimline aluminium frames supplied by 'Selectaglaze' which would have a minimal visual impact when viewed from the exterior of the building.

## **Conclusions**

39. The external and internal 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 internal works would be minor in relation to the scale and significance of the building, and would not result in the loss of any significant fabric or features. The alterations would be accompanied by an extensive package of repair works that would safeguard the buildings and enhance their significance.



## **Background Papers**

### **Internal**

Nil

### **External**

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 Historic England dated 9 October 2017

Planning Statement dated September 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

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

## **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**

#### ***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.

#### ***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.

#### ***DM12.3 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.

## SCHEDULE

APPLICATION: 17/00938/LBC

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

**Internal and external alterations including; the formation of enlarged openings in the rear of 2 Garden Court at second, third and fourth floor levels (in association with a glazed link structure), replacement of existing secondary glazing units and introduction of additional units, removal of structural and non-structural partitions, replacement internal lifts, installation of an air conditioning units above suspended ceiling rafts and associated refurbishment and repair works.**

## CONDITIONS

- 1 The works hereby permitted must be begun before the expiration of three years from the date of this consent.  
REASON: To ensure compliance with the terms of Section 18 of the Planning (Listed Buildings and Conservation Areas) 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 works pursuant to this consent 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 junctions with the link structure;
  - f) details and a method statement for masonry cleaning and repairs.REASON: To ensure the protection of the special architectural or historic interest of the building in accordance with the following policy of the Local Plan: 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 (by the relevant planning authorities including the authority for the Westminster City Council administrative area), and implemented.  
REASON: To ensure the protection of the special architectural or historic interest of the building in accordance with the following policy of the Local Plan: DM12.3.

- 4 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 the protection of the special architectural or historic interest of the building in accordance with the following policy of the Local Plan: DM12.3.
- 5 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.
- 6 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.
- 7 The works hereby permitted shall not be carried out other than in accordance with the following approved drawings and particulars or as approved under conditions of this consent: MS00, MS180, MS181, MS182, MS183, MS184, MS200 Rev D, MS201 Rev C, MS202 Rev A, MS203 Rev A, MS204 Rev A, MS205 Rev A, MS206 Rev B, MS20R Rev A, MS220, MS221, MS222, MS223, MS224, MS225, MS320, MS321, MS330, MS331, MS332, MS333, MS334, MS340, MS341, MS342, MS600, MS610, MS611, MS700, MS701 Rev A, MS702 Rev A, MS703, MS704, MS705 Rev A  
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.

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