

# PLANNING COMMITTEE REPORT

Development Management Service  
Planning and Development Division  
Environment and Regeneration Department  
PO Box 3333  
222 Upper Street  
LONDON N1 1YA

<b>PLANNING COMMITTEE</b>	<b>AGENDA ITEM NO: B1</b>
<b>Date:</b> 27 April 2017	<b>NON-EXEMPT</b>

Application number	P2016/3939/FUL
Application type	Full Planning Application
Ward	Bunhill
Listed building	Unlisted but adjacent to Grade I listed Bunhill Fields Burial Ground, HAC grounds (Grade II* and Grade II) and Grade II listed terrace at 20 & 21-29 Bunhill Row)
Conservation area	No
Development Plan Context	Central Activities Zone (CAZ), Employment Priority Area (General)
Licensing Implications	Licensing applications may be required for A3 uses
Site Address	Finsbury Tower, 103-105 Bunhill Row, London EC1Y 8LZ
Proposal	Erection of a 12 storey extension to the existing 16 storey building and a 3 to 6 storey extension to the existing podium block up to 7 storeys to provide additional office (Use Class B1a) floorspace; recladding of the existing building to match the materials of the extensions; change of use of part of the ground floor accommodation to flexible Class A1 (retail) and A3 (restaurant/cafe) uses; demolition of single storey structures and the erection of 6 storey block adjacent to the western elevation to provide 25 affordable dwellings; alterations to the public realm, including landscaping and highways improvements and other associated works.

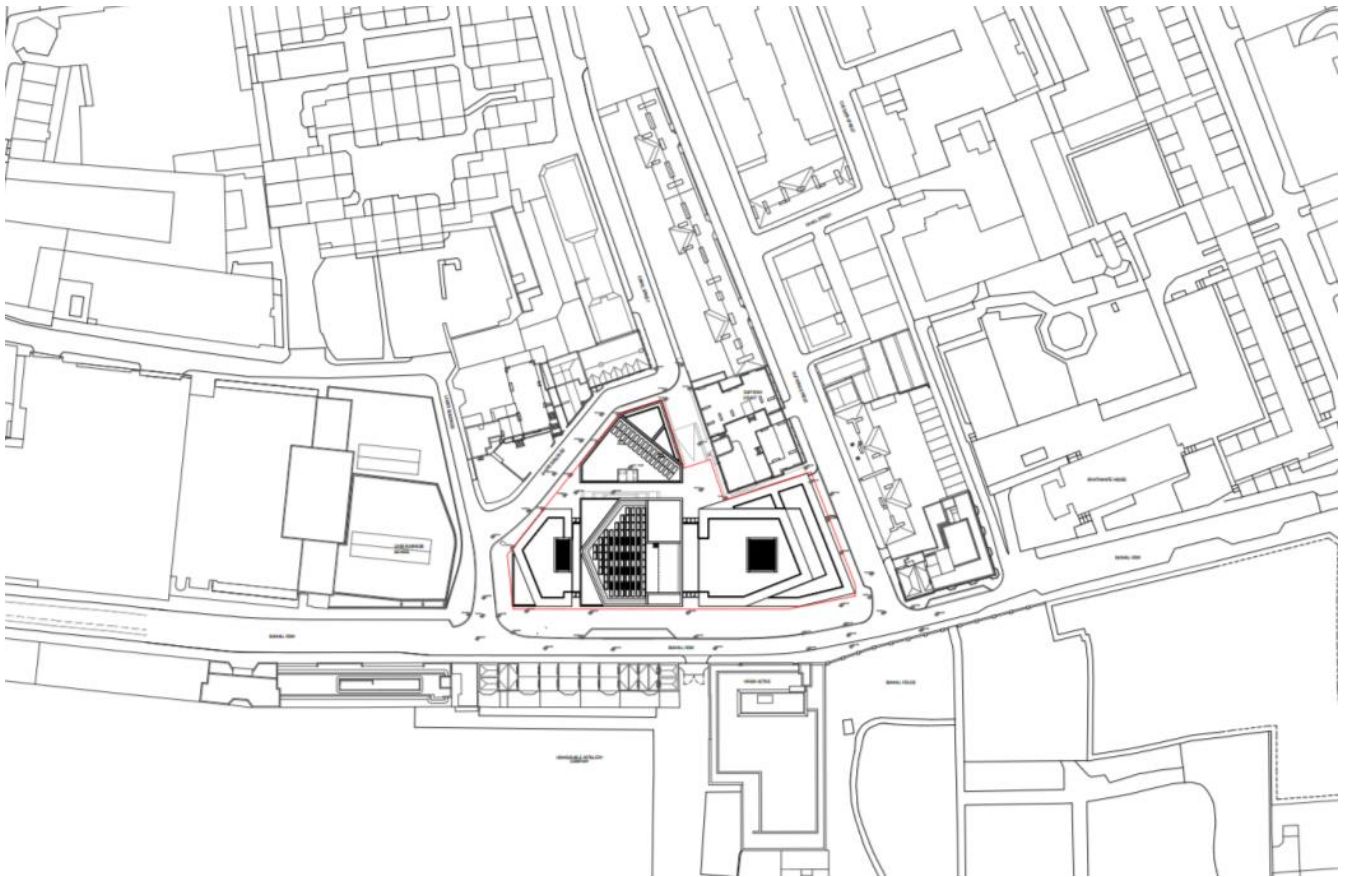
Case Officer	Simon Greenwood
Applicant	Finsbury Tower Estates Ltd.
Agent	DP9 - Mr David Morris

**1. RECOMMENDATION**

The Committee is asked to resolve to **GRANT** planning permission:

1. subject to the conditions set out in Appendix 1;
2. conditional upon 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.

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



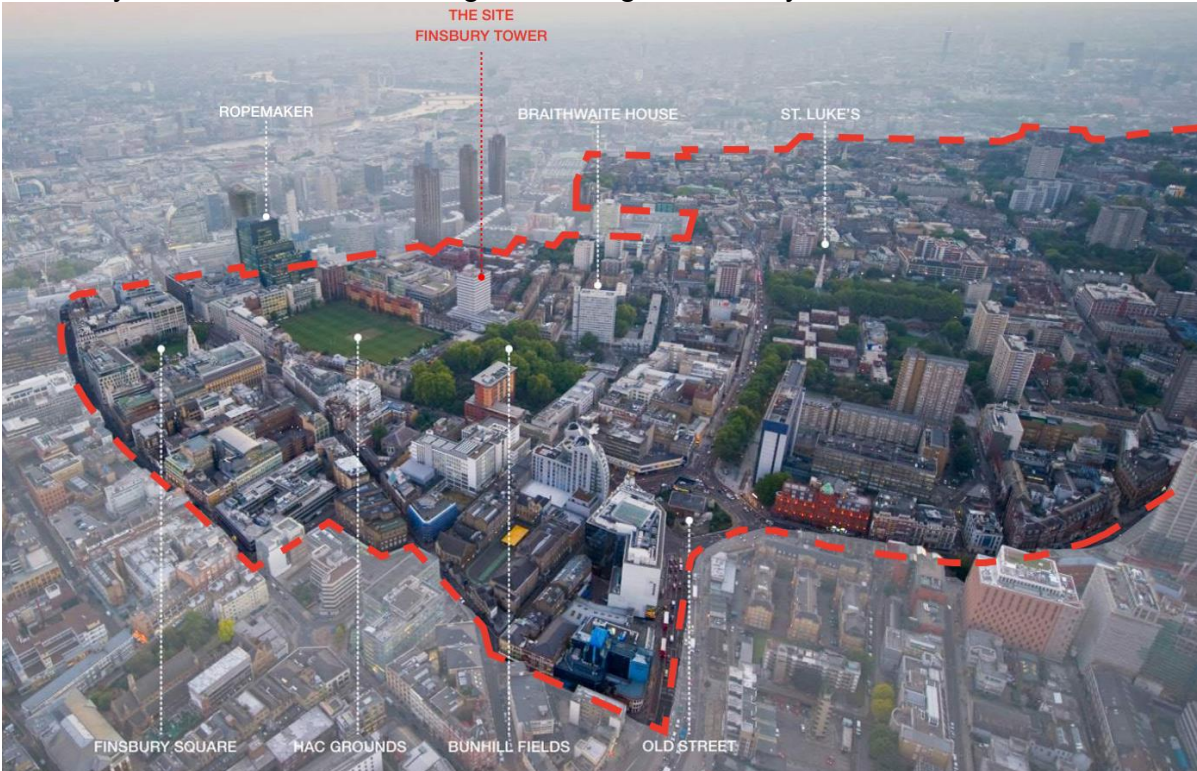


### 3. PHOTOS OF SITE/STREET

Aerial view of site from the west



'Birds Eye' View of Site with Islington Borough Boundary indicated





## Views of existing building looking north and south along Bunhill Row



### 4. SUMMARY

- 4.1 It is proposed to erect a 12 storey extension to the existing 16 storey building and a 3 to 6 storey extension to the existing podium block up to 7 storeys to provide 12,687m<sup>2</sup> (GIA) additional office (Use Class B1a) floorspace including 1000m<sup>2</sup> (GIA) affordable workspace (7.9% of the new floorspace created) to remain affordable in perpetuity. The existing building will be re-clad to match the materials of the extensions. Part of the ground floor accommodation will be changed to a flexible Class A1 (retail) and A3 (restaurant/cafe) use. It is also proposed to demolish single storey plant and storage structures to the western part of the existing building and erect a 6 storey block to provide 25 affordable (social rented) dwellings. Public realm improvements are proposed around the site including two public routes through the site.
- 4.2 The site is located in a highly accessible location within the Central Activities Zone (CAZ) and within an Employment Priority Area (General). The site occupies a sensitive location adjacent to a number of heritage assets including Bunhill Fields, a Grade 1 Registered Park and Garden, the Honourable Artillery Company (HAC) grounds which include the Grade II\* listed Armoury House and Grade II listed Finsbury Barracks, and a Grade II listed terrace (20 & 21-29 Bunhill Row) immediately opposite the site. The site is also located adjacent to the Bunhill Fields / Finsbury Square Conservation Area and the St. Luke's Conservation Area.
- 4.3 The proposal would result in the transformation of an existing poorly composed and dated looking building into an elegantly proportioned building of high quality design and materials. However, the proposal would result in a significant increase in the height of the tower and an increase in the height and massing of the podium, resulting in harm to the setting of Bunhill Fields Burial Ground, the HAC grounds heritage assets and the character and appearance of the adjacent conservation areas.

- 4.4 Sections 66(1) and 72(1) of the Planning (Listed buildings and Conservation Areas) Act 1990 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. 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.
- 4.5 The proposal is considered to result in less than substantial harm to the significance of Bunhill Fields and the HAC heritage assets and to the character and appearance of the Bunhill Fields / Finsbury Square Conservation Area and the St. Luke's Conservation Area, albeit the overall harm will be at the higher end of less than substantial harm. The proposal also results in harm in policy terms by reason of conflict with Development Plan policies CS9 and BC9, and harm to the daylight amenities of the occupants of adjacent dwellings at 1-56 Dufferin Court.
- 4.6 However, the proposal is considered to result in substantial public benefits. In particular, the scheme would deliver a significant amount of new and upgraded office floorspace in the CAZ and would maximise the provision of affordable housing and affordable workspace, alongside public realm improvements including the creation of new routes through the site.
- 4.7 The proposal is very finely balanced in planning terms. However, on balance, it is recommended that planning permission be granted.

## **5. SITE AND SURROUNDINGS**

- 5.1 The 0.5 hectare site is located on Bunhill Row, between the junctions of Dufferin Street and Lamb's Passage, abutting Lamb's Buildings and Errol Street to the rear. The site is currently occupied by a late 1960s constructed 16 storey office building with 4 storey podium (21,837m<sup>2</sup> GIA floorspace) and split level basement car park (85 spaces).
- 5.2 The existing 1960s building occupies the site of the former De La Rue main office and print work buildings which were bombed extensively during the Second World War. The post-war Bunhill Fields Comprehensive Development Area designated the site for a tall building. The building was designed to accommodate printing machinery, bank note counting machines, security services and offices. The building was never used for its originally intended purpose as a printing works but was later used as a telephone exchange. As a result of the building's design each floor is able to support roughly twice the loading than that of a modern office floor. The existing building therefore has considerable structural redundancy which would support a significant vertical extension.
- 5.3 The existing building was renovated externally with replacement windows and aluminium cladding in the late 1980s or early 1990s, some of which is now in a poor condition. The building is also generally in a poor condition internally having not been significantly upgraded since construction. The application advises that the facilities are outdated and inadequate in terms of the requirements of present day occupants and accordingly the building is predominantly vacant and unlikely to be let in its present state.

#### Existing cladding in a poor condition



- 5.4 The Design and Access Statement provides an architectural appraisal of the existing building through reference to acclaimed examples of podium and tower buildings and identifies that it represents a poor example of podium and tower design, in particular due to the squat proportions of the tower and the lack of articulation between the two elements of the building.
- 5.5 There are single storey ancillary structures to the rear of the site and a blank perimeter wall at the junction of Errol Street and Lamb's Buildings which make a negative contribution to the local townscape.

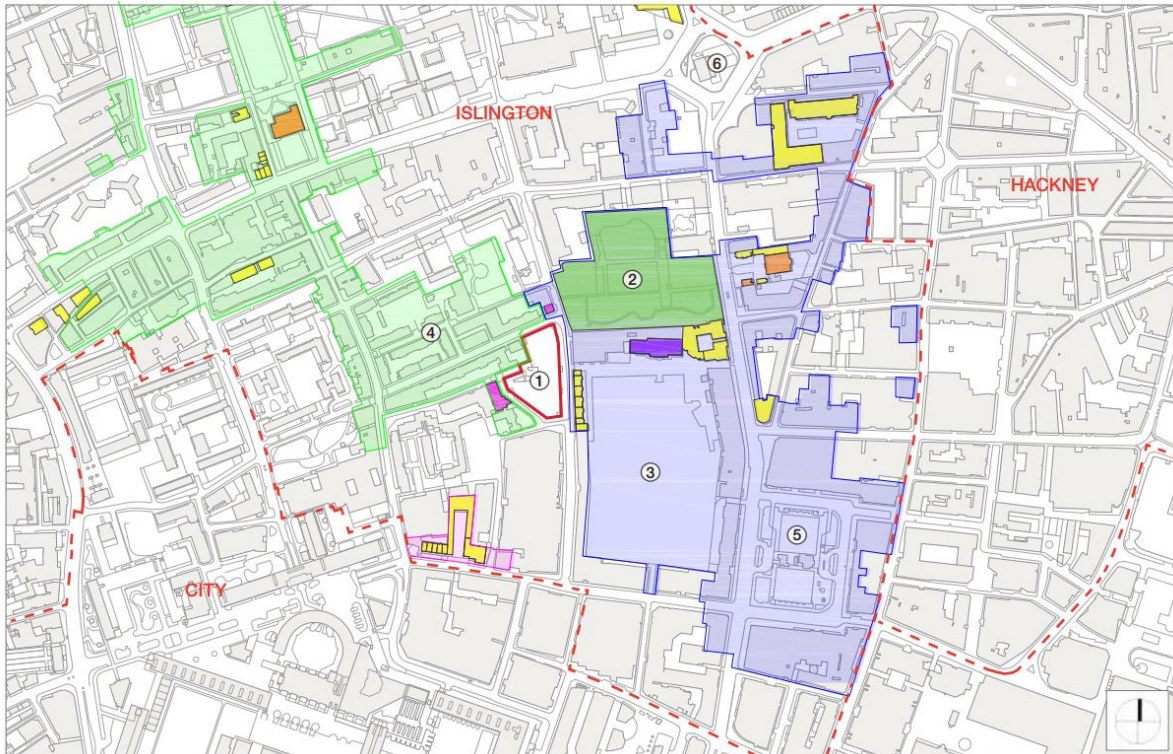
#### Blank frontages to existing building at ground floor level



- 5.6 The site is sensitively located adjacent to a number of heritage assets which are identified on the following map.



## Map identifying heritage assets in the locality



### Primary Spaces

- ① Finsbury Tower - Proposal Site
- ② Bunhill Fields
- ③ Honourable Artillery Grounds
- ④ Peabody Estate
- ⑤ Finsbury Square
- ⑥ Old Street Roundabout

### Listed Buildings

- Grade I
- Grade II\*
- Grade II
- Locally listed

### Registered Park and Garden

- Grade I

### Conservation Areas

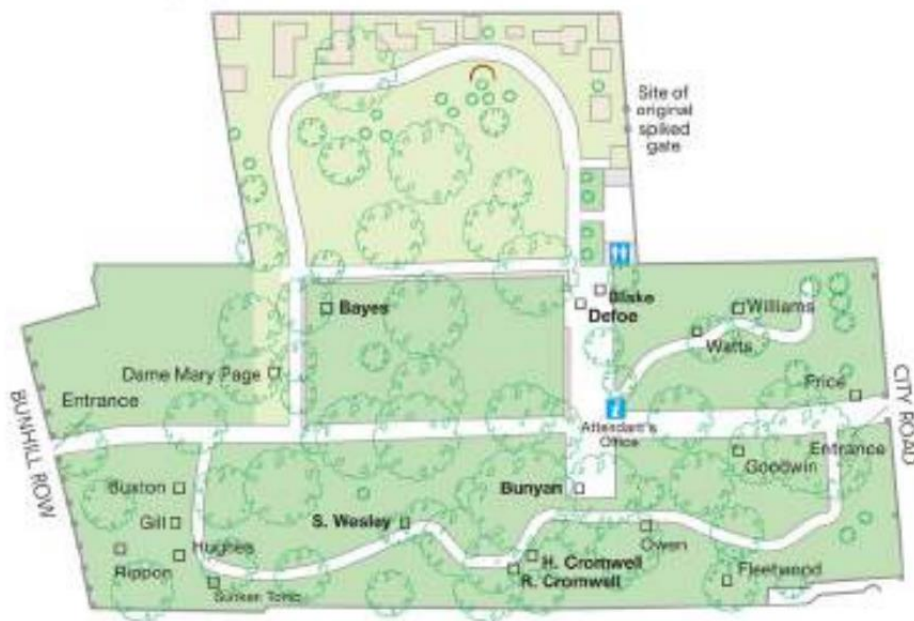
- Bunhill Fields / Finsbury Square
- St. Luke's
- Chiswell Street

Note: Bunhill Fields contains numerous grade II and II\* listed memorials, tombs and other structures including gates and railings.

- 5.7 Bunhill Fields Burial Ground is located to the north-east and is Grade I listed on the Register of Historic Parks and Gardens. It is a burial site for non-conformists from the late 17th Century to the mid-19th Century and includes Grade II and Grade II\* individually listed memorials, tombs and other structures including gates and railings. It contains the graves

of many notable people including John Bunyan (1628-1688) and William Blake (1757-1827) and is owned and maintained by the City of London Corporation.

Plan of burial ground and key tombs



- 5.8 Other non-conformist landmarks in the area include the Quaker gardens (formerly Quaker burial ground) to the west of Bunhill Fields and John Wesley's House and Methodist Chapel (Grade I) to the east of Bunhill Fields on the opposite side of City Road, which were constructed in the 1770s.
- 5.9 Nos. 20 and 21-29 Bunhill Row is located opposite the site to the east and is a Grade II listed residential terrace built in 1830-31 for the HAC. The HAC Grounds are located to the east beyond the Virgin Active Gym on Bunhill Row and include the Grade II\* listed Armoury House and Grade II listed Finsbury Barracks buildings which were constructed in the 18th and 19th century. The locally listed Artillery Arms is situated on the western side of Bunhill Row opposite the site and comprises a 19th century three storey public house building. A detailed assessment of these nearby heritage assets is provided later within this report.
- 5.10 The 12 storey Lexington Apartment building is located to the north of Bunhill Fields, along with Monmouth House and Speedfix House which benefit from planning permission issued by the former Mayor of London for an office-led, mixed use redevelopment, rising up to 11 storeys in height.
- 5.11 The 8 storey Cass Business School and the 6 storey University of Law are located on either side of Bunhill Row immediately to the south of the site with large scale commercial buildings beyond. The borough boundary with the City of London is approximately 170m to the south and the area is characterised by taller buildings within the City including the Barbican and large commercial developments such as Ropemaker Place, CityPoint and Milton Gate.
- 5.12 The Peabody Estate is located to the north and west of the site and comprises 5-6 storey residential buildings. The area to the west also includes Whitecross Street, which typically



comprises 4-6 storey buildings with a number of ground floor retail units, as well as the Golden Lane Campus and the London City Shopping Complex. There are residential buildings north of the site including the 19 storey Braithwaite House and the 4 storey Quaker Court beyond, whilst there are a number of taller buildings located along Old Street and around Old Street roundabout.

- 5.13 The Bunhill Fields/Finsbury Square Conservation Area is located to the east of the site and is characterised by large Victorian and Edwardian commercial buildings on City Road and Tabernacle Street as well as historic open spaces including Bunhill Fields and the HAC Grounds.
- 5.14 The Chiswell Street Conservation Area is a small conservation area to the south of the site which includes the Grade II listed North Yard building and Nos. 42 to 46 Chiswell Street.
- 5.15 The St Luke's Conservation Area includes a variety of 19<sup>th</sup> Century commercial building types, St. Luke's Church, St Joseph's Church and locally listed No.12 Errol Street and the late 19<sup>th</sup> Century Peabody residential buildings on Dufferin Street and Whitecross Street.
- 5.16 Bunhill Fields is a designated Borough Grade 2 Site of Importance for Nature Conservation (SINC).
- 5.17 The application identifies the site as lying at the juxtaposition of four distinctive character areas, which have informed the design development of the proposed building, and these are identified as follows:
- A - City scale buildings and commercial uses
  - B - Social housing, local shops, businesses and street market
  - C - Predominantly commercial pepper potted with residential uses
  - D - Open spaces, both public and private, defined by low scale building, some of which are important heritage assets.

Character areas map



- 5.18 The site has a Public Transport Accessibility Level (PTAL) of 6b, which is the highest level. The site is located within the Central Activities Zone (CAZ) and is within an Employment Priority Area (General).
- 5.19 The site is not located within any Strategic Viewing Corridors, Lateral Assessment Areas or Background Assessment Areas of St. Pauls Cathedral, as identified within the London View Management Framework (2012).

## 6. PROPOSAL (IN DETAIL)

- 6.1 It is proposed to erect a 12 storey extension to the existing 16 storey building and a 3 to 6 storey extension to the existing podium block up to 7 storeys to provide 12,687m<sup>2</sup> (GIA) additional office (Use Class B1a) floorspace (inclusive of the affordable workspace). The proposed building will increase from an existing height of 79.04m AOD by 43.48m to 123.52m AOD. The existing building will be re-clad to match the materials of the extensions. Part of the ground floor accommodation will be changed to a flexible Class A1 (retail) and A3 (restaurant/cafe) use. It is also proposed to demolish single storey plant and storage structures to the western part of the existing building and erect a 6 storey block to provide 25 affordable (social rented) dwellings.
- 6.2 The proposed floorspace is detailed in the following table:

Use Class	NIA (m <sup>2</sup> )	GIA (m <sup>2</sup> )	GEA (m <sup>2</sup> )
<b>Existing</b>			
Offices (B1a)	14,226	21,837	22,353
<b>Proposed</b>			
Offices (B1a)	22,403	33,524	38,279
Offices (B1a) (Affordable Workspace)	798	1,000	1,059
Retail/Restaurant (A1/A3)	1,263	1,326	1,415
Residential (C3)	1,783	2,476	2,704
<b>Total</b>	<b>26,863</b>	<b>38,326</b>	<b>43,457</b>

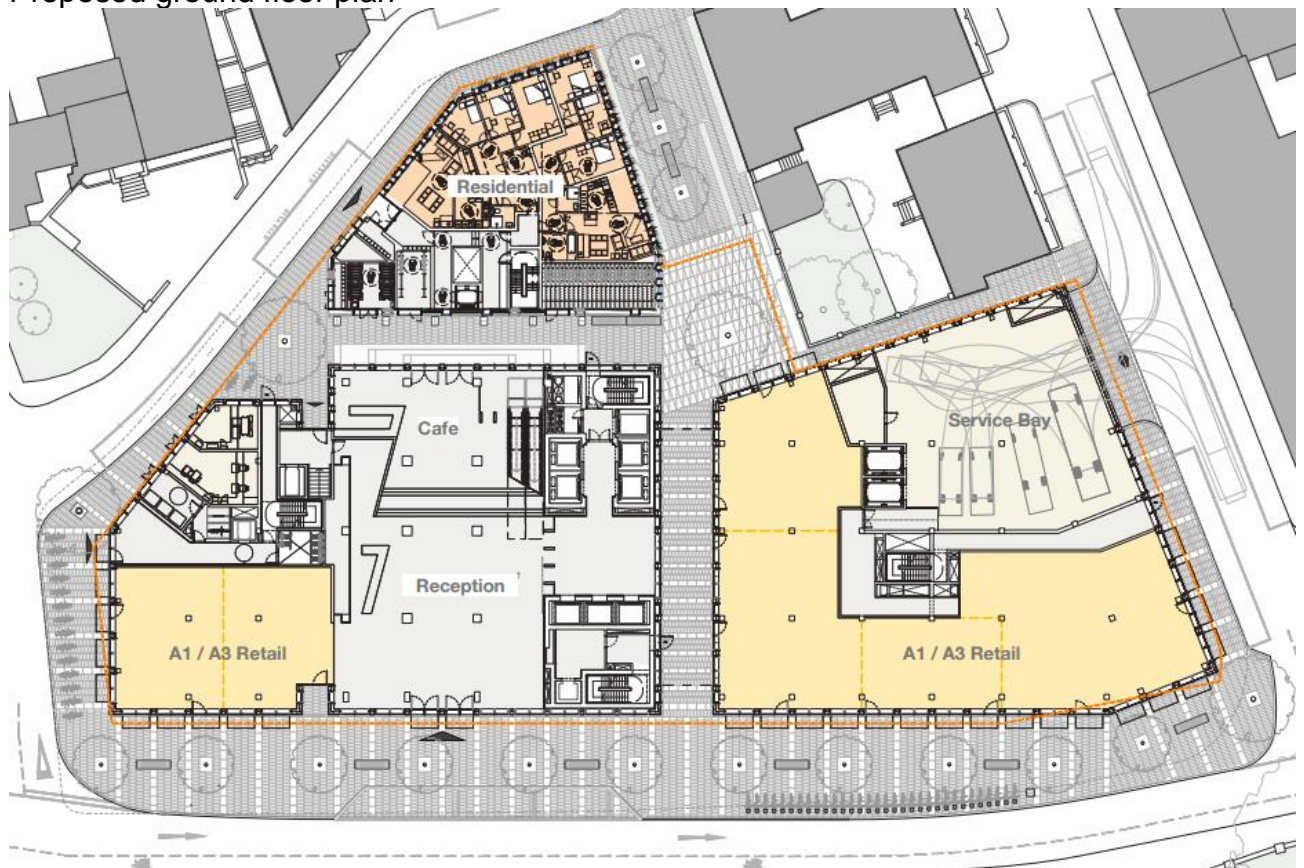
- 6.3 The affordable housing block will be six storeys high with a set-back top floor and will be accessed from Lambs Buildings. The proposed unit mix is as follows:

Unit type	Number of units	Percentage
1 bed 2 person	4	16
2 bed 3 person	4	16
2 bed 4 person	15	60
3 bed 5 person	2	8
<b>Total</b>	<b>25</b>	<b>100</b>

- 6.4 Public realm improvements are proposed around the site including tree planting, seating and hard landscaping. A pedestrian arcade is proposed linking Bunhill Row and Errol Street which would represent the reinstatement of a historic route through the site to replace an existing dog-leg alleyway, whilst it is also proposed to create a new north to south route between the residential and commercial blocks. A TfL cycle hire docking bay is proposed to the front of the building.

6.5 There will be retail uses at ground floor level fronting Bunhill Row, Dufferin Street and along the pedestrian arcade through the site to Errol Street, wrapping around to Lambs Passage. These will be provided as two flexible spaces capable of subdivision into virtually any size units required. The main office entrance will front Bunhill Row and will provide access to a reception lobby which will lead to a two level lift lobby with the upper level accessed via a pair of escalators. The office entrance will also be accessible via the café to the rear of the ground floor. The ground floor would also comprise an emergency exit and loading bay and a separate entrance to the affordable workspace along with a short section of service accesses, primarily for UK Power Networks equipment.

Proposed ground floor plan



6.6 The podium levels are served primarily by a bank of 3 low rise lifts accessed at ground level whereas the tower levels are served by 8 'TWIN' lifts operating in the 4 shafts that run the full height of the building. TWIN lifts are a system that allow for 2 lift cars to operate independently within the same lift shaft which maximises the efficiency of the lift installation in taller, slender buildings. During off peak period the TWIN lifts can be programmed to also serve the podium levels if there is tenant demand and the lifts will be programmed to allow wheelchair access to all levels.

6.7 1,000m<sup>2</sup> (GIA) of affordable workspace would be provided within the podium of the building at first floor level. The floorspace would benefit from a flexible floorplate, dedicated access from the street, dedicated storage and lift provision and an independent cycle store and refuse store off the entrance area.



- 6.8 The northern end of the 1st floor and the remaining floors above provide flexible general office workspace. The podium levels (2nd to 6th) would provide the largest floor plates (up to 2,200m<sup>2</sup>) and would therefore be more suitable for larger organisations. The tower floorplates at 7th floor and above would be more compact and would range from 500m<sup>2</sup> to 625m<sup>2</sup>. These floorplates would be more suited to smaller companies or in multiples to larger enterprises that do not require their entire workforce to be at the same level.
- 6.9 The podium levels are designed to allow for a single subdivision in an approximate 60%:40% ratio with both parts retaining full access to all facilities. The tower levels are not designed for formal subdivision but could be suitable for a more informal shared workspace for several small enterprises.
- 6.10 The existing structure within the podium and tower would restrict the floor to ceiling heights to 2.55m, whereas there will be a slightly increased ceiling height of 2.7m within the new tower levels. The application notes that the internal design of the building remains a 'work in progress' and in the event that an 'industrial' aesthetic with exposed services is adopted then the ceiling height would refer to the lowest level of the services with the visible structural soffit being some 400–500mm higher. The highest office level is intended to provide a higher standard 'penthouse' office space and will feature an enhanced floor to ceiling height of over 3.6m.
- 6.11 Roof terraces and gardens would be provided at 4th, 7th, 16th, and 26th floor where the building steps back to provide amenity areas for the office users and ecological features to accommodate wildlife.
- 6.12 The building will feature set-backs of the tower and podium extensions and angled splays to reflect the surrounding context and street geometry and to create contrasting facades of light and shadow. The tower has an angled set back to reflect the height of the existing tower and to create a slimmer tower when viewed from Bunhill Fields. The set-backs on the upper podium floors and angled facades on the north face respond to views up and down Bunhill Row and when seen from inside Bunhill Fields. The heights of these podium elements are defined by heights of adjacent buildings along all the streets surrounding the site. The southern element relates to Sir John Cass building in both plan form and height. The northern podium element responds to the angle of Bunhill Row and 90 degree corner into Dufferin Street in plan and in heights to the Artillery Arms opposite and Peabody housing adjacent. The angled facade and set back relate to Bunhill Fields opposite.
- 6.13 The residential building steps in height to relate to the different heights of the adjacent Catholic Church building and Peabody housing whilst also relating to the height of the podium levels of the office building.
- 6.14 The façade would feature a masonry finish comprising brickwork panels featuring a slim, lighter coloured brick with flush pointing to provide uniformity and texture. Bronze anodising would be used for the metal windows, reveals, shopfronts and canopy structures at ground floor. The glazing would vary according to the different levels of the building. On the ground to 3rd floor the glazing would be flush with the brick masonry to create a more reflective facade that would embody the memory of the existing podium. The 4th to 15th floors would feature glazing that is semi-recessed by approximately 250mm in order to create a depth to the facade with shadow and exposed metal reveals and to define the existing height of the tower within the facade design. The upper tower levels (16th to 26th

floor) would feature glazing that is fully recessed by approximately 500mm to create deep shadowed reveals.

- 6.15 The facade of the residential building has been designed to relate closely to the office building so when viewed together they are seen as a unified composition. The residential building uses a different and slightly darker brick with a darker metalwork shade than that proposed for the tower, reflecting its land use and nature of the residential area to the west of the site. The residential building would feature a similar palette of materials but with a slightly darker patina in order to create a better visual relationship with the more aged and darkened London stock bricks of adjacent buildings.

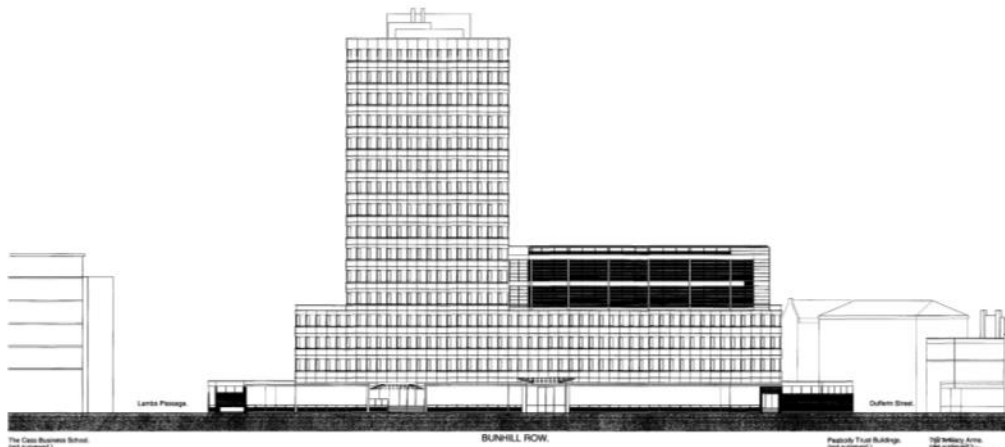
## 7. RELEVANT HISTORY

### Planning Applications

- 7.1 The following previous planning applications relating to the application site are considered relevant to the current pre-application proposal.

- 7.2 Planning permission was refused in April 2006 a fourth and fifth floor extension over the existing podium to the north side of the tower to provide additional office accommodation (application reference P060245). The grounds of refusal related to the impact of the design, height, scale and bulk of the extension on the appearance of the existing building; the overall streetscape; the setting of nearby listed buildings; and the character and appearance of the nearby conservation areas. Furthermore, it was considered that the extension would result in an unacceptable visual impact and loss of light at the adjacent Peabody housing. It should be noted that these decisions were taken under the former Unitary Development Plan (UDP) policies and the then Planning Policy Guidance Note 15 (PPG15). A subsequent appeal (reference APP/V5570/A/06/2029672) was dismissed and the inspector noted that the proposed extension would increase the dominance of Finsbury Tower over Nos. 20 and 21-29 Bunhill Row and would further enclose Bunhill Fields and the listed features within it. It was noted that Armoury House and Finsbury Barracks would be similarly affected, but to a lesser extent, and that the proposal would detract in a general sense from the Bunhill Fields/Finsbury Square Conservation Area. The Inspector also considered that the proposed development, by reason of its height, position and bulk, would appear overbearing and oppressive to the occupants of dwellings on the north side of Dufferin Street and to the occupants of dwellings in Dufferin Court.

Application ref. P060245 – Proposed east elevation

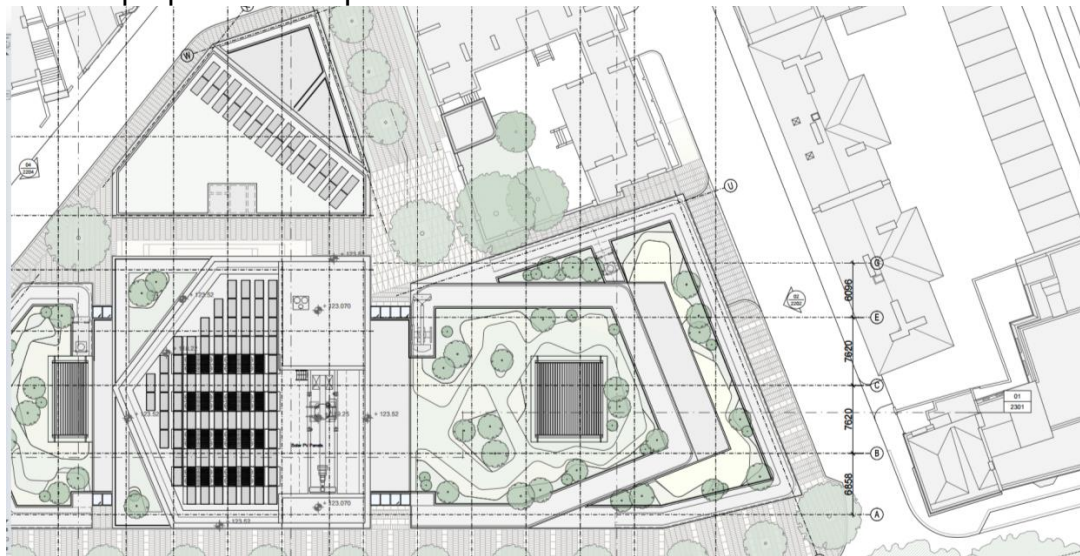


7.3 It is noted that the current proposal features a higher podium than the appeal scheme detailed above. However, the currently proposed podium is set back above fourth floor level and would therefore result in less visual impact upon the occupants of dwellings on the north side of Dufferin Street and the occupants of Dufferin Court. The design and massing of the currently proposed podium is not directly comparable to the earlier scheme in terms of its impact upon 20 & 21-29 Bunhill Row and upon Bunhill Fields, and the impact of the current proposal on these heritage assets is considered in detail later within this report.

Current proposal - east elevation



Current proposal – roof plan



7.4 Planning permission was granted in January 2013 for the change of use of part of the 3rd floor from B1(a) office to B1(a) office/D1(c) educational use for a temporary period ending



on 25 April 2015 (application reference P122417). It is not known whether this permission was implemented.

- 7.5 Planning permission was granted in August 2015 for change of use of part (1170m<sup>2</sup>) of the basement (ancillary office, Use Class B1a) and 44m<sup>2</sup> of the ground floor (Use Class B1a) to gym use (Use Class D2); installation of new roof plant and external alterations to the existing office building, including the creation of a new entrance at ground floor; additional remodelling of basement car park area, cycle spaces, showers and locker facilities with associated minor plant and storage facilities (application reference P2015/1049/FUL). This permission has not been implemented but will remain extant until August 2018.

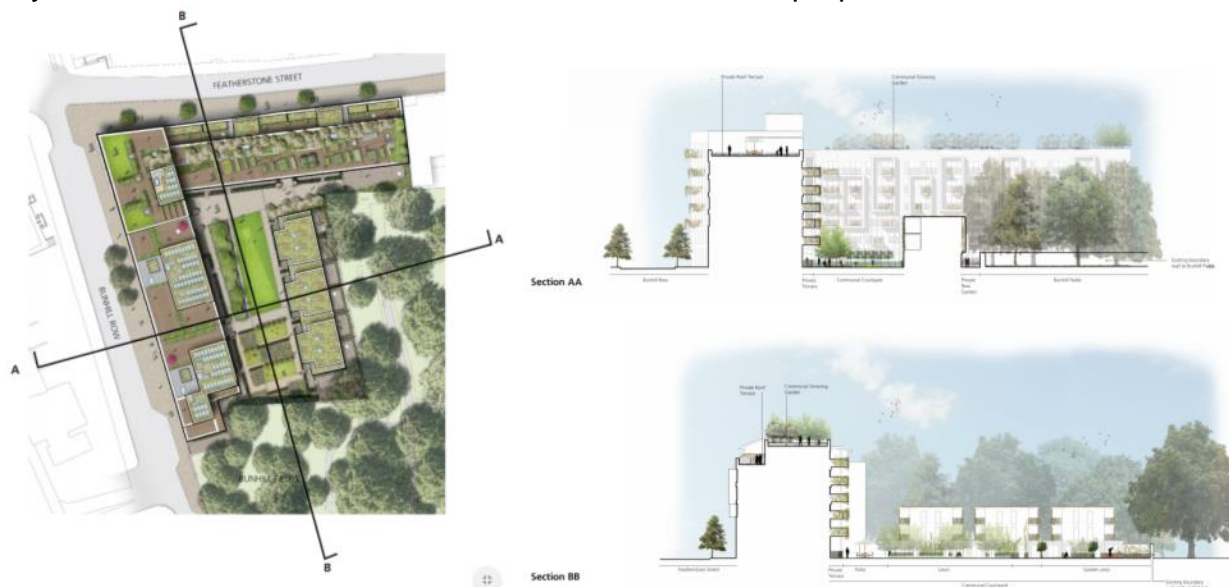
#### Recent planning history adjacent to Bunhill Fields

- 7.6 A number of recent planning consents are considered of particular relevance, including development affecting the setting and context of Bunhill Fields, a Grade I Registered Park and Garden.

#### Moorfields School

- 7.7 Planning permission was refused in April 2011 for the redevelopment of the former Moorfields Primary School to provide a part five, part six and part seven storey building on Featherstone Street, part six and part seven storey building on Bunhill Row and 6 three storey townhouses adjacent to the eastern boundary of the site to accommodate 121 residential units and 4 flexible use commercial/community units along Featherstone Street and Bunhill Row at ground floor level (application reference P102545). The following plans indicate the layout, scale and massing of the proposed development:

#### Layout and Section Plan – dismissed Moorfields School proposal



- 7.8 In relation to the impact of the proposal on Bunhill Fields the Planning Inspector noted:

‘The height and bulk of the perimeter block would make it a very substantial block, and its size would exert a considerable influence over the burial ground. The increase in scale, particularly along Bunhill Row would threaten the sense of seclusion and tranquillity by altering the balance from one of harmony between the

built form and the open burial ground to one where the surrounding buildings would be oppressive and dominant.

Although there is a larger block of flats (Lexington Apartments) adjoining the burial ground, it appears intrusive and an incoherent element in the townscape. There are also larger buildings in the area including those on the opposite side of Featherstone Street and Bunhill Row to the appeal site. While these buildings are visible from the burial ground they have a fundamentally different relationship as they are set further away and have less of an immediate impact. The heritage considerations would therefore be different to those of the appeal scheme. The larger developments in the area would not therefore justify the proposed scheme.

The setting would be further harmed by the introduction of houses at the rear of the Bunhill Row block of flats. Their siting and form would be uncharacteristic of development surrounding the burial ground. They would stand out visually and disrupt the continuity of enclosure and simple layout of the perimeter blocks. Their height and the proximity to the burial ground would add to the oppressive nature of the development. The overall effect would be a cluttered and claustrophobic development, undermining the simple and tranquil character of the burial ground and its surroundings. The enjoyment and appreciation of the burial ground, the listed monuments, tombs and walls, and the attractive landscape would be diminished and there would be significant harm to the historic and architectural interest of the heritage assets.'

- 7.9 Planning permission was subsequently granted in December 2012 for a part one, part three, part four and part five storey building on Bunhill Row and a part three, part four storey building fronting on to Featherstone Street to accommodate 65 residential units (application reference P112564).

CGI representation of approved former Moorfields School scheme from Bunhill Fields



#### Monmouth House

- 7.10 Planning permission was refused by the Council under application reference P2015/3136/FUL for the demolition of the existing buildings at Monmouth House and redevelopment of the site to provide a building of part 10, part 11 storeys fronting City

Road and five storeys along Featherstone Street to provide 13,393m<sup>2</sup> of office space (B1a) including affordable workspace; 404m<sup>2</sup> of retail (A1) with associated development.

- 7.11 The Monmouth House site is located to the north east of Bunhill Fields. It was considered that the height, bulk, scale and detailed design of the proposed development would result in undue harm to Bunhill Fields, the Conservation Area and the streetscape, and that there were insufficient public benefits to outweigh this harm. It was also considered that the proposal would unduly harm the residential amenities of the occupants of nearby dwellings whilst it had not been adequately demonstrated that the proposal would be acceptable in terms of wind impacts. Furthermore, a satisfactory Section 106 legal agreement had not been put in place at the time of the decision.
- 7.12 The then Mayor of London subsequently directed (under Section 2A of the 1990 Town and Country Planning Act) that he would act as the local planning authority for the purposes of determining the application. The former Mayor's reasons were set out as follows:
- a) The development would have a significant impact on the implementation of the London Plan because of the potential for the scheme to contribute towards the aims of London Plan policies 2.11, 2.10 and 4.10 and the implications for London's continued success as a world city and ability to plan for continued growth and changing circumstances.
  - b) The development would have a significant effect on one or more borough because of a clear functional relationship with the wider CAZ and City Fringe Opportunity Area. Furthermore the site is located within an area of nationally significant economic activity which contributes towards the strategic employment function of London as a whole.
  - c) There are sound planning reasons for my intervention, because failure to promote appropriate development on sites such as this could potentially impact upon the economic health of the City Fringe Opportunity Area, the Central Activities Zone, the City of London and London as a whole.
- 7.13 The Mayor also had regard to the Council's net loss of B use floorspace in recent years and the requirement to deliver new employment floorspace to meet the indicative target of 14,000 new jobs in Bunhill and Clerkenwell by 2025 and 70,000 new jobs in the City fringe Opportunity Area.
- 7.14 The GLA Stage 2 report noted that the scale of the development was not considered to be harmful to the setting of Bunhill Fields or the monuments within, nor would there be any harm to the Wesleyan Chapel or the adjacent Bunhill Fields and Finsbury Square Conservation Area. The Mayor of London granted planning permission at a public representation hearing on 8 February 2016.



CGI representation of Monmouth House scheme from Bunhill Fields



#### Errol Street YMCA

- 7.15 Planning permission was granted in May 2014 for redevelopment of the YMCA building on Errol Street to provide a new, improved hostel facility (146 rooms) with ancillary office, gym training and communal facilities along with two flexible use commercial units (76m<sup>2</sup>) all within a seven storey building (with upper two floors set back) reference (P2012/0637/FUL). The permission has not yet been implemented but several pre-commencement conditions have been discharged.

CGI representation of YMCA development with Finsbury Tower to the rear



Design development and pre-application advice

7.16 The proposal has been the subject of several pre-application meetings with Officers which commenced in December 2015. The initial proposal involved the use of different materials to relate to the adjacent contexts. The scheme was subsequently revised to incorporate a series of amendments including a more expressive treatment of the top of the tower.

Initial and subsequent proposals



7.17 Further pre-application discussions followed and further design comments were provided, including the suggestion that the tower feature an architectural ‘event’ half way up to break up the verticality of the building and to celebrate the original building within the design. The subsequent revised design featured differing elevational treatments to relate to the character areas, a double height expression at the top of the tower and the suggested architectural ‘event’.

Revised design – south and east elevations





## CGI of revised design from the HAC South Gate and Bunhill Fields



7.18 The revised scheme was subsequently presented to the Council's Design Review Panel (DRP) on 14<sup>th</sup> June 2016. The Panel's feedback is summarised as follows:

- Public realm improvements and ground floor uses are supported;
- Massing and height should respond to immediate context in all directions;
- Differing elevational designs is not supported;
- Roof set backs on lower buildings do not integrate with the tower;
- There is an opportunity to celebrate the transition between existing and proposed in tower and podium;
- The design should reflect the unique history and form of existing building;
- Design and elevations should make better reference to the surrounding character areas;
- High quality of materials and detailing is essential;
- Horizontal louvres would collect dirt and prove difficult to maintain.

7.19 The application proposal represents a response to the Panel's feedback and the design is assessed in detail within the Design and Appearance section of this report. A follow up DRP review took place on 16 September 2016 and the formal response letter was issued on 7 October 2016.

## 8. **CONSULTATION** **Public Consultation**

8.1 Letters were sent to occupants of 1441 adjoining and nearby properties at Bunhill Row, City Road, Chiswell Street, Featherstone Street, Whitecross Street, Shrewsbury Court, Old Street, Old Street Yard, Lambs Passage, Dufferin Street, Dufferin Avenue, Finsbury Square, Finsbury Pavement, Leonard Street, City Road, Banner Street, Cherry Tree Walk, Roscoe Street, Worship Street, Cahill Street, Chequer Street and Errol Street on 21 October 2016. A site notice and a press advert were displayed on 27 October 2016. The public consultation of the application therefore expired on 17 November 2016. However, it is the Council's practice to continue to consider representations made up until the date of a decision.



8.2 At the time of the writing of this report a total of 26 objections and 1 representation in support of the proposal had been received from the public with regard to the application. The issues raised can be summarised as follows (with the paragraph(s) that provides responses to each issue indicated within brackets):

- Significant harm to adjacent and nearby heritage assets and conservation areas / Bunhill Fields, Wesley's Chapel, Armoury House, HAC Grounds and the Artillery Arms public house are heritage assets with historic significance and will not be enhanced by the proposals / Nos. 20-29 Bunhill Row will be dominated by the proposed development / Significant impact on HAC grounds and buildings from key viewpoints (paras. 10.79-10.172);
- Whitecross Market, Quaker Gardens, Braithwaite House, Lambs Buildings and Lambs Passage have historic significance and will not be enhanced by the proposals (paras. 10.160-10.170);
- The conclusions of townscape and heritage assessment are questionable (paras. 10.79-10.172);
- Increased sense of enclosure of HAC Grounds which is not addressed in townscape report (paras. 10.131-10.159);
- Excessive height, bulk and scale of both tower and podium block / overdevelopment / over-dominant appearance / out of character / proposal will be at odds with lower rise character of its surroundings (paras. 10.79-10.172);
- Proposal is contrary to Council's tall buildings policies (paras 10.30-10,35, 10.74-10.76 and 11.1-11.15);
- Loss of light to surrounding area / loss of light to nearby dwellings, including on Bunhill Row, Dufferin Street (including Dufferin Court) and Chequer Street and to 12 Erroll Street, St. Joseph's Church and 21-29 Bunhill Row / 1-56 Dufferin Court will be worst affected by the proposed development, in particular the units to the lower floors / scheme should be revised to reduce loss of daylight to 1-56 Dufferin Court (paras. 10.214-10.306);
- Conclusions of applicant's assessment of daylight and sunlight impact on 21-29 Bunhill Row are questionable / properties cannot be altered to admit more light / properties are divided into flats for military personnel who spend more time at home during daytime hours due to shift and leave patterns / habitable rooms facing the street already have limited light due to existing Finsbury Tower and current daylight is precious / increased massing of podium has significant daylight impact / loss of light is greater than has been considered acceptable on other schemes (e.g. refused scheme at Moorfield's Primary School) *Officer's note: the Moorfield's Primary School proposal was located opposite single aspect residential units with very deep plan forms* (paras. 10.226-10.259);
- Daylight and Sunlight Assessment should address impact on Cass Business School teaching accommodation at 106 Bunhill Row (para 10.308);
- Wind impact on surrounding area / Microclimate impact (wind, temperature and light) on Bunhill Fields and Quaker Gardens (paras. 10.179-10.187 and 10.393-10.397);
- Increased overshadowing / transient overshadowing study is inadequate to assess full impact of proposal (paras. 10.179-10.187);
- Loss of privacy at adjacent dwellings (10.314-10.319);

- Increased traffic / Increased pollution / Increased noise and disturbance / Noise, disruption and pollution from construction activity (paras. 10.320-10.321 and 10.342-10.348);
- Excessive amount of development in the City in last 12 months resulting in increased pollution and overcrowding – more business and residential space is not needed (paras.10.2-10.25);
- Additional restaurant/café uses are not required in the area (paras. 10.2 and 10.26-10.29);
- Application for change of use of basement and ground floor to gym and internal remodelling (ref. P2015/1049/FUL) did not mention trees on application form whilst a further gym is not required as there are two on Bunhill Row *Officers note – no gym is proposed and the comment regarding trees is not considered relevant to this application*;
- Proposed loading bay location is inappropriate and will result in vehicular, cyclist and pedestrian conflicts at junction of Bunhill Row and Dufferin Street (paras. 10.371-10.388);
- Layout of development will focus activity on Lamb’s Passage side at the expense of Dufferin Street (paras. 6.5 and 10.377-19.378);
- Public realm improvements may result in increased anti-social behaviour in the evenings (para. 10.204);
- 24 hour telephone contact should be included within Construction Management Plan (condition 24);
- Increased pressure on local infrastructure, services and green space (para. 10.422)
- Statement of Community Involvement focuses on positives and overlooks adverse impacts *Officers note – the Council has carried out its own neighbourhood consultation, detailed here*;
- Social and community benefits could be delivered with less development / Viability appraisal review should be carried out to demonstrate that amount of development is not driven by price paid for site (para. 10.403-10.419);
- Affordability of social housing is questioned (para. 10.14-10.18).

8.3 The objection received on behalf of the HAC is accompanied by a Townscape Impact Assessment which has been prepared by Henry Van Sickle and provides an appraisal of the applicant’s Townscape Assessment. The key points are summarised as follows:

- Applicant’s Heritage Townscape Visual Impact Assessment (HTVIA) overstates the negative contribution of the existing tower;
- HTVIA states that existing tower is out of keeping with its surroundings – it is not obvious that a much taller podium and tower would be more in keeping;
- Dilapidated appearance and low quality treatment of the public realm are not inherent characteristics or intractable design flaws that could not be addressed by refurbishment rather than redevelopment;
- HTVIA distinguishes between publically accessible Bunhill Fields and private HAC playing fields – both are historic and important open spaces and impact of adjacent development upon their significance as heritage assets is not contingent upon their occupancy tenure;
- Character Area 4 description in HTVIA identifies development in the vicinity of Bunhill Fields including several recently permitted schemes – some are restricted to

5 storeys and none exceed 12 storeys – it is difficult to see how these developments support the introduction of a 28 storey tower;

- Applicant's HTVIA is inconsistent in asserting that existing building detracts from setting of Bunhill Fields where it is visible through the tree screening, whilst the proposed development will have a limited impact due to screening by interposing development and trees – strength or effect of screening is not contingent upon the architectural quality of a site's buildings;
- Tall buildings in the City do not self-evidently provide a more relevant urban context for Bunhill Fields and the HAC than the 5-12 storey (existing and proposed) surrounding buildings;
- HTVIA emphasises aesthetic merits of proposed building – whilst a taller, articulated tower is undoubtedly more elegant as a stand-alone building it is not obvious that the proposed building has a 'negligible impact' on the existing urban setting of Bunhill Fields unless it is accepted that the existing setting is the City to the south, rather than the immediately surrounding medium rise buildings;
- HTVIA acknowledges harm to 20 & 21-29 Bunhill Row from increased height of tower but understates impact of increased height of podium – aesthetic improvement to Finsbury Tower is not a public benefit sufficient to outweigh harm from the increase in height;
- Improvements at ground floor (street trees, active uses and human scale of development) are not contingent on raising the podium and tower and could be achieved through refurbishment, re-cladding and re-ordering of street front uses;
- Assessment of impact on Armoury House and Finsbury Barracks relies on tall City of London Buildings being as much a part of the urban context as the surrounding low and medium rise development, which is questionable;
- Assessment of impact on Finsbury Barracks and Bunhill Fields / Finsbury Square Conservation Area relies on public benefits from aesthetic improvements but does not directly address impact of taller building in the low to medium rise Conservation Area;
- Unclear how proposed tower is less incongruous than existing building in View 1 from Finsbury Street entrance to HAC Grounds, whilst the claim that it comparable in scale to the existing buildings is not supported by the visualisation;
- View 2 from City Road demonstrates that that proposed building will fill the gap between Finsbury Barracks and the adjacent building on City Road, whilst the proposed building will have an equivalent or greater impact than the existing building;
- View 3 at corner of City Road with Epworth Street demonstrates that tower will compete with skyline of Finsbury Barracks, whilst the contrasting materials of the buildings will appear incongruous;
- View 16 from north east corner of HAC Grounds demonstrates that tower will appear out of scale with surrounding urban context and would represent an excessive and oppressive visual domination of the HAC's historic buildings and playing fields;
- The fact that HAC Grounds are private does not alter potential impact of development on heritage assets;
- Aesthetic improvement is minor public benefit in terms of justifying less than substantial harm as demanded by paragraph 134 of NPPF.

8.4 This objection is considered within the Heritage section of this report.



8.5 The representations received included a representation in support of the application which is summarised as follows:

- Area will benefit from the proposed investment;
- Retail and restaurant uses are welcomed;
- Proposed design and increase in height is attractive and befits the location.

### **External Consultees**

8.6 Greater London Authority – the application was referable to the Greater London Authority as it falls under the categories 1B (development which comprises or includes the erection of a building or buildings in Central London and with a total floorspace of more than 20,000m<sup>2</sup>) and 1D (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 12 December 2016 which is summarised as follows:

#### Principle of development

- Proposal to increase the quantum and quality of office floorspace within the CAZ, along with new housing, is strongly supported;
- Proposed retail units would complement the proposed uses and activate the ground floor frontages, which is also supported;
- Provision of 8% affordable workspace at a peppercorn rent in perpetuity would exceed the Council's policy requirement of 5% and is strongly supported;

#### Housing

- Proposed mix of housing, whilst not prioritising family housing, has been devised to address the particular demands of the local area and is acceptable;
- Proposal to provide all 25 units as social rented accommodation would help to meet an acute need in this location and is a significant public benefit;
- Applicant has calculated a requirement for 238m<sup>2</sup> children's playspace – it is acknowledged that the site is heavily constrained and provides a significant public realm contribution, therefore the absence of on-site children's play space is considered acceptable – a financial contribution towards the improvement of nearby play facilities should be secured through a Section106 agreement;

#### Urban Design

- Approach to layout is considered to be well resolved and the network of passages and spaces created would be intimate and human in scale, reflecting the historic street pattern and informal character of the locality;
- Overall contribution of the scheme to the pedestrian route network and public realm quality is strongly supported and is a key benefit to justify the scale of development proposed;
- Height of the enlarged tower would be appropriate in this location within the CAZ;
- Podium extensions would create good levels of enclosure to the surrounding streets and the proposed routes, whilst being broadly in keeping with the immediate context;

- Massing of the building at fourth floor level and above would be further broken down by recessed glazing, giving the effect of grounding the building and reducing its visual impact in the immediate street scene, which is supported;
- Approach taken to the design of the massing of the building is broadly supported;
- Scale of the proposal is considered acceptable in the context of strategic views policy;
- Overall approach to the appearance of the building is strongly supported - however the quality of the detailing and specification of materials will be critical to the appearance and durability of the scheme;
- Quality of residential accommodation would be high;

#### Heritage

- Tree screening would virtually obscure most views of the development from Bunhill Fields in summer whilst in winter it would be more visible but would be seen in the context of a number of other tall buildings;
- Whilst the proposal would increase the scale of the building the massing would be slender and the architectural quality would be very high whilst the proposed masonry treatment would better complement the Portland stone that predominates in the burial ground;
- There would be no harm to the setting of Bunhill Fields Grade I listed Registered Park and Garden, nor to any of the listed monuments and structures within it;
- Increased mass of proposed building would affect setting of listed terrace opposite (Nos. 20 and 21-29 Bunhill Row), however public views would be limited and the impact is mitigated by the high quality contextual design of the elevations;
- Proposal would improve the public realm on Bunhill Row and rationalise the building line – approach to articulation of the building would represent an improvement to the setting of Nos. 20 and 21-29 Bunhill Row in the streetscene;
- Having regard to the verified views provided, there would be no harm to the setting of the adjacent conservation areas or the adjacent locally listed buildings, which would be enhanced as a result of the improved quality of architecture, ground floor uses and public realm;
- Whilst the increased scale of the proposal would be apparent in the settings of the listed Armoury House and Finsbury Barracks, this would be seen in the existing and emerging urban context of these buildings, including the taller buildings to the north around the Old Street Roundabout;

#### Inclusive Design

- Scheme is acceptable in terms of inclusive design;

#### Climate Change

- It is accepted that it is financially prohibitive to connect to the Citigen DEN. Eon Citigen have recommended that the viability of connection to the DEN be revisited in the future as it is planned to extend their network north along Bunhill Row and connection costs will be dramatically reduced as their upgraded pipework infrastructure will be located immediately outside the development - a condition should be attached to any planning permission requiring the applicant to contact Eon prior to commencement of works on-site and identify potential changes associated with the proposed network (condition 13);
- Scheme is acceptable in terms of climate change.

## 8.7 Transport for London

- Proposed pedestrian links should be designed to safely accommodate both pedestrians and cyclists, with 24/7 access provided;
- 32 point docking station is welcomed by TfL albeit subject to further dialogue with TfL relating to the proposed location of the docking station and clarification is required in relation to servicing arrangements - £220,000 should be secured through the Section 106 agreement for the installation of the docking station (condition 23);
- Dimensions of cycle lifts should accord with the standards set out in the London Cycle Design Guidance and the provision of automated doors. Short stay cycle space provision should be in accessible areas and outside locked spaces. Cyclists changing facilities should be secured by condition (condition 32);
- A travel plan should be secured, enforced, monitored and reviewed through the Section 106 agreement and have stretching mode share targets and contain measures to meet these targets;
- A Delivery and Servicing Plan and a Construction and Logistics Plan should be secured (conditions 23 and 24).

## 8.8 City of London (Planning) – no objections raised.

## 8.9 City of London (Open Spaces Department) – the proposed building would:

- Completely overwhelm Bunhill Fields, casting shadow on the space, starving it of sunlight and daylight, greatly impacting upon its character and amenity and damaging the setting of the historic listed landscape;
- Exacerbate the enclosing effect from other tall buildings, including recently permitted Monmouth House;
- Introduce a significantly larger built mass into the skyline affecting outlook from the garden thereby causing great detriment to its open and natural aspect and impinging upon its tranquillity and the public enjoyment of this important, historic and much valued open space.

8.10 The overshadowing of the Burial Ground would ‘impact negatively on the amenity, ecological value and functionality of the space’ and the SINC will be adversely affected. It should be noted that one of the main reasons Bunhill Fields is designated as a SINC is its varied wildflower understory which relies upon the dappled sun received.

8.11 Historic England – the existing building is of little architectural merit and its height makes it visible in local and some longer views, causing harm to some designated heritage assets. The podium is large and imposing at street level. The proposals would cause some further harm to the setting of neighbouring designated heritage assets, particularly the setting of the Honourable Artillery Company’s listed buildings and associated grounds. However, the harm is considered to be less than substantial. The harm identified must be considered by the Council in its assessment of the application and balanced against the public benefits of the scheme in accordance with the National Planning Policy Framework (NPPF). A more detailed assessment of the impact of the proposal is provided and is summarised as follows:

- Greatest impact will be from the HAC grounds and the forecourt to Armoury House and above the listed terrace - the new tower will be significantly taller than the



existing although its form and design goes some way to help mitigate the impact of the increased height, scale and bulk of the extension;

- Podium is currently largely unseen from the HAC grounds - the proposed increased height will project above the roofline of the listed terrace and cause some further harm to the setting of forecourt of Armoury House;
- The tower will also appear in views from City Road just north of the barracks the increased height will make it partially visible and reduce the visual impact of the turret's imposing silhouette on the north-east corner of the building;
- Whilst there is a greater impact and some increase in the harm to the setting of the HAC assets, it remains less than substantial;
- The increased height of the tower will also be perceptible from Bunhill Fields and cause some further harm to its setting - Given the long-established urban setting of the burial ground and the mixed character of the City Fringe in this area, any additional harm is limited.

8.12 Historic England (Greater London Archaeology Advisory Service) – the archaeological desk-based assessment clarifies the extent and depth of ground disturbance from the existing tower foundations and basement, and the likely impact of the proposed development. The assessment concludes that, given the high level of previous disturbance and nature of the proposed works, the impact will be low. This conclusion is agreed and the proposals are very unlikely to cause significant harm to archaeological interests, and may cause none at all. No further assessment or conditions are therefore necessary.

8.13 The Ancient Monuments Society raise an objection which is detailed as follows:

'The present tower block is already an intruder, at once overbearing and banal. The tragedy of the present scheme is that, rather than reduce the visual impact on nearby Bunhill Fields, it escalates it.

This is not the first time that we have written in defence of Bunhill Fields, one of the most atmospheric locations in London.

The teeming humanity of City Road and Bunhill Row is in stark contrast to the sense of permanence, peace, history and Nature that is conjured by Bunhill - at present the balance is delicate but effective. The plane trees, many more than 200 years old, shade and separate the 1600 monuments and mask but do not exclude the buildings that overlook it. Bunhill is the more special because of the dramatic changes manifested in its appreciation by the contrasting seasons - urbanity intrudes as the leaves come down but then recedes in the Spring and Summer.

The newcomer is just too vast. Part of the character of Bunhill is that sense of modern life crowding in but not spoiling it - its mood is the more rarefied precisely because of that tension. And yet where, as now proposed, a redevelopment threatens to overwhelm it, in all seasons, that delicate balance is undone.

It is important that the planning regime is consistent. How can it be fair for the Moorfield School application to be rejected as recently as 2011 without this present proposal falling for the same reasons? "Oppressive and negative impact", the view of the Inspector, could as well apply to this application as that for the building

planned for the School site. (Officer note: a subsequent application for development was approved following this appeal.)

The person who comes every week to place pebbles on the grave of William Blake knows that Bunhill is a rare and precious place - we hope that Islington understands that sentiment.

We urge that the chance be taken in the redevelopment of Finsbury Tower to spread and lower the new build not to hugely inflate its height and dominance.'

- 8.14 Save Britain's Heritage – share and fully endorse the concerns raised by the Ancient Monuments Society. As a result of the increase in height it is considered that the proposal would have a serious deleterious impact on surrounding heritage assets. This would be most notable on the Grade I listed Bunhill Fields, intruding into views to and from the designated heritage asset and over powering its setting, and disrupting its tranquil atmosphere.
- 8.15 Metropolitan Police (Crime Prevention) – the overall design and layout of the scheme is very good from a security perspective. Windows and doors should be required to meet the relevant security standards.
- 8.16 London Fire and Emergency Planning Authority – no objections raised.
- 8.17 Thames Water – no objections raised.

### **Internal Consultees**

- 8.18 Access Officer – no objections raised.
- 8.19 Design and Conservation Officer has raised objections to the proposal and his assessment of harm and design quality is detailed as follows:

'The National Importance of the site's setting - The first significant appeal decision on heritage under the NPPF was concerning the setting of the Bunhill Fields Burial Ground and its national significance, as well as that of the surrounding heritage assets, was clearly established at the Public Inquiry held in February 2012.

Bunhill Fields Burial Ground has exceptional national and international architectural and historic significance as a rare surviving early inner-city burial ground and the pre-eminent final resting place for Nonconformists in England including Blake, Bunyan and Defoe. It is designated Grade I on the Register of Historic Parks and Gardens, contains within it 76 Grade II and Grade II\* listed monuments and its walls, gates and railings are listed Grade II. It has substantial aesthetic and communal value as a rare green open space on the edge of the city which is much used and enjoyed by workers and local residents.

The site is also within the setting of the Grade II\* Headquarters of the Honourable Artillery Company (1734-6; flag-tower of 1806; wings to either side of 1828) and its extensive training ground, an important historic green open space. The HAC's

Barrack buildings (1857) are Grade II and 21-29 Bunhill Row (c.1830), a terrace built for the HAC are also Grade II.

The site is within the setting of Bunhill Fields Conservation Area and Finsbury Square Conservation Area.

Public Inquiry, February 2012 (former Moorfields School redevelopment) - It was the Council's case that the excessive scale of the proposed development within the setting of the heritage assets would result in an overbearing sense of enclosure which would detract from the burial ground's sense of openness and intimacy. The public benefits of the proposed development were not considered to outweigh the substantial harm arising from it.

In her decision Inspector Christine Thorby was clear that the development would 'threaten the sense of seclusion and tranquility by altering the balance from one of harmony between built form and the open burial ground to one where the surrounding buildings would be oppressive and dominant'. The inspector concluded that the heritage assets are of 'outstanding historic and architectural interest and they make a considerable contribution to society. The harm to their setting would damage the appreciation and experience of the heritage assets to the public. In my view, the proposed benefits, although considerable, would not outweigh the harm'.

Harm to Heritage Assets and Townscape - The existing excessively tall 16 storey tower is completely inappropriate for its location set within low-rise townscape including a high number of nationally important designated heritage assets.

The proposal to raise the tower to 28 storeys exacerbates the existing harm and in my view must be considered substantial harm. However, even if the view were to be taken that the harm is less than substantial that harm must still be considered to be significant and approaching substantial harm.

Views 4, 5, 6, 7, 9 and 10 demonstrates the substantial harm caused by the tower and podium to the setting of the Bunhill Fields Burial Ground, Grade I on the Register of Historic Parks and Gardens, and the 76 Grade II and Grade II\* listed monuments and its Grade II walls, gates and railings. The excessive scale of the proposal would result in an overly dominant built mass with an overbearing sense of enclosure which would detract from the historic structures and monuments, the burial grounds extremely important sense of openness and intimacy. It substantially harms the Burial Ground's aesthetic and communal value as a rare green open space on the edge of the city which is much used and enjoyed by workers and local residents.

Views 1 and 16 in the Visual Impact Assessment demonstrates the substantial harm caused by the tower (View 1) and the tower and podium (View 16) to the setting of the Grade II\* Headquarters of the HAC and its training ground, an important historic green open space. The excessive scale of the proposal would result in an overly dominant built mass with an overbearing sense of enclosure which would detract from the low-rise historic buildings and the training ground's sense of openness.

Views 2 and 3 demonstrate the substantial harm caused to the setting of the Grade II HAC Barrack buildings and Grade II 21-29 Bunhill Row. Again the excessive scale of the tower and podium would result in an overly dominant built mass with an overbearing sense of enclosure which would detract from the low-rise historic buildings and how the important silhouette of Barrack Building is currently read against open sky.

Views also demonstrate the substantial harm to the Bunhill Fields Conservation Area and Finsbury Square Conservation Area as well as to the general townscape of the area.

Design Quality - The general design quality of the proposals is by no means outstanding. Given the lack of information on the proposed 'mesh' to the glazing it is not possible to ascertain precisely what the proposed building would look like. The precise appearance of a 28 storey building must not be left to conditions should the scheme be recommended for approval.

Conclusion and Recommendation to Refuse - The proposal to raise the tower to 28 storeys exacerbates the existing harm that it causes to the nationally important designated heritage assets and must be considered substantial harm. However, even if the view were to be taken that the harm is less than substantial that harm must still be considered to be significant and approaching substantial harm.

Consequently the proposed scheme should be refused.'

- 8.20 Energy Conservation Officer – no objections raised. The applicant has minimised carbon emissions as far as reasonably possible and a financial contribution should be secured to offset the shortfall against the Council's target. The office and retail elements of the proposal are expected to achieve BREEAM rating of 'excellent' and this is supported. The applicant has detailed technical and financial constraints to connection to the Eon Citigen Decentralised Energy Network (DEN) and a gas fired Combined Heat and Power (CHP) system is proposed. The development will be future proofed for connection to a DEN. *Officer note: as detailed above, the GLA have requested a condition securing a review of the feasibility of connection to the Eon Citigen network prior to the commencement of development (condition 13).*
- 8.21 Infrastructure and Section 106 Officer – 7.9% affordable workspace on the first floor of the podium to be provided at a peppercorn rent in perpetuity is very welcome indeed.
- 8.22 Public Protection Division (Air Quality) – no objections raised subject to a condition securing a Construction Environmental Management Plan (condition 27).
- 8.23 Public Protection Division (Noise) – no objections raised subject to a condition restricting plant noise levels, a condition securing sound insulation to the residential units and a condition securing a Construction Environmental Management Plan (conditions 6, 10 and 26).
- 8.24 Public Protection Division (Land Contamination) – no objections raised subject to a condition securing a programme of land contamination investigation and appropriate remediation (condition 9).



- 8.25 Planning Policy – the proposal is contrary to Policy CS9 of the Council's Core Strategy.
- 8.26 Spatial Planning and Transport (Transport Officer) – no objections raised.
- 8.27 Sustainability Officer – no objections raised. The commitment to achieve BREEAM excellent for the office and retail elements of the scheme is welcomed. The proposed water efficiency measures are supported. Details of bird and bat boxes, Sustainable Urban Drainage System (SuDS) measures and the green roof should be secured by condition (condition nos. 8 and 18).

### **Other consultees**

- 8.28 Design Review Panel – At pre-application stage the proposal was considered by the Design Review Panel on 14 June 2016 and 16 September 2016. The Design Review Panel provides expert impartial design advice following the 10 key principles of design review established by the Design Council/CABE. The panel's most recent observations of 16 September 2016 are attached at **Appendix 3** and are detailed below.

#### Design and materials

Panel members felt that the overall design had improved since the first review and were particularly supportive of the ground floor treatment and terraces. The Panel felt that there was a strong rationale to the design of the lower part of the building and commented on the way in which the design team had used the surrounding street and building geometries to inform the form of the building and relate to the context.

However, concerns were raised over the design of the top section of the tower and particularly when this was viewed from the Honorary Artillery Company (HAC) Grounds. Panel members suggested that a marginal set back in the elevation and/or articulation of the corners may improve this and reduce the bulky appearance from this key view point. The Panel felt that from this view the building did not relate well to its context and advised that the top should be more elegant and better articulated.

The Panel were generally supportive of the proposed materials, colour palette and more homogenous design approach. They felt that the proposals now represented a more sophisticated contextual response. Some concerns were raised regarding the proposed treatment of the cores; panel members wanted to ensure that these were sufficiently tied into the overall design or alternatively expressed honestly as the cores.

*Officer's comments: The applicant has proposed some revisions to the design of the building in order to address the Panel's comments and these are detailed in the Design and Appearance section of this report. The Council's Design and Conservation Officer is not convinced that the revisions address the Panel's concerns. However, it is considered that there is justification for accepting that the applicant has made reasonable attempts to address the Panel's concerns in view of the constraints that arise from the design and layout of the existing building and this matter is addressed in more detail in the Design and Appearance section of this report.*

### Height and impact on heritage assets

The Panel were generally accepting of the proposed height, however concerns were still raised over the impact on the conservation area and surrounding listed buildings and burial ground. Some panel members felt that the improvements to the public realm and to the base of the building associated with the proposals may not be sufficient to outweigh the harm caused by the additional height. Panel members felt that more work was required by the design team to ensure that the building would have a positive impact on its surroundings.

*Officer's comments: The impact of the proposal on heritage assets is considered in detail within this report and it is concluded that there will be some harm to the significance of adjacent heritage assets. Paragraph 134 of the NPPF indicates that such harm can be weighed against the public benefits of a proposal.*

### Public Realm

As at the first review the Panel were very supportive of the public realm improvements, although continued to have concerns about the amount of sunshine that would get into the public space. Panel members requested verified CGIs that would accurately show the sunlight within the space at different times of the day and year. They also questioned the security and controlled access within the space.

*Officer's comments: The application is accompanied by a report which considers Amenity Within the Site. The report includes details of a Sun Hours on Ground assessment which has been undertaken on the public amenity space at ground level in accordance with BRE recommendations. The result indicate that 63.5% of the public amenity space area will receive two or more hours of direct sunlight on 21<sup>st</sup> March, exceeding BRE's minimum recommendation of 50%. Furthermore, sun exposure assessments have also been undertaken for the equinox and summer solstice. The results show that the majority of the area will receive three or more hours of direct sunlight on the equinox and four or more hours on the summer solstice. The report concludes that the public amenity space at ground level would receive good levels of sunlight.*

### Summary

The Panel felt that there had been a general overall improvement since the first review and welcomed the way in which the ground floor and public realm had been developed to better relate to each other and to human scale. The Panel were positive about the creation of a new public space, but felt it was important for the design team to ensure that they were creating an attractive environment.

Panel members were generally positive about the details, materials, colours and textures proposed. The Panel did not, however, agree on the height of the building and whether or not this was appropriate here. Although, they did agree that it was dependant on how the design team could take a form or a building that currently has a negative impact on its surroundings and turn that into a positive contributor. The Panel was not convinced that the design team had achieved this yet and felt that this point needed to be addressed.

*Officer's comments: As noted above, the applicant has proposed revisions to the design of the building in order to address the Panel's comments.*

The Panel felt there was a strong rationale towards the base of the building in the way the surrounding street and building geometries have been used to form the articulation of the building. However, panel members felt that it became much more arbitrary higher up because this section of the building is not seen directly with the context at ground level. They questioned whether or not the architectural expression at upper levels gave the building the elegance and interest that a building of this height would need to have. It was felt that the cores and corners may need to be better articulated and that the elevation when seen from the HAC Grounds required further development. The main concern raised was how the design team would make the top of the proposed building a beautiful and successful element. The Panel was divided in opinion; however, it was felt that if this issue could be resolved there would be a greater chance that the scheme would be fully supported.

*Officer's comments: The scheme has been amended in order to address the panel's concerns and these revisions are detailed within the Design and Appearance section of this report. Officers consider that these revisions represent an improvement to the proposal in design terms.*

## **9. RELEVANT POLICIES**

Details of all relevant policies and guidance notes are attached in Appendix 2. This report considers the proposal against the following Development Plan documents.

### **National Guidance**

- 9.1 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.

### **Development Plan**

- 9.2 The Development Plan is comprised of the London Plan (2016), Islington Core Strategy (2011), Finsbury Local Plan (2013) and Development Management Policies (2013). The policies of the Development Plan are considered relevant to this application and are listed at Appendix 2 to this report.

### **Designations**

- 9.3 The site has the following designations under the London Plan 2016, Islington Core Strategy 2011 and Development Management Policies 2013:

- Bunhill and Clerkenwell Key Area
- Central Activities Zone (CAZ)
- Employment Priority Area (General)

### **Supplementary Planning Guidance (SPG) / Document (SPD)**

- 9.4 The SPGs and/or SPDs which are considered relevant are listed in Appendix 2.

## **10. ASSESSMENT**

10.1 The main issues arising from this proposal relate to:

- Land use
- Design and appearance
- Impact on heritage assets
- Density
- Accessibility
- Landscaping, Trees and Ecology
- Neighbouring amenity (including overshadowing)
- Quality of Resulting Residential Accommodation
- Sustainability, energy efficiency and renewable energy
- Highways and Transportation
- Archaeology
- Contaminated Land
- Wind
- Aeronautical Safety
- Electronic Interference
- Financial Viability
- Planning obligations and Community Infrastructure Levy.

### **Land-use**

#### **Mixed Use Development**

10.2 Policy BC8 of the Finsbury Local Plan is concerned with achieving a balanced mix of uses and states, inter alia, that:

‘A. Within the Employment Priority Areas (General and Offices) designated on the Policies Map and shown on Figure 16:

- ii. Proposals should incorporate the maximum amount of business floorspace reasonably possible on the site.

B. Within the Employment Priority Area (General) designated on the Policies Map and shown on Figure 16, the employment floorspace component of a development or change of use proposal should not be unfettered commercial office (B1(a)) uses, but, where appropriate, must also include retail or leisure uses at ground floor, alongside:

- ii. Office (B1(a)) or retail (A1) floorspace that may be suitable for accommodation by micro and small enterprises by virtue of its design, size or management, and/or
- iii. Affordable workspace, to be managed for the benefit of occupants whose needs are not met by the market.

For proposals in excess of 10,000m<sup>2</sup> gross employment floorspace, the proportion of micro, small and/or affordable workspace or retail space to be provided should be equivalent to at least 5% of the total amount of proposed employment floorspace.



D. Throughout the area, major development proposals that would result in a net increase in office floorspace should also incorporate housing, consistent with London Plan Policy 4.3. Where housing comprises less than 20% of the total net increase in office floorspace, an equivalent contribution will be sought for the provision of housing off-site.

I. New business floorspace must be designed to allow for future flexibility for a range of uses, including future subdivision and/or amalgamation for a range of business accommodation; and should provide full separation of business and residential floorspace where forming part of a mixed use residential development.'

10.3 The site is within an Employment Priority Area (General) and the proposal would provide a mix of uses in accordance with Policy BC8 and these uses are considered further within the following section of the report. The scheme would deliver 12,687m<sup>2</sup> of additional B1(a) office floorspace.

#### B1(a) Offices

10.4 Policy 2.10 of the London Plan is concerned with the strategic priorities of the CAZ and states, inter alia, that boroughs should:

'enhance and promote the unique international, national and Londonwide roles of the CAZ, supporting the distinct offer of the Zone based on a rich mix of local as well as strategic uses and forming the globally iconic core of one of the world's most attractive and competitive business locations.'

10.5 Policy 4.1 of the London Plan is concerned with Developing London's Economy and states, inter alia, that:

'The Mayor will work with partners to:

- a1) promote and enable the continued development of a strong, sustainable and increasingly diverse economy across all parts of London, ensuring the availability of sufficient and suitable workspaces in terms of type, size and cost, supporting infrastructure and suitable environments for larger employers and small and medium sized enterprises, including the voluntary and community sectors
- d) support and promote the distinctive and crucial contribution to London's economic success made by central London and its specialist clusters of economic activity
- e) sustain the continuing regeneration of inner London and redress its persistent concentrations of deprivation.'

10.6 Policy 4.3 of the London Plan states that 'Within the Central Activities Zone...increases in office floorspace...should provide for a mix of uses including housing, unless such a mix would demonstrably conflict with other policies within this plan'.

10.7 Policy 4.2 of the London Plan is concerned with Offices and states, inter alia, that 'the Mayor will and boroughs and other stakeholders should:

- a) support the management and mixed use development and redevelopment of office provision to improve London's competitiveness and to address the wider objectives of this Plan, including enhancing its varied attractions for businesses of different types and sizes including small and medium sized enterprises.
- c) encourage renewal and modernisation of the existing office stock in viable locations to improve its quality and flexibility
- d) seek increases in the current stock where there is authoritative, strategic and local evidence of sustained demand for office-based activities in the context of policies 2.7, 2.9, 2.13 and 2.15–2.17'

10.8 The Islington Core Strategy identifies the site as being located within the Bunhill and Clerkenwell Key Area and notes at paragraph 2.8.2 that 'Overall, it is estimated that the Bunhill and Clerkenwell area may need to accommodate an additional 14,000 B-use jobs and around 3,200 new homes by 2025.'

10.9 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.'

10.10 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 a proportion of small, micro and/or affordable workspace or affordable retail space.

10.11 Paragraph 3.4.3 of the Core Strategy notes that employment in Islington is expected to increase by around 35,000 to 45,000 jobs between 2012 and 2027. Furthermore it notes that the Islington Employment Study 2008 projected that just over 50% of these jobs will be provided within B-use floorspace. Paragraph 3.4.4 states that

'The CAZ is expected to continue to be the most attractive location for increases in B-use floorspace, accounting for around 75% of total growth. In terms of the Key Areas identified in the Spatial Strategy, Bunhill and Clerkenwell is expected to account for around 70% of the borough's new B-use floorspace'.

10.12 Islington Council's Annual Monitoring Report (AMR) for 2013 states that there was a net decrease of 23,466m<sup>2</sup> B use floorspace during the 2011/12 reporting period and a further decrease of 13,655m<sup>2</sup> during the 2012/13. Paragraph 6.6 of the AMR notes that 'Although the five year trend indicates an overall net increase in B1 floorspace, the net loss of B1 floorspace in two consecutive years is a concern, particularly in light of the changes to permitted development rights which now allow change of use from office to residential use.'

10.13 It is therefore the case that the policy framework provides strong support for commercial development and employment growth in this location. The proposal would result in the delivery of 34,534m<sup>2</sup> new and refurbished office floorspace to contribute towards meeting an identified need with corresponding economic and employment benefits. The application estimates that the new and refurbished floorspace would accommodate 2,320 jobs based upon 10m<sup>2</sup> per full time employee (NIA). Significant weight can be attached to the benefits of the delivery of the 12,687m<sup>2</sup> new and 21,837m<sup>2</sup> refurbished office floorspace.

#### Residential

10.14 The London Plan identifies a minimum target of 42,389 net additional homes to be provided within London each year. In order to assist in meeting this target Islington has been set a target to deliver a minimum of 12,641 homes to be delivered during the period 2015-2025.

10.15 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.'

10.16 Core Strategy Policy CS12 'Meeting the housing challenge' seeks to ensure that the Borough has a continuous supply of housing to meet London Plan targets.

10.17 Policy BC8 of the Finsbury Local Plan is detailed above and requires the provision of housing equivalent to 20% of the uplift in office floorspace on the site.

10.18 A total of 25 social rented affordable residential units are proposed in the block immediately to the west of the main building and these would be handed to a registered provider. The proposal comprises a mix of one and two bedroom units and three bedroom family wheelchair units which has been agreed with the Council's Housing Division in consultation with a Registered Provider to address a specific demand in the area. The proposed development would deliver a net increase in office floorspace of 8,177m<sup>2</sup> (NIA) (excluding the affordable workspace) which would give rise to a policy requirement for 1,635m<sup>2</sup> (NIA) residential floorspace including 50% affordable housing (with a tenure split of 70% social housing and 30% intermediate housing). The proposed 1,783m<sup>2</sup> (NIA) affordable housing therefore exceeds the policy requirement in terms of the amount of residential floorspace and the provision of 100% social rented affordable units effectively doubles the amount of affordable housing that would be secured by a (in purely land use terms) policy compliant scheme. Accordingly it is considered that the proposed affordable housing block represents a significant benefit of the proposal.

#### Affordable workspace

10.19 Policy 2.7 of the London Plan identifies that the Mayor and boroughs should manage and improve the stock of industrial capacity to meet both strategic and local needs, including those of small and medium size enterprises, start-ups and businesses requiring more affordable workspace, including flexible, hybrid office/industrial premises.

10.20 Policy BC8 of the Finsbury Local Plan is detailed above and requires the provision of 5% of the uplift in office floorspace to be provided as affordable workspace. The policy indicates that the workspace can be provided as micro, small and/or affordable workspace. Affordable workspace is defined within the Finsbury Local Plan as workspace provided for rent at a value below the market rate, usually owned or managed by not-for-profit or public sector organisations.

10.21 Policy DM5.4 of the Council's Development Management Policies Document is concerned with the size and affordability of workspace and states, inter alia, that:

'A. Within Employment Growth Areas and Town Centres, major development proposals for employment floorspace must incorporate an appropriate amount of affordable workspace and/or workspace suitable for occupation by micro and small enterprises.

D. Where affordable workspace is to be provided, evidence should be submitted demonstrating agreement to lease the workspace at a peppercorn rate for at least 10 years to a council-approved Workspace Provider.'

10.22 The subtext at paragraph 5.25 states that 'Research prepared for the council in 2011 indicated that very large schemes of around 10,000m<sup>2</sup> could viably provide at least 5% of floorspace on an affordable basis.

10.23 Paragraphs 5.27-5.28 state, inter alia, that:

'Generally, the council will consider affordable workspace to be B1(c), B2 or B8 workspace, or managed workspace in the B1 Use Classes where rent and service charges, excluding business support services, are less than 80% of comparable market rates (although it is noted that, for some sectors and locations, much reduced rents may be needed to render them affordable to target occupiers).

The design of workspace for small or micro enterprises will vary, depending on the end occupier or sector. In general; however, applicants should demonstrate that workspace for small/micro enterprises incorporates:

- a basic, but good quality fit-out, which incorporates servicing to all areas of workspace;
- flexible internal arrangements that permit a number of different internal work areas to be accessed from shared spaces;
- good standards of internal sound insulation;
- a range of shared spaces and facilities, such as communal breakout space, kitchen areas, bike storage and goods lifts; and
- external space reserved for loading/unloading.'

10.24 The proposal includes 1,000m<sup>2</sup> (GIA) of affordable workspace, which represents 7.9% of the net uplift in B1(a) office floorspace proposed. The floorspace would be finished to a Category A standard and would be designed for occupation by small and medium sized businesses. The floorspace would be handed to the Council as a head lessee and would be offered at a peppercorn rate in perpetuity. The affordable workspace would be provided within the podium of the building at 1st floor level and would have a dedicated entrance,



dedicated lift provision, cycle store, refuse store and storage facilities. This segregation reduces the on-costs of the service charge relating to the larger building whilst the space itself would remain an integral part of the main office building.

- 10.25 The affordable workspace offer and design has been agreed with the Council's Infrastructure and Section 106 Officer. The proposed development maximises the provision of affordable workspace both in terms of its affordability and the duration of its provision. Accordingly, it is considered that the proposed affordable workspace represents a significant benefit of the proposal.

#### Retail

- 10.26 Policy CS14 (Retail and services) and Policy DM4.4 (Promoting Islington's Town Centres) seek to maintain and enhance the retail and service function of the borough's town centres through focussing major new retail and proposals in designated town centres. Policy DM4.4 states at Part B that:

'For applications proposing more than 80m<sup>2</sup> of floorspace within the A Use Classes, D2 Use Class and for Sui Generis main Town Centre uses within the Central Activities Zone...applications...must demonstrate that:

- i) the development would not individually, or cumulatively with other development, have a detrimental impact on the vitality and viability of Town Centres within Islington or in adjacent boroughs, or prejudice the prospect for further investment needed to safeguard their vitality and viability;
- ii) proposed uses can be accommodated without adverse impact on amenity; and
- iii) the proposal would support and complement existing clusters of similar uses within or adjacent to the Central Activities Zone, particularly important retail frontages.'

- 10.27 Flexible Class A1 (retail) and A3 (restaurant/café) use units with a total floor area of 1,326m<sup>2</sup> (GIA) are proposed to complement the main office use of the commercial building.

- 10.28 The applicant has provided a response to Policy DM4.4 which includes the following points:

- Paragraph 24 of the NPPF requires proposals to for new retail development in Out of Centre locations to undertake a sequential approach to site selection where retail uses should first be located within Town Centre locations (Principal Shopping Centres (PSCs) in this instance), then in Edge of Centre and then in Out of Centre locations - the closest PSCs are Angel (LB Islington) and Moorgate (City of London), which are located approximately 1.2km and 0.5 away from the site respectively (as the crow flies);
- Retail element of the proposal is an integral part of the wider development and will principally support the office workers in the building as well as those in the immediate vicinity (including residents, students at Cass Business School, passers-by on Bunhill Row etc.) - As the retail floorspace will only come forward as part of the wider development it is not considered necessary to consider the potential to accommodate this floorspace as a separate entity in nearby PSCs;

- Policy BC8(B) of the Finsbury Local Plan encourages retail or leisure uses to the ground floor of B1(a) office development within Employment Priority Area (General), where appropriate;
- The proposed flexible retail element would comprise 1,326m<sup>2</sup> (GIA) and therefore well below the 2,500m<sup>2</sup> threshold set out in the NPPF for a retail impact assessment;
- Available studies indicate that Angel and Moorgate PSCs are vital and viable centres performing well against key 'health check' indicators – Angel 'health check' indicated a 3.3% vacancy rate in the primary frontage and a 7.1% vacancy rate in the secondary frontage in 2012 whilst Moorgate 'health check' indicated an 8% vacancy rate in 2016, although this amounted to just 2% of total floorspace;
- Public realm improvements, improved permeability through the site, introduction of active frontages and improved natural surveillance will enhance the current environment at ground floor level with corresponding amenity benefits;
- Applicant would be agreeable to conditions restricting noise and opening hours in order to avoid any harm to residential amenity (conditions 10, 26 and 28);
- Flexible retail uses would support existing clusters of activity in the vicinity including proposed office floorspace, residential uses and students in the Cass Business School. The south of Bunhill Row is generally mixed use in nature at the ground floor level and the proposed flexible retail uses would not be out of character.

10.29 The proposed flexible retail uses would primarily complement the proposed office use and other uses in the vicinity, and it is therefore considered that the retail uses would be appropriate, in accordance with Policy BC8. The applicant's response detailed above is considered to satisfactorily demonstrate that the proposal would not result in adverse impacts on town centres within Islington or the City of London. Furthermore, the proposal would be acceptable in amenity terms (subject to conditions) and would complement surrounding uses within the CAZ. The proposal is considered to be in accordance with Policy DM4.4 and the proposed flexible retail uses are considered acceptable in land use terms.

#### Principle of Tall Building

10.30 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.'

10.31 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.

10.32 Paragraph 11.2.6 of the Finsbury Local Plan states that:

'A number of existing buildings over 30 metres in height lie outside the two identified areas. As stated in English Heritage and CABE's Guidance on Tall Buildings, "The existence of a tall building in a particular location will not of itself justify its replacement with a new tall building on the same site or in the same area". The council will therefore expect proposals for all new buildings to conform to Policy BC9, unless an exceptional case can be proven, through robust analysis and justification.'

- 10.33 The site is not identified within an area suitable for tall buildings, but is occupied by a tall building. The applicant considers that the proposal would be in accordance with the Development Plan if an exceptional case is proven, and that there would be no requirement for the proposal to be treated as a departure from Policy CS9. The applicant argues that the existing building is a 'tall' building as it is over 30m in height and it would be counter intuitive to resist improvements to an existing 'tall' building that sits outside of defined locations identified in Policies BC9 and CS9 simply because it is already over 30m, and therefore considered tall. It is put forward that the presumption in favour of a tall building in this location has been accepted given the nature of the existing building already being defined as tall. The applicant has set out an 'exceptional case' to justify the proposed tall building with reference to the planning and public benefits, including the proposed affordable housing and affordable workspace, and the substantial economic and employment benefits.
- 10.34 The site is occupied by an existing tall building but is not located within an area identified as suitable for tall buildings within the Development Plan. The proposal does not involve the erection of a new tall building, but comprises the extension of an existing tall building. The Council's Planning Policy team have commented that the proposal would be contrary to policy CS9, and this is accepted. It is also considered that the proposal is contrary to policy BC9. The proposal would therefore not be in accordance with the Development Plan and it is therefore necessary to consider whether the benefits of the proposal outweigh the harm in policy terms, and all other identified harm.
- 10.35 The impact of the harm in policy terms arising from the conflict with Policies CS9 and BC9 may be considered to be outweighed in this case by the substantial benefits of the proposal, which include the proposed affordable housing and affordable workspace, the public realm improvements and the significant uplift in office floorspace on the site. 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

10.36 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.’

10.37 Policy 2.11 of the London Plan is concerned with the strategic functions of the CAZ and states, inter alia, that boroughs should:

‘seek solutions to constraints on office provision and other commercial development imposed by heritage designations without compromising local environmental quality, including through high quality design to complement these designations’

10.38 London Plan Policy 7.4 is concerned with Local Character and states, inter alia, that:

‘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 is informed by the surrounding historic environment.’

10.39 London Plan Policy 7.6 states, inter alia, that:

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.

10.40 Policy DM2.1 (Design) requires all forms of development to be of a high quality, to 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. Development which fails to take the opportunities available for improving the character and quality of an area and the way that it functions will not be supported.

Tall Building Design Policy

10.41 The Development Plan includes design policies specific to tall buildings which set out detailed criteria that must be satisfied, including a requirement for exceptional standards of architecture. As these policies are considered particularly relevant to the assessment of this proposal they are detailed at the end of this section, where compliance against each of the relevant criteria is addressed.

Building Form

10.42 The applicant identified at an early stage of the design process that the site lies at the juxtaposition of four distinct character areas and that any proposed design must ensure the townscape, materials, scale, proportions and public realm positively respond to the different surrounding character areas and immediate context.

10.43 The design of the building is therefore intended to relate to the scale, height and rhythm of adjacent buildings, the street geometry and the setting of heritage assets. The following diagram illustrates the response of the proposed building to its immediate and wider context and this is explained below.

Geometric Design Response





1. The building line along Dufferin Street is set back to align with the building line of the Peabody Mansions along Dufferin Street;
2. The set back at higher level aligns with the Peabody residential buildings along Dufferin Street and opposite with the exposed corner of no's 1-19 Dufferin Street;
3. The building turns the corner at Duffrin Street at a right angle to relate to the geometry of the public house opposite and respond to the changing angle of Bunhill Row. This alignment reveals the elegant side elevation of the Artillery Arms when approaching from the south and the geometry and higher level set back are orientated towards Bunhill Fields;
4. The change of angle along Bunhill Row aligns with the corner of the Virgin gym opposite;
5. The open arcade through the site exits on to Bunhill Row opposite the open metal gates to the HAC grounds. The corner of the tower aligns with the end of the terrace opposite;
6. The lower podium element at the junction with Lamb's Passage is at right angles whilst the extended higher element is angled to be inline with the street geometry to the west and responds to the chamfered angle of Sir John Cass Business School Building and thus opens up the aspect to Bunhill Row and the listed terrace buildings from the junction of Lambs Passage and Lambs Buildings;
7. The upper extended portion of the tower has an angled set back that is aligned with the geometry of the streets to the west and its angled elevation has a respectful nod towards the city towers. This angled set back reduces the scale and width of building to Bunhill Row and when viewed from Bunhill Fields;
8. A higher level angled set back defines the open expression at the top of the tower and is aligned with the geometry of Lamb's Buildings;
9. The scale and geometry of the Errol Street elevation of the residential building aligns with the Peabody building;
10. The residential set back storey is angled to relate to the differing scales of the surrounding buildings and thus respects the slightly lower building housing the Royal Statistical Society and steps up to relate to the taller church buildings on Lamb's Buildings.

10.44 The height of the podium is intended to align with the Peabody Mansions block along Dufferin Street and the Sir John Cass building along Bunhill Row, as illustrated on the following elevations.

Alignment of podium with Sir John Cass Building



Alignment of podium with Peabody Mansions



- 10.45 The height of the podium is also intended to better relate to the scale of development on Lambs Buildings.
- 10.46 It is noted that the Council's Design Review Panel considered that there was a strong rationale to the design of the lower part of the building.
- 10.47 The design of the proposed building is intended to express the transition between the existing and new building forms with the set back at 17<sup>th</sup> floor level and a subtle change in the design of the fenestration. A further set back is introduced at 26<sup>th</sup> floor level. The set-backs are intended to reduce the massing of the building on Bunhill Row and surrounding streets and to ensure that the extended portion of tower would have a slimmer appearance when viewed from Bunhill Fields. The existing and new building forms are further expressed through the elevational treatment and detailed architectural design of the building and this is considered in more detail later in this report.
- 10.48 The existing tower 'sits atop' the podium which accentuates its squat and 'stumpy' appearance. The proposed tower is redefined to 'come to ground' which, along with its increased height, is intended to improve its proportions and to emphasise a more elegant and slim appearance. The more slender proportions along with the set-backs to the upper levels are intended to ensure that the building does not have a monolithic appearance when viewed from key points.

## Model Photographs



- 10.49 The proposed building form has been considered through what the applicant has demonstrated to be a thorough design development process. The applicant has demonstrated that the building would respond positively to the surrounding street geometry and to the form and layout of surrounding development and has therefore presented a convincing rationale for the proposed form of the building.

### Public Realm

- 10.50 Public realm improvements are proposed, including landscaped areas which are intended to offer places to dwell and relax and for outside eating whilst providing visual interest as well as defensible spaces to existing and proposed residential uses. A new north to south route will be created through the site between the main building and the residential block. An existing dog-leg alleyway will also be replaced through the reinstatement of a historic pedestrian route in the form of an arcade fronted by the office lobby, restaurant and retail units. These routes would enhance permeability and connectivity in the area and are viewed positively. Semi-mature tree planting is proposed around the buildings, including along Bunhill Row, and it is intended that this would introduce a human scale whilst also improving the setting at street level to the listed terrace opposite. New hard paving is proposed unite the network of external spaces and routes whilst sculptures, light art and special tree species would be provided and integrated with an external lighting strategy to ensure a high quality public realm. Details will be secured through a landscaping and a lighting condition (conditions 4 and 12).



CGI of public realm along Bunhill Row



- 10.51 An area of public realm described as 'The Yard', is proposed at the point where the two pedestrian routes meet and it is intended that this will provide a sitting out area for the proposed café/restaurant use.

CGI of 'The Yard'



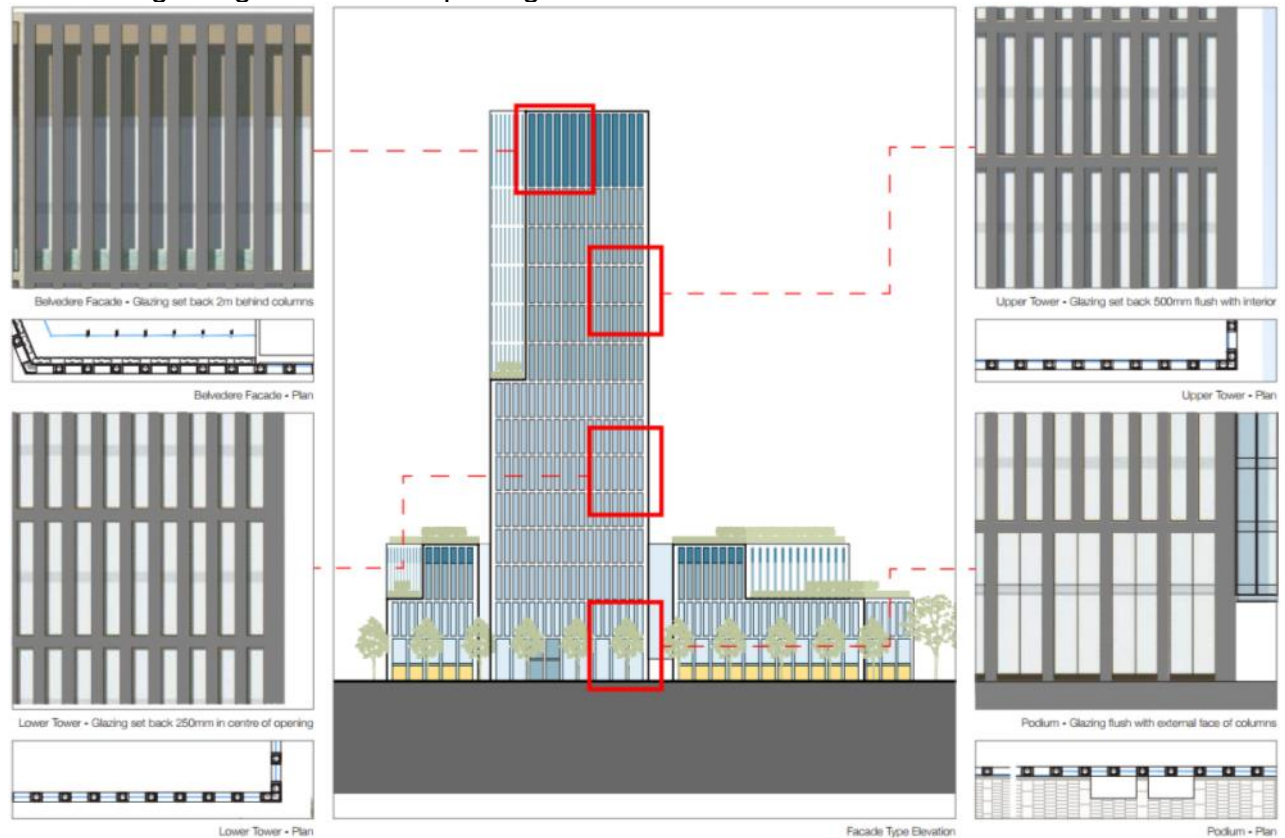
- 10.52 The existing public realm around the site is considered to be of little value and therefore the proposed public realm improvements are considered to represent a significant benefit of the scheme.

#### Materials and Detailed Architectural Design

- 10.53 The design of the building at ground floor level is intended to coordinate the various functions of the building at this level both vertically and horizontally to ensure the design concept is continuous around the base of the building. Canopies are intended to identify the retail shop fronts and are set at a height that relates to the fascia of the pub and balcony railings on the listed terrace opposite. This approach is intended to create a human scale to Bunhill Row and to provide a degree of shelter when entering and exiting the units. The canopies also hide the retail louvres and allow diffused light through to the ground level. Shop front signage will be controlled and displayed behind the glazing to the shop fronts and a condition is recommended to secure a signage strategy (condition 38).
- 10.54 The massing form of the building is intended to create a sculptural architectural composition which requires a single architectural facade design in order to unify and express the composition. Slim double height window openings are proposed which are intended to appear elegant in their proportions and to reflect the proportions of the tower. The planes of the glazing lines within the openings vary in depth across the different components of the building. The first to third floor podium glazing is flush with the masonry columns, which is intended to provide a more reflective façade whilst creating a horizontal 'plinth' in order to unite the three elements and to represent the existing podium form. On the 4th to 15<sup>th</sup> storeys the glazing is semi-recessed by approximately 250mm which is intended to create a depth to the facade with shadowed reveals and to define the height of the existing tower within the facade design. On the 16th to 26<sup>th</sup> storeys the glazing is fully recessed by approximately 500mm which is intended to create very deep shadowed reveals to the facade openings and to distinguish the new structure from the existing. On the top floors to podium and a triple height to the top of the tower the glazing is set back 2m behind the facade creating an open belvedere. This is intended to animate the skyline and unite the composition of tower and podium buildings.

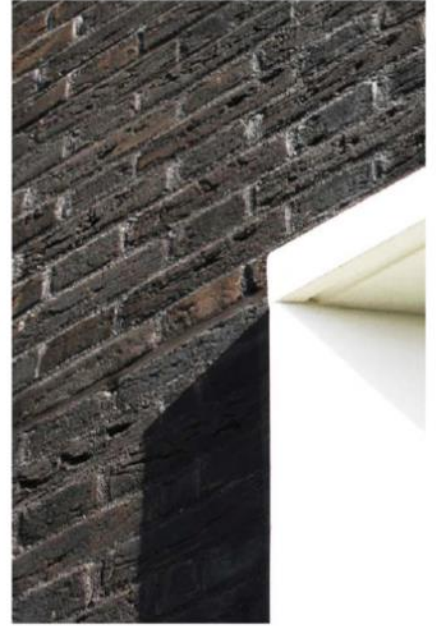


## Planes of glazing lines within openings



- 10.55 It is proposed that the façade would primarily feature slim brickwork precast panels, which it is understood are manufactured by embedding bricks into concrete panels and applying a mortar. Construction in traditional brickwork is not considered feasible and the product would offer a practical and expedient means of cladding the building to provide a brickwork appearance. The brick finish is intended to provide a response to the character and urban structure of the surrounding environment and integrate with the surrounding streets. The brickwork panels are intended to create texture from the slim shape and bonded pattern.
- 10.56 The applicant has provided two examples of recent developments which have used a similar product as follows:

Techrete Cladding, Hannover Square, Mayfair, London 2012



Grants Cladding, Kings Court, London 2017



10.57 The applicant has provided manufacturer advice that the panels have a minimum design life of 60 years and should last at least 100 years or more. They are intended to be generally maintenance free and if they require cleaning due to environmental factors then this will be no more onerous than a traditional brick facade.

10.58 The applicant has advised that it would not be feasible or viable to use traditional brickwork in the construction of the building and, in view of the height and scale of the building, this can be accepted. Subject to securing through condition the use of a high quality product



which does not obviously appear as a panel then the proposed brickwork panels may be considered acceptable.

- 10.59 A patina of bronze anodising would be used for the metal windows, reveals, shopfronts and canopy structures at ground floor. It is stated that its texture, reflectivity and colour will be refined with specialist manufacturers to ensure it contrasts well with the suggested brick.
- 10.60 The residential building has a similar palette of materials but would feature a slightly darker patina. This will create a better visual relationship with the more aged and darkened London stock bricks used on adjacent buildings.

CGI of proposed development looking south along Bunhill Row



- 10.61 The overall quality of materials and finishes is considered to be key to the success of the proposed development. In particular, the detailed appearance of the brickwork cladding is considered critical to ensuring the delivery of a building of suitably high quality appearance. It is acknowledged that this level of detail would not have been finalised at this stage of the design development. The architects have submitted information demonstrating their rigorous approach to detailed façade design in relation to another scheme under development in Canary Wharf. Condition 3 is recommended to secure the submission of material samples for the Council's approval to ensure the delivery of a high quality development.

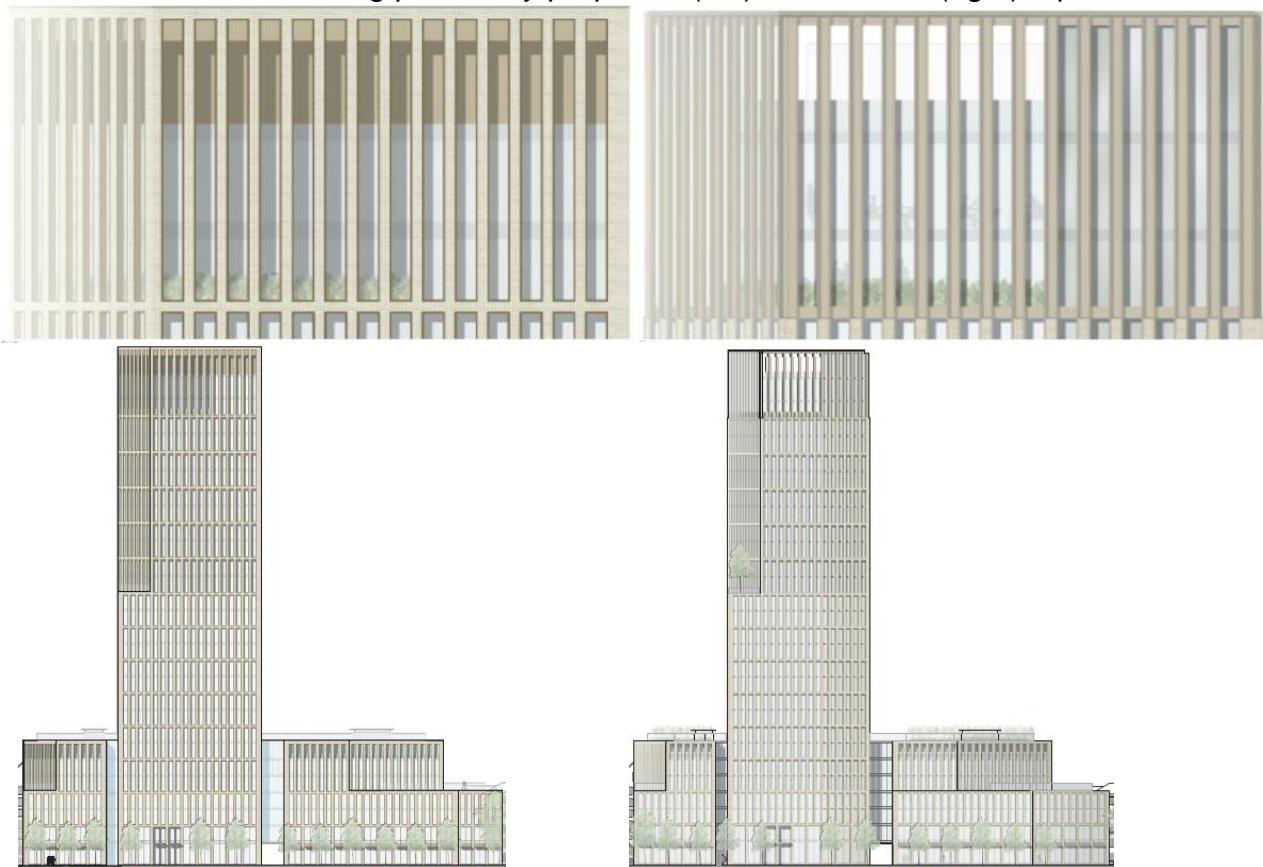
Applicant's further response to Design Review Panel

- 10.62 The applicant has submitted details of further design refinements in response to concerns raised by the DRP that over the design of the top section of the tower, particularly when this was viewed from the Honorary Artillery Company (HAC) Grounds. Panel members

suggested that a marginal set back in the elevation and/or articulation of the corners may improve this and reduce the bulky appearance from this key view point. The Panel felt that from this view the building did not relate well to its context and advised that the top should be more elegant and better articulated.

- 10.63 The applicant has also provided a design response to the Panel's concerns regarding the proposed treatment of the cores. Panel members wanted to ensure that these were sufficiently tied into the overall design or alternatively expressed honestly as the cores.
- 10.64 In relation to the top floors, the applicant advises that further cut backs to the north-east or north-west corners of the top of the tower are not possible due to the fixed location of the cores. The top of the building has therefore been reviewed with a view to creating a more elegant and better articulated appearance. A subtle change to the facing material of the top three floors is proposed along with detailing of the frame to create a light effect that is integrated into the existing overall form. It is intended that this would reduce the bulky appearance of the top of the building.
- 10.65 A profiled metal frame is proposed to the top 3 floors, expressed as a refined extrusion of masonry columns below, in order that the frame appears more slender, precise and stylish. The frame would be finely detailed in order to emphasise depth, shadow and dappled reflections. It is also proposed that louvres would be removed to open up views of the sky and allow the columns to be viewed against open space which is intended to give greater delicacy and exactness to their form.

Plans and CGIs indicating previously proposed (left) and revised (right) top floors







10.66 The applicant has proposed to integrate the cores into the overall form and appearance of the building through a continuous mesh interlayer within the glazing across the entire north façade in place of the previously proposed back painted glass to the cores. It is intended that the mesh layer would unify both cores and the north façade and would prevent visibility into cores whilst allowing clear visibility out from the offices. The mesh interlayer would be a warm beige/silver colour and is intended to create varied coloured reflections in differing lighting conditions and thereby avoid the flat tone of back painted glass. It is also suggested that visible openings would be introduced in the core where the structure permits.

Example of mesh interlayer at Des Moines Public Library, Iowa (2006) (David Chipperfield)



CGI Visualisation of proposed glazing to cores on north façade



CGIs indicating previously proposed (left) and revised (right) glazing to north facade



- 10.67 The design revisions have not been referred back to the Design Review Panel and, in view of the limited and specific nature of the outstanding concerns, it can be considered that an officer appraisal of the revisions is sufficient.
- 10.68 The Council's Design and Conservation Officer has commented that the removal of the louvres 'opens up limited views of the sky and could be argued to fractionally reduce the bulky appearance at top of building'. The Officer further comments that:
- 'In my view the subtle changes do little to mitigate against the concerns of the DRP over the bulky and inelegant top to this tall building, especially when viewed from the HAC grounds. The top of the building will essentially have the same visual impact as before.'
- 10.69 The Council's Design and Conservation Officer has further commented that the appearance of the mesh interlayer glazing which is not clear and, in view of the prominence of the building, should be understood at application stage.
- 10.70 The Design and Conservation Officer's comments are noted. However, it is considered appropriate to have regard to the limitations imposed by the design, structure and layout of the existing building. A more radical alteration to the design of the top of the building may detract from the architectural integrity of the building and/or may not be feasible from a structural point of view. Furthermore, the location of the cores is fixed due to the design of the existing building and there are no further opportunities to 'cut away' another corner.
- 10.71 The Design Review Panel suggested that the top of the building should be 'more elegant and better articulated'. It is considered that the proposed profiled metal frame and the removal of the louvres to provide an open appearance to the top floors would represent a successful design response to the concerns raised by the DRP and would provide a more elegant and better articulated appearance, as sought by the Panel.
- 10.72 The Panel suggested that the treatment of the cores should be sufficiently integrated into the overall design of the building or alternatively expressed honestly as the cores. It is acknowledged that there are limited design options in terms of addressing this concern. The location of the cores is determined by the layout of the existing building and, if they are to be integrated into the design of the building there appear few alternatives to a more solid appearance to the glazing. The Design and Conservation Officer's comment that details

should be provided at application stage are noted. However, the proposed development is at planning application stage and detailed design development and procurement are processes which would be expected to follow post planning. The application can be determined on the basis that it is understood that the glazing to the cores would appear more solid than the remainder of the building. It is considered that the proposed revisions to the glazing treatment are sufficient in terms of integrating the cores into the overall design of the building and that the specific appearance of the glazing can be sufficiently addressed through the suggested materials condition (condition 3).

- 10.73 Overall, in terms of detailed architectural design, the proposals have been carefully considered. Subject to further details of materials to be secured by condition the proposal would represent a high quality and appropriate design response which would enhance the character of the building and the surrounding area.

#### Overall assessment and consideration against Tall Buildings Policy

- 10.74 It is considered that overall the proposal satisfies the tall building design requirements set out in Finsbury Local Plan Policy BC9 and London Plan Policy 7.7. These are addressed in italics as follows:

#### Policy BC9

'D. 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 – *the proposals improve pedestrian permeability with two new routes through the site whilst public realm improvements and active frontages are proposed at ground level. The extended tower would provide a high quality landmark in longer distance views ;*
- ii. Conserve and enhance designated and non-designated heritage assets and their setting – *the proposal does not meet this requirement and this is covered in detail in the following Heritage section and the concluding section of this report;*
- iii. Not create unacceptable impacts on infrastructure, including transport capacity; and adequately mitigate any transport impacts – *this requirement would be met subject to the requirements of the Section 106 agreement and relevant condition and is covered in detail in the Highways and Transportation Section of this report;*
- iv. Exhibit an exceptional standard of architecture – *the proposal is considered to represent an high standard of architecture;*
- v. Create an active and interesting street frontage appropriate to the local context – *the proposal involves the introduction of active frontages at ground floor level of the commercial building;*
- 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, -. *this requirement is considered to be met and is covered in detail within the Sustainability, Energy Efficiency and Renewable*

- Energy section of this report. It is particularly noted that the proposal involves the re-use of the existing concrete frame which is welcomed in terms of carbon minimisation;*
- vii. Provide public space, including, where appropriate, mid-block pedestrian routes and the extension of (and integration with) neighbouring areas of public space – *the proposal involves significant public realm improvements and new routes through the site;*
  - viii. Provide private amenity and play space where residential uses are proposed as part of the development, and – *private amenity spaces are provided to all residential units whilst a financial contribution in lieu of on-site playspace will be secured through the Section 106 agreement;*
  - ix. Not have adverse environmental effects at ground level, nor overshadow neighbouring habitable rooms or formal public spaces – *the Wind Microclimate Report demonstrates that the wind impact will be acceptable or can be adequately mitigated whilst overshadowing is covered in detail later in this report - neighbouring residential habitable rooms will be significantly impacted but primarily by the podium and not the tower.*

#### London Plan Policy 7.7

'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 – *the site is located within the CAZ and benefits from the highest level of Public Transport Accessibility;*
- 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 – *the existing building is a tall building and the impact of the proposal on the locality is considered in detail in the previous section of this report;*
- 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; - *the proposed development is the result of a very comprehensive design development process informed by a detailed analysis and response to the surrounding character areas clearly demonstrated through the design of the building;*
- 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 – *the extended building will result in a significant improvement to the appearance of an existing tall building and will deliver an improvement to the London skyline through its high quality design and appearance;*
- e) incorporate the highest standards of architecture and materials, including sustainable design and construction practices – *the proposal is considered to exhibit an high standard of architecture with materials selected to complement the surrounding area, whilst the proposal involves the retention*

*of the structure of the existing building and sustainability is addressed in detail within the Sustainability, Energy Efficiency and Renewable Energy section of this report;*

- f) have ground floor activities that provide a positive relationship to the surrounding streets – *the proposal introduces flexible retail uses with active frontages to the ground floor;*
- g) contribute to improving the permeability of the site and wider area, where possible – *the proposal provides two pedestrian routes through the site;*
- h) incorporate publicly accessible areas on the upper floors, where appropriate – *it is not considered that there are compelling reasons to require public access in this case;*
- i) make a significant contribution to local regeneration – *the proposal would deliver substantial economic and employment benefits.*

#### 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 – *the applicant has submitted reports to satisfactorily address the relevant potential impacts and these are detailed later within this report;*
- b) should not impact on local or strategic views adversely – *the applicant has demonstrated within the HTVIA that the proposal will not impact on strategic views.*

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 – *the building alterations are viewed as causing 'less than substantial' harm to designated heritage assets requiring balancing against the public benefits and detailed analysis is provided in the Heritage section. It is noted that the GLA support the scheme in design terms and consider that there will be very limited harm in heritage terms.*

10.75 The existing Finsbury Tower building is considered to have a detrimental impact upon the character and appearance of the surrounding area including upon the significance of adjacent and nearby designated heritage assets. In particular, the ground floor frontages to surrounding streets are blank or uninviting whilst the tower is poorly proportioned and the appearance of the dilapidated white cladding has a detrimental impact on the wider townscape.

10.76 Considered in isolation, the proposed commercial block is considered to represent a high standard of design and would result in a significant improvement to the character and appearance of the site and the way it functions. In particular, it would:

- Better relate to the historic urban form of the site and surrounding character areas;
- Provide enhancements to the public realm along Bunhill Row and surrounding streets with improved landscaping;

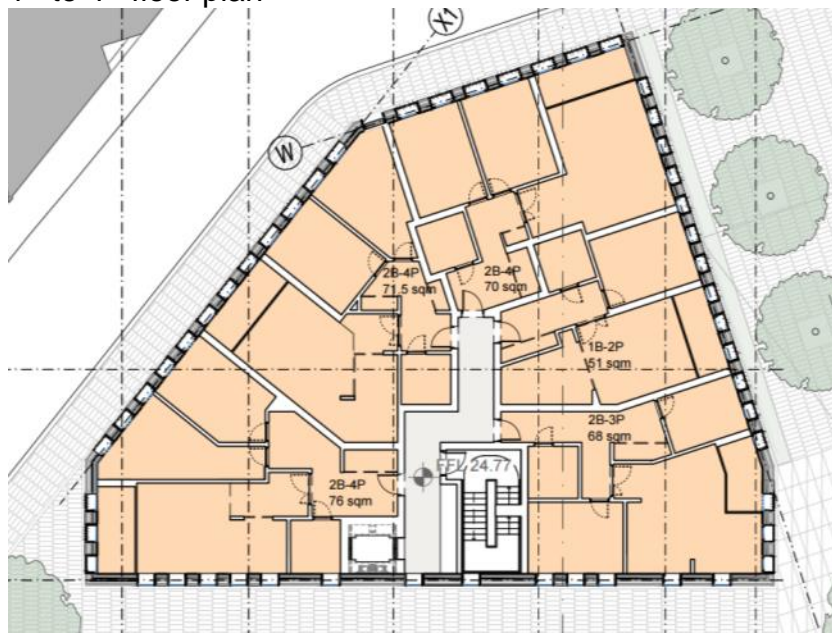


- Introduce active uses and an improved human scale at ground floor level;
- Improve permeability through the site and pedestrian connectivity to the surrounding area;
- Improve the appearance of the existing building, including through a more elegantly proportioned tower, a high quality elevational treatment and through that better reflect the prevailing built form in the locality.

### Housing Block

10.77 The 6 storey affordable housing block, accessed off Lamb's Buildings is located to the west side of the site, bounded by Lamb's Buildings, Errol Street and the western side of the tower. The block has an unusual plan shape which is informed by the shape of the site and it steps in height to relate to the different heights of the adjacent St Joseph's Catholic Church building and Peabody housing whilst also relating to the height of the podium levels of the office building.

1<sup>st</sup> to 4<sup>th</sup> floor plan



10.78 The facade of the residential building has been designed to relate closely to the office building in terms of its massing, facade design and materiality so they are seen as a unified composition. The double height openings within the residential building are slimmer and smaller than those within the office building, but are of the same design concept. The residential building uses a different and slightly darker brickwork panel with a darker metalwork shade than that proposed for the tower, reflecting its land use and nature of the residential area to the west of the site. The residential block is considered to appropriately relate in design terms to both the proposed commercial development and the existing residential buildings in the immediate locality.

CGI of housing block



Heritage legislation and policy

- 10.79 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.’
- 10.80 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.’
- 10.81 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’.
- 10.82 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”.
- 10.83 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.

10.84 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.

10.85 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.'

10.86 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.'

10.87 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.'

10.88 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.'

10.89 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.'

10.90 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"

10.91 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.'

10.92 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.

10.93 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.'

10.94 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.'

10.95 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.

D. Registered historic parks and gardens, London squares and other heritage landscapes

iii) Developments must not detract from the enjoyment, layout, design, character, appearance or setting of historic parks, gardens or squares and key views out from the landscape, or prejudice future restoration.

#### Heritage Assessment

10.96 The existing building, due its poor quality exterior, incongruous materiality and 'squat' proportions may be considered to have a negative impact upon the setting of the adjacent heritage assets as well as the character and appearance of the adjacent conservation areas. The application is accompanied by a Heritage, Townscape and Visual Impact Assessment (HTVIA) which assesses the impacts of the proposal on designated heritage assets. The Case Officer has also carried out site visits to the surrounding heritage assets in order to inform an assessment of the impact of the proposed development on these assets.

#### Bunhill Fields

10.97 The reasons for the designation of Bunhill Fields as a Grade I listed Park and Garden are stated as follows:

- Outstanding historic interest as the pre-eminent graveyard for Nonconformists in England;

- A rare surviving inner-city burial ground which is unsurpassed as evidence for the cramped appearance of metropolitan burial grounds in the Georgian period;
- A large number of listed tombs, notable either for the person they commemorate (for example, Blake, Bunyan and Defoe) or their artistic quality;
- Distinctive aesthetic character in contrast to Victorian cemeteries, with monuments almost entirely in Portland stone or sandstone;
- An extremely well-documented place where antiquarians have recorded inscriptions from the 1720s and for which the City Corporation holds extensive burial records;
- High quality design and materials of 1964-5 phase, by the renowned landscape architect Sir Peter Sheppard.

10.98 The HTVIA provides an assessment of the significance of the heritage assets in the vicinity of the application site. The author provides a commentary on Bunhill Fields as follows:

‘Bunhill Fields Burial Ground was designated as a Grade I Registered Park and Garden in May 2010. Bunhill Fields is a non-conformist burial ground which dates from the 1660s. Its current boundaries were established by the mid-18<sup>th</sup> Century. The area of the burial ground is roughly a T-plan, bounded by walls, railings, and gates. There are over 2,000 monuments in Bunhill Fields which are almost entirely made of Portland stone, with some sandstone from the later Georgian period. The monuments are fairly plain, owing to their non-conformist benefactors. The grave markers are tightly packed, characterising the typical cramped conditions of Georgian burial grounds. Paths wind through the ground, which is augmented by London planes, oaks, and limes. Burials ceased in 1853 and Bunhill Fields became a public garden in 1867. Parts of the site have been re-landscaped by notable architects such as Sir Peter Sheppard (1913-2002), who worked at Bunhill Fields after it sustained damaged from aerial bombing in the Second World War. Bunhill Fields contains 75 memorials, tombs and other structures including gates and railings, which are individually listed as being either Grade II\* or Grade II. Most of these are located in the southern part of the burial ground, with others along the western perimeter of the grassed area to the north.

...Cherry and Pevsner (1998) refer to the site as ‘The most celebrated Nonconformist burial ground in England’, where it is renowned as a rare surviving example of a Georgian metropolitan burial ground, with a distinct and unique aesthetic character. The later alterations also have a high value, as do the many listed monuments which also contribute to its significance. Bunhill Fields is also rich in historical associations as a burial ground for non-conformists from the late 17th century to the mid-19th century. It contains the graves of many notable people including John Bunyan (1628-1688) and William Blake (1757-1827). According to the list description ‘The realignment of paths to focus on Bunyan, Blake and Defoe in the 1960s scheme has historic interest in the context of post-war national pride and identity.’

10.99 The author identifies that the significance of Bunhill Fields lies primarily in its historical, architectural, and recreational value. The assessment notes that:

‘Where once the burial ground would have been on the fringes of the city sprawl, the setting now comprises dense urban development, including tall buildings.’ The

burial ground is screened by large trees which inhibit views in or out, and an appreciation of the quality of the interior space.

This very special landscape experience is in a dense urban environment and the setting does not contribute to the special interest of the heritage asset.'

10.100 Historic England has provided the following advice on the significance of Bunhill Fields:

'Bunhill Fields; the most celebrated non-conformist burial ground in the country. Used for burials between late C17 and early C19, it contains a number of separately listed monuments to notable historic figures as well as historic railings and gates. Its relationship with Wesley Chapel and museum (Grade I) which stands opposite its entrance on City Road is also highly significant. It appears on the Register of Parks and Gardens at Grade I and is valued for its aesthetic, communal and historic qualities which are notable and much admired in this part of London.'

10.101 As detailed above, the HTVIA suggests that the setting does not contribute to the special interest of Bunhill Fields. However, the document provides an assessment of the impact of the proposed development upon the setting of Bunhill Fields, which is summarised as follows:

- Where the existing building is visible it is a detracting feature of the wider urban setting of Bunhill Fields due to its poorly proportioned form and discordant and dilapidated white clad façades. It also presents an incongruous and unattractive frontage to Bunhill Row, opposite the entrance to Bunhill Fields, with uninviting ground floor frontages and poor quality public realm;
- Impact of the proposal on the setting of Bunhill Fields is considered to be limited due to the altered setting of Bunhill Fields and existing interposing development and trees that screen views between the site and the heritage assets - where the proposed development is visible it is partially obscured by interposing development and/or trees and is visible in the context of the wider urban setting of Bunhill Fields which includes the large scale modern buildings of the City of London to the south;
- Proposed development would represent a marked improvement in townscape and architectural design terms compared to the existing building and is considered to represent an overall enhancement to the setting of Bunhill Fields - the existing 'squat' proportions of the building would be replaced with a tower element that appears more slender and elegant and whose elevational treatment better reflects the surrounding built context - the increase in height of the building would therefore have a negligible impact on the existing urban setting of Bunhill Fields;
- Proposal would greatly improve the appearance and functionality of Bunhill Row - it would provide a positive relationship with Bunhill Row and new and improved public realm, which would enhance permeability through the site and improve pedestrian connectivity to Bunhill Fields and the wider area.

10.102 The dense tree screen inhibiting views in and out of Bunhill Fields will be in place during the summer months but the trees are deciduous and the surrounding urban environment will be more apparent in winter months. It can be agreed that the significance primarily lies in the historical and architectural value of the site. However, the identification of significance in relation to its recreational value is not accepted as this is not in line with the NPPF definition of significance. The significance of the setting of the Burial Ground has

been identified by the Council's Design and Conservation Officer and the Inspector considering the Moorfields School appeal, as detailed above. It is considered that the impact of the proposal on the setting of the burial ground must be assessed in considering the proposal.

10.103 Planning permission has recently been granted for redevelopment of two sites immediately adjacent to Bunhill Fields, as noted in section 7 of this report. The immediate context is primarily characterised by buildings up to 12 storeys in height, with the 12 storey Lexington Apartments adjoining the burial ground to the north east of the Bunhill Fields, whilst the approved Monmouth House scheme would rise to 11 storeys, albeit the higher part of the development would be located to the City Road end of the site in order to respect the setting of Bunhill Fields. The 19 storey Braithwaite House on the opposite side of Bunhill Row is visible from within the Burial Ground. The Inspector considering the dismissed Moorfields School proposal noted that Lexington Apartments appear as an 'intrusive and an incoherent element in the townscape'. However, Lexington Apartments form part of the immediate setting of the burial ground which, along with the permitted Moorfields School and Monmouth House schemes, would contribute to a built up urban character of development around the burial ground. It is therefore considered that one could be justified in taking an alternative view to the Inspector's identification of the 'simple and tranquil character of the burial ground and its surroundings', particularly in view of the development permitted since the Inspector's report was published. It is also noted that the Inspector considered that the proximity of the proposed buildings to the burial ground contributed to their 'oppressive nature'. Furthermore, she noted that the existing Finsbury Tower had less of an immediate impact on the burial ground due to its location. It is therefore considered that a distinction can be made between the former Moorfield's school site and the application site in view of their differing proximity to the Burial Ground.

Braithwaite House and former Moorfields School (left) / Virgin Gym, Finsbury Tower and other surrounding development (right)

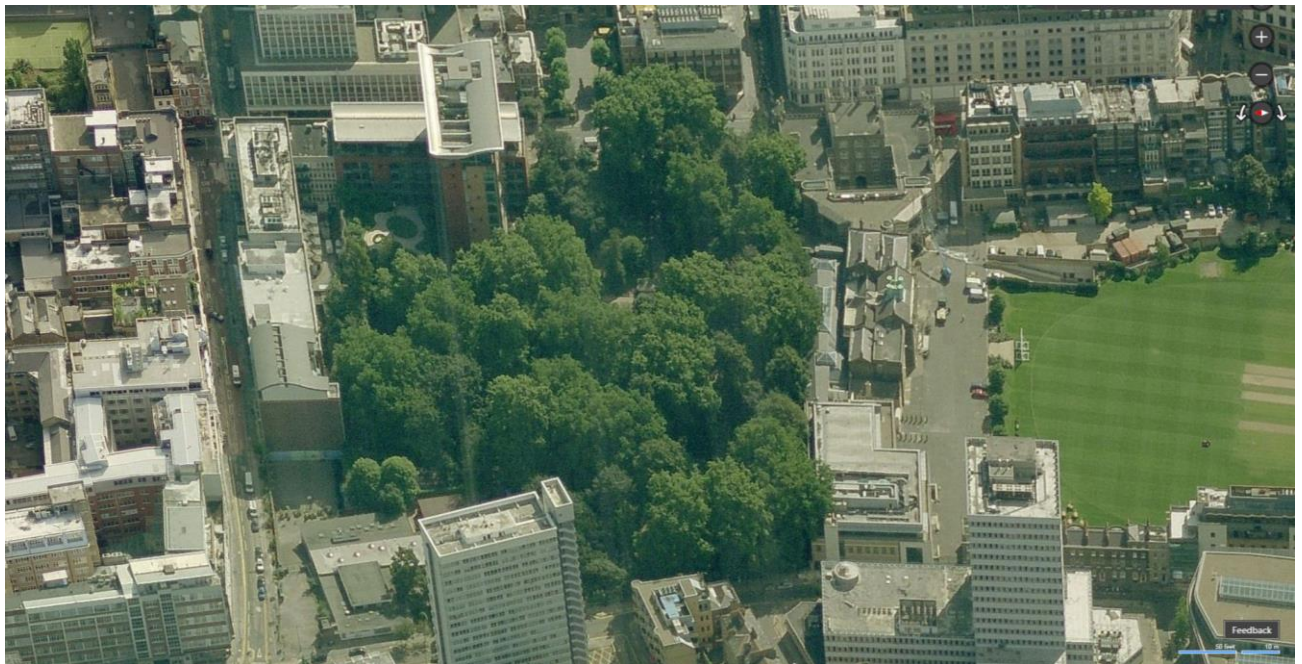




Existing Monmouth House (foreground) and other surrounding development (left) / Lexington Apartments (right)



East facing birds-eye view indicating existing context prior to commencement of Moorfields School redevelopment



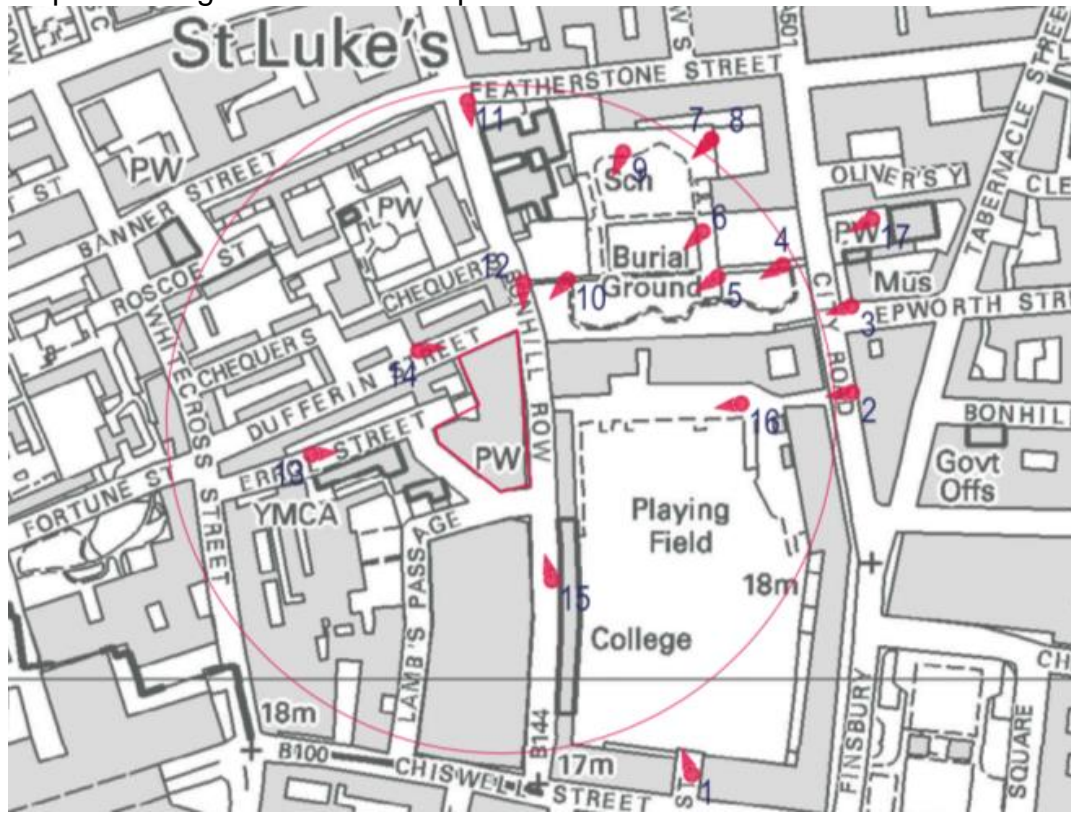
10.104 The HTVIA includes a visual impact study which tests the visual impact of the proposed development through accurately prepared photomontage images or Accurate Visual Representations (AVR) which are designed to show the visibility and appearance of the proposed development from a range of publically accessible locations around the site. It should be noted that the HTVIA that has been undertaken is unlikely to have captured and assessed every receptor point and so too in this report, it is acknowledged that a review of the impact on every element of townscape is not possible and in many cases not appropriate, as it would give rise to considerable repetition. It is thus intended to review the main impacts in detail and to summarise wider and replicating impacts.

10.105 A comprehensive series of proposed views from Bunhill Fields have been provided by the applicant in order to inform an assessment of the impact on this particular heritage asset.



The viewpoints chosen for the assessment are considered appropriate. The viewpoints are detailed on the map below and considered as follows:

Map indicating locations of viewpoints



View 4



Note: Proposed building indicated in wireframe

10.106 View 4 is taken in winter from the walkway at the eastern entrance to Bunhill Fields and will be primarily experienced by pedestrians using the walkway to Bunhill Row. It is noted that views of the existing and proposed development are partially screened by trees and interposing development, and that this screening will be denser when the trees are in leaf. Furthermore, the proposed development would be viewed in the context of the wider urban setting of Bunhill Fields, which in this view includes the large scale buildings of the Barbican and Braithwaite House.

10.107 The proposal would result in taller building in relatively close proximity to the burial ground. Whilst the visual impact of the building would be offset to a degree by the improved design and appearance of the proposed building it is considered that when the trees are not in leaf the building will have a greater visual impact, primarily by reason of the increased height and scale of the tower. However, this viewpoint is approximately 160m from the proposed development and the increased height will be perceived in the context of large scale buildings in the wider urban context. It is therefore considered that, whilst there would be harm to the setting of Bunhill Fields from this viewpoint when the trees are not in leaf, the degree of harm is minor.

#### View 5



10.108 This viewpoint is taken in winter from the seating area adjacent to the walkway through the southern section of Bunhill Fields and is approximately 115m from the proposed building. The seated area provides the opportunity for pedestrians and visitors to stop and appreciate this part of Bunhill Fields, including the monument to John Bunyan (Grade II\*). The rear of Armoury House and the Virgin Active Gym are visible in the foreground and the residential tower of the Barbican is visible in the background.

10.109 The existing building is relatively prominent from this viewpoint during the winter months and is considered to make a negative contribution to the setting of Bunhill Fields. It is clear that the proposed development will result in an increased visual impact from this viewpoint. However, some harm caused by the increase of the height and massing of the proposed building from this viewpoint is considered to be partially offset by its improved appearance in terms of higher quality elevational treatments and the sculptured geometric form, which reduces the mass of the upper section of the tower. It is also noted that views of the proposed development will be predominantly obscured by tree screening when they are in leaf and when the grounds will likely attract more visitors. Whilst the proposed building would be perceived as part of a wider urban setting it would be significantly taller than existing buildings in close proximity to the Burial Ground and it would be prominent when



the trees are not in leaf. The proposal is therefore considered to result in harm to the setting of Bunhill Fields from this viewpoint when the trees are not in leaf. However, in view of the distance from the application site and given the wider urban context the degree of harm is considered to be relatively minor.

#### View 6



Note: proposed building indicated in wireframe

- 10.110 This viewpoint is taken in winter from the area adjacent to the monument to William and Catherine Sophia Blake (Grade II) and the monument to Daniel Defoe (Grade II\*). Views of these monuments are generally orientated to the north, away from the application site. This viewpoint is approximately 120m from the proposed building.
- 10.111 As with View 5, the existing building is considered to have a negative impact and any additional harm as a result of the increased height and massing of the proposed building is considered to be partially offset by the improved appearance of the proposed building. Due to the presence of interposing and surrounding development the proposed building would be viewed as part of the wider urban setting of Bunhill Fields. It is noted that views of the proposed building would be predominantly obscured by tree screening when the trees are in leaf. However, it is considered that due to the increased scale of the proposed development, and in particular the increased height of the tower, there would be harm to the setting of Bunhill Fields when the trees are not in leaf. Again, this harm is considered to be minor.



## View 7



Note: Proposed building indicated in wireframe (yellow) and Former Moorfields School redevelopment indicated in wireframe (orange)

10.112 This viewpoint is taken in winter from the seating area adjacent to the walkway that passes around the northern section of Bunhill Fields, approximately 180m from the application site. The immediate urban context includes the rear of the Virgin Active Gym, the Artillery Arms, 100 Bunhill Row (Turnberry House) and Braithwaite House and the proposed development would be viewed as part of this wider urban setting.

10.113 Again, it is considered that the improvements to the appearance of the building will go some way towards offsetting the additional harm as a result of the increased height and massing of the proposed development. It is noted that the bulk and mass of Braithwaite House appears substantial in this viewpoint. It is therefore considered that any additional harm from this viewpoint will only occur when the trees are not in leaf and would be minor.

## View 8





10.114 This viewpoint is the same as View 7 but is taken in summer and demonstrates the extensive screening provided by the trees when they are in leaf. The immediate urban context along the boundary of Bunhill Fields is almost totally screened by existing trees with only elements of Braithwaite House partially visible. The viewpoint demonstrates that the proposed development would have a negligible impact on the setting of Bunhill Fields when the trees are in leaf due to the extent of the screening.

View 9



10.115 This viewpoint is taken in winter from a bench adjacent to the walkway that passes around the northern section of Bunhill Fields. The immediate urban context includes the rear of Armory House, the Virgin Active Gym, the Artillery Arms, and 100 Bunhill Row (Turnberry House) whilst the wider urban setting includes tall buildings within the City of London.

10.116 As with previous views from Bunhill Fields, it is considered that the improved appearance of the proposed building would partially offset the additional harm as a result of the increased height and massing. Again, the building would be viewed as part of the urban context of the burial ground and will be substantially screened when the trees are in leaf. In view of the increased height and prominence of the proposed building it is considered that there will be minor harm to the setting of Bunhill Fields from this viewpoint when the trees are not in leaf.

View 10



10.117 This viewpoint is approximately 40m from the proposed building and is taken in winter from the walkway close to the western entrance to Bunhill Fields. The view will be primarily experienced by those who are using the walkway. The rear of the Virgin Active Gym and the Artillery Arms are visible in the foreground. The existing building is very prominent



from this viewpoint and the poor quality of its design and external appearance is apparent and detracts from the setting of Bunhill Fields and the locally listed Artillery Arms public house.

10.118 The proposed development would represent a significant improvement on the existing building in terms of architectural form and materials and this would be apparent from this viewpoint where the building would be viewed more closely. Again, there would be partial screening of the building when the trees in the foreground are in leaf. The CGI does not represent the increased height of the building and if one were to look upwards from this viewpoint the building would appear notably taller than development in the immediate locality and may appear somewhat imposing due to its close proximity. The increased height of the podium may result in a slight increase in the sense of enclosure to the Burial Ground. View 10 is the closest view of the proposed development provided within the HTVIA and the perception of the building from this location is considered to represent the most significant impact of the proposal upon the setting of Bunhill Fields. It is therefore considered that the proposal would result in harm to the setting of Bunhill Fields from this viewpoint, in particular when the trees are not in leaf. However, the degree of harm is considered to be less than substantial, in particular given the prominence and poor quality of the existing building from this viewpoint.

#### Overall Assessment of Impact Upon Significance of Bunhill Fields Burial Ground

10.119 Bunhill Fields is a Grade 1 listed registered Park and Garden and is of outstanding historic interest, and is therefore a very important heritage asset. If harm occurs to the significance of a heritage asset of this level of importance then great weight must be given to the conservation of that asset.

10.120 It is noted that the GLA Stage 1 response considered that there would be no harm to the setting of Bunhill Fields Grade I listed Registered Park and Garden, nor to any of the listed monuments and structures within it.

10.121 The Council's Design and Conservation Officer considers that there will be substantial harm by reason of the excessive scale of the proposal, its overly dominant built mass and its overbearing sense of enclosure, which would detract from the historic structures and monuments as well as the Ground's important sense of openness and intimacy.

10.122 Historic England considered that the increased height of the tower would be perceptible from Bunhill Fields and cause some further harm to its setting but that, given the long-established urban setting of the burial ground and the mixed character of the City Fringe in this area, this is considered to fall within the 'less than substantial harm' category of the NPPF.

10.123 The significance of Bunhill Fields primarily relates to its historical and architectural value and its setting is considered relevant. The proposal would not result in any direct harm to the individual listed monuments and structures within Bunhill Fields, nor would it result in direct impacts upon its historic and architectural interest. It is therefore appropriate to consider any harm to its significance arising from the impact upon its setting.

10.124 Views from the Burial Ground will be subject to substantial screening by dense tree foliage during late spring, summer and early autumn months when the Burial Ground will likely to

attract greater numbers of visitors. Any harm to the setting of the Burial Ground when the trees are in leaf is likely to be quite limited.

- 10.125 The proposal would result in a significant increase in the height of development in the immediate vicinity of the Bunhill Fields, and consequently would result in an increased visual impact when viewed from the Burial Ground during months when the trees are not in leaf. However, it will be perceived alongside existing large scale urban development including the 12 storey Lexington Apartments, which is particularly imposing upon the Burial ground by reason of its siting, and the substantial bulk of the 19 storey Braithwaite House. The more distant view of the proposed development from the Burial Ground will include views of the 42 storey Barbican towers. Given this densely built up urban context it is considered that the increase in the height and scale of the building from more distant views within the Burial Ground will result in a minor degree of harm to its setting. In closer views it is considered that the proposed development, whilst significantly taller, would represent an improvement over the existing building in terms of its design, and in particular its elevational treatment. The improvement in architectural design terms is considered to offset some of the impact from the increased height and scale of the proposed building. Accordingly, whilst it is considered that there will be a greater degree of harm to the setting of Bunhill Fields from closer viewpoints, the degree of harm will be minor.
- 10.126 Overall, it is considered that the increased visual impact upon the setting of Bunhill Fields as a result of the increased height and scale of the proposed building will result in a minor degree of harm to the setting of Bunhill Fields, and accordingly will be well within the NPPF categorisation of 'less than substantial harm'. This view has been reached by Planning Officers having considered the representations of the Council's Design and Conservation Officer, the GLA and Historic England responses and all other consultee responses.
- 10.127 If Members conclude that there is a greater degree of harm to the setting of Bunhill Fields than that identified by Officers then, in view of the importance of the heritage asset as a Grade 1 Listed Park and Garden, great weight must be attached to that harm in assessing the proposal.

#### Wesley's Chapel and associated structures and buildings

- 10.128 The HTVIA provides the following commentary on Wesley's Chapel and the associated buildings and structures:

'Wesley's Chapel was designated as a Grade I listed building in December 1950. It is located approximately 220m east of the Site. The Chapel was originally built in 1778 as the Mother Church of World Methodism. In the 19th century, architectural features were added or modified by Elijah Hoole (dates unknown) including the single storey wings to either side in 1899. The listed Chapel is two storeys set over a 5 window range. It has a central prostyle portico, and the main facade is articulated by a slightly projecting centrepiece of three bays. There are many internal features of note described in detail in the list description.

The primary significance of the Chapel lies in the high architectural quality of the original building, later additions, and interior features. Its historical association with the Methodist movement is also of interest. There are a number of listed buildings associated with Wesley's Chapel which we list below. All are Grade II unless otherwise stated.

- John Wesley's House and attached railings (Grade I)
- Tomb of John Wesley in the burial ground of Wesley's Chapel (Grade II\*)
- Entrance Gates to Wesley's Chapel
- Statue of John Wesley in the forecourt of Wesley's Chapel
- Wesley's Chapel Memorial to Susannah Wesley in the forecourt of Wesley's Chapel
- The Manse
- Benson Building abutting Wesley's Chapel
- Gates to John Wesley's House
- Chapel Keeper's House.

The listed buildings and structures date from either the late 18th or late 19th centuries. They were listed in either 1950 or 1972. The listed buildings and structures are principally significant for their historical and architectural interest, and value as a group. The setting of these heritage assets is defined principally by the Chapel, and they share with it the wider urban context.

The original setting of the Chapel and associated listed buildings and structures would have been characterised by its location on the urban fringe of the City. Semi-rural, with the Bunhill Fields burial ground opposite. The setting is now wholly urban with large urban plots and 20th century buildings of several storeys situated along the busy thoroughfare of City Road. The open courtyard to the front of the Chapel contributes to its setting by creating a sense of separation and enclosure from the main road and dense nearby urban development. Views toward the application site are limited and obscured by interposing development and the densely planted trees of Bunhill Fields.'

10.129 The HTVIA includes the following viewpoint taken from the open courtyard outside Wesley's Chapel looking south west toward application Site, across City Road and Bunhill Fields.

View 17



10.130 View 17 demonstrates that in summer the proposed development would be screened by interposing development and foliage. It is not clear how much of the development would be visible during the winter months. However, it is considered that in view of the 220m separation of the chapel from the application site, any visibility of the extended tower would have a negligible impact on the significance of Wesley's Chapel and associated buildings and structures.

#### HAC Heritage Assets

10.131 The HAC heritage assets share their setting and are considered together in the following part of this report.

#### Armoury House

10.132 The HTVIA provides the following commentary on Armoury House:

'Armoury House was designated as a Grade II\* listed building in August 1957. It is located approximately 100m to the east of the Site on the opposite side of Bunhill Row. Armoury House is the Headquarters of the Honourable Artillery Company which received the Royal Charter in 1537. The oldest building is the central block, which was built in 1734-36 to the Palladian design of Thomas Stibbs. The principal elevation faces south to the large, private grounds. There are later 19th Century additions, including east and west wings, and a third storey. The interiors retain many original features, and later features of historic interest. Armoury House is significant for its historic association with the Honourable Artillery Company, as well as its age, high architectural quality, and intact interiors. It also has aesthetic value in contributing to the local townscape.

The setting of the Armoury House includes the Bunhill Fields Burial Ground and emerging development around Old Street to the north, and the HAC's private grounds to the south. The principal elevation faces the grounds of the HAC and the City of London is visible beyond. To the east and west the urban environment is densely developed along City Road and Bunhill Row. The existing Finsbury Tower building is visually prominent to the west and presents a poor frontage of low architectural quality to the grounds of the HAC and the setting of Armoury House. Armoury House has a positive relationship with the listed terrace properties at 20-29 Bunhill Row, which were originally built for the HAC.'



## Armoury House and the HAC Grounds which provide its setting



10.133 The HTVIA provides an assessment of the impact of the proposed development upon the setting of Armoury House which is summarised as follows:

- Public views of Armoury House that include the Proposed Development are limited to glimpse views through the entrance gates off of City Road and to views north through the entrance gates at Finsbury Street;
- Podium and tower element of the proposed development would be of an increased height compared to the existing Finsbury Tower building and would be visually prominent in views orientated to the west – the impact of the additional mass is mitigated in part by the high quality of the elevational treatments proposed and the articulation of the facades that assist with breaking up the mass of the proposed building;
- Public views to the west are limited and where the proposed development would be visible from within the private grounds of the HAC it would be seen within the context of the existing surrounding urban environment that includes the taller buildings of the City and the Barbican to the south and west.

### Finsbury Barracks

10.134 The commentary on Finsbury Barracks is as follows:

'Finsbury Barracks and attached railings were designated as Grade II listed buildings in December 1990. The Barracks is located approximately 200m east of

the site. The Barracks were built in 1857 by J. J. Jennings for the Honourable Artillery Company. According to Pevsner, Jennings' designs were "demonstrably alluding to a historic past" with "a heavily rockfaced castellated fortress front with angle turrets and a broad gatehouse". The building was refurbished 1994 by Arnold and Boston. It is located adjacent to Armoury House to the west. The building is primarily significant for its architectural interest and association with the Honourable Artillery Company. It contributes to the context of the group of listed building associated with the Company.

The setting to the west includes the Grade II\* listed Armoury House and the open setting of the HAC grounds. The landscaped open space of the Bunhill Fields burial ground is located to the north. The building fronts the busy thoroughfare of City Road, which is fronted by dense urban development and connects Old Street to the City. The development on City Road is primarily 20<sup>th</sup> century, and the dominant building heights are of 6-7 storeys. Glimpsed views of the existing Finsbury Tower building can be seen in the background of the listed Barracks when viewed from certain points along City Road.'

Armoury House viewed from City Road and Finsbury Tower visible in the background



10.135 The HTVIA provides an appraisal of the impact of the proposed development which is summarised as follows:

- Glimpsed views of the existing Finsbury Tower building are possible where it isn't obscured by existing landscaping and interposing development and it can be seen in the distant background of the listed Barracks when viewed from certain points along the busy thoroughfare of City Road;
- Where visible the existing Finsbury Tower building does not form a positive feature of the setting of Finsbury Barracks, which is due to the poorly proportioned form of the tower and the discordant appearance and low quality of the existing Finsbury Tower white clad facades;
- Where visible the massing, form and appearance of the proposed development would not be prominent and would represent an improvement to the existing Finsbury Tower building and the wider urban setting of Finsbury Barracks - The

existing 'squat' proportions of the Finsbury Tower building would be replaced with a tower element that appears more slender and elegant;

- The articulation of the façades of the proposed development assist with reducing the perceived mass of the tower and podium and add interest and the proposed materials for the façades better reflect and compliment the Kentish ragstone of the Barracks.

### 20 and 21-29 Bunhill Row

10.136 The HTVIA commentary on 20 and 21-29 Bunhill Row is as follows:

'The 20 and 21-29 Bunhill Row were designated at Grade II in September 1972. The terraced houses are located opposite the site on the east side of Bunhill Row. 20 and 21-29 Bunhill Row were built in 1830-31 for the Honourable Artillery Company, whose headquarters were located at Armoury House to the east. They are three storeys with a basement, set over two bays. They are constructed of yellow and brown brick set in a Flemish bond with some stucco dressing, and the roof is obscured by a parapet. Some of the terraced properties have an additional fourth storey. The terraced houses are primarily significant for the character, appearance and architectural quality of their elevations to Bunhill Row, as some of the surviving Victorian development in the area. The historical association with the Honourable Artillery Company is also important, and further established by Armoury House (Grade II\*) to the rear.

The application site falls within the immediate setting of the Grade II listed terraced houses. The original Victorian context has been all but lost as a result of the aerial bombing during the Second World War and the subsequent redevelopment of the area that includes the post war developments of Finsbury Tower and Braithwaite House and the more recent developments that include the Cass Business School, Virgin Active Gym and Gravelle House. The existing Finsbury Tower building detracts from the setting of the terrace by virtue of its unsympathetic form and architectural detailing and the dead frontages it presents along Bunhill Row. To the rear of the terrace, the setting is more intact, and includes the grounds of the HAC and the Palladian frontage of Armoury House.'

20 and 21-29 Bunhill Row viewed from Bunhill Row and from within HAC Grounds



10.137 The impact of the proposed development on this heritage asset is considered within the HTVIA and is summarised as follows:

- The podium and tower would be increased in height and mass compared to the existing building and elements of the proposed development would be visible above parts of the roofline of the listed terrace when viewed from the rear from within, and across, the privately accessible HAC grounds;
- Public views of the rear of the terrace are limited to views from the entrance gates of the HAC grounds at Finsbury Street and off of City Road - the limited harm to the setting of the terrace, caused by this additional mass, is considered to be less than substantial and mitigated in part by the high quality of the contextually responsive elevational treatments proposed and the articulation of the facades that assist with breaking up the mass of the Proposed Development;
- The landscaped roof terraces result in a sculptured geometric form that adds visual interest and assists with reducing the perceived mass of the tower and podium;
- In addition, the proposal would improve the public realm and frontage along Bunhill Row with active uses at ground floor whilst the proposed street trees would provide definition to Bunhill Row;
- Articulation of the proposed development at lower levels introduces an improved human scale at ground floor level along Bunhill Row and would represent an improvement to the existing impersonal and dead frontages along Bunhill Row by the existing building.

10.138 Historic England have provided the following commentary on the significance of the HAC heritage assets:

‘The Honourable Artillery Company (HAC) is located on the eastern side of the road and includes Armoury House (listed Grade II\*) and Finsbury Barracks (grade II) which are set within grounds which are used for both training and ceremonial activity as well as by MoD helicopters. It is the oldest regiment in the British Army and has a historic association with the City of London which makes it unique. It is of great historic, aesthetic and communal value. Its military use means that public access is limited although glimpse views can be afforded from the street. 20-29 Bunhill Row is a residential terrace of 1830s houses which are particularly attractive group with a largely consistent roofline and frame the view west from the HAC grounds. They are listed Grade II.’

10.139 It is accepted that the significance of the HAC heritage assets relate to their character and appearance, their architectural quality and their historic relevance, in particular their association with the Honourable Artillery Company. It is also considered that their setting should be considered significant, in particular as the setting includes the historic HAC Grounds, which lie within the Bunhill Fields/Finsbury Square Conservation Area.

10.140 The HTVIA visual impact study demonstrates the impact of the proposed development on the HAC heritage assets and is considered as follows:



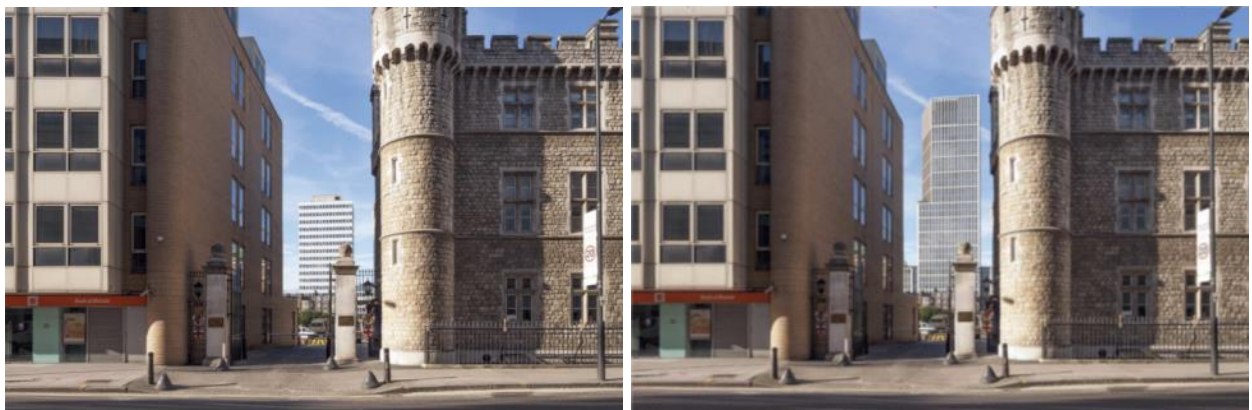
View 1



10.141 This viewpoint is taken from the entrance gate to the privately accessible HAC grounds at the end of Finsbury Street. Armoury House is visible at the far end of the grounds along with an oblique view of the rear of Nos. 20 and 21-29 Bunhill Row ground. The White Collar Factory at Old Street Roundabout and the Lexington Apartments on City Road are visible behind Armoury House. The existing Finsbury Tower building is visible above the University of Law building and it can be considered that it has a negative impact upon the setting of Armoury House, Nos. 20 and 21-29 Bunhill Row and the HAC grounds which lie within the Bunhill Fields/Finsbury Square Conservation Area.

10.142 The proposed building would be seen across the HAC grounds in the context of an existing urban environment. The height and mass of the building will be significantly increased and there will be an impact on the setting of the heritage assets. However, the building would be read as separate to the HAC grounds due to the presence of interposing development. The improvement to the appearance of the building in terms of the proposed design and materials would offset some of the harm that would occur as a result of its increased scale. It is also considered that the sculptural form of the building from this viewpoint would reduce some of its perceived mass. It is therefore considered that there would be a degree of harm to the setting of Armoury House and to the HAC grounds, but that this harm is relatively minor and within the NPPF category of 'less than substantial'. Due to the limited visibility of Nos. 20 and 21-29 Bunhill Row it is considered that the impact of the proposed development on the setting of this heritage asset from this viewpoint would be negligible.

View 2



10.143 This viewpoint is taken from the pavement on City Road opposite the entrance to the HAC grounds, approximately 190m from the proposed development. Finsbury Barracks is visible in the foreground and part of the HAC grounds and part of the rear of Nos. 20 and 21-29 Bunhill Row are also visible. The existing building is framed between the flank and turret of Finsbury Barracks and No. 32 City Road and does not have a positive impact in townscape terms. The proposal building would represent a significant increase in the height and mass of the building but would remain subservient to the principal elevation of Finsbury Barracks. It is again considered that the significant improvement in the quality of the design and the elevational treatment would go some way towards balancing out the harm from the increase in height and massing. The viewpoint is within a busy urban location and would be primarily experienced relatively briefly by people passing by. In view of the distance from the application site and the very limited extent to which this viewpoint would be experienced it is considered that the harm to the setting of Finsbury Barracks would be minor.

View 3



10.144 This viewpoint is taken from the pavement on City Road on the corner of Epworth Street, approximately 190m from the application site. Part of Finsbury Barracks is visible in the foreground as is part of the southern section of Bunhill Fields. Views of the Site are primarily experienced by those who are moving through the area along City Road. The proposed development would be partially visible to the rear of Finsbury Barracks but would not be unduly prominent and would be partially screened when the interposing trees are in leaf. The turret would no longer be read against open sky which would detract from the setting of the Barracks. However, the significant distance between the buildings would assist in ensuring that this impact was limited. It is therefore considered that the proposed development would result in some harm to the significance of Finsbury Barracks setting from this viewpoint, but that this harm would be minor.

View 16



- 10.145 This panoramic viewpoint is taken from within the private HAC grounds outside the entrance to Armoury House. The HAC grounds are a significant feature of the Bunhill Fields/Finsbury Square Conservation Area and the setting of Armoury House. The rear of Nos. 20 and 21-29 Bunhill Row are visible in the foreground of Finsbury Tower. The immediate context to the south of the HAC grounds includes the office buildings along Chiswell Street including 21-24 Chiswell Street and Ropemaker Place whilst the wider context includes CityPoint and other large scale commercial buildings within the City of London and the Barbican towers. The existing Finsbury Tower is considered to have a negative impact from this viewpoint, in part due to its inappropriate materials, tired appearance and squat proportions.
- 10.146 The impact of the proposed development will be significant from this viewpoint due to the increase in the height and mass of the tower and its proximity to the HAC Grounds and 20 & 21-29 Bunhill Row. The podium and tower will rise above part of the roofline of the listed terrace and will appear more prominent. The increased visual impact is partly offset by the improvements to the building in terms of its high quality design including a more elegant architectural form and a more sensitive use of materials.
- 10.147 In terms of the impact upon the HAC Grounds and the setting of Armoury House it is considered that, although the proposed building will be more prominent and will



undoubtedly have a greater visual impact from this viewpoint, it is noted that the existing building has a fairly substantial impact. It is also noted that the proposed building will be viewed in the context of a number of other large scale commercial buildings including tall buildings in the background. However, the scale of the proposed building will be well in excess of any existing development in close proximity to the grounds. It is therefore considered that the proposed building would result in a harmful impact to the setting of Armoury House and the character and appearance of the Bunhill Fields/Finsbury Square Conservation Area, the harm would be significant but within the NPPF category of 'less than substantial harm'.

10.148 In terms of the impact upon the setting of the 20 and 21-29 Bunhill Row, the proposed building would appear more dominant and overbearing from this viewpoint by reason of the increased height of the tower and the increased height of the podium which will become far more prominent above the roofline of part of the terrace. It is considered that this impact upon the setting of the Grade II listed terrace would be one of the most harmful impacts of the proposed development. However, the increased height of the podium would be perceived in the context of generally larger scale surrounding development whilst the existing tower has an overbearing impact by reason of its height and the impact of the proposed tower will be balanced to some extent by the significant improvements in terms of its architectural form and elevational treatment. Whilst it is noted that this is not a public viewpoint it is considered that the impact upon the setting of the listed terrace is quite significant but would not represent substantial harm to the significance of this heritage asset.

View 15



10.149 This viewpoint is taken from the eastern side of Bunhill Row looking north, approximately 70m from the proposed building. There is an oblique view of Nos. 20 and 21-29 Bunhill Row on the right hand side of the street. The Cass City Business School Building is visible in the foreground with Gravelle House opposite. The existing Finsbury Tower building is considered to have a negative impact in townscape terms from this viewpoint in particular by reason of its inelegant proportions, its tired façade and dead frontages at ground floor level.

10.150 The above viewpoint does not represent the impact of the increased height of the building were one to look upwards from this location the increased height may appear somewhat imposing but not out of place in this City Fringe location. It is otherwise considered that from this viewpoint the proposed development would have a positive impact in townscape terms, in particular by reason of its sculptured architectural form, high quality elevational



treatment and improvements to the public realm including tree planting along Bunhill Row. Whilst not apparent from the above visualisation it is noted that the introduction of retail uses at ground floor level will provide active frontages which would represent an improvement over the current dead frontages. In view of the limited visibility of Nos. 20 and 21-29 Bunhill Row it is considered that there will be an overall neutral impact on its setting from this viewpoint.

10.151 The following viewpoint is taken looking south down Bunhill Row with 20 and 21-29 Bunhill Row visible on the left and the locally listed Artillery Arms visible on the right. The HTVIA provides the following commentary on the Artillery Arms Public House:

‘The Artillery Arms Public House is located immediately to north of the application site on the opposite side of Dufferin Street. It was added to the Council’s register of locally listed buildings in September 1993. The Artillery Arms comprises a 19th century three storey building of London stock brick with stucco window surrounds and a traditional black painted public house fascia. It is significant as a remnant of the earlier historic townscape, but has lost much of its original context. The existing Finsbury Tower building is a detracting feature and is located on the opposite side of Dufferin Street. The deteriorating and uncomplimentary façades of the existing Finsbury Tower building present a blank frontage to the locally listed building and are incongruous with the neighbouring building lines fronting Dufferin Street and/or Bunhill Row.’

The Artillery Arms



10.152 The HTVIA provides an assessment of the impact of the proposed development on the Artillery Arms which is summarised as follows:

- Existing Finsbury Tower building is a detracting feature - the deteriorating and uncomplimentary façades of the building present a blank frontage to the locally listed building and are incongruous with the historic building lines fronting Dufferin Street and/or Bunhill Row;

- High quality of the design of the proposed development is in keeping with the appearance of the Artillery Arms building and the proposed massing steps down and positively responds to the scale of the locally listed building;
- The proposed development would provide enhancements to the public realm along Bunhill Row and Dufferin Street and the articulation of the building at lower levels with the introduction of retail uses would provide an improved human scale at ground floor level that would help to activate the streets whilst enhanced permeability through the site will enable improved pedestrian connectivity with the wider area.

View 12



10.153 The existing Finsbury Tower building is considered to have a negative impact from this view in particular by reason of its architectural form and its tired and dilapidated appearance. The proposed development would represent an increase in height and mass and this would be perceived in the context of tall buildings visible in the background. The massing and building line of the podium has been designed to respond to the Artillery Arms. It is considered that the proposed development would have a neutral or marginally positive impact on the setting of the Artillery Arms from this viewpoint.

10.154 It is considered that the increased height and massing of the proposed development would result in some harm to the setting of 20 and 21-29 Bunhill Row from this viewpoint. However, this should again be balanced against the proposed improvements to the public realm, the introduction of active uses at ground floor level and the high quality design and elevational treatments. It is considered that the improvements that would be delivered at ground floor level go some way towards offsetting the harm to the setting of the listed terrace as a result of the increased height and massing and that any harm is limited.

#### Applicant's Response to HAC Objection

10.155 The applicant has submitted a response to the Townscape Impact Assessment submitted on behalf of the HAC, detailed earlier within this report. The response contests assertions made regarding matters including the context of the application site and Bunhill Fields, and the effect of tree screening. It is considered that the preceding section of this report adequately addresses these matters. The response also asserts the refurbishment of existing building would not enable design and public realm improvements and provision of affordable housing and workspace. Furthermore, the following comments have been provided in relation to the distinction made between public and private views:

- Distinction between public views and the private views within the HAC is in accordance with the Guidelines for Landscape and Visual Impact Assessment, Third Edition (Landscape Institute and Institute of Environmental Management and Assessment, 2013) which highlights that the context of viewpoints should be established and that, *“An assessment of visual effects deals with the effects of change and development on the views available to people and their visual amenity”* (para 6.1). It goes on to state that, *“The types of viewers who will be affected and the places where they will be affected should be identified”* (para 6.14) and that *“viewpoints used for assessment should take account of a range of factors including... the accessibility to the public”* (6.20). Therefore distinguishing between publicly and privately accessible locations is a necessary consideration when establishing the townscape and visual context of the proposed development and assessing its impact;
- The assessment of heritage assets’ significance has been prepared using Historic England’s guidance document Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets (2015), which acknowledges that the contribution that setting makes to the significance of a heritage asset does not depend on there being public rights or an ability to access or experience that setting. The HTVIA clearly details the significance of the HAC grounds and their significance as an element of the setting of associated heritage assets.

#### Overall Assessment of Impact Upon Significance of HAC Heritage Assets

- 10.156 It is noted that the GLA’s Stage 1 response indicated that the increased mass of the building would affect setting of 20 and 21-29 Bunhill Row but that public views would be limited and the impact would be mitigated by the high quality contextual design of the elevations.
- 10.157 The Council’s Design and Conservation Officer asserts that there would be substantial harm to HAC Grounds and Armoury House by reason of the excessive scale of the proposal and its overly dominant built mass. The proposed development would result in an overbearing sense of enclosure which would detract from the low-rise historic buildings and the training ground’s sense of openness. It is also noted that the proposed building would affect how the important silhouette of Finsbury Barracks is currently read against open sky.
- 10.158 Historic England note that the greatest impact will be from the HAC grounds and the forecourt to Armoury House and above the 20 and 21-29 Bunhill Row. The form and design of the proposed building goes some way to help mitigate the impact of its increased height, scale and bulk. The proposed increased height of the podium will project above the roofline of the listed terrace and cause some further harm to the setting of the forecourt of Armoury House. The tower will also appear in views from City Road just north of the barracks the increased height will make it partially visible and reduce the visual impact of the turret’s imposing silhouette on the north-east corner of the building.
- 10.159 It is considered that the proposed development will result in a degree of harm to the setting of Armoury House, Finsbury Barracks and 20 & 21-29 Bunhill Row as well as to the HAC Grounds, which lie within the Bunhill Fields/Finsbury Square Conservation Area. The most significant harm will be that demonstrated within View 16, whilst Views 1 and 3 notably identify some minor harm to the setting of the HAC heritage assets. The harm identified to the setting of 20 & 21-29 Bunhill Row within View 16 is considered to be significant but



would not represent substantial harm to this heritage asset. It is considered that there would be some improvement to the setting of 20 & 21-29 Bunhill Row at street level by reason of improvements to the appearance of the proposed building and to the public realm. It is therefore considered that, overall; the proposed development would not result in substantial harm to the significance of the HAC heritage assets.

### Other views

#### View 11



Note: Permitted former Moorfields School site scheme indicated in wireframe

10.160 This viewpoint is taken from the pavement on the corner of Bunhill Row and Featherstone Street. Part of the front elevation of Nos. 20 and 21-29 Bunhill Row is visible in the background whilst the Moorfields Primary School construction site is visible on the left in the foreground and Quaker Court and Braithwaite House are visible on the right. The existing Finsbury Tower is partially visible in the background. The proposed development would result in a significant increase in the height of the building but would not appear out of context from this viewpoint. The Moorfields Primary School redevelopment will provide a more urban context from this viewpoint once it is completed.

#### View 13



Note: Permitted YMCA building indicated in wireframe

10.161 This viewpoint is taken from the pavement on Errol Street looking east toward the application site on the boundary of the St. Luke's Conservation Area. A residential block within the Peabody Estate is visible on the left and the existing YMCA building is visible on the right. The proposed development will result in an increase in height and mass compared to the existing building but would replace an existing poor quality building with a



new development of high quality design that would therefore result in a minor degree of harm to the character and appearance of the St. Luke's Conservation Area. The permitted YMCA building is indicated in wireframe and would reduce the visibility of the tower element of the proposed development.

View 14



10.162 The viewpoint is taken from the pavement outside Nos. 19-20 Dufferin Street looking east toward the application site from within the St. Luke's Conservation Area. Residential blocks of the Peabody Estate are visible on either side of Dufferin Street. The existing building, and in particular the single storey structure in the foreground, appears unsightly from this view and the proposed development would represent a significant improvement in terms of architectural form and materials.

View 18



10.163 This viewpoint is taken from the pavement on the west side of Helmet Street outside St. Luke's Church (Grade I) looking south east toward the application Site. The proposed development is entirely obscured by existing landscaping and interposing development.

10.164 The site does not fall within any strategic views as determined by the adopted London View Management Framework (LVMF) (2012). Notwithstanding, the HTVIA assessment

tested the impact upon viewpoints from Blackfriars and Southwark Bridge and demonstrated that there would be no impact upon views of St Paul's Cathedral.

#### No. 12 Errol Street

10.165 The HTVIA provides the following commentary on the locally listed No. 12 Errol Street:

'No. 12 Errol Street is located immediately to the west of the application Site. It was added to the Council's register of locally listed buildings in August 2001. It was constructed in 1889 to the designs of W. H. Boney by Holloway Builders. It is a former Mission building in a board school style of two storeys in yellow and red brick, with mezzanines off the main stairs. There is a multiple gabled elevation to the east. The historic setting of the locally listed building has been lost, with later 20th century development introduced to the south, east, and west. The existing Finsbury Tower building does not, at present, complement the locally listed building.'

#### 12 Errol Street



10.166 The HTVIA provides an assessment of the impact of the proposed development on No, 12 Errol Street which is summarised as follows:

- No. 12 Errol Street that fronts Lamb's Buildings is located opposite the goods entrance and blank ground floor elevations of the existing Finsbury Tower building;
- Proposed development would replace an existing poor quality building with a new development that better reflects the historic urban form of the area and improves the character and appearance of the site and setting of the locally listed building, including through the reinstatement of a historic route through the Site from Errol Street to Bunhill Row;
- The proposed built form would respond positively to the existing mass and building frontages along Errol Street and Lamb's Buildings and would improve the setting of locally listed building with new and improved areas of public realm and enhanced permeability through the site.

10.167 It is considered that, whilst the increase in the height and massing would have a more overbearing impact on No. 12 Errol Street, there would be significant improvements to the

currently poor setting of this building at ground floor level. It is considered that overall the proposed development may deliver an improvement to the setting of this locally listed building.

#### Bunhill Fields/Finsbury Square Conservation Area

- 10.168 The site lies to the west of the Bunhill Fields/Finsbury Square Conservation Area which is primarily characterised by the open spaces of Bunhill Fields and the HAC Grounds which have been considered in the preceding part of this report. In terms of the overall impact on the character and appearance of the Bunhill Fields/Finsbury Square Conservation Area, the proposal would result in the redevelopment of an existing building which is quite highly visible from surrounding locations within the conservation area and is considered to have a detrimental impact for reasons previously identified. The increased height, bulk and massing of the building would result in a degree of harm to the character and appearance of the Conservation Area, including in terms of the impact upon Bunhill Fields, Armoury House, Finsbury Barracks 20 & 21-29 Bunhill Row and the HAC Grounds. The proposal would result in an improvement to the existing building in terms of the high quality of architecture proposed, improvements at street level including the introduction of active uses and a human scale to the building as well as more cohesive and permeable townscape that would result from the proposed public realm improvements. It is considered that, whilst there would be a degree of harm to the character and appearance of the conservation area which would occur primarily due to the impact upon Nos. 20 and 21-29 Bunhill Row and the HAC Grounds, this harm would be within the category of less than substantial.

#### St. Luke's Conservation Area

- 10.169 The application site relates to the southern part of the conservation area, which contains a range of commercial buildings along Whitecross Street and the 19th century Peabody housing estates. The existing Finsbury Tower building contrasts with the built form of the conservation area and represents an incongruous element on its south eastern boundary where it interrupts the historic urban grain. The building presents an unattractive frontage to Dufferin Street, Errol Street and Lamb's Buildings whilst the taller part of the building is visible from locations within this part of the conservation area. The proposed development would provide active frontages at ground floor level whilst the form of the building is designed to better align with the existing building lines along Dufferin Street and Errol Street. Furthermore, the proposed public realm improvements would provide improved permeability through the site and pedestrian connectivity between the conservation area and wider area. The proposed residential use would be in keeping with the character of the adjacent part of the conservation area. The proposed building would be more prominent than the existing building in the wider context but is considered to be of a high architectural quality and appropriate in terms of its materiality. It may therefore be considered that any harm to the character and appearance of the St. Luke's Conservation Area by reason of the increased height and prominence of the building will be limited.

#### Overall conclusion on impact on designated heritage impacts

- 10.170 The increase in the height, scale and mass of the proposed development results in a more prominent building, and the preceding section identifies varying degrees of harm to designated heritage assets. There will be some significant harm to the Grade II listed 20 & 21-29 Bunhill Row and some minor harm to Bunhill Fields Burial Ground (a Grade I listed Park and Garden), Grade II listed Finsbury Barracks, Grade II\* listed Armoury House, the Bunhill Fields/Finsbury Square Conservation Area and the St. Luke's Conservation Area.

10.171 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. Having given consideration to the significance of the designated heritage assets it is considered that the overall harm to their significance does not amount to substantial harm, and is therefore considered to represent less than substantial harm, albeit the harm may be towards the higher end of less than substantial harm. 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. The public benefits include a significant uplift in employment on the site, 25 social rented affordable housing units, 1,000m<sup>2</sup> of affordable workspace at a peppercorn rent in perpetuity, and public realm improvements including new routes through the site. 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. An overall assessment is carried out later in this report.

### **Density**

10.172 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 25 new residential dwellings.

10.173 In assessing the appropriate housing density for the application site it is necessary to consider the Density Matrix (Table 3.2) within the London Plan, which notes that it would not be appropriate to apply these limits mechanistically. In particular, the local context as well as design considerations should be taken into account when considering the acceptability of a specific proposal.

10.174 The site has a public transport accessibility level (PTAL) of 6b (Excellent). Table 3.2 and London Plan Policy 3.4 suggests that a density level of 200-700 habitable rooms per hectare is appropriate in an urban location whilst 650-1100 habitable rooms per hectare is appropriate in a central location. Urban and central locations are defined as follows:

'Urban – areas with predominantly dense development such as, for example, terraced houses, mansion blocks, a mix of different uses, medium building footprints and typically buildings of two to four storeys located within 800 metres walking distance of a District centre, or along main arterial routes.

Central – areas with very dense development, a mix of different uses, large building footprints and typically buildings of four to six storeys, located within 800 metres walking distance of an International, Metropolitan or Major town centre.'

10.175 The mixed character of the surrounding area could be considered to possess characteristics of both of the above definitions.

10.176 The residential density has been calculated on the basis of the footprint of the residential building and some curtilage around the building to allow access to cycle and bin stores but



excluding highway land. The residential density of the site is 341 dwellings per hectare and 996 habitable rooms per hectare.

10.177 The residential density would therefore fall within the London Plan Density Matrix parameters for a central site but would exceed the density range for an urban site. However, it should be noted that the site has an excellent PTAL rating whilst the scheme is considered to represent an acceptable quantum of development from a design point of view. Accordingly, the proposed development is considered acceptable in density terms.

### Overshadowing

10.178 The Daylight and Sunlight Report includes a Transient Overshadowing Assessment which models the additional overshadowing that will occur as a result of the proposed development on 21 March, 21 June and 21 December of each year.

10.179 The City of London's Open Space's Division have raised an objection that the proposal will overshadow Bunhill Fields, 'starving it of sunlight and daylight, greatly impacting upon its character and amenity and damaging the setting of the historic listed landscape'

10.180 The assessment demonstrates that on 21 March there will be additional overshadowing to Quaker Gardens at 11am as illustrated below. However, by 1pm the shadow will have moved east and will not return for the remainder of the day. There will be additional overshadowing to Bunhill Fields between 12pm-4pm with the shadow falling away between 4pm and 5pm. The overshadowing at 2pm is illustrated below. There will be no additional overshadowing to the HAC's playing field.

11am 21<sup>st</sup> March shadow (existing and proposed)



2pm 21<sup>st</sup> March shadow (existing and proposed)



10.181 The Report advises that, as the shadow is continuously moving with the path of the sun, the small quantum of additional shadow is not considered to be significant nor should it be perceptible. All three amenity areas will fully comply with the BRE Guidelines in relation to Sun Hours on Ground as they will achieve over two hours of direct sunlight to over 50% of their areas on the 21st March. The report therefore advises that there will be negligible overshadowing impact caused by the proposed development when considering the BRE's Sun Hours on Ground assessment.

10.182 The Assessment demonstrates that on 21st June there will be no additional overshadowing to Quaker Gardens or Bunhill Fields, due to the fact the sun is on a higher trajectory, and thus casts a small shadow. There will be no additional overshadowing to the HAC's playing field between the hours of 6am and 5pm, when the area is likely to be more heavily used in the summer months. There will be a small amount of additional overshadowing cast by the proposal to the HAC's playing field between approximately 5pm and 8pm. However, this shadow would be continuously moving and as such this area will not remain in the shadow cast by the proposal for a significant length of time. The Report advises that the increase in shadow at the HAC's playing field is unlikely to be noticeable.



2pm 21 June shadow (existing and proposed)

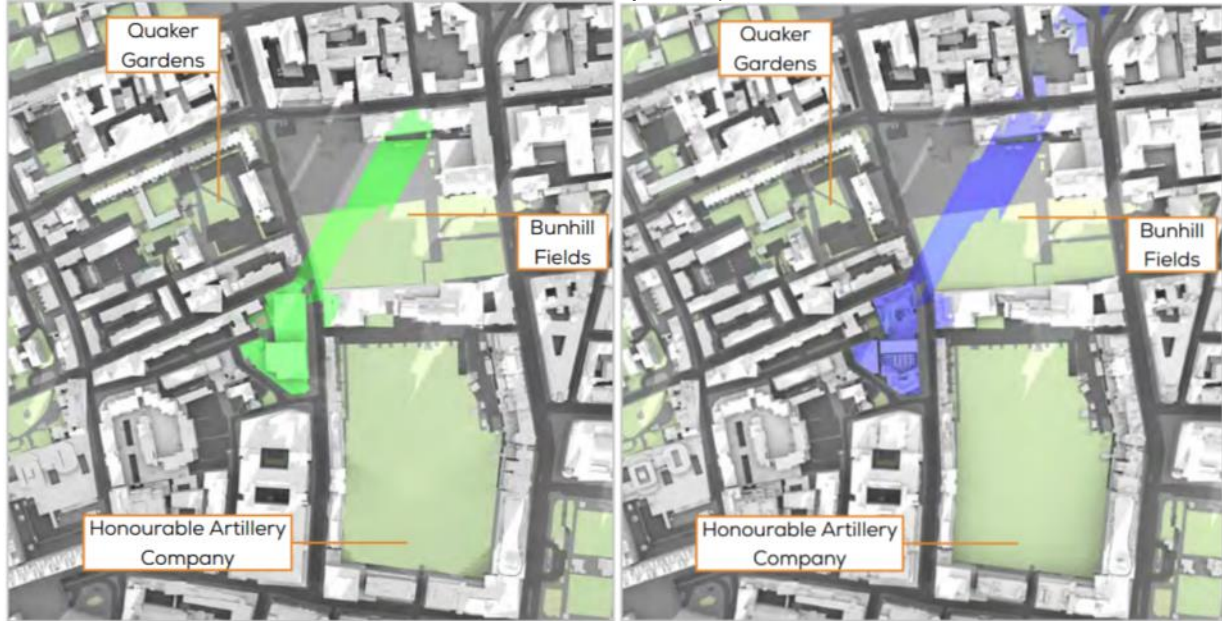


6pm 21 June shadow (existing and proposed)



10.183 On the 21st of December there will be no additional overshadowing to Quaker Gardens, as the existing buildings will already cause overshadowing to the amenity areas. This is also the case for Bunhill Fields, where there will be no additional overshadowing. There will also be no impact upon the HAC's playing field on the 21st of December. The proposal therefore will not cause an additional impact to the amenity areas on the 21st December in relation to overshadowing.

2pm 21 December shadow (existing and proposed)



10.184 It is noted that the most significant increase in overshadowing is identified under the 21 March assessment and that there is likely to be negligible additional impact during the summer months when these amenity areas are likely to be more intensively used. It is noted that where additional overshadowing does occur it will quickly diminish as the sun transits on its south-westerly trajectory.

10.185 It should be noted that as well as the amenity impacts upon Bunhill Fields and the HAC Grounds, consideration should be given to the impact of the additional overshadowing on the setting of the adjacent designated heritage assets. In view of the extent and duration of the additional overshadowing it is considered that any impact upon the setting of the adjacent designated heritage assets will be negligible.

10.186 It is considered that it has been satisfactorily demonstrated that the additional overshadowing that will occur as a result of the proposed development would not result in significant harm in planning terms both in respect of amenity and heritage setting.

### **Accessibility**

10.187 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.

10.188 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.

10.189 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.

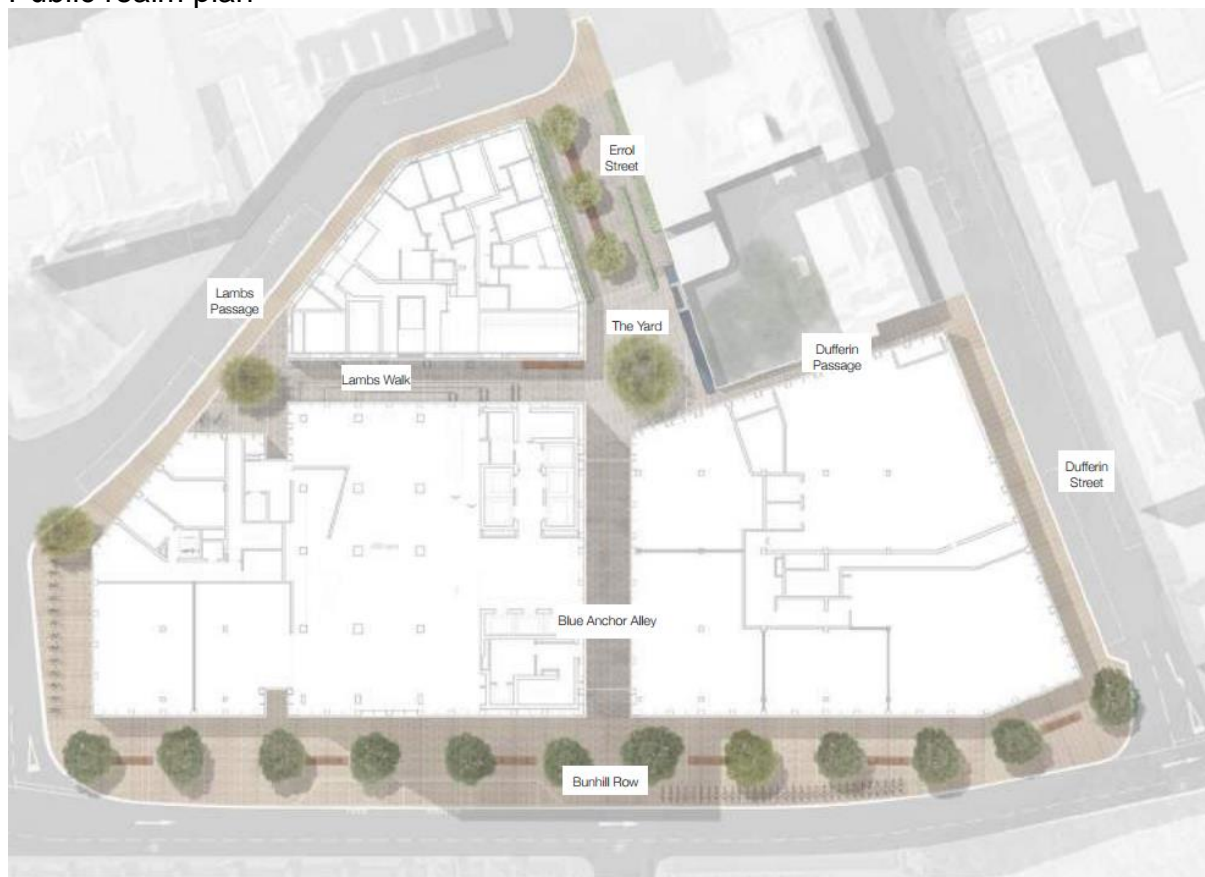
- 10.190 The recent Housing Standards Review was followed by a Deregulation Bill on 16 March 2015 which was implemented on 1 October 2015. The Bill introduced a new National Standard for Housing Design as an enhancement of Part M of the Building Regulations which will be enforced by Building Control 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).
- 10.191 The GLA have introduced a Minor Alterations to the London Plan which reframes London Plan Policy 3.8 (Housing Choice) to require that 90% of new housing be built to Category 2 and 10% to Category 3 and has produced evidence of that need across London.
- 10.192 Two of the apartments (10%) are designed to be adaptable for wheelchair users (meeting Approved Document Part M, Category 3), located on the ground floor. The other 23 apartments are designed to Approved Document Part M, Category 2 – Accessible and Adaptable.
- 10.193 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. It is recommended that these measures would be secured by planning condition (no. 40) to ensure that the proposed development is genuinely accessible and inclusive.
- 10.194 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.
- 10.195 The Council's Accessibility Officer has raised concerns regarding accessibility to the site given that the nearest bus stop is 640m from the site. A reasonable walking distance for an ambulant disabled person or a wheelchair user is between 50m and 150m. The applicants have amended the proposals to include an additional disabled car parking space to the front of the commercial building on Bunhill Row. It is considered that this represents a satisfactory response.
- 10.196 The Council's Accessibility Officer has raised no specific objections to the proposal and it is considered that outstanding accessibility matters can be satisfactorily addressed through conditions 25, 37, 39 and 40.

### **Landscaping, Trees and Ecology**

- 10.197 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.

- 10.198 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".
- 10.199 Moreover, Islington Development Management 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.
- 10.200 Public realm improvements are proposed, including landscaped areas which are intended to offer places to dwell and relax and for outside eating whilst providing visual interest as well as defensible spaces to existing and proposed residential uses. New pedestrian routes are proposed to enhance permeability and connectivity in the area. Semi-mature tree planting is proposed around the buildings, including along Bunhill Row, which is intended to introduce a human scale to the development whilst improving the setting of the building and its surroundings. New Yorkstone and granite paving is proposed to unite the network of external spaces and routes. The public realm hard and soft landscaping is indicated on the following plan.

Public realm plan

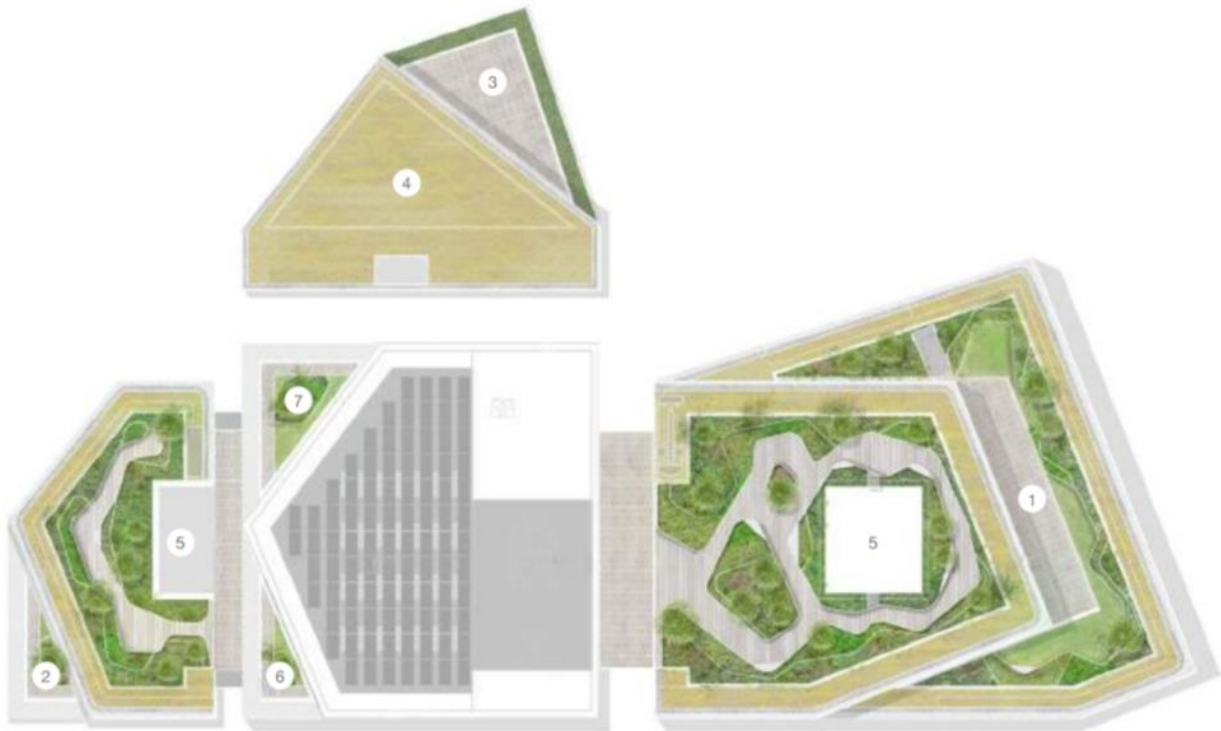


- 10.201 The proposal involves the removal of several existing trees around the site. The Council's Trees Officer has reviewed the proposals and advises that there are no objections in

principle to the tree removal and landscaping proposals, subject to adequate mitigation of any tree removal.

- 10.202 Doorstep play for the under 5s is accommodated within the public realm spaces in the form of playable landscape features includes stone blocks to provide a series of climbable objects and stepping stones, whilst a water feature running along the northern boundary wall would also provide some play opportunities .
- 10.203 TfL have commented that the pedestrian routes through the site should be open on a 24 hour basis, whilst an objection has been received from a local resident that the proposed public realm could result in increased anti-social behaviour. It is proposed that the pedestrian route through the covered arcade is closed outside of the proposed hours of operation for the retail uses (7am-12am) and it is acknowledged that this may be preferable from a management point of view. It is proposed that the provision of the pedestrian routes through the site be secured through the Section 106 agreement.
- 10.204 Roof gardens will be provided on the commercial building at levels 4 and 7 to provide break out space for office workers whilst smaller, accessible picture gardens will be provided at levels 4, 16 and 26. The roof gardens and picture gardens will feature a mixture of trees, shrubs, vertical greening, grasses and hedges / topiary. The roof level landscaping is indicated on the following plan.

#### Roof Gardens and Picture Gardens



- 10.205 The application suggests that nesting boxes could be incorporated into the building and it is recommended that these be secured by condition. The proposed details of landscaping, tree planting and ecology are considered acceptable subject to further details to be secured by condition (nos. 4, 5, 8, 12 and 41).

#### Bunhill Fields SINC

10.206 Bunhill Fields is a Borough grade 2 Site of Interest for Nature Conservation (SINC). Policy DM6.3C states that:

‘Planning permission will not be given for any schemes which adversely affect designated SINC of Metropolitan or Borough Grade 1 Importance. SINC of Borough Grade II and Local Importance, and any other site of significant biodiversity value, will also be strongly protected.’

10.207 The subtext at paragraph 6.28 identifies that Sites of Borough Grade II and Local Importance are of ecological value, and also of value to local communities, and are therefore afforded strong protection.

10.208 The reasons for designation of the SINC are as follows:

‘A Nonconformist cemetery of great historical interest, where the 17th century writers Daniel Defoe ('Gulliver's Travels') and John Bunyan ('Pilgrim's Progress') are both buried, along with poet and visionary William Blake. Today the burial ground has an open woodland ambience, with many mature London plane (*Platanus x hispanica*), lime (*Tilia* spp.) and horse-chestnut (*Aesculus hippocastanum*) trees, making it a popular leafy retreat with lunchtime picnickers from local offices. The moist conditions and funerary stonework encourage a lush growth of mosses and lichens, and several unusual species have been recorded. Bunhill Fields won a Green Flag Award for the first time in 2009/10.’

10.209 The ‘Discussion of Current Value’ within the Islington Habitat Survey (March 2011) notes that ‘Habitat mosaic remains. There is much potential for enhancement/planting of woodland ground flora species.’

10.210 The City of London Open Spaces Division have raised concerns that the overshadowing of Bunhill Fields would adversely affect the ecological value of the SINC and that one of the main reasons Bunhill Fields is designated as a SINC is its varied wildflower understory which relies upon the dappled sun received.

10.211 It is noted that the presence of wildflowers does not appear to be a reason for designation of the SINC. The applicant’s ecologist has provided a response which notes that:

‘Bunhill Fields SINC is designated for its mature London plane, lime and horse-chestnut (*Aesculus hippocastanum*) trees. These are urban trees, tolerant of shading from surrounding buildings.

The site is also designated for the moist conditions and funerary stonework which encourage a lush growth of mosses and lichens, and several unusual species have been recorded. These plants are shade-tolerant, for example wall screw-moss (*Tortula muralis*) and capillary thread-moss (*Bryum capillare*) and require shade to maintain this component of the site flora. These and other species have been encouraged at the site for some time (Waite & Archer, 1992). None of the species recorded on the site (AECOM, 2016; Greenspace Information for Greater London, 2016; City of London, 2017) is shade intolerant.



According to the transient overshadowing analysis report (GIA, 2017), there is no area that will have constant additional shadow throughout the day. The burial ground will receive five hours of direct sunlight in February, March and April and current summer light levels will not change. Therefore, it is considered that the Proposed Development will have no effect on the existing wildflower understory, which is reliant on the current conditions.

Based on the fact that the site is designated for shade tolerant species, and assuming conservation objectives are to encourage further shade tolerant species, for example to restore the wooded area of the burial ground, there will not be a significant adverse impact on the ecology of Bunhill Fields SINC.'

10.212 In view of the extent of overshadowing and the ecological advice provided it is considered that the proposal would not result in any adverse impacts to the SINC. The proposal is considered acceptable in terms of ecology.

### **Neighbouring Amenity**

10.213 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.

10.214 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.

10.215 Daylight: the BRE Guidelines stipulate that there should be no real noticeable loss of daylight provided that either:

*The Vertical Sky Component (VSC) as measured at the centre point of a window is greater than 27%; or the VSC is not reduced by greater than 20% of its original value. (Skylight); or*

*The area of the working plane in a room which can receive direct skylight is not reduced to less than 0.8 times its former value. (No Sky Line / Daylight Distribution).*

10.216 Average Daylight Factor (ADF) is another daylight measurement which requires 1% for a bedroom, 1.5% for a living room and 2% for a family kitchen. In cases where one room serves more than one purpose, the minimum ADF should be that for the room type with the higher value. It should be noted that this test is normally applicable to proposed residential units, but in some cases is used as supplementary information (rather than key assessment criteria) to provide a clearer picture regarding impacts upon existing properties.

10.217 Daylight is also measured by the no sky-line or daylight distribution contour which shows the extent of light penetration into a room at working plane level, 850mm above floor level. If a substantial part of the room falls behind the no sky-line contour, the distribution of light within the room may be considered to be poor.

10.218 Sunlight: the BRE Guidelines confirm that windows which do not enjoy an orientation within 90 degrees of due south do not warrant assessment. For those windows that do warrant assessment, it is considered that there would be no real noticeable loss of sunlight where:

*In 1 year the centre point of the assessed window receives more than 1 quarter (25%) of annual probable sunlight hours (APSH), including at least 5% of Annual Winter Probable Sunlight Hours (WSPH) between 21 Sept and 21 March – being winter; and less than 0.8 of its former hours during either period.*

10.219 Where these guidelines are exceeded then daylighting and/or sunlighting may be adversely affected. The BRE Guidelines provides numerical guidelines, the document though emphasizes that advice given here is not mandatory and the guide should not be seen as an instrument of planning policy, these (numerical guidelines) are to be interpreted flexibly since natural lighting is only one of many factors in site layout design. In special circumstances the developer or 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.

10.220 The application site is located within an accessible location, where the potential of sites and density should, according to policy, be maximised where possible. Urban design considerations are also important when applying the guidance quoted above.

10.221 It is widely acknowledged that daylight and sunlight are fundamental to the provision of a good quality living environment and for this reason people expect good natural lighting in their homes. Daylight makes an interior look more attractive and interesting as well as to provide light to work or read by. Inappropriate or insensitive development can reduce a neighbour's daylight and sunlight and thereby adversely affect their amenity to an unacceptable level.

10.222 The Report notes that the BRE Guidelines are predicated upon a suburban development model and the 'ideal' baseline target values they set out are based upon a suburban situation i.e. the level of light that would be expected in a situation with two storey dwellings facing one another across a reasonable width road.

10.223 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.'

10.224 In response to the guidance within the SPD the Daylight and Sunlight Report includes a study of comparable residential typologies whereby seven residential sites were chosen across London to demonstrate more typical VSC levels to dwellings within a dense urban environment. The study demonstrates that the average VSC levels to dwellings within the assessed properties were generally substantially lower than the BRE recommended level of 27%, and the VSC levels to dwellings on lower floors were generally very low. The Daylight and Sunlight Report makes reference to the results of this study in assessing the daylight and sunlight impact of the proposed development. It is not proposed to benchmark the impact of the proposed development against the results of this study within this report, although its conclusions are noted.

#### 21-29 Bunhill Row

10.225 The Daylight and Sunlight Report which accompanied the application was based upon limited information regarding the layouts of Nos. 21-29 Bunhill Row. The applicant has subsequently submitted further information based upon an internal survey of these properties.

10.226 The survey has established that the accommodation facing the application site includes kitchens which all have a total area of less than 13m<sup>2</sup>. Paragraph 1.3.19 of the Mayor of London's Housing SPG states that:

'In some circumstances, a large kitchen or kitchen dining room may be counted as a habitable room, but the approach varies between boroughs. There is no statutory definition for kitchens to be counted as a habitable room, nor is there any statutory size threshold. Many boroughs, however, include a figure of between 13 and 15 square meters in LDFs: any kitchen above that minimum is usually counted as a habitable room. Generally, a kitchen with a small table and chairs in one corner, or a kitchen 'bar', would not be counted as a habitable room. A room with a clearly defined kitchen at one end and a clearly defined dining area at the other (with a dining table and chairs) would be counted as a habitable room.'

10.227 No. 21 Bunhill Row comprises three flats and ground floor office whilst Nos. 23-27 Bunhill Row are in residential use and No. 29 Bunhill Row comprises a commercial use on the basement to second floors with a flat at third floor level. The dwellings are relatively uniform in their layout in as far as the habitable accommodation facing the application site generally comprises a small bedroom and a small kitchen (typically around 5m<sup>2</sup>) whilst the main bedrooms and living rooms face onto the open HAC Playing Fields and will be unaffected by the proposed development. The report notes that, in view of the size of the kitchens, they may be too small to be considered as habitable accommodation and would

be unlikely to be regularly used for long periods during the day. The report also notes that bedrooms are considered to be a less sensitive in relation to daylight and sunlight.

- 10.228 The analysis establishes that the basement flats typically experience significant reductions in daylight and sunlight. However, it should be noted that the existing daylight and sunlight amenity within these units is likely to be particularly poor by reason of the window arrangements. The flats are served by pavement lights and pavement level windows typically covered by a mesh grille, as indicated in the photograph below. In view of these window arrangements any further impact on the daylight and sunlight amenity of these basement flats may not be accurately represented by the BRE methods of assessment.

Typical basement window at No. 25 Bunhill Row



#### 21 Bunhill Row

- 10.229 It is understood that the basement, first, second and third floor of this property are in residential use and the ground floor is a commercial office.
- 10.230 Flat 1 is located in the basement and comprises seven rooms. Two bathrooms and one 8m<sup>2</sup> kitchen face the site. The kitchen will experience a 43% reduction in VSC and a 56% reduction in daylight distribution. The kitchen would experience a reduction in winter APSH from 3% to 2% and would retain an annual APSH of 22%, which is marginally below the 25% suggested in the BRE Guidelines.
- 10.231 Flat 3 is located on the first floor of the building and comprises five rooms. A bathroom, a 5m<sup>2</sup> kitchen and a bedroom face onto the application site. The bedroom will experience a 37% reduction in VSC and a 33% reduction in daylight distribution. The kitchen would experience a reduction in VSC of 32% and a reduction in daylight distribution of 24%.
- 10.232 The bedroom would experience a reduction in winter APSH from 6% to 4% which is marginally below the 5% suggested within the BRE Guidelines. However, the room would



retain an annual APSH of 28% which exceeds the 25% suggested within the BRE Guidelines.

10.233 Flat 4 is split over the second and third floors and comprises six rooms. Four windows face the application site, two of which serve bathrooms and two of which serve a kitchen-dining room. The two windows will experience reductions in VSC of 34% and 29% but the room will achieve BRE compliance in terms of daylight distribution. The room will meet the BRE Guidelines for sunlight.

#### 23 Bunhill Row

10.234 The building is in residential use and comprises four flats on the basement to second floors.

10.235 Flat 7 is located on the basement and comprises five rooms. Two windows face the application site and these serve a kitchen (approximately 9m<sup>2</sup>) and a non-habitable room. The kitchen will experience a 44% reduction in VSC and a 72% reduction in daylight distribution. The existing level of VSC is 13% therefore the room is particularly sensitive to an increase in mass on the development site.

10.236 The kitchen will experience a reduction in winter APSH from 5% to 4% but would retain an annual APSH of 21%, compared to the BRE recommended 25%.

10.237 Flat 8 is located on the ground floor and comprises five rooms. Three windows look onto the application site and these serve a 4.75m<sup>2</sup> kitchen, a bedroom and a bathroom. The kitchen will experience a 45% reduction in VSC and a 38% reduction in daylight distribution.

10.238 The bedroom will experience a 44% reduction in VSC and a 49% reduction in NSL which would represent a very notable loss of daylight according to the BRE Guidelines. The retained levels of VSC for these windows would be between 8.1% and 8.5%, which are not considered unusual for ground floor accommodation within a densely built up urban environment.

10.239 The kitchen and bedroom would experience a reduction in winter APSH from 5% to 4% but would retain Annual APSH of 22% and 23% respectively compared to the BRE recommended 25%. The sunlight impact of the proposed development can be considered acceptable.

10.240 Flat 9 is located on the first floor and comprises five rooms. Two rooms face onto the application site and serve a 4.86m<sup>2</sup> kitchen and a bedroom. The bedroom will experience a 41% reduction in VSC and a 50% reduction in NSL whilst the kitchen will experience a 42% reduction in VSC and a 42% reduction in NSL.

10.241 Flat 10 is located on the second floor and comprises 5 rooms. Three rooms face onto the application site and serve a 4.92m<sup>2</sup> kitchen, a bedroom and a bathroom. The bedroom will experience a 39% reduction in VSC and a 58% reduction in NSL whilst the kitchen will experience a 39% reduction in VSC and a 47% reduction in NSL.

10.242 The kitchen will achieve BRE compliance in terms of APSH whilst the bedroom will achieve 7% winter APSH, which is above of the BRE criteria, whilst the retained annual APSH will be 24%, marginally below the suggested BRE Guidance.

#### 25 Bunhill Row

10.243 This property is in residential use and comprises four flats located between the basement and second floor.

10.244 Flat 11 is located at basement level and comprises 5 rooms. Two windows face the application site and serve a bedroom and a bathroom. The bedroom window will experience a 34% reduction in VSC and a 55% reduction in daylight distribution. The existing VSC is low at 9% and is therefore particularly sensitive to an increase in mass on the application site, which will result in a reduction to 5.9%. There will be no change in winter APSH and the bedroom will retain an annual APSH of 16%.

10.245 Flat 12 is located on the ground floor and comprises five rooms. A bedroom and a 5m<sup>2</sup> kitchen window face the application site. The bedroom window will experience a 34% reduction in VSC and a 33% reduction in daylight distribution whilst the kitchen will experience a 36% reduction in VSC and a 34% reduction in daylight distribution. The existing VSC and NSL levels are low which means that the windows and rooms are particularly sensitive to the increased massing of the proposed building.

10.246 Both rooms will meet the BRE Guidelines in terms of winter APSH and the bedroom will experience a reduction in annual APSH from 23% to 18% whilst the kitchen will experience a reduction from 24% to 17%.

10.247 Flat 13 is located on the first floor and comprises five rooms. Three windows face the application site and serve a 4.84m<sup>2</sup> kitchen, a bathroom and an assumed bedroom. The bedroom and kitchen windows would both experience a reduction in VSC of 37% whilst the bedroom will experience a 31% reduction in NSL and the kitchen will experience a reduction of 30%. Both rooms will achieve BRE compliance in terms of winter APSH and both rooms will retain an annual APSH of 19%.

10.248 Flat 14 is located on the second floor and comprises five rooms. Three windows face the application site and serve a 4.88m<sup>2</sup> kitchen, a bathroom and a bedroom. The bedroom and kitchen windows would both experience reductions in VSC of 37% whilst the bedroom will experience a 41% reduction in NSL and the kitchen will experience a 42% reduction. Both rooms will achieve BRE compliance in terms of winter APSH and the bedroom and kitchen will retain annual APSH of 19% and 20%.

#### 27 Bunhill Row

10.249 This property is in residential use and comprises 5 flats arranged between the basement and third floor.

10.250 Flat 15 is located at basement level and comprises 5 rooms. Two windows serve the application site and serve a bathroom and a 9.77m<sup>2</sup> kitchen. The kitchen will experience a 37% reduction in VSC and a 44% reduction in NSL. There will be a reduction in winter APSH from 5% to 3% and a reduction in annual APSH from 16% to 13%.

- 10.251 Flat 16 is located on the ground floor and comprises five rooms. Three windows face the application site and serve a bathroom, a bedroom and a 4.75m<sup>2</sup> kitchen. The bedroom will experience a 39% reduction in VSC and a 40% reduction in daylight distribution whilst the kitchen will experience a 37% reduction in VSC and a 40% reduction in daylight distribution. The existing VSC levels are low and therefore the windows are particularly sensitive to the increased massing of the proposed development. Both rooms will achieve BRE compliance in relation to sunlight.
- 10.252 Flat 17 is located on the first floor and comprises five rooms. Two windows face the application site and serve a bedroom and a 4.84m<sup>2</sup> kitchen. The bedroom will experience a 41% reduction in VSC and a 48% reduction in NSL whilst the kitchen will experience a 40% reduction in VSC and a 43% reduction in NSL. Both rooms will meet the BRE Guidelines in terms of sunlight.
- 10.253 Flat 18 is located on the second floor and comprises five rooms. A 4.81m<sup>2</sup> kitchen and an assumed bedroom window face the application site. The bedroom will experience a 45% reduction in VSC and a 56% reduction in NSL whilst the kitchen will experience a 43% reduction in VSC and a 51% reduction in NSL. Both rooms will achieve BRE compliance in terms of sunlight.
- 10.254 Flat 19 is located on the third floor and comprises five rooms. Two windows face the application site and serve a 4.98m<sup>2</sup> kitchen and a bedroom. The bedroom will experience a 44% reduction in VSC and a 56% reduction in daylight distribution whilst the kitchen will experience a 42% reduction in VSC and a 49% reduction in daylight distribution.
- 10.255 There is a flat at the third floor level of 29 Bunhill Row and a bedroom window faces the application site. The surveyors were advised on site that the room is not currently in use. The room will experience a 47% reduction in VSC and a 64% reduction in NSL. The room will achieve BRE compliance in terms of sunlight.

#### Conclusion (21-29 Bunhill Row)

- 10.256 The analysis identifies that there will be some significant loss of daylight and some notable loss of sunlight at dwellings within 21-29 Bunhill Row. However, the survey has established that the accommodation facing the application site generally includes small kitchens. These kitchens may not be considered habitable accommodation, would be unlikely to be used as 'sit in' accommodation and may not be used regularly for long periods during the daytime. Most of the flats include secondary bedrooms facing the application site and the BRE Guidance indicates that bedrooms are considered less sensitive with regards to daylight and sunlight. Each flat includes a living room and main bedroom which look out onto the open HAC Grounds and will be well lit. These rooms are likely to be the main living areas for the occupants of these dwellings and the occupants of these flats would therefore continue to benefit from an overall reasonable level of daylight and sunlight amenity.
- 10.257 The loss of daylight and sunlight to these dwellings primarily arises as a result of the increased height of the podium. It is noted that the height and scale of the proposed podium will be broadly consistent with the scale of development to the south on Bunhill Row. It can therefore be noted that the daylight and sunlight impacts from the increased height of the podium can be considered the result of the introduction of a scale of development which is generally consistent with the surrounding urban context.

10.258 In view of the above it is considered that the proposed development would not result in an unduly harmful impact upon the daylight and sunlight amenities of the occupants of residential dwellings within Nos. 21-29 Bunhill Row.

#### 102 Bunhill Row

10.259 The report notes that the ground and first floor accommodation appear to be in use as part of the Artillery Arms public house and therefore do not require analysis according to BRE Guidelines. The report identifies that there is residential accommodation at second floor level. All of the windows assessed will achieve full compliance in relation to the VSC and NSL assessment.

10.260 In terms of sunlight, two rooms will meet the BRE Guidelines for winter and annual APSH and one room will experience a reduction in winter APSH from 5% to 3%. However, this room will retain 27% annual APSH.

#### 19-20 Dufferin Street

10.261 Twelve windows serving four habitable rooms were assessed for VSC and NSL and it was found that nine would fully comply with BRE Guidelines for VSC. Three windows serving a first floor living room would experience a reduction in sky visibility marginally below BRE Guidelines. However, there are two further mitigating windows which achieve full BRE compliance whilst the room would meet the BRE's NSL criteria.

10.262 All four rooms will meet the BRE guidelines for both winter and annual APSH.

#### Block A & B Peabody Estate

10.263 69 of the 70 windows assessed would experience a reduction in sky visibility greater than 20%, although in the majority of cases the reduction would be below 30%. Fifteen windows would experience a reduction in VSC between 30.1% and 39.0%. These windows would retain levels of sky visibility between 12% and 24%, which may be considered reasonable within a built up urban environment.

10.264 50 rooms were assessed for NSL and 32 of these would fall below the suggested BRE Guidelines for daylight distribution. Twelve rooms will experience a reduction in NSL of between 20% and 30% and eleven rooms will experience reductions of between 30% and 40% whilst a further six would experience a reduction of between 40% and 50%. The report does not identify the uses of these rooms. Three windows would experience a loss of daylight distribution of over 50% and of these the highest loss would be 61%. The report notes that the retained levels of daylight distribution for the majority of the rooms would be between 53% and 77%, which is common in built up urban locations.

10.265 39 of the 50 rooms would fully comply with the BRE Guidelines in relation to the sunlight criteria. Eleven rooms would experience a reduction in winter APSH of greater than the suggested 20%. 4 rooms experience a reduction in APSH from between 7% and 12% to 4% and 1 room would experience a reduction from 8% to 3%. Three rooms would experience a reduction in APSH from between 5% and 10% to 2%. One room would experience a reduction from 3% to 1% and a further two rooms would experience a reduction from 2% to 1%. However, all of these rooms would retain annual APSH of between 34% and 47% which is considered reasonable sunlight in view of the BRE Guidelines which suggest that 25% APSH should be achieved.



### 1-56 Dufferin Court

10.266 The Daylight and Sunlight Report which accompanied the application was based upon limited information regarding the layouts of dwellings within 1-56 Dufferin Court. The applicant has subsequently submitted further information based upon actual layouts of the flats.

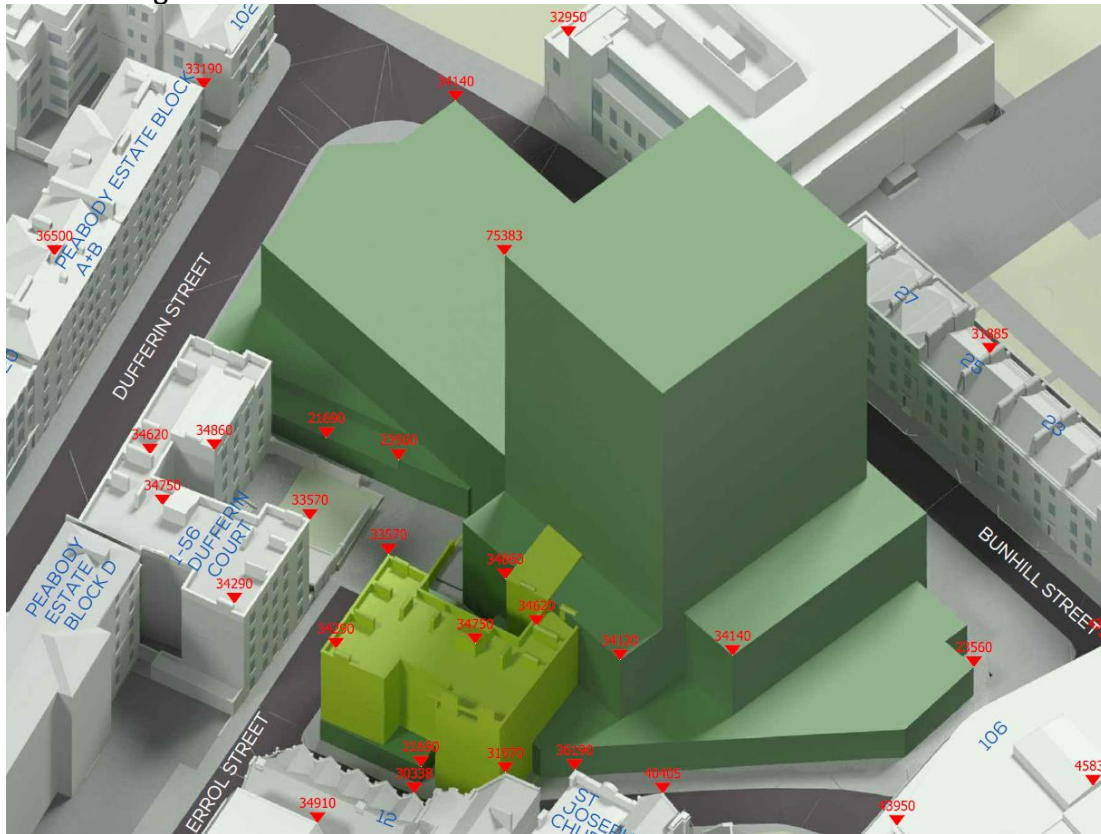
10.267 The rear of 1-56 Dufferin Court currently faces onto a low rise plant enclosure and therefore some of the rooms experience high levels of daylight and sunlight given the urban context of the site. The proposal involves the introduction of a part 5, part 6 storey residential block on the site of the low rise enclosure which results in some significant daylight and sunlight impacts upon the occupants of 1-56 Dufferin Court, in part due to the unusually high levels of daylight and sunlight currently received by some of these dwellings.

Low rise plant enclosure opposite rear of 1-56 Dufferin Court



10.268 The surveyors have modelled a 'mirror image' building which replicates the Dufferin Court Building as if the Peabody Estate was extended over the application site. It is suggested that this approach may be considered to illustrate the impact of the redevelopment of the site on the basis of a more reasonable baseline scenario in the context of an urban environment.

## Mirror Image Model



- 10.269 Flat 10 is located on the ground floor and includes three rooms, two of which are in habitable use. A kitchen and a living room/bedroom face the application site and 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, which may not be considered unusual for ground floor accommodation in a built up urban area. The kitchen would experience an 80% reduction in daylight distribution whilst the living area would experience an 88% reduction in daylight distribution.
- 10.270 The kitchen would experience a 75% loss of winter ASPH and a 47% loss of annual APSH whilst the living area would experience an 86% loss of winter ASPH and a 58% loss of annual APSH. The kitchen would retain 3% winter APSH and 23% annual APSH whilst the living area would retain 2% winter APSH and 19% annual APSH. The BRE Guidelines suggest 5% winter APSH and 25% annual APSH represent acceptable levels of sunlight. It may therefore be considered that the substantial loss of sunlight is due to the unusually high level of sunlight currently received by these rooms.
- 10.271 The proposed development in demonstrated to be BRE compliant with regards to daylight and sunlight under the mirror massing scenario. It is therefore the case that the property currently receives unusually high levels of daylight and sunlight due to the low rise structures currently in place on the application site. However, it can be acknowledged that the property will experience a harmful loss of daylight and sunlight.
- 10.272 Flat 11 is located on the ground floor and comprises four rooms. A bedroom and a living room face the application site. The bedroom and living room will experience a 53% and a 42% reduction in VSC respectively, and will retain 9.4% and 11.7% VSC. The bedroom

will experience a 73% reduction in daylight distribution whilst the living room will experience a 43% reduction.

- 10.273 The bedroom will experience a 36% reduction in winter ASPH and a 33% reduction in annual APSH whilst the living room will experience a 45% reduction in winter ASPH and a 33% reduction in annual APSH. The bedroom will retain 6% winter APSH and winter APSH and 29% annual APSH whilst the living room will retain 7% winter APSH and 31% annual APSH. It is therefore the case that, although there will be a significant loss of sunlight, the rooms would achieve BRE compliance following the proposed development.
- 10.274 The proposed development is demonstrated to be BRE compliant following the proposed development under the mirror massing scenario.
- 10.275 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.
- 10.276 The bedrooms will experience 49% and 50% reductions in daylight distribution whilst the living room will experience an 80% reduction and the kitchen will experience a 67% reduction. The mirror massing scenario would demonstrate BRE Compliance in terms of NSL.
- 10.277 The kitchen and living room are relevant for sunlight analysis. The kitchen will experience a 78% reduction in winter APSH and a 46% reduction in annual APSH whilst the living room will experience an 81% reduction in winter APSH and a 50% reduction in annual APSH. The kitchen will retain 4% winter APSH and 28% annual APSH whilst the living room will retain 3% winter APSH and 25% annual APSH. Whilst this property would experience a significant loss of sunlight, the BRE Guidelines suggest 5% winter APSH and 25% annual APSH represent acceptable levels of sunlight and the retained levels of sunlight may therefore be considered acceptable in view of the built up urban context.
- 10.278 Flat 14 is located on the first floor and comprises four rooms, two of which face the site, a living room and a bedroom. The living room would experience a 37% reduction in VSC and would retain 14.2% VSC, whilst the bedroom would experience a 48% reduction and would retain 11.7%. In terms of daylight distribution, the living room would experience a 38% reduction in NSL and the bedroom would experience a 68% reduction.
- 10.279 The living room would experience a 38% reduction in winter APSH and a 30% reduction in annual APSH whilst the bedroom would experience a 47% reduction in winter APSH and a 33% reduction in annual APSH. However, the retained levels of sunlight would exceed the BRE Guidelines.
- 10.280 The mirror massing scenario demonstrates that the proposal would result in a BRE compliant impact in terms of daylight and sunlight.
- 10.281 Flat 16 is located on the first floor and includes a living room which has an oblique view of the site. The room would experience a reduction in VSC from 4.3% to 2.1% and a 48%

reduction in NSL. The room does not require assessment for sunlight due to its orientation. The report notes that the transgression of the BRE Guidance is due to the low levels of light in the existing situation.

- 10.282 Flat 3 is located on the first floor and includes three rooms, one of which is a living room/bedroom and faces the site. The room would experience a reduction in VSC of 43% and a reduction in NSL of 36%. There would be a 60% reduction in winter APSH and a 48% reduction in annual APSH and the room would retain 2% winter APSH and 11% annual APSH. Accordingly, there will be a significant loss of sunlight to this room.
- 10.283 Flat 2 is located on the first floor and includes five rooms of which one bedroom and a living room face the site. The bedroom would experience a 41% reduction in VSC and would retain 9.1% VSC whilst the living room would experience a 42% reduction in VSC and would retain 8.9%. The bedroom would experience a 44% reduction in NSL and the living room would experience a 31% reduction. Both rooms would experience a 56% reduction in winter APSH and the bedroom would experience a 32% reduction in annual APSH whilst the living room would experience a 24% reduction. The retained level of winter APSH for both rooms would be 4% whilst the bedroom would retain 21% annual APSH and the living room would retain 25%.
- 10.284 Flat 18 is located on the second floor and comprises four rooms, two of which face the application site. A living room will experience a 32% reduction in VSC, retaining 16.7% VSC, whilst a bedroom will experience a 40% reduction in VSC, retaining 14.3% VSC. The bedroom will experience a 27% reduction in daylight distribution whilst the living room will experience a 56% reduction. It is noted that bedrooms are considered less sensitive in terms of daylight. The mirror massing scenario demonstrates that the proposed development would be BRE compliant in terms of daylight and sunlight.
- 10.285 Flat 17 is located on the second floor and comprises five rooms, four of which are habitable rooms and face the site. Two bedrooms would experience reductions in VSC of 31% and 38% and would retain 10.0% and 12.2% VSC. The kitchen would experience a 48% reduction in VSC and the living room would experience a 50% reduction, retaining 11.7% and 10.8% VSC. The bedrooms would experience a reduction in NSL of 27% and 39% whilst the kitchen would experience a 48% reduction and the living room would experience a 67% reduction.
- 10.286 The kitchen and living room are relevant for sunlight analysis. The kitchen will experience a 70% reduction in winter APSH and a 38% reduction in annual APSH whilst the living room will experience a 75% reduction in winter APSH and a 42% reduction in annual APSH. The kitchen will retain 6% winter APSH and 34% whilst the living room will retain 5% winter APSH and 32% annual APSH. The retained sunlight would therefore be in accordance with the BRE Guidelines. The mirror image scenario demonstrates that there would be no perceptible difference in terms of the impact on sunlight of the proposed development.
- 10.287 Flat 20 is located on the second floor and includes a living room which has an oblique view of the site. The room would experience a reduction in VSC from 5.5% to 3.1% and a 41% reduction in NSL. The room does not require assessment for sunlight due to its orientation. The report notes that the transgression of the BRE Guidance in terms of VSC is due to the low levels of light in the existing situation.



- 10.288 Flat 5 is located on the second floor and comprises three rooms of which a living room faces the site. The living room is served by two windows which have VSC values of 16.3% and 4.4 % and which would experience a reduction to 10.3% and 4.3% following the proposed development. The room would experience a reduction in NSL of 26%.
- 10.289 One of the windows would experience a reduction in winter APSH from 1% to nil and in annual APSH from 13% to 10%. The second window would experience a reduction in winter APSH from 6% to 2% whereas the annual APSH would be reduced from 33% to 18%.
- 10.290 Flat 4 is located on the second floor and includes five rooms of which a bedroom and a living room face the site. The bedroom window will experience a 38% reduction in VSC whilst the living room window will experience a 39% reduction and these windows will retain 11.4% and 11% VSC respectively. The bedroom will experience a reduction in daylight distribution of 35% whilst the living room will experience a reduction of 29%. The retained levels of sunlight for this flat would be in accordance with the BRE Guidelines.
- 10.291 Flat 22 is located on the third floor and includes four habitable rooms, of which a bedroom and a living room face the site. The bedroom would experience a reduction in VSC of 30% and the living room would experience a reduction of 24% which can be considered reasonable in a built up urban context. The NSL assessment indicates a reduction in daylight distribution of 22% to the living room and 44% to the bedroom, which is the less sensitive of the two rooms. The rooms would achieve BRE compliance in terms of sunlight.
- 10.292 Flat 21 is located on the third floor and includes five rooms of which four (two bedrooms, a living room and a kitchen) face the site. The windows would experience reductions in VSC of between 28% and 38% and would retain a minimum of 13.6 % VSC, which is not unusual within a built up urban context. The kitchen would experience a reduction in NSL of 21% whilst the living room would experience a 51% and the bedrooms would experience losses of 22% and 25%. The flat will achieve BRE compliance in terms of the APSH assessment.
- 10.293 Flat 24 is located on the third floor and includes a living room which has an oblique view of the site. The room would experience a reduction in VSC from 7.9% to 5.3% and a 16% reduction in NSL. The room does not require assessment for sunlight due to its orientation. The report notes that the transgression of the BRE Guidance in terms of VSC is due to the low levels of light in the existing situation.
- 10.294 Flat 7 is located on the third floor and includes three rooms of which a living room faces the site. The room would experience a 31% reduction in VSC and would retain 13.6% VSC. The room would be fully BRE compliant in relation to the NSL and APSH assessments.
- 10.295 Flat 6 is located on the third floor and includes five rooms of which a bedroom and a living room face the site. The bedrooms would experience a 35% reduction in VSC whilst the living room would experience a 37% reduction. The rooms would retain 13.8% and 13% VSC respectively. Both rooms would achieve BRE compliance in relation to the NSL and APSH assessments.

- 10.296 Flat 25 is located on the fourth floor and includes five rooms, four of which are in habitable use and face the site. These rooms would experience reductions in VSC of between 21% and 26% and would achieve BRE compliance in relation to the NSL and APSH assessments.
- 10.297 Flat 9 is located on the fourth floor and includes three rooms, of which a living room faces the site. The room will experience a reduction in VSC of 25% and will achieve full compliance in relation to the NSL and APSH assessments.
- 10.298 Flat 8 is located on the fourth floor and includes five rooms, of which a bedroom and a living room face the site. The bedroom will experience a 32% reduction in VSC whilst the living room will experience a 36% reduction. The rooms would retain 16.3% and 15% VSC. The rooms would achieve full BRE compliance in relation to the NSL and APSH assessments.
- 10.299 Flats 12, 15, 19, 23, 26, 27 and 28 would experience full BRE compliance in relation to daylight and sunlight.

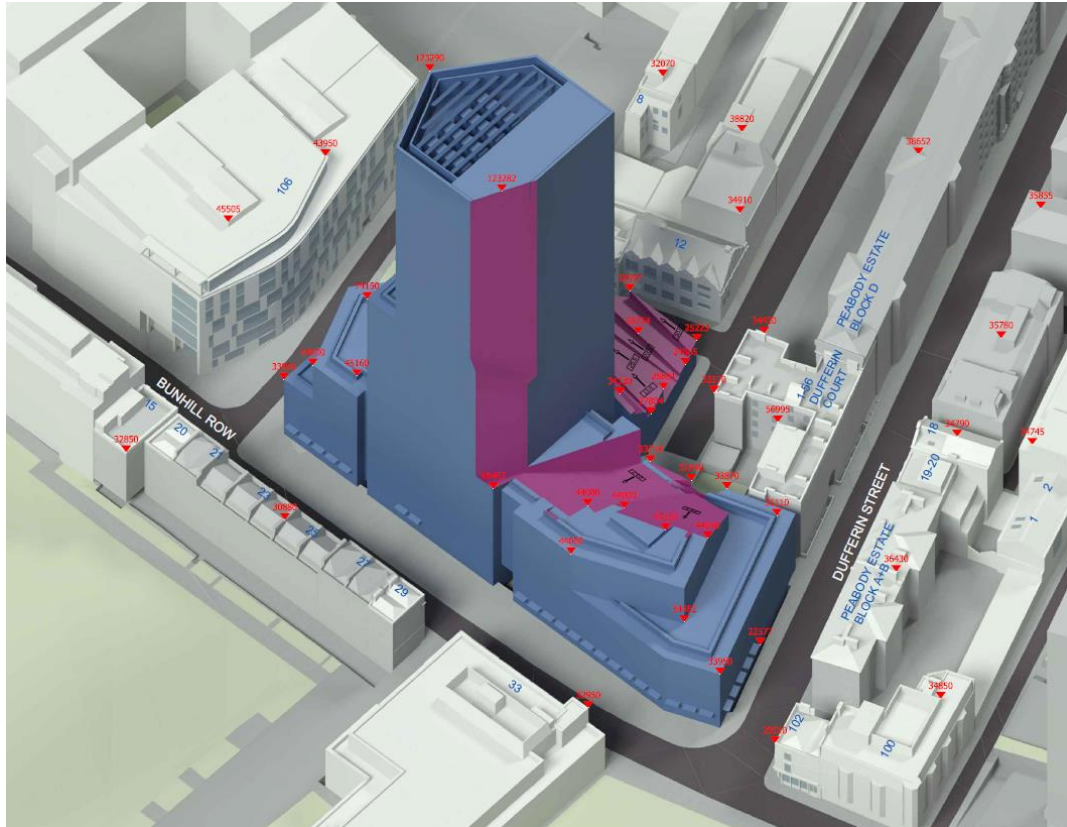
#### Conclusion (1-56 Dufferin Court)

- 10.300 As noted above, the rear of 1-56 Dufferin Court currently faces onto a low rise plant enclosure and therefore some of the rooms currently experience unusually high levels of daylight and sunlight given the urban context of the site. The proposal results in some significant daylight and sunlight impacts upon habitable accommodation within 1-56 Dufferin Court, in particular to rooms on the lower floors. The applicant has modelled the extent to which the building would need to be 'cut back' in order to achieve full BRE compliance in terms of daylight and sunlight to the dwellings within 1-56 Dufferin Court.

#### 'Cut back' 3D model from the west



'Cut back' 3D model from the east



- 10.301 The modelling indicates that the daylight and sunlight impact on 1-56 Dufferin Court arises to a substantial degree from the introduction of the residential block, whilst the increase in the height of the podium also results in a significant impact. The modelling suggests that the increase in the height of the tower results in a relatively minimal impact upon the daylight and sunlight amenity of the occupants of 1-56 Dufferin Court.
- 10.302 It would appear that, in order to achieve full BRE compliance, the residential block would be required to be reduced to approximately two storeys in height, whilst the northern end of the podium would not be extended. The height, scale and massing of the proposed residential block and podium extension are considered to be broadly consistent with the prevailing forms of development in the locality. The daylight and sunlight impacts may therefore be considered to result from the introduction of a form of development which is typical in this built up urban context. The mirror massing exercise demonstrates that some significant daylight and sunlight impacts would occur in a scenario whereby the Peabody estate is extended onto the application site.
- 10.303 The applicant's financial viability information demonstrates that, if the proposed development were reduced in height and scale to achieve full BRE compliance, then it would become unviable. Furthermore, the proposal could not deliver the affordable housing, which represents a significant benefit of the proposal.
- 10.304 Whilst the retained levels of daylight and sunlight to the affected dwellings may not be considered unusual within a built up urban context, it must be acknowledged that, due to the existing situation, the extent of some of the impacts to dwellings on the lower floors of 1-56 Dufferin Court is substantial. Accordingly it is considered that the loss of daylight and sunlight to residential dwellings within 1-56 Dufferin Court and the impact upon the

residential amenities of the occupants of these dwellings is harmful in planning terms. This harm is considered as part of the overall assessment later within this report.

#### 15 Lambs Passage

- 10.305 Seven windows serving three rooms were assessed and it was found that five would fully comply with the BRE Guidelines for VSC. One bedroom would experience a 39% reduction in VSC and one kitchen would experience a 22% reduction, although both of these serve rooms with mitigating windows meaning the daylight distribution within the rooms remains at complying levels. The sunlight analysis demonstrated that all three rooms would fully comply with the BRE Guidelines.

#### Other Properties

- 10.306 The assessment also considered the daylight and sunlight impact on Nos. 1 & 2 Chequer Street, 18 Dufferin Street and Block D, Peabody Estate. The analysis demonstrated that these properties would fully comply with the BRE Guidelines for daylight (VSC and NSL) and sunlight (APSH) and therefore there would be a negligible impact on these buildings.

#### Cass Business School

- 10.307 A representation has been received on behalf of the Cass Business School requesting that the applicant carry out a Daylight and Sunlight Assessment to demonstrate that the proposal would not result in an adverse impact on the quality of the teaching facilities within No. 106 Bunhill Row.

- 10.308 The applicant's surveyors have submitted a response in which they note that the college would expect to have a greater reliance on artificial lighting than residential dwellings and that an analysis has been carried out as a 'neighbourly gesture of goodwill'. 105 windows serving 53 rooms have been assessed for daylight and the surveyors advise that 93% of the windows and 100% of the rooms would adhere to BRE Guidelines for acceptable impacts to residential accommodation. It is also stated that the property does not require consideration for sunlight as it does not include windows that face 90° due south to the development site.

- 10.309 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.

- 10.310 It is considered that the increase in the form and massing of the proposed development, in particular at podium level, would be most apparent when viewed from 1-56 Dufferin Court and from terraced properties on the opposite side of Bunhill Row. There would also be an impact when viewed from Blocks A and B within the Peabody Estate on Dufferin Street.

- 10.311 There would be an approximately 10m separation between the nearest dwellings within 1-56 Dufferin Court and the proposed residential block which would be 5 storeys high on the Errol Street frontage. There would be an approximately 16m separation between Nos. 21-27 Bunhill Row and the proposed commercial building. It is noted that Nos. 25 and 27 are currently sited opposite the 16 storey tower whilst No. 23 currently looks out onto the 4 storey podium and a single storey section of the building which will be increased to 7



storeys in height. There would be an approximately 13m separation between the proposed building and Blocks A and B within the Peabody Estate where the nearest part of the commercial building would be 4 storeys high.

- 10.312 In view of the degree of separation and the height of the proposed building adjacent 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.
- 10.313 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.
- 10.314 When considering new development, a guideline of 18m habitable room window to habitable room window separation distance should be provided to prevent any undue loss of privacy.
- 10.315 Any increased overlooking as a result of the proposed development will be across a public highway with the exception of 1-56 Dufferin Court, which is separated from the application site by a pedestrian right of way. The proposal will result in an increase in office accommodation within the podium adjacent to 1-56 Dufferin Court. However, the windows to this accommodation will be at an oblique angle to the rear elevation of Nos. 1-17 Dufferin Court and at fourth floor level and above will be separated by a minimum distance of approximately 10m. There will be windows within 18-56 Dufferin Court which directly face the podium although there will be a minimum separation distance of approximately 20m between the office and residential accommodation. It is also noted that there is some tree screening within the garden to 1-56 Dufferin Court. Accordingly, it is considered that there will be limited potential for any increased overlooking of Nos. 1-56 Dufferin Court, particularly given the office floorspace is not habitable residential accommodation.
- 10.316 The proposed residential block will be sited 9.5m from the proposed commercial block, separated by the proposed north-south pedestrian route through the site. This separation distance therefore falls short of the suggested 18m guidance for separation between habitable residential rooms. However, it is considered that a more bespoke assessment is appropriate for separation between office and residential uses. There would be no habitable rooms facing the commercial block at ground floor level whilst the accommodation to the upper levels would include living areas and bedrooms. The application notes that blinds could be provided to the residential accommodation in order to improve privacy.

- 10.317 It is acknowledged that the site is constrained in terms of its size and the presence of the existing podium and tower, whilst the provision of on-site housing is a policy requirement. The provision of the required housing within a separate block can be considered desirable in terms of management, residential amenity, efficiency of building layouts, and in terms of relating the development to the adjacent residential area. It is also noted that the residential dwellings may be occupied more intensively during evenings and weekends whilst the office development may be most intensively used during regular working hours. It may therefore be considered that the separation distance between the commercial and residential blocks is acceptable in this case.
- 10.318 The two proposed ground floor residential units may be subject to some loss of privacy from pedestrian activity. Soft landscaping to provide 'privacy planting' is proposed to provide some defensible space to the proposed unit fronting the Errol Street public realm. The unit fronting Lambs Buildings would not benefit from any defensible space to the adjacent pedestrian footway. These ground floor units may be reliant on internal measures such as blinds or curtains to ensure an adequate level of privacy. Any fixed measures involving a glazing treatment would reduce light diffusion into the accommodation and would be undesirable in daylight amenity terms.
- 10.319 Construction Impacts: 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 to 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. The submission of a method statement for the construction phase and a construction logistics plan would also be required (condition 24).
- 10.320 To further address any concerns over noise and disturbance resulting from the construction of the development, a planning condition would be required to secure details to address the environmental impacts (including (but not limited to) noise, air quality including dust, smoke and odour, vibration and TV reception) (condition 6).

### **Quality of Resulting Residential Accommodation**

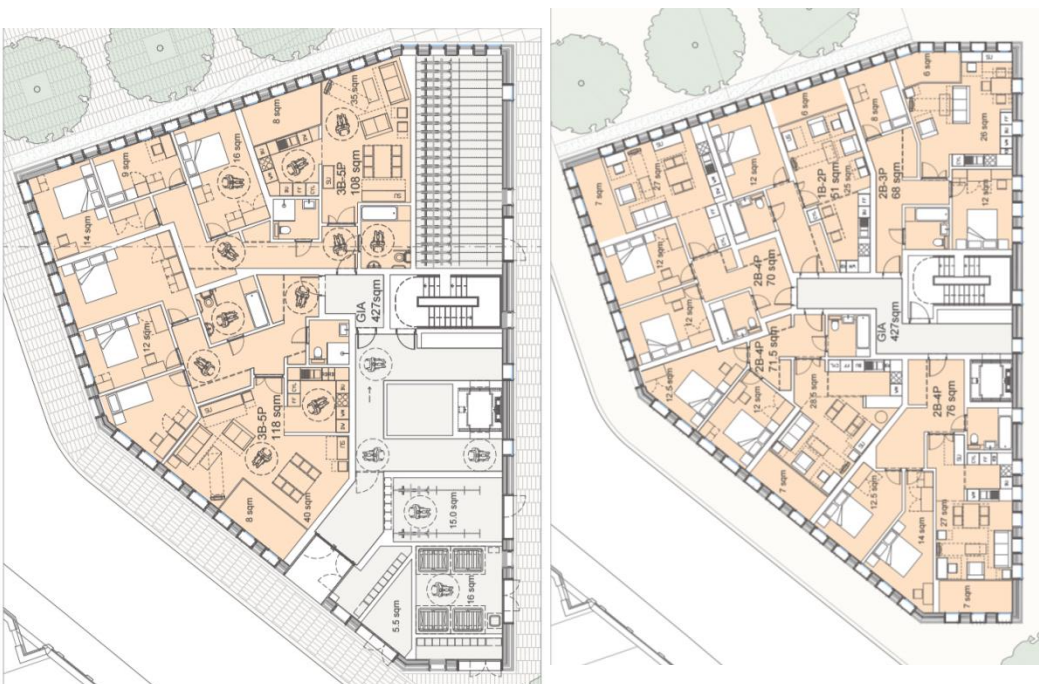
- 10.321 Islington Core Strategy policy CS12 identifies that to help achieve a good quality of life, residential space and design standards will be significantly increased and enhanced from their current levels. The Islington Development Management Policies DM3.4 sets out the detail of these housing 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.
- 10.322 Unit Sizes: All of the proposed residential units would comply with the minimum unit sizes as detailed within Policy DM3.4 and within London Plan Policy 3.5, and the majority of units would exceed the minimum sizes. The proposal is therefore considered acceptable in terms of unit sizes.
- 10.323 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).

10.324 Sixteen of the proposed dwellings would comprise dual aspect accommodation. One of the proposed ground floor wheelchair units would feature a west and a south west facing elevation whilst the first to fourth floors would each feature a southwest facing single aspect unit and a north/northwest facing single aspect unit, as detailed below.

Ground Floor Pan

First to Fourth Floor Plans



10.325 The Mayor of London's Housing SPG defines a dual aspect dwelling as 'one with openable windows on two external walls, which may be either on opposite sides of a dwelling or on adjacent sides of a dwelling where the external walls of a dwelling wrap around the corner of a building (the provision of a bay window does not constitute dual aspect)'. It may be a matter of opinion whether the ground floor unit represents dual aspect accommodation. Nevertheless, in view of the size of the unit and its west and south west facing aspect it is considered that it would provide an acceptable standard of accommodation.

10.326 The first to fourth floors will feature four south-west facing 2 bedroom 4 person single aspect units and four north/northwest facing 1 bedroom 2 person units. Policy DM3.4D (ii) states that 'where dual aspect dwellings are demonstrated to be impossible or unfavourable, the design must demonstrate how a good level of natural ventilation and daylight will be provided for each habitable room.' The application is accompanied by a Daylight and Sunlight Amenity within the Site document which includes an assessment of the daylight amenity for the proposed dwellings.

- 10.327 The second to fourth floor living rooms and all bedrooms to the south-west facing single aspect units would all exceed the BRE Guidelines for ADF, whilst the first floor living room would have an ADF level of 1.3%, whereas the BRE Guidance recommends 1.5%. Details of a no sky line (NSL) assessment are also provided which demonstrate that there would be direct skylight to 53% of the floorspace within the first floor living room, which would fall short of the 80% recommended within the BRE Guidelines. The remainder of the rooms to the south west facing single aspect units would meet the NSL criteria.
- 10.328 The living room to the first floor north/north-west facing single aspect unit would have an ADF level of 1.3% which would fall short of the BRE recommended 1.5% whilst the remainder of the bedrooms and living rooms to the four north/northwest facing single aspect units on the first to fourth floors would meet or exceed BRE recommendations. The fourth floor unit would exceed the BRE Guidelines by a reasonable margin with an ADF level of 2.1% to the living room and 2.4% to the bedroom. The first floor unit would fall marginally short of the BRE Guidelines in relation to NSL with direct skylight to 79% of the living room floorspace and 63% of the bedroom floorspace. The remainder of the north/northwest facing single aspect units would meet the NSL criteria.
- 10.329 It is noted that the layout of the residential block is informed by its footprint, which in turn is informed by the constraints of the site. All of the units will feature full height openable windows and trickle ventilation which will ensure a good standard of natural ventilation. Furthermore, the daylight to the proposed single aspect units meets BRE Guidelines at second floor and above whilst the first floor units do not fall significantly short of the BRE recommendations. The provision of single aspect units within the proposed residential block can therefore be considered acceptable in this case.
- 10.330 In terms of daylight amenity to the remainder of the units, a number of habitable rooms fall short of the BRE recommendations for ADF and NSL. These are primarily located on the ground floor of the block or on the east facing façade where daylight is obstructed by the high rise tower. The two ground floor units are generously sized dual aspect units which are considered overall to provide a reasonable standard of accommodation. There are five east facing bedrooms and five east facing kitchens which would generally experience relatively low levels of natural daylight. However, these rooms are located within dual aspect units which are also considered overall to provide a reasonable standard of accommodation.
- 10.331 In terms of sunlight, all of the units at first floor level and above would meet the BRE recommendations for APSH. The ground floor units would fall short of the BRE Guidelines although one of these units would only fall marginally short for winter APSH and would meet the BRE criteria for annual APSH.
- 10.332 Amenity Space: Policy DM3.5 of the Development Management Policies Document 2013 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).



10.333 All of the units above ground floor level would feature winter gardens in accordance with the minimum requirements detailed within Policy DM3.5 whilst two of the three fifth floor units would benefit from access to private roof terraces.

10.334 The two ground floor wheelchair units would each give rise to a requirement for 30m<sup>2</sup> private outdoor amenity space. Each of the units would feature 8m<sup>2</sup> winter gardens, which would accord with the requirements of Policy DM3.5 for upper floor units. Whilst the lack of private amenity space to these family sized units is clearly undesirable from a residential amenity point of view it can be acknowledged that the site is severely constrained in terms of opportunities to provide private amenity space to these units. Occupants of the development will benefit from access to public open spaces within the vicinity of the site, including the proposed public realm within the site, whilst children's play space is addressed below. It is considered that the shortfall against the Council's policy requirements can be justified in this instance.

10.335 Playspace: Policy DM3.6 requires Children's play space to be provided in line with the standards for provision published in the Mayor's Play and Informal Recreation SPG. Based on the predicted child yield the required play space for the proposed development calculated SPG spreadsheet is 238m<sup>2</sup>. The application identifies that there are numerous areas of playspace within the immediate area. Bunhill Fields is within 100m of the site and provides space for informal play and exploration whilst Quaker Gardens is within 2 minutes' walk and provides a Multi-Use Games Area and formal play equipment. Notwithstanding the existing local provision, the applicant has agreed to make a financial contribution of £84,000 towards enhancing existing local playspace, including improvements to Toffee Park Adventure Playground which is located within 400m of the site and is suitable for over 5s. The scheme would incorporate some playable features within the public realm which would provide opportunities for doorstep play for under 5's.

10.336 It is acknowledged that the site is heavily constrained in terms of opportunities to provide on-site children's play space and it is further acknowledged that the scheme will deliver public realm improvements, whilst off-site play space is available nearby. In view of the proposal to make a financial contribution to the improvement of playspace in the locality it is therefore considered that the lack of on-site play space is acceptable in this case. It is noted that the GLA indicated within their Stage 1 comments that they are satisfied with this approach.

10.337 Dwelling Mix: The scheme proposes a total of 25 residential units with an overall mix comprised as follows:

<b>Unit type</b>	<b>Number of units</b>	<b>Percentage</b>
1 bed 2 person	4	16
2 bed 3 person	4	16
2 bed 4 person	15	60
3 bed 5 person	2	8
<b>Total</b>	<b>25</b>	<b>100</b>

10.338 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.

- 10.339 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.
- 10.340 The proposed affordable housing has been developed in consultation with the Council's Housing Division. The affordable housing offer on this site in terms of the quantity, quality and mix is considered to make a positive contribution to the housing needs of the borough. Accordingly, the proposal is considered acceptable in terms of unit mix.
- 10.341 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.
- 10.342 The application is accompanied by an Air Quality Assessment which notes that the proposal involves the removal of all but 5 of the 85 car parking spaces from the site and traffic generation associated with the development is expected to be low, relating mainly to servicing vehicles and taxis to the building.
- 10.343 The air quality neutral assessment for emissions associated with traffic was conducted using the Gross Internal Areas (GIAs) of each proposed use within the proposed development and predicted net annual trips per land use class. The total benchmarked transport emissions (274.0 kg NOx/annum and 47.0 kg PM10/annum) are greater than the total transport emissions (79.6 kg NOx/annum and 14.0 kg PM10/annum), resulting in a negative score. The transport emissions that would result from the proposal are therefore within the 'air quality neutral' benchmarks and no further mitigation is required to offset nitrogen dioxide and PM10 transport emissions, when considered in isolation.
- 10.344 The air quality neutral assessment does not take into account all of the embedded mitigation that is accounted for in the detailed assessment of the energy centre emissions, in that impacts predicted using the guidance take no account of stack height. The air quality neutral assessment has therefore incorporated an emissions profile to predict the energy centre operation in a typical year. The Total Benchmarked Building Emissions (1,156.5 kg NOX/year) are higher than the Total Building Emissions (292.6 kg NOX/year) giving a negative score and the building emissions are therefore within the 'air quality neutral' benchmarks. The Air Quality Assessment concludes that the proposed development is not considered to result in any significant impact on air quality.

- 10.345 The Council's Environmental Health Officer has raised no objections to the proposal in terms of emissions as a result of the proposed development. However, it is noted that the whole of Islington is an air quality management area and the site itself is predicted to exceed the nitrogen dioxide annual mean objective at the residential location. Mitigation measures will therefore be required which are likely to include ventilation with nitrogen dioxide filtration. A condition is therefore recommended to secure measures to minimise future occupant's exposure to air pollution (condition 27). The proposal is therefore considered acceptable in terms of air quality.
- 10.346 Noise: 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. The application is accompanied by a Noise and Vibration Report which details results of noise monitoring at the site and advises that internal noise within the development can be adequately controlled with suitable glazing. The noise data has also been used to set plant noise emission criteria for future assessment of proposed plant at the development to ensure that noise levels within neighbouring properties are at acceptable levels.
- 10.347 The Council's Environmental Health Officer has raised no objections to the proposal in terms of noise, subject to a condition securing sound insulation and noise control measures (condition 26). The proposal is considered acceptable in terms of noise.

### **Sustainability, Energy Efficiency and Renewable Energy**

- 10.348 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.
- 10.349 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) CO<sub>2</sub> 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 CO<sub>2</sub> emissions should be offset through a financial contribution towards measures which reduce CO<sub>2</sub> emissions from the existing building stock.

#### **BE LEAN**

##### *Energy efficiency standards*

- 10.350 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. The proposed U-values for the commercial building are: walls = 0.15w/m<sup>2</sup>k, roof = 0.15w/m<sup>2</sup>k, floors = 0.2 w/m<sup>2</sup>k and glazing = 1.0w/m<sup>2</sup>k. The proposed U-values for the residential building are walls = 0.15w/m<sup>2</sup>k, roof = 0.15w/m<sup>2</sup>k, floors = 0.1 w/m<sup>2</sup>k and glazing = 1.1w/m<sup>2</sup>k. These U-values are generally considered to be good or very good. The air

permeability of the commercial building would be 5m<sup>3</sup>/hr.m<sup>2</sup>@50pa whilst the permeability of the residential building would be 3m<sup>3</sup>/hr.m<sup>2</sup>@50pa.

- 10.351 Low energy and LED luminaires with occupancy and daylight dimming control systems are proposed. These measures are supported and it is recommended that the applicant uses LED lighting and applies these control systems as widely as possible.

#### BE CLEAN

##### *District heating*

- 10.352 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.

- 10.353 The applicant has investigated connection to the Citigen Heat Network and it is not proposed to connect to the network, primarily on grounds of financial viability. It is stated that the costs of connection would be significantly higher than those of an on-site solution. Technical issues are also cited, with the pipework passing close to the site deemed insufficient to meet the required heat load, and significant costs associated with the extension required to avoid this problem. The applicant therefore proposes an on-site CHP solution, in accordance with the hierarchy set out in London Plan Policy 5.6B. The development would also be required to be future proofed for connection to a District Energy Network and this provision would be secured through the Section 106 agreement.

#### SHARED HEAT NETWORK

##### *Combined Heat and Power*

- 10.354 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.' It is not proposed to connect to a shared heat network and the Council's Energy Advisor advises that further investigation of shared heat network options would not be expected at this stage.

#### BE GREEN

##### *Renewable energy technologies*

- 10.355 The Sustainable Design and Construction Statement indicates that two photovoltaic arrays covering an area of 190m<sup>2</sup> would be provided on the office tower and residential roofs and which would produce an output of 28kWp and 30,443kWh/year. The Council's Energy Advisor notes that it would not be practical to expand the array significantly but suggests that the applicant may wish to consider increasing the output of the array if it is feasible to increase the output of the panels. Further details of renewable energy technologies will be secured by condition should planning permission be granted (condition 15).

- 10.356 The proposed commercial building is expected to achieve a BREEAM rating of 'Excellent', and this is supported. The office element is predicted to achieve a score of 77.5% and the retail element a score of 75.4% (condition 7).

- 10.357 Carbon Emissions: Policy CS10A states that the 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.

10.358 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.'

10.359 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.

10.360 The applicant proposes a reduction on regulated emissions of 35.8% compared to a 2013 baseline target, which slightly exceeds the London Plan target of 35%. The development is predicted to achieve a reduction in total emissions of 20.2% compared to a 2013 Building Regulations Baseline, which falls short of the Islington requirement of 27%. The Council's Energy Conservation Officer considers that the carbon emissions have been reduced as far as reasonably possible. In order to mitigate against the remaining carbon emissions generated by the development a financial contribution of £1,205,200 would be required.

10.361 The carbon offset contribution comprises £691,196 for the refurbished part of the building and £514,004 for the new build element. The applicant is proposing to make a carbon offset payment of £514,004 which would relate to the new build element of the building only. The Environmental Design SPD acknowledges that refurbishment schemes may struggle to meet relevant CO<sub>2</sub> reduction targets and provides for applicants to demonstrate that carbon emissions have been minimised. However, the SPD is clear that the requirement for a financial contribution relates to all major developments and does not differentiate between new build and refurbishment schemes.

10.362 The proposed development will re-use the concrete frame of the existing building. The concrete industry is one of the two largest producers of carbon dioxide, creating up to 5% of worldwide man-made emissions of this gas, of which 50% is from the chemical process and 40% from burning fuel (source: Wikipedia). The applicant has confirmed that the proposal involves the re-use of 11,000 tonnes of concrete which equates to a saving of embedded CO<sub>2</sub> emissions of 1,100 tonnes. A carbon offset payment for 1,100 tonnes of CO<sub>2</sub> would equate to £1,012,000, based upon the Council's offset charge of £920 per tonne.

10.363 The re-use of the concrete frame represents a substantial benefit in terms of sustainable development through reducing carbon emissions. However, the re-use of the frame does

not address the policy requirement that a carbon offset financial contribution be secured in respect of the entire building.

- 10.364 As detailed later within this report, the proposed development currently results in a £5.79 million deficit in viability terms. The proposal would deliver substantial benefits including affordable housing and affordable workspace. In order to attach significant weight to these benefits the Council should be satisfied that the benefits are deliverable. The requirement for an additional carbon offset contribution of £691,196 would undermine the deliverability of the scheme. It is therefore considered that, in this case, there is a financial viability justification for a reduced carbon offset financial contribution of £514,004.
- 10.365 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.
- 10.366 Dynamic thermal modelling has been carried out based on Design Summer Years for 1976, 1989 and 2003 and 2050s. Artificial cooling is not proposed for the apartments which pass the assessment under the CIBSE TM52 criteria. The applicant has provided evidence to demonstrate how the lower levels of the cooling hierarchy have been maximised and it is accepted that artificial cooling would be required in the non-residential areas.
- 10.367 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.
- 10.368 The site is located within Flood Zone 1 and is therefore assessed as having a very low probability of river or sea flooding (less than 1 in 100 year probability). It is proposed to incorporate a separate foul and surface water drainage network within the site, addressing the refurbished and new-build elements of the proposed development. Water collected from the network will be discharged into an existing Thames Water combined sewer. Reduction of the existing peak surface water discharge rate from the proposed development will be implemented through the provision of green roofs to the commercial and residential buildings and through an attenuation tank for gradual release of surface water to the combined sewer. Condition 18 is recommended to secure details of Sustainable Urban Drainage System measures including the proposed green roofs and attenuation tank.
- 10.369 The Council's Sustainable Design Officer has reviewed the proposals and raises no objection subject to further details to be secured by condition. Thames Water raise no objections to the proposal in relation to foul or surface water drainage.

## **Highways and Transportation**

- 10.370 A Transport Assessment (TA) including a Framework Travel Plan for the office element of the proposal and an Interim Travel Plan for the residential element accompanied the planning application.
- 10.371 The site is very well connected and has the highest PTAL rating of 6b (excellent). Barbican, Moorgate, Old Street and Liverpool Street Underground and Rail Stations are located within 1km of the site whilst bus services which can be accessed from Chiswell Street, Finsbury Square, Finsbury Pavement, Old Street and Goswell Road, which are all within 7 minutes' walk of the site. It is anticipated that the proposed development would accommodate 2,320 employees, with 563 arriving during the AM peak hour period and 670 departing during the PM peak hour period. The anticipated peak hour trip generation for the residential element is 12 and 10 during the AM and PM peaks respectively. Overall, the TA demonstrates that the increase in passenger demand as a result of the proposed development would not have a material impact on capacity on existing public transport services. The TA notes that capacity will increase when Crossrail services commence at Liverpool Street in 2018, ahead of the occupation of the proposed development in early 2020.
- 10.372 As a result of the reduction in the existing car parking provision of 85 spaces to 5 disabled car parking spaces, the proposal is anticipated to generate 20 less two-way vehicle movements in the AM peak and 25 less two-way vehicle movements in the PM peak than the existing site, thereby having a positive effect on the local highway network.

#### Car Parking

- 10.373 The proposed development would be car-free other than the provision of five blue-badge car parking spaces, including three for the office element and two for the residential element. The proposal would therefore result in the net reduction of 80 car parking spaces on the site.

#### Construction Management Plan

- 10.374 The application is accompanied by a Construction Management Plan which sets out the construction methodology, programme and general logistical requirements for the proposed development. This has been developed to account for the surrounding constraints including the sensitive receptors (primarily the residential uses neighbouring the site); the heritage assets of Bunhill Fields, the HAC and the Catholic Church; and the local highway network). The Council's Highways Officer advises that an updated Plan should be secured by condition which ensures compatibility with Construction Management Plans for adjacent sites which are also subject to redevelopment during the proposed construction programme.
- 10.375 It is also proposed that an Environmental Management Plan would be prepared and implemented by the main contractor as informed by LBI's Code of Construction Practice.

#### Servicing

- 10.376 Servicing for the office element of the Proposed Development would be carried out on-site within a dedicated service yard, accessed from Dufferin Street. Two on-street parking bays would be relocated from Dufferin Street to Lamb's Buildings to facilitate the service yard. Servicing for the affordable housing block would be on-street from Lamb's Buildings.

10.377 The proposed servicing arrangements have been reviewed by the Council's Highways Officers and are considered acceptable.

#### Waste

10.378 The application is accompanied by a Waste and Recycling Report. The proposed development is anticipated to produce approximately 113,619 litres of waste from all land uses per week (1,241 tonnes per year). 109,509 litres would be produced by the office and retail uses whilst 4,110 litres would be produced by the residential use. The offices and affordable workspace would be provided with dedicated bin stores whilst the retail units would have allocated space within the curtilage of the units as part of the tenants fit out. A basement room will be provided for compactors and storage in 1100 litre Eurobins for both general refuse and recyclables and it is anticipated that collections will be daily via the loading bay by private contractors. Waste storage spaces within the retail areas will be part of the tenants' fit-outs. Waste from the northern units will be taken via the rear corridor to the loading bay for collection whilst collection from the small units at the south end of the site will be direct off the street. The Council's Waste Officer has advised that further details of the compaction of commercial waste should be secured prior to occupation of the building and this may be informed by specific tenant requirements. It is recommended that an updated Waste Strategy be secured by condition prior to first occupation (condition 43).

10.379 The affordable workspace will have its own self-contained waste storage room in anticipation that collection would be on a weekly basis and might be by the Council. The storage will be located at ground floor with lobbied access from the entrance area and direct doors to the outside on Lamb's Buildings.

10.380 The residential waste would be collected by the Council via a dedicated refuse service area on Lamb's Buildings. Separate storage will be provided for recyclable material, food waste and residual waste.

10.381 The Council's Highways Officer has reviewed the refuse, servicing, relocated parking and vehicular entrances and finds them acceptable. Transport for London have no concerns in relation to these matters.

#### Cycle Access and Parking

10.382 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. Appendix 6 of the Development Management Policies document requires cycle parking for residential at a rate of 1 per bedroom. The London Plan cycle parking requirements are set out in Table 6.3 and specify a greater requirement for the commercial uses than Appendix 6 as the provision is calculated using GIA rather than GEA. The proposal therefore gives rise to a requirement for a minimum 535 cycle parking spaces which will be provided as follows:



Land Use	Cycle Parking	
	Long Stay	Short Stay
Offices (B1)	425	17
Offices (B1) (Affordable Workspace)	12	2
Office Combined	437	19
Retail / Financial and Professional Services / Restaurant (A1/A2/A3)	8	22
Residential (C3)	48	1
<b>TOTAL</b>	<b>493</b>	<b>42</b>

10.383 The above provision includes 18 accessible spaces for the office use and 2 accessible spaces for the residential use.

10.384 The cycle entrance for general office and retail staff is off Lamb's Buildings. A cycle lift and steps (with Dutch ramps) would provide access to the basement storage facilities. The majority of the cycle storage would be provided as vertical racks but 1/25th of the spaces would be Sheffield stands suitably spaced for use by the less able. Space and charging facilities will also be provided for 4 mobility scooters. Lockers for each user and 25 showers (1 accessible) would be provided. The offices are accessed from the basement via the entrance lift or stairs to the ground floor lobby.

10.385 Cycle storage for the affordable workspace would be provided separately in a room directly off the affordable workspace entrance lobby. Residential cycle storage is also provided separately within the residential block in a secure room with direct access from the external public areas. Visitor's cycle spaces for office use (both the main and affordable), retail, and residential is by external Sheffield stands distributed around the public domain at ground floor.

10.386 It is also proposed to make a financial contribution of £220,000 towards the provision of a cycle hire docking station on the frontage of the site within the public realm, comprising 32 cycle parking bays.

10.387 It is recommended that cycle parking for the development be secured by condition should planning permission be granted (condition no. 17).

### **Archaeology**

10.388 The site is located within an Archaeological Priority Area and the application is accompanied by an Archaeology Report which concludes that, due to the extent of the previous development and ground disturbance, the extent of the previous basement is likely to have removed all but the deepest archaeological deposits. The archaeological impact of the proposed development is therefore assessed to be low.

10.389 Historic England (Greater London Archaeology Advisory Service) advise that the conclusion of the report is agreed and the proposals are very unlikely to cause significant

harm to archaeological interests, and may cause none at all. No further assessment or conditions are therefore necessary.

### **Contaminated Land**

- 10.390 The application is accompanied by a Preliminary Environmental Risk Assessment which identifies the proposed residential use will result in a medium to low risk to human health given that the proposed hard standing on the site will provide a physical barrier between any potential contaminants beneath the site and users of the development. It is therefore concluded that the proposal is unlikely to represent unacceptable risks to health and the environment.
- 10.391 The Council's Environmental Health Officer has raised no objections to the proposal in terms of contaminated land subject to a condition securing a land contamination investigation and a programme of any necessary land contamination remediation works (condition 9). The proposal is therefore considered acceptable in terms of land contamination.

### **Wind**

- 10.392 The application is accompanied by a Wind Microclimate Report which provides an assessment of the effect of the proposed development effect on wind conditions at the site and in the surrounding area. The assessment provides a detailed account of the average gust and wind conditions around the existing building and the proposed development and also assesses the cumulative impact with other proposed developments within the vicinity.
- 10.393 The proposed development and surrounding area have wind conditions ranging from acceptable for 'sitting' use, to acceptable for 'leisure walking' during the windiest season, using the Lawson scale. Wind Conditions which are classified as acceptable for 'leisure walking' use or calmer are considered acceptable for the desired use for thoroughfares, and therefore further mitigation is not required.
- 10.394 The proposed entrance locations on the southern tip of the site on Lamb's Passage and within the new pedestrian route from Bunhill Row would experience wind conditions one category windier than suitable for 'leisure walking'. Mitigation is recommended at these locations in the form of recessed entrances whilst landscaping is also expected to improve these conditions.
- 10.395 An assessment of the cumulative impact with proposed buildings in-situ demonstrates that the wind conditions around the site remain similar to the scenario of the proposed development with the existing surroundings and therefore no further mitigation is required as a result.
- 10.396 It is therefore considered that the proposal is acceptable in terms of wind microclimate subject to the recommended mitigation measures to be secured by condition 33 and further testing with the final scheme of landscaping in place. It is recommended that landscaping to mitigate wind impacts following further testing is secured as part of the landscaping condition (condition 4).

## **Aeronautical Safety**

- 10.397 The application is accompanied by an Aviation Report which comprises a physical safeguarding assessment, which relates to physical obstacles within the surrounding airspace, and a technical safeguarding assessment, which analyses the impact upon communications, navigation and surveillance equipment. The site is located a few hundred metres beyond the limit of the safeguarded area for London City Airport and several kilometres beyond the safeguarded areas of London Heathrow Airport, RAF Northolt, and Elstree Aerodrome. Subsequently, there are no height restrictions at the site associated with the requirements for aerodrome physical safeguarding. The proposed development also lies outside of the geometrical limits of the areas designated for the safeguarding of navigational aids located at the four airports and aerodromes which would trigger the need for an assessment of the potential impact of the development on the signals associated with the operation of those facilities. It is therefore considered that the proposed development will have no adverse impacts on those facilities.
- 10.398 The proposal has therefore been assessed against the relevant safeguarding criteria and it is concluded that it will have no material impacts on aircraft operations.

## **Electronic Interference**

- 10.399 The application is accompanied by an Electronic Interference Report which details the findings of desk-based studies and an on-site survey which have investigated the potential electronic interference effects on terrestrial and satellite TV reception as a result of the proposed addition of 12 storeys to the existing building. The report identifies that the proposal will not result in any increase in the loss or degradation of terrestrial TV reception experienced by residential dwellings. However, it has been determined that the proposed development may result in an increased loss or degradation of satellite TV reception at 55 nearby residential dwellings when compared to the existing building.
- 10.400 The loss or degradation of satellite TV reception at affected dwellings can be addressed by upgrading the existing satellite TV dishes by increasing their height and / or gain, or connecting these dwellings to the available cable TV service at a one-off cost.
- 10.401 The Report recommends that the Council sets up a complaints register where residents can report any resulting disruption or loss of TV signal. Following investigation of the complaint, relevant mitigation measures can be implemented as appropriate if it is found that the disruption or loss of service can be attributed to the proposed development. It is recommended that appropriate measures to secure mitigation of loss or degradation of satellite television signal be secured through the Section 106 agreement.

## **Financial Viability**

### **Viability Review**

- 10.402 The proposal maximises the delivery of affordable housing and affordable workspace which is considered to represent a significant benefit in planning terms. Given that significant weight would be attached to these benefits in assessing the proposal it was considered appropriate that the applicant demonstrate the deliverability of these benefits as this could offer some assurance that they would come forward. Accordingly, a financial viability assessment (FVA) was submitted at pre-application stage. In order to properly

and thoroughly assess the FVA the Council appointed BPS Chartered Surveyors (BPS) to undertake a review of financial viability for this scheme. The assessment sought to determine the deliverability and viability of the proposed scheme.

- 10.403 The concept of viability testing is to determine the potential amount of planning obligations that can be sought before the return to the landowner and developer falls below a “competitive return”. Firstly, a Residual Land Valuation (RLV) is calculated to ascertain the amount that can be paid for the site. This is calculated from the total value of the completed proposed development minus any development costs. Secondly, a Benchmark Land Value is established (based on the EUV of the current site), which is the measure against which the RLV is compared with to determine whether the scheme is viable.
- 10.404 The submitted FVA was scrutinised by BPS and Council officers and a report providing a review of the FVA was issued by BPS. Updated information was subsequently submitted by the applicant following design development which involved chamfering of the tower and revisions to the podium, resulting in a reduction in the amount of office floorspace proposed. Furthermore, the scheme was amended following discussions with the Council regarding the proposed affordable workspace which was moved from the basement of the affordable housing block to the first floor of the podium. The amended information was assessed and an addendum report was subsequently issued by BPS.
- 10.405 Following submission of the planning application, correspondence was exchanged by BPS and the applicant’s surveyors where it was agreed that the scheme had not altered in viability terms and that the conclusions of the BPS review could be carried over to the application stage proposal. Accordingly, the applicant has agreed that the FVA submitted at pre-application stage be treated as an application document.
- 10.406 The following provides a summary of the conclusions of the review of the FVA. However, given the detailed and comprehensive way that the BPS report deals with financial viability it is not attempted to fully summarise the report here and copies of the initial report and subsequent addendum report are provided at **Appendix 4**. The report considers the refurbishment of the existing building as a benchmark scheme and alternative options involving extensions of the building between 8 and 12 storeys in height. The conclusions of the report are summarised as follows:
- Rents and yields applied to value the completed office floorspace for the proposed extension schemes and all the other cost inputs are agreed.
  - Affordable housing values are based on an offer received from a leading Registered Provider and this constitutes good market evidence and these values are accepted.
  - The refurbishment scheme generates a residual value of £76,767,535, which has been adopted as a Benchmark Land Value.
  - The appraisals demonstrate that the following height options for the initial proposals generated the following deficits against the benchmark land value:
    - 8 storey extension -£10,697,388
    - 10 storey extension -£7,532,798
    - 11 storey extension -£3,835,582
    - 12 storey extension -£136,202
  - The only viable options are the refurbishment option and the 12-storey option – the latter being effectively at a break even position (at that time).



- The residual land value generated by the 12 storey appraisal was £76.63 - following revisions to the scheme this has reduced substantially, to £61.87m.
- The benchmark land value of £76,767,535 has been reduced by Montagu Evans to £67.66m, which is the revised residual value of the refurbishment scheme - this change is due to the increase in the yield from 5.0% to 5.5% which brings it into line with the yield suggested by BPS
- £61.87m residual value of the 12 storey scheme, when compared to a benchmark of £67.66m, shows this scenario to be in deficit by £5.79m.
- Montagu Evans have not made BPS' suggested change to the developer's profit for the refurbishment appraisal (reduction from 15.0% to 12.5% profit on Net Development Value would increase the benchmark scheme's residual value and worsen the proposed scheme's viability) therefore if Montagu Evans were to adopt 12.5% it would increase the £5.79m deficit shown by the 12 storey scheme.

10.407 The scheme is currently demonstrating a £5.79m deficit and is therefore unviable.

10.408 It is noted that any further reduction in the amount of development proposed would result in a further detrimental impact on the viability of the proposed scheme and its ability to support the proposed affordable housing and workspace offer.

10.409 Paragraphs 4.6-4.10 of the Development Viability SPD states that:

'The council has received development appraisals which indicate that a development would generate a significant deficit with the level of planning obligations as proposed by the applicant, even at a level lower than required by policy. This raises questions regarding the commercial basis of the proposed scheme and the terms under which development finance is likely to be secured. This would also appear to be at odds with general market conditions and the high rates of development within the borough (where not explained by circumstances specific to the site).

An appraisal which shows a different level of planning obligations to be viable from that proposed by the applicant raises issues relating to the deliverability of a scheme and makes it difficult for the council to make an informed decision. It also poses the risk of a lower level of planning obligations

If 'outturn' values and costs are applied within an assessment presented to the council, these should also be consistent with those relied on by the applicant being sought by the applicant at a later date (for example through a Section 106 BA application for a reduction in affordable housing) after planning consent has been secured.

An applicant should demonstrate how their proposed scheme is deliverable, taking into account their proposed level of planning obligations. The applicant must clearly demonstrate with reference to viability evidence that the proposed level of obligations is the maximum that can be provided and that the scheme is deliverable with this level of provision. A statutory declaration by the applicant company and by finance providers may be required, which verifies that they consider the scheme as proposed to be deliverable, based on the information provided to the council.

Where the applicant does not intend to build out the scheme themselves, they may be expected to provide evidence from a developer (with experience of delivering schemes of a similar type and scale) that the scheme is capable of being delivered on the basis of the evidence presented in the viability assessments.'

10.410 The SPD sets out the key requirements in relation to Deliverability and Verification as follows:

- To verify the information provided as part of the planning process, a statutory declaration will be sought from the applicant company confirming that:
  - The assessment submitted to the council is a true and fair reflection of the viability of the proposed development; and that costs and values in this assessment are consistent with current costs and values within (or used as a starting point for) viability assessments that have been undertaken for internal or financial purposes.
  - The company undertaking the assessment has not been instructed on the basis of performance related pay or is incentivised in any other way according to the outcome of the viability process and the level of planning obligations that the applicant is required to provide.
- The applicant must clearly demonstrate with reference to viability evidence that the proposed level of obligations is the maximum that can be provided and that the scheme is deliverable with this level of provision.
- A statutory declaration by a director of the applicant company and by finance providers may be required, which verifies that they consider the scheme as proposed to be deliverable, based on the information provided to the council.

10.411 The requirement for statutory declarations regarding deliverability arose in part from concerns relating to the now expired Section 106 BA legislation and specifically to avoid a scenario such as that in the case of Land at 2-2A Crystal Palace Road, East Dulwich (London Borough of Southwark; planning appeal reference APP/A5840/S/15/3121484). In this case the developer revised an affordable housing offer from nil to 35% but did not confirm that this offer was considered viable. The applicant subsequently appealed under Section 106BA of the Town and Country Planning Act to have the planning obligation modified by the removal of the requirement to provide any affordable housing. In allowing the appeal the Inspector noted that, in revising the offer, the appellant had never actually confirmed or demonstrated that the affordable housing was viable.

10.412 Section 106BA legislation was time limited and ended in April 2016. Accordingly, there is no longer a mechanism for developers to be relieved of an affordable housing obligation by demonstrating that it is no longer viable. If the applicant were to revisit the proposal (within five years of the completion of the Section 106 agreement) with a view to revising the affordable housing and/or affordable workspace offer, then the only route would be through a further planning application. It is therefore the case that, should planning permission be granted on the basis that substantial weight is attached to the provision of affordable housing and workspace within the scheme, any future planning application to vary the proposal would be assessed on its merits. The Council could therefore refuse a subsequent planning application on the basis that a reduced provision of affordable housing and workspace would be insufficient to outweigh the identified harm from the proposed development.

10.413 The FVA is demonstrating a deficit. It is considered appropriate that officers and decision makers should be satisfied regarding the deliverability of the public benefits proposed within the scheme in order to give them appropriate weight in the planning balance. The applicant has submitted a signed statutory declaration which incorporates the Council's standard wording in relation to verification and alternative wording in relation to deliverability. The Council's standard wording is as follows:

'The scheme proposed for the development of Finsbury Tower along with the Section 106 planning obligations as set out on pages [page no] to [page no] of [relevant document] dated [date] is fully capable of being delivered as at the date of this declaration and that [ company name ] is committed to implementing and completing the development as soon as is reasonably possible following the grant of planning consent.'

10.414 The alternative wording incorporated by the applicant is as follows:

'As at the date of this declaration the scheme proposed for the development of Finsbury Tower (including the Section 106 planning obligations that were submitted in draft as part of the planning application and are currently being documented by way of a legal agreement) is capable of being delivered and Finsbury Tower Estates Limited intends to implement and thereafter complete the development within a commercially reasonable timeframe following grant of planning consent, allowing for the securing of funding, procurement of contractors, satisfaction of conditions, neighbourly matters etc.'

10.415 It will be observed that the applicant's suggested wording includes caveats and represents a less strongly binding commitment. However, the caveats acknowledge hurdles that need to be overcome if the scheme is to be delivered. It can be acknowledged, for example, that the Brexit process introduces a degree of uncertainty to the London office market which could have implications in terms of securing funding.

10.416 The applicant has submitted a letter to accompany the statutory declaration which emphasises a commitment to delivering the proposed scheme. It notes that there is a significant financial liability if development does not commence as soon as possible as the income stream from the existing site is predominantly extinguished. It states that the motivation to redevelop is high, and the penalty for not doing so is onerous.

10.417 The applicant has agreed to enter into a planning obligation to be secured through the Section 106 agreement requiring the handover of the affordable workspace and the affordable housing prior to the occupation of the office floorspace. The applicant has also submitted a copy of a contract with Family Mosaic Housing relating to the sale of the affordable housing units.

10.418 On the basis of the above it may be considered that there are reasonable safeguards and assurances in place regarding the delivery and securing of the affordable housing and workspace.

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

10.419 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.

10.420 The Section 106 agreement would include the following agreed Heads of Terms:

- Contribution of £514,004 towards offsetting projected residual CO2 emissions of the development;
- 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;
- Compliance with the Code of Employment and Training.
- Facilitation of 12 work placements during the construction phase of the development, lasting a minimum of 13 weeks, or a fee of £60,000 to be paid to LBI;
- Contribution of £121,388 towards employment and training for local residents;
- Compliance with the Code of Local Procurement;
- Compliance with the Code of Construction Practice, including a monitoring fee of £38,350 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;
- Provision of 26 additional accessible parking bays or a contribution of £52,000 towards provision of on-street bays or other accessible transport initiatives;
- 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;
- 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;
- Payment of Council's fees in preparing and monitoring the S106;
- Removal of eligibility for residents' car parking permits;
- On-site provision of 25 affordable (social rented) housing units;
- On site provision of 1000m<sup>2</sup> affordable workspace at first floor level fitted out to a Category A specification and provided at a peppercorn rent in perpetuity;
- Contribution of £1,895,520 towards the construction of Crossrail;
- Public realm and highways improvements identified under S278 works;
- TV signal mitigation;
- Play space contribution of £84,000;
- Phasing and delivery of the affordable workspace and affordable housing;
- Contribution of £220,000 towards a TfL cycle hire docking station;
- Provision of public routes through the site.

10.421 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.

## 11. OVERALL ASSESSMENT, SUMMARY AND CONCLUSION

- 11.1 It is proposed to erect a 12 storey extension to the existing 16 storey building and a 3 to 6 storey extension to the existing podium block up to 7 storeys to provide 12,687m<sup>2</sup> (GIA) additional office (Use Class B1a) floorspace including 1000m<sup>2</sup> (GIA) affordable workspace (7.9% of the new floorspace created) to remain affordable in perpetuity. The existing building will be re-clad to match the materials of the extensions. Part of the ground floor accommodation will be changed to a flexible Class A1 (retail) and A3 (restaurant/cafe) use. It is also proposed to demolish single storey plant and storage structures to the western part of the existing building and erect a 6 storey block to provide 25 affordable (social rented) dwellings. Public realm improvements are proposed around the site including two public routes through the site.
- 11.2 As identified within this report, the proposed development would result in identified benefits and identified harm in planning terms.
- 11.3 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.'
- 11.4 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.'
- 11.5 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'.
- 11.6 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'.
- 11.7 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.



- 11.8 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.'
- 11.9 The existing building has a tired and dated exterior which detracts from the character and appearance of the area. The building is predominantly vacant at present due to the poor quality of the office floorspace and provides limited employment benefits. The office floorspace requires upgrading if it is to be sustainable and the applicant has demonstrated that the extension of the building and the uplift in floorspace is required in order to make the wider transformation viable.
- 11.10 The proposal would result in the transformation of an existing poorly composed and dated looking building into an elegantly proportioned building of high quality design and materials.
- 11.11 The proposal will deliver a number of benefits including a significant uplift in employment within the Central Activities Zone and Employment Priority Area as a result of the delivery of new, high quality office and retail floorspace. Furthermore, the proposal would involve the delivery of 25 social rented affordable housing units, 1,000m<sup>2</sup> of affordable workspace at a peppercorn rate in perpetuity, and public realm improvements including new routes through the site. Overall, these benefits are considered to be substantial.
- 11.12 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. Furthermore, there will be a degree of harm to residential amenities of some dwellings within 1-56 Dufferin Court by reason of loss of daylight.
- 11.13 This increased height, scale and massing of the proposed building would result in some relatively significant harm to the setting of the Grade II listed 20 & 21-29 Bunhill Row and some minor harm to the setting of Bunhill Fields Burial Ground (a Grade I listed Park and Garden), Grade II listed Finsbury Barracks, Grade II\* listed Armoury House and to the character and appearance of the Bunhill Fields/Finsbury Square Conservation Area and the St. Luke's Conservation Area. Overall, it is considered that this harm will constitute less than substantial harm to the significance of designated heritage assets, albeit the

harm will be towards the higher end of less than substantial harm. 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. 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.

- 11.14 It is considered that the benefits of the proposal will outweigh the harm arising from conflict with the Council's tall building policies and the harm to the residential amenities of the occupants of neighbouring residential dwellings. It is further considered that the benefits will outweigh the less than substantial harm to the significance of 20 & 21-29 Bunhill Row, Bunhill Fields Burial Ground, Finsbury Barracks, Armoury House and to the character and appearance of the Bunhill Fields/Finsbury Square Conservation Area and the St. Luke's Conservation Area.
- 11.15 In summary, it is considered that this is a finely balanced case, and on balance the proposal is considered acceptable in planning terms.

### **Conclusion**

- 11.16 It is recommended that planning permission be granted subject to conditions and S106 legal agreement heads of terms as set out in Appendix 1 - RECOMMENDATIONS.

# APPENDIX 1 – RECOMMENDATIONS

## RECOMMENDATION A

That planning permission be granted **for the reasons summarised in paragraphs 11.1 to 11.16 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. Contribution of £514,004 towards offsetting projected residual CO2 emissions of the development.
2. 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.
3. Compliance with the Code of Employment and Training.
4. Facilitation of 12 work placements during the construction phase of the development, lasting a minimum of 13 weeks, or a fee of £60,000 to be paid to LBI.
5. Contribution of £121,388 towards employment and training for local residents.
6. Compliance with the Code of Local Procurement.
7. Compliance with the Code of Construction Practice, including a monitoring fee of £38,350 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.
8. Provision of 26 additional accessible parking bays or a contribution of £52,000 towards provision of on-street bays or other accessible transport initiatives.
9. Submission of a Green Performance Plan and a post occupation Green Performance Plan.
10. Future proofing for connection to a local energy network if a viable opportunity arises in the future;
11. 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.
12. Payment of Council's fees in preparing and monitoring the S106.
13. Removal of eligibility for residents' car parking permits.
14. On-site provision of 25 affordable (social rented) housing units.
15. On site provision of 1000m<sup>2</sup> affordable workspace at first floor level fitted out to a Category A specification and provided at a peppercorn rent in perpetuity;
16. Contribution of £1,895,520 towards the construction of Crossrail.
17. Public realm and highways improvements identified under S278 works
18. TV signal mitigation
19. Play space contribution of £84,000
20. Phasing and delivery of the affordable workspace and affordable housing
21. Contribution of £220,000 towards a TfL cycle hire docking station
22. Provision of public routes through the site.

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:

<b>1</b>	<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>
<b>2</b>	<b>Approved plans list (compliance)</b>
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans: HCL605-0500 Rev P2; HCL605-0501 P2; HCL605-1001 Rev. P2; HCL605-1002 Rev.P2; HCL605-1101; HCL605-1102 Rev. P4; HCL605-1103 Rev. P2; HCL605-1104 Rev. P2; HCL605-1105 Rev. P2; HCL605-1106 Rev. P2; HCL605-1107 Rev. P2; HCL605-1108 Rev. P2; HCL605-1109 Rev. P2; HCL605-1110 Rev. P2; HCL605-1113 Rev. P2; HCL605-1114 Rev. P2; HCL605-1115 Rev. P2; HCL605-1116 Rev. P2; HCL605-1201 Rev. P2; HCL605-1202; HCL605-1203; HCL605-1204; HCL605-1205; HCL605-1206; HCL605-1301; HCL605-1302; HCL605-1303; HCL605-1304; HCL605-1401; HCL605-170316 - Play Space Strategy; ; HCL605-S196; 431/110; RHB Partnership LLB Sustainable Design and Construction Statement (30 September 2016); Sustainable Design and Construction Addendum (19 December 2016); Sustainable Design and Construction Statement Addendum Document No. 2 (28 February 2017); Daylight and Sunlight Assessment (13 October 2016); Daylight and Sunlight Amenity within the Site (14 October 2016); Aecom Air Quality Report (September 2016); Aecom Arboricultural Report (5 October 2016); Aecom Archaeology Report (September 2016); Eddowes Aviation Safety Ltd Aeronautical Safeguarding Assessment P1105/R1 Issue 1 (29 September 2016); Mace Construction Management Plan (August 2016); Horden Cherry Lee Design and Access Statement (30 September 2016) Aecom Drainage Strategy Report (October 2016); Aecom Preliminary Ecology Appraisal (October 2016); Aecom Electronic Interference Memo (October 2016); RBA Accoustics Accoustic Assessment (4 October 2016); DP9 Planning Statement (September 2016); Aecom Preliminary Environmental Risk Assessment (October 2016); Quod Economic Regeneration Statement Ref. Q70360 (October 2016); Four Communications Statement</p>

	<p>of Community Involvement (October 2016); Montagu Evans LLP Heritage, Townscape and Visual Impact Assessment (September 2016); Canapero Associates Transport Assessment (October 2016); Aecom Operational Waste and Recycling Management Strategy (5 October 2016); RWDI Pedestrian Level Wind Microclimate Assessment (4 October 2016);</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 (Compliance and Details)</b></p>
	<p>Details and samples (where appropriate) of the following facing materials 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/cladding details;</li> <li>b) Window treatment (including glazing, sections and reveals);</li> <li>c) Doors</li> <li>d) Balustrade treatment (including sections);</li> <li>e) Terraces;</li> <li>f) Green procurement plan for sourcing the proposed materials;</li> <li>g) Soffits;</li> <li>h) Ground floor canopies;</li> <li>i) Louvres;</li> <li>j) Window cleaning apparatus (samples not necessary)</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>Landscaping/Tree Planting (Details)</b></p>
	<p>CONDITION: A landscaping scheme 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) landscaping to mitigate wind impacts;</li> </ul>



	<p>g) soft plantings: including grass and turf areas, shrub and herbaceous areas;</p> <p>h) topographical survey: including earthworks, ground finishes, top soiling with both conserved and imported topsoils, levels, drainage and fall in drain types;</p> <p>i) enclosures: including types, dimensions and treatments of walls, fences, screen walls, barriers, rails, retaining walls and hedges;</p> <p>j) hard landscaping: including ground surfaces, kerbs, edges, rigid and flexible pavings, unit paving, furniture, steps</p> <p>k) sculptures and light art features; and</p> <p>l) any other landscaping features forming part of the scheme.</p> <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>
5	<p><b>Tree Pits and Tree Pit Details (Details)</b></p> <p>CONDITION: Details of all tree pits; their locations, dimensions and depths in relation to ground levels, underground services, car-parking bays and hard landscaping shall be submitted to and approved in writing by the Local Planning Authority prior to practical completion.</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>
6	<p><b>Demolition Construction Environmental Management Plan (Details)</b></p> <p>CONDITION: A Demolition Construction Environmental Management Plan 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 phase 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 Demolition CEMP should pay reference to BS5228:2009, LBI's Code of Construction Practice, the GLA's SPG on construction dust and emissions (including the Non-Road Mobile Machinery register) and any other relevant guidance.</p>

	REASON: In the interests of residential and local amenity, and air quality.
7	<b>BREEAM (Compliance)</b>
	<p>CONDITION: The commercial element of the development shall achieve a BREEAM rating of no less than 'Excellent'.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development.</p>
8	<b>Green/Brown Biodiversity Roofs (Details)</b>
	<p>CONDITION: Details of the biodiversity (green/brown) roofs as shown on plan HCL605-S196 shall be submitted to and approved in writing by the Local Planning Authority prior to relevant works. The biodiversity (green/brown) roof(s) 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>The biodiversity (green/brown) 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>
9	<b>Land Contamination</b>
	<p>Prior to the commencement of works below ground the following assessment in response to the NPPF and in accordance with CLR11 and BS10175:2011 shall be submitted to and approved in writing by the Local Planning Authority</p> <ul style="list-style-type: none"> <li>a) A land contamination investigation.</li> </ul> <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> <ul style="list-style-type: none"> <li>b) A programme of any necessary remedial land contamination remediation works arising from the land contamination investigation.</li> </ul> <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> <ul style="list-style-type: none"> <li>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)."</li> </ul> <p>REASON: Given the history of the site the land may be contaminated, investigation and</p>

	potential remediation is necessary to safeguard the health and safety of future occupants.
10	<p><b>Fixed Plant (Compliance)</b></p> <p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level LAeq Tr arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level LAF90 Tbg. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014.</p> <p>REASON: In the interests of neighbouring residential amenity.</p>
11	<p><b>Piling Method Statement (Details)</b></p> <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>
12	<p><b>Lighting Plan (Details)</b></p> <p>CONDITION: Full details of the lighting across the 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 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>
13	<p><b>Connection to Citigen</b></p> <p>CONDITION: Prior to the commencement of development the applicant shall contact Eon Citigen and identify potential changes associated with the Decentralised Energy Network pipework infrastructure. Any proposals to upgrade the pipework infrastructure should be reflected in the draft updated Energy Statement that is required under the terms of the Section 106 legal agreement attached to this planning permission.</p> <p>REASON: In order that the viability of connection to the Eon Citigen Decentralised Energy Network is considered in the context of any upgrades to the pipework infrastructure.</p>
14	<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 36.3% on-site total C02 reduction in comparison with total emissions from a building which complies with Building</p>

	<p>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 36.3% onsite total CO<sub>2</sub> 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>
15	<p><b>Renewable Energy (Compliance)</b></p>
	<p>CONDITION: The energy efficiency measures/features and renewable energy technology (solar PV panels), which shall provide for no less than 1.7% 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 1.7% 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>
16	<p><b>Solar Photovoltaic Panels (Details)</b></p>
	<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>
17	<p><b>Long and Short Stay Cycle Parking Provision (Compliance)</b></p> <p>CONDITION: The long and short stay bicycle parking indicated on approved plans refs. HCL605-1101 Rev P1 and HCL605-1102 Rev P4 which shall provide no less than 493 long stay and 42 short stay parking spaces shall be provided prior to the first occupation 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>
18	<p><b>Sustainable Urban Drainage System (Details)</b></p> <p>CONDITION: Details of measures to reduce surface water run-off from the site shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of superstructure. The details shall include the provision of green roofs and a surface water attenuation tank. The drainage system shall be installed/operational 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>The details shall also demonstrate the maximum level of recycled water that can feasibly be provided to the development. A rainwater recycling system shall be installed and operational 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 that sustainable management of water and minimise the potential for surface level flooding.</p>
19	<p><b>Ground Floor Elevations</b></p> <p>CONDITION: Full details of the design and treatment of ground floor elevations of the commercial building 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 form part.</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>
20	<p><b>Roof-top Plant and Lift Overrun</b></p> <p>CONDITION: No roof-top plant, ancillary enclosures/structure or lift overrun shall exceed the height of the parapet unless otherwise agreed in writing by the local planning authority.</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 visual impact.</p>
21	<p><b>Future Connection</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>
22	<p><b>Energy Centre</b></p> <p>CONDITION: The Energy centre shall not be operational until details and specification of the proposed CHP have been submitted to and approved in writing by the Local Planning Authority. The details shall include:</p> <ol style="list-style-type: none"> <li>1 The make and model of the system and details of the additional technology for fitment to reduce air pollution emissions</li> <li>2 The type, height and location of the flue / chimney</li> <li>3 A breakdown of the emissions factors of nitrogen oxides and details of any mitigation measures to reduce emissions</li> <li>4 Ultra low NOx status.</li> </ol> <p>The approved CHP shall be installed in strict accordance with the agreed details prior to the occupation of the development and shall be permanently maintained thereafter.</p> <p>REASON: In the interest of securing the centralised energy centre for the site and its sustainable connection to the various uses within the development.</p>
23	<p><b>Delivery Servicing Plan – TfL (Details)</b></p> <p>CONDITION: Two delivery and servicing plans (DSP) for the commercial and residential 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. The DSP for the commercial part of the development shall include arrangements for servicing the cycle hire docking station.</p> <p>The development shall be constructed and 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.</p>
24	<p><b>Construction Management Plan and Construction Logistics Plan (Details)</b></p> <p>CONDITION: No construction works shall take place unless and until a Construction Management Plan (CMP) and a Construction Logistics Plan (CLP) have been submitted to and approved in writing by the Local Planning Authority.</p> <p>The reports shall assess the impacts during the construction phase of the development on surrounding streets, along with nearby residential amenity and other occupiers together with means of mitigating any identified impacts.</p> <p>The reports should demonstrate that vehicular activity associated with construction will be</p>

	<p>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 CMP shall include details of a telephone contact for neighbouring residents in relation to queries or concerns regarding construction management.</p> <p>The development shall be carried out strictly in accordance with the approved CMP and CLP throughout the construction period.</p> <p>REASON: In the interests of residential amenity, highway safety, and the free flow of traffic on streets, and to mitigate the impacts of the development.</p>
25	<p><b>Accessible Housing – Major Schemes (Details)</b></p>
	<p>CONDITION: Notwithstanding the Design and Access Statement and plans hereby approved, 23 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 2 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 two 3-bed units shall be provided to Category 3 standards.</p> <p>A total of four 1-bed and nineteen 2-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 (FALP) 2015 policy 3.8 (Housing Choice).</p>
26	<p><b>Sound Insulation (Details)</b></p>
	<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_{max (fast)}</math>  Living Rooms (07.00-23.00 hrs) 35 dB <math>L_{Aeq, 16 \text{ hour}}</math>  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>
27	<p><b>Air Quality</b></p> <p>Prior to the commencement of superstructure in respect of the residential element , 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. 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 within the residential accommodation for future occupants of the development.</p>
28	<p><b>Hours of Operation (Compliance)</b></p> <p>CONDITION: The ground floor flexible retail units hereby approved shall not operate outside the hours of 7am to 12am.</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.</p>
29	<p><b>Refuse/Recycling Provided (Compliance)</b></p> <p>CONDITION: The dedicated refuse / recycling enclosures serving the residential and commercial accommodation shall be provided in accordance with the details provided within the approved Operational Waste and Recycling Management Strategy (October 2016) and as indicated on approved drawings refs. HCL605-1101 Rev P1 and HCL605-1102 Rev P4 prior to the first occupation of the development hereby approved and maintained as such thereafter.</p> <p>The development hereby approved shall be operated in accordance with the details of the details of the approved Operational Waste and Recycling Management Strategy (October 2016).</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>
30	<p><b>Flue Extracts</b></p> <p>Should the flexible commercial units be taken up for A3 use details of proposed flues / extraction systems for the units shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the unit to which they relate.</p> <p>The filter systems of the approved flue / extraction units shall be regularly maintained and cleaned; and any filters and parts requiring cleaning or replacement shall be easily accessible.</p> <p>The flues/extraction systems shall be carried out strictly in accordance with the details so approved, installed and operational prior to the first occupation of the commercial units to which they relate and maintained as such thereafter.</p> <p>REASON: In the interest of protecting future residential amenity and the appearance of the resulting building.</p>
31	<p><b>Building Maintenance Unit Storage</b></p> <p>CONDITION: At all times when not being used for cleaning or maintenance the tower Building Maintenance Unit shall be stored behind the parapet and the podium Building</p>

	<p>Maintenance Units shall be stored discreetly in order to minimise their visibility.</p> <p>REASON: To ensure a satisfactory external appearance</p>
32	<p><b>Cycle Lockers and Showers</b></p> <p>CONDITION: Unless otherwise approved in writing by the local planning authority, changing facilities and showers, including no less than 25 showers and 445 lockers, shall be provided in accordance with the drawings hereby approved and maintained throughout the life of the building for the use of occupiers of the building.</p> <p>REASON: To make travel by bicycle more convenient in order to encourage greater use of bicycles by commuters.</p>
33	<p><b>Wind Mitigation</b></p> <p>CONDITION: The development shall not be occupied unless and until the identified measures to mitigate any potential wind impacts as outlined in approved document 'Pedestrian Level Wind Microclimate Assessment RWDI # 1603072-PLW Rev C (October 4<sup>th</sup> 2016) are put in place.</p> <p>REASON: To ensure that adverse impacts are mitigated in the interest of pedestrian and residential amenity.</p>
34	<p><b>Visitor Cycle Parking</b></p> <p>CONDITION: Details of the location of the visitor's cycle parking, which shall comprise no less than 42 spaces shall be submitted to and approved in writing by the Local Planning Authority, and 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 adequate visitor cycle parking is available to support the resulting use(s) and to promote sustainable modes of transport.</p>
35	<p><b>Subdivision of Retail Units</b></p> <p>CONDITION: The flexible retail units on the ground floor of the building shall not be amalgamated or further subdivided unless otherwise agreed in writing by the Local Planning Authority.</p> <p>REASON: The amalgamation or further subdivision of the commercial units is likely to have operational, transportation, aesthetic and amenity implications which would need to be considered under a separate planning application to ensure the provision of premises suitable for small businesses.</p>
36	<p><b>Retention of Current Architect</b></p> <p>CONDITION: The current architect shall be retained for the design development phase of the project unless otherwise agreed in writing by the Local Planning Authority.</p> <p>REASON: To ensure continuity in the design approach and the standard of the appearance and construction of the development.</p>
37	<p><b>Mobility Scooter Storage and Charging Facilities</b></p> <p>CONDITION: The 6 mobility scooter parking spaces with charging points indicated on plan reference HCL605-1101 shall be made available prior to first occupation of the building unless otherwise agreed in writing by the Local Planning Authority.</p> <p>REASON: In the interests of providing an accessible and inclusive development.</p>
38	<p><b>Retail Signage Strategy</b></p>

	<p>CONDITION: Prior to first occupation of the retail units, a retail signage strategy including details of internal signage to the retail units shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>REASON: In the interest of maintaining a satisfactory appearance for the building and in the interest of the character and appearance of the area.</p>
39	<p><b>Disabled Parking Spaces</b></p> <p>CONDITION: The disabled parking spaces shown on drawing No. HCL605_1102 Rev. P4 hereby approved shall be provided prior to the first occupation of the building and the disabled parking bays shall be appropriately line-marked and thereafter kept available for the parking of vehicles at all times. The car parking spaces shall only be occupied by vehicles displaying blue badges.</p> <p>REASON: In the interest of securing the provision of an appropriate number and standard of disabled parking spaces.</p>
40	<p><b>Inclusive Design (Compliance)</b></p> <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>
41	<p><b>Nesting Boxes (Details)</b></p> <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>
42	<p><b>Refuse/Recycling Provided (Compliance)</b></p> <p>CONDITION: The dedicated refuse / recycling enclosures shown on drawing nos. HCL605-1101 and HCL605-1102 Rev. P4 shall be provided prior to the first occupation of the development hereby approved and shall be maintained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.</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>
43	<p><b>Waste Management Strategy</b></p> <p>CONDITION: Details of a Waste Management Strategy for the proposed commercial building shall be submitted to and approved in writing by the Local Planning Authority prior</p>



	<p>to first occupation of the building. The Strategy shall include updated details of arrangements for the compaction of commercial waste.</p> <p>The development shall be operated strictly in accordance with the Waste Management Strategy so approved.</p> <p>REASON: To secure appropriate waste processing procedures in order to support the development.</p>
44	<p><b>Cycle Lifts and Access</b></p> <p>CONDITION: The cycle lifts and access to basement level cycle parking within the commercial building shall accord with TfL's London Cycle Design Standards unless otherwise agreed in writing by the Local Planning Authority.</p> <p>REASON: To ensure cycle parking is easily accessible on site and to promote sustainable modes of transport.</p>

### List of Informatives

1	<p><b>Planning Obligations Agreement</b></p> <p>SECTION 106 AGREEMENT</p> <p>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.</p>
2	<p><b>Superstructure</b></p> <p>DEFINITION OF 'SUPERSTRUCTURE' AND 'PRACTICAL COMPLETION'</p> <p>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.</p> <p>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.</p>
3	<p><b>Community Infrastructure Levy (CIL) (Granting Consent)</b></p> <p>INFORMATIVE: 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 Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with 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 that is payable.</p> <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. The above forms can be found 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></p> <p>Pre-Commencement Conditions:</p> <p>These conditions are identified with an 'asterix' * in front of the short description. These</p>

	conditions are important from a CIL liability perspective as a scheme will not become CIL liable until all of these unidentified pre-commencement conditions have been discharged.
4	<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.
5	<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.
6	<b>Thames Water (Trade Effluent Consent)</b>
	Trade Effluent Consent will be required for any Effluent discharge other than a 'Domestic Discharge'. Any discharge without this consent is illegal and may result in prosecution. (Domestic usage for example includes - toilets, showers, washbasins, baths, private swimming pools and canteens). Typical Trade Effluent processes include: - Laundrette/Laundry, PCB manufacture, commercial swimming pools, photographic/printing, food preparation, abattoir, farm wastes, vehicle washing, metal plating/finishing, cattle market wash down, chemical manufacture, treated cooling water and any other process which produces contaminated water. Pre-treatment, separate metering, sampling access etc, may be required before the Company can give its consent. Applications should be made at <a href="http://www.thameswater.co.uk/business/9993.htm">http://www.thameswater.co.uk/business/9993.htm</a> or alternatively to Waste Water Quality, Crossness STW, Belvedere Road, Abbeywood, London. SE2 9AQ. Telephone: 020 3577 9200.
7	<b>Thames Water (Fat Trap)</b>
	Thames Water recommends the installation of a properly maintained fat trap on all catering establishments. We further recommend, in line with best practice for the disposal of Fats, Oils and Grease, the collection of waste oil by a contractor, particularly to recycle for the production of bio diesel. Failure to implement these recommendations may result in this and other properties suffering blocked drains, sewage flooding and pollution to local watercourses.
8	<b>Thames Water (Groundwater Discharges)</b>
	A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing <a href="mailto:wwqriskmanagement@thameswater.co.uk">wwqriskmanagement@thameswater.co.uk</a> . Application forms should be completed on line via <a href="http://www.thameswater.co.uk/wastewaterquality">www.thameswater.co.uk/wastewaterquality</a> .
9	<b>Thames Water (Water Main)</b>
	There is a Thames Water main crossing the development site which may/will need to be

	diverted at the Developer's cost, or necessitate amendments to the proposed development design so that the aforementioned main can be retained. Unrestricted access must be available at all times for maintenance and repair. Please contact Thames Water Developer Services, Contact Centre on Telephone No: 0800 009 3921 for further information.
10	<b>Thames Water (Water Main)</b>
	There are large water mains adjacent to the proposed development. Thames Water will not allow any building within 5 metres of them and will require 24 hours access for maintenance purposes. Please contact Thames Water Developer Services, Contact Centre on Telephone No: 0800 009 3921 for further information.
11	<b>CIL Informative</b>
	<p>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> <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>

## **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. 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 4.1 Developing London's economy

Policy 4.2 Offices

Policy 4.3 Mixed use development and offices

Policy 4.7 Retail and town centre development

Policy 4.8 Supporting a successful and diverse retail sector

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 7.12 Implementing the London View Management Framework

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)

Policy CS12 (Meeting the Housing Challenge)

Policy CS13 (Employment Spaces)

Policy CS14 (Retail and Services)

Policy CS16 (Play Space)

#### Strategic Policies

Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment)

Policy CS10 (Sustainable Design)

Policy CS11 (Waste)

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

#### 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

#### 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)

#### 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

#### Shops, culture and services

DM4.4 Promoting Islington's Town Centres

DM4.8 Shopfronts

#### Infrastructure

DM9.1 Infrastructure

DM9.2 Planning obligations

DM9.3 Implementation

#### 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

#### D) Finsbury Local Plan June 2013

<u>Role Within London's Central Activities Zone</u>	<u>Delivery and Monitoring</u>
BC8 Achieving a balanced mix of uses BC9 Tall buildings and contextual considerations for building heights	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:

- Bunhill and Clerkenwell Key Area
- Central Activities Zone (CAZ)  
Employment Priority Area (General)

#### 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 and Inclusive Environment</li><li>- Housing</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>- Land for Industry and Transport</li><li>- London View Management Framework</li><li>- Central Activities Zone</li></ul> |

**APPENDIX 3: DESIGN REVIEW PANEL RESPONSE LETTER  
DATED 7<sup>TH</sup> OCTOBER 2016**



**CONFIDENTIAL**

ATT: Mr Edward Law  
DP9 Ltd  
100 Pall Mall  
London  
SW1Y 5NQ

Planning Service  
Planning and Development  
PO Box 333  
222 Upper Street  
London  
N1 1YA  
  
T 020 7527 2389  
F 020 7527 2731  
E [Luciana.grave@islington.gov.uk](mailto:Luciana.grave@islington.gov.uk)  
W [www.islington.gov.uk](http://www.islington.gov.uk)  
  
Our ref: DRP/99

Date: 7 October 2016

Dear Edward Law,

## **ISLINGTON DESIGN REVIEW PANEL**

**RE: Finsbury Tower, 103-105 Bunhill Row, London EC1Y 8LZ (pre-application ref. Q2015/4670/MJR)**

Thank you for attending Islington's Design Review Panel meeting on 16 September 2016 for a second review of the above scheme. The proposed scheme under consideration is for the erection of a 12 storey extension to the existing 16 storey building and a 3 to 6 storey extension to the existing podium block up to 7 storeys to provide additional office (Use Class B1a) floorspace; recladding of the existing building to match the materials of the extensions; change of use of part of the ground floor accommodation to flexible Class A1 (retail) and A3 (restaurant/cafe) uses; demolition of single storey structures and the erection of 6 storey block adjacent to the western elevation to provide 25 affordable dwellings; alterations to the public realm, including landscaping and highways improvements and other associated works. (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 Richard Portchmouth (chair), David Crookes, George Saumarez Smith and Martin Pearson on 16 September 2016 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 seeing the proposed scheme for a second review and generally felt that the scheme had improved following the first review. However, the Panel continued to raise some concerns over the height, bulk and design of the building. The Panel made the following observations:

#### Design and materials

Panel members felt that the overall design had improved since the first review and were particularly supportive of the ground floor treatment and terraces. The Panel felt that there was a strong rationale to the design of the lower part of the building and commented on the way in which the design team had used the surrounding street and building geometries to inform the form of the building and relate to the context.

However, concerns were raised over the design of the top section of the tower and particularly when this was viewed from the Honorary Artillery Company (HAC) Grounds. Panel members suggested that a marginal set back in the elevation and/or articulation of the corners may improve this and reduce the bulky appearance from this key view point. The Panel felt that from this view the building did not relate well to its context and advised that the top should be more elegant and better articulated.

The Panel were generally supportive of the proposed materials, colour palette and more homogenous design approach. They felt that the proposals now represented a more sophisticated contextual response. Some concerns were raised regarding the proposed treatment of the cores; panel members wanted to ensure that these were sufficiently tied into the overall design or alternatively expressed honestly as the cores.

#### Height and impact on heritage assets

The Panel were generally accepting of the proposed height, however concerns were still raised over the impact on the conservation area and surrounding listed buildings and burial ground. Some panel members felt that the improvements to the public realm and to the base of the building associated with the proposals may not be sufficient to outweigh the harm caused by the additional height. Panel members felt that more work was required by the design team to ensure that the building would have a positive impact on its surroundings.

#### Public Realm

As at the first review the Panel were very supportive of the public realm improvements, although continued to have concerns about the amount of sunshine that would get into the public space. Panel members requested verified CGIs that would accurately show the sunlight within the space at different times of the day and year. They also questioned the security and controlled access within the space.

#### **Summary**

The Panel felt that there had been a general overall improvement since the first review and welcomed the way in which the ground floor and public realm had been developed to better relate each other and to human scale. The Panel were positive about the creation of a new public space, but felt it was important for the design team to ensure that they were creating an attractive environment.

Panel members were generally positive about the details, materials, colours and textures proposed. The Panel did not, however, agree on the height of the building and whether or not this was appropriate here. Although, they did agree that it was dependant on how the design team could take a form or a building that currently has a negative impact on its surroundings and turn that into a positive contributor. The Panel was not convinced that the design team had achieved this yet and felt that this point needed to be addressed.

The Panel felt there was a strong rationale towards the base of the building in the way the surrounding street and building geometries have been used to form the articulation of the building. However, panel members felt that it became much more arbitrary higher up because this section of the building is not seen directly with the context at ground level. They questioned whether or not the architectural expression at upper levels gave the building the elegance and interest that a building of this height would need to have. It was felt that the cores and corners may need to be better articulated and that the elevation when seen from the HAC Grounds required further development. The main concern raised was how the design team would make the top of the proposed building a beautiful and successful element. The Panel was divided in opinion, however, it was felt that if this issue could be resolved there would be a greater chance that the scheme would be fully supported.

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 cursive script, appearing to read 'Lucy', written in black ink.**Luciana Grave**

Design Review Panel Coordinator  
Design & Conservation Team Manager

**APPENDIX 4 – BPS INDEPENDENT VIABILITY REVIEW  
(AUGUST 2016) AND ADDENDUM (OCTOBER 2016)**