

4 November 2015

Monmouth House, 19-23 Featherstone Street

in the London Borough of Islington

planning application no. P2015/3136/FUL

Strategic planning application stage II referral

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008.

The proposal

Demolition of existing buildings 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 13,393 sq.m. of office space (B1) including affordable workspace; 404 sq.m. of retail (A1); together with ancillary hard and soft landscaping, revised vehicular access/egress, 302 cycle parking spaces, one disabled vehicular space and refuse/service arrangements.

The applicant

The applicant is **Derwent London** and the architect is **Duggan Morris Architects**.

Strategic issues

Islington Council has resolved to refuse permission for this application. The Mayor must consider whether the application warrants a direction to take over determination of the application under Article 7 of the Mayor of London Order 2008. The Mayor may also consider that he agrees with Islington's decision and therefore does not wish to take any further action.

Having regard to the details of the application, the matters set out in the committee report and the Council's draft decision notice the development **has a significant impact on the implementation of the London Plan, has a significant affect on more than one** borough, and there are **sound planning reasons for the Mayor to intervene** in this particular case and issue a direction under Article 7 of the Order 2008.

The Council's decision

In this instance Islington Council has resolved to **refuse** permission.

Recommendation

That Islington Council be directed that the Mayor will act as the local planning authority for the purposes of determining the above application and any connected application.

Context

1 On 5 August 2015, the Mayor of London received documents from Islington Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. This was referred to the Mayor under Category 1C of the Schedule to the

Order 2008: *“Development which comprises or includes the erection of a building that is more than 30 metres in height”*.

2 On 4 September 2015, Sir Edward Lister, Deputy Mayor and Chief of Staff, considered planning report D&P/3698/01, and subsequently advised Islington Council that while the application was broadly acceptable in strategic planning terms the application did not fully comply with the London Plan, for the reasons set out in paragraph 77 of the above-mentioned report; but that the possible remedies set out in paragraph 78 of the above-mentioned report could address these deficiencies.

3 A copy of the above-mentioned report is attached. The essentials of the case with regard to the proposal, the site, case history, strategic planning issues and relevant policies and guidance are as set out therein, unless otherwise stated in this report. On 16 October 2015 Islington Council resolved to refuse planning permission for the application and on 22 October 2015 advised the Mayor of this decision. Under the provisions of Article 5 of the Town & Country Planning (Mayor of London) Order 2008 the Mayor may allow the draft decision to proceed unchanged, or issue a direction under Article 7 that he is to act as the local planning authority for the purpose of determining the application and any connected application. The Mayor has until 4 November 2015 to notify the Council of his decision and to issue any direction.

4 The Council's draft decision notice includes the following reasons for refusal:

- The proposed development, with the demolition of two buildings that provide a neutral and not overbearing relationships to the Bunhill Fields Burial Ground, Conservation Area and streetscape, and their replacement with much larger buildings which by virtue of their height, bulk, scale and detailed design would substantially harm the setting of the Grade I Listed Bunhill Fields Burial Ground, the conservation area and the streetscape. There are insufficient public benefits which outweigh this harm. The proposal is therefore contrary to Policy 12 (Conserving and Enhancing the Historic Environment) of the National Planning Policy Framework 2012), policy 7.8 (Sustaining and Enhancing the Significance of Heritage Assets) of the London Plan 2015, Policies CS 7 (Bunhill and Clerkenwell), CS 9 (Protecting and Enhancing Islington's Built and Historic Environment) of Islington's Core Strategy 2011 and Policies DM2.1 (Design), DM2.3 (Heritage) of Islington's Development Management Policies 2013 and policies BC3 (Old Street) and BC9 (Tall Buildings) of the Finsbury Local Plan, 2013.
- The proposal would result in an unacceptable harm to the amenities of some nearby residential units, and insufficient information has been submitted to assess the impact on other residential units, through the loss of natural daylight and sunlight, contrary to policies 7.6 (Architecture) and 7.7 (location and design of tall and large buildings) of the London Plan 2015, policy DM2.1 (Design) of the Council's Development Management Policies, policy BC9 of the Finsbury Local Plan, 2013 and contrary to The Building Research Establishment (BRE) Guidelines - Site Layout Planning for Daylight and Sunlight: a guide to good practice, 2011.
- In the absence of sufficient information, the proposal would result in an unacceptable wind impacts on the local environment, contrary to policies 7.6 (Architecture) and 7.7 (location and design of tall and large buildings) of the London Plan 2015, Policy DM2.1 (Design) of Islington's Development Management Policies 2013 and policy BC9 (Tall Buildings) of the Finsbury Local Plan, 2013.
- In the absence of an appropriate Section 106 Deed of Planning Obligation the proposed development fails to mitigate its impacts and secure compliance with the Development Plan. The proposal is therefore contrary to policy 8.2 of the London Plan 2015, policy CS 18 of Islington's Core Strategy 2011, policy DM9.2 of Islington's Development Management Policies 2013 and Islington's Planning Obligations SPD (2014).

5 The Mayor's decision on this case, and the reasons, will be made available on the GLA's website www.london.gov.uk.

Article 7: Direction that the Mayor is to be the local planning authority

6 The initial policy test regarding the Mayor's power to take over and determine applications referred under categories 1 and 2 of the schedule to the Order is a decision about who should have jurisdiction over the application rather than whether planning permission should ultimately be granted or refused.

7 The policy test consists of the following three parts, all of which must be met in order for the Mayor to take over the application:

- a) significant impact on the implementation of the London Plan;
- b) significant effects on more than one borough; and
- c) sound planning reasons for his intervention.

8 Parts (a) and (b) of the test identify the impact an application would have on the Mayor's policies and the geographical extent of the impact, whilst part (c) deals with the reasons for the Mayor's intervention, having regard to the Council's draft decision on the application. These tests are intended to ensure that the Mayor can only intervene in the most important cases.

9 This report considers the extent to which the policy tests under Article 7(1) apply in this case and whether, therefore, the Mayor should direct that he is to be the local planning authority and apply the tests set out under Article 7(3) of the Order 2008.

Policy test 7(1) (a): Significant impact on the implementation of the London Plan

London's economy

10 The application site lies within the Central Activities Zone (CAZ), which area covers London's geographic, economic and administrative core. London Plan policies 2.10 and 2.11 identify, among other policy considerations, that the Mayor will enhance and promote the unique international, national and London-wide roles of the CAZ, supporting the distinct offer of the zone based on a rich mix of local as well as strategic uses, forming the globally iconic core of one of the world's most attractive and competitive business locations. London Plan Policy 2.10 provides that the Mayor, boroughs and other strategic partners should enhance and promote the unique national and international roles of the CAZ, whilst also ensuring that office provision in appropriate areas is not strategically constrained and that provision is made for a range of occupiers. Paragraph 2.46 of the London Plan makes clear that *"It will be important to ensure an adequate supply of office accommodation and other workspaces in the CAZ/Isle of Dogs suitable to meet the needs of a growing and changing economy"*.

11 The site is located within the City Fringe Opportunity Area. London Plan policy 2.13 deals with development in Opportunity Areas and the Draft City Fringe Opportunity Area Planning Framework (OAPF) identifies the potential for economic growth associated with the digital-creative sector in what has become known as Tech City. London Plan policy 4.10 states that the Mayor and boroughs will work with developers and businesses to ensure availability of a range of workspaces, including start-up space, co-working space and 'grow-on' space and support the evolution of London's science, technology, media and telecommunications (TMT) sector and promote clusters such as Tech City.

12 Start-up businesses have played a critical role in the establishment of the Tech City cluster and continue to attract inward investment and international corporate relocations to the area. The Draft City Fringe OAPF envisages the continued expansion of employment floorspace of this area to support London's critical mass of financial and business services. Furthermore the OAPF recognises the important role that affordable workspace plays in facilitating the continued presence of start-ups and small businesses.

13 The scheme includes the demolition of 8,213 sq.m of existing, low-grade office floorspace and replacement with 13,393 sq.m of new office floorspace. This represents an uplift of 5,180 sq.m of office floorspace. Furthermore the new floorspace is specifically designed to be flexible and can be subdivided if necessary. The proposals include provision of affordable workspace suitable for small and micro enterprises.

14 The increase in quantum and quality of office floorspace compared to the existing site, as well as the offer to provide affordable workspace would contribute to the aims of London Plan policies 2.11, 2.10 and 4.10. London's success as a world city is based around its global business location and also its ability to plan for continued growth and changing circumstances. In accordance with policies for the CAZ, this proposal replaces low-grade, inefficient office buildings with an employment-led scheme that includes uplift in office accommodation. Furthermore the scheme provides affordable workspace for small and micro-enterprises as well as retail floor space, thereby catering for a range of occupiers in accordance with London Plan policy 2.10 and contributing significantly towards the aims and objectives of the Draft City Fringe OAPF and the London Plan targets for employment growth.

Policy test 7(1) (b): Significant effects on more than one Borough

15 London Plan Policy 2.10 makes clear that the distinct offer of the CAZ is based on the rich mix of local as well as strategic uses forming the globally iconic core of one of the world's most attractive and competitive business locations. The implication of this is that the value of the CAZ is worth more than the sum of its constituent parts, and to support London's world city role it must act as unified economic zone.

16 London Plan Table 1A.1 identifies that the Draft City Fringe Opportunity Area provides particular scope to support London's critical mass of financial and business services and clusters of other economic activity. The Draft City Fringe OAPF clearly identifies the 'inner core' areas of the City Fringe, where the continued supply of employment floorspace is most critical to this. In April 2013 DCLG granted this area exemption from changes to permitted development rights in recognition that it is an area of nationally significant economic activity.

17 The site is within the City Fringe Opportunity Area, which straddles three boroughs (Hackney, Islington and Tower Hamlets). The site is also within 400 metres of the City of London. The provision of high quality office floorspace in this constrained City Fringe location complements the existing offer of the CAZ, the City Fringe and the City of London and as such supports an area of national economic significance that is vital to London's status as an international business location. Development at this site, and the jobs and office floorspace it would deliver, has a clear relationship with the wider City Fringe Opportunity Area and CAZ, and contributes towards the strategic employment function of London as a whole.

Policy test 7(1)(c): Sound planning reasons for intervening

18 Notwithstanding parts (a) and (b), part (c) of the policy test is whether the Mayor considers there to be sound planning reasons to intervene. Having regard to the details of the proposal and the Council's draft reasons for refusal, together with the outstanding issues identified by the Mayor

in his original comments which are examined in more detail within paragraphs 26 to 38 of this report, there are sound planning reasons to take over this application.

Development in CAZ

19 London Plan Policy 2.10 sets out the Mayor's policy on the CAZ and states that the Mayor will, and boroughs and other relevant strategic partners should, enhance and promote the unique international, national and London-wide 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.

20 The proposal could, in line with London Plan Policy 2.10 and associated policies, support the strategic objectives for the CAZ through delivering high quality large-scale office floorspace in an important yet constrained location, and contribute towards meeting London Plan projections for office space demand and employment growth within the CAZ.

Development in the City Fringe Opportunity Area

21 London Plan Policy 2.13 sets out the Mayor's policy on Opportunity Areas. London Plan paragraph 2.58 states that Opportunity Areas are the capital's major reservoir of brownfield land with significant capacity to accommodate new housing, commercial and other development linked to existing or potential improvements to public transport accessibility. London Plan Table A1.1 sets out the strategic policy direction for the City Fringe Opportunity Area. This states that the City Fringe Opportunity Area contains a number of accessible, relatively central sites with significant development capacity and provides particular scope to support London's critical mass of financial and business services and clusters of other economic activity.

22 The proposal would, in line with London Plan Policy 2.13, support the strategic policy direction for the City Fringe Opportunity Area, deliver development and jobs in line with the aims and objectives of the Draft City Fringe OAPF, and contribute towards meeting the indicative estimates for employment capacity set out for the City Fringe in Table A1.1 of the London Plan.

Promoting jobs and growth

23 The principle of providing a high-quality, office-led mixed use development on this CAZ site, within an Opportunity Area, is strongly supported in strategic planning terms. Due to the constraints to large-scale office development in City Fringe locations, suitable development opportunities, on appropriate sites, must be promoted. The provision of a significant quantum of high quality office accommodation in this location would help to meet the future demands of Tech City and the other expanding business clusters of the CAZ, and would enable London to maintain and expand its world city role, in accordance with national, regional and local policies. The proposal would also contribute towards meeting employment targets within the CAZ and City Fringe Opportunity Area.

24 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.

Matters the Mayor must take account of

25 As the application does not include development falling within Category 1A of the Schedule to the Order, the Mayor is not specifically required by the terms of the Order to take account of the Councils' current and past performance against applicable development plan targets for new housing, including affordable housing. Article 7(3)(b) of the Order states that the Mayor must assess the extent to which the Council is achieving, and has achieved any other targets set out in

the development plan which are relevant to the subject matter of the application. In this instance, targets with respect to **offices** and **employment** are most relevant.

London Plan targets

- London Plan Table 4.1 identifies demand for up to 3,070,000 sq.m of office floorspace in the CAZ and the north of the Isle of Dogs by 2031.
- London Plan Table 1.1 projects a 27.1% growth in employment within Islington by 2036, and provides an adjusted triangulated forecast benchmark of 196,000 jobs by 2016 and 249,000 for 2036. London Plan Table A1.1 indicates the City Fringe Opportunity Area has capacity to provide 70,000 new jobs by 2036.

Islington Council targets

- Islington Core Strategy policy CS13 aims to encourage provision of new employment floorspace, in particular business floorspace, to locate in the CAZ and town centres where access to public transport is the greatest. New business floorspace is required to be flexible to meet future needs and offer a range of types and sizes including those suitable for SMEs.
- Para 3.4.3 of Islington 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. Para 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”*. Para 2.8.2 notes that Bunhill and Clerkenwell may need to accommodate an additional 14,000 B-use jobs by 2025.
- Islington Council’s Annual Monitoring Report (AMR) for 2013 states that there was a net decrease of 13,655 sq.m of B use floorspace during the 2012/13 reporting period. This compares to a net decrease of 23,466 sq.m during the 2011/2012 reporting period. Para 6.6 of the AMR puts this into context, stating that *“Although the five year trend indicates an overall net increase in B1 floorspace, the net loss of B1 floorspace in two consecutive years (2011/12 and 2012/13) is a concern, particularly in light of the changes to permitted development rights which now allow change of use from office to residential use.”* It should be noted that Islington Council were supportive of the Mayor’s successful 2013 application for exemption to changes to permitted development rights in the CAZ and Tech City.
- The increase in B-use employment floorspace proposed in the scheme, and the proposal to provide a quantum of space specifically aimed at SMEs would help deliver the aspirations of Islington Core Strategy policy CS13. Furthermore the proposed increase in B1 floorspace could help address concerns surrounding the net loss of B1 floorspace in the most recent two reporting years, and the anticipated impact of changes to permitted development rights across the borough. The proposals could also make a significant contribution to the 14,000 job B-use employment target set out in para 2.8.2 of the Core Strategy and that of the City Fringe OAPF, set out in Table A1.1 of the London Plan.

Outstanding strategic planning issues

26 Notwithstanding the above, regard must be had to the strategic planning issues raised at consultation stage. Following the initial consultation to the Mayor, the applicant has responded to comments made by GLA and Council officers and made revisions to the proposals accordingly. An

update with respect to each of the strategic issues raised at consultation stage is provided under the respective sections which follow.

Mix of uses

27 At the consultation stage, the applicant was advised that the principle of an office-led scheme that does not include residential development could be supported provided that a contribution to off-site housing be secured. In response to this the applicant has agreed an off-site contribution of £493,600 with Islington Council, as shown in the draft Heads of Terms provided with the Stage II referral documents. The proposed mix of uses do not conflict with London Plan policies 2.10, 2.13, 4.10 and 7.8 and the off-site contribution means that the application is now fully compliant with London Plan policies 2.11 and 4.3. The principle of use is therefore supported.

Heritage

28 If the Mayor assumes responsibility as planning authority, it will be necessary to assess the scheme's effect on heritage assets, having due regard to the statutory duty referred to in paragraph 30, relevant heritage policies of the development plan including policies 7.8 and 7.9 on the historic environment of the London Plan and relevant provisions of the NPPF.

29 As detailed in the Stage One report the proposals fall within the setting of the nearby Grade I listed Bunhill Fields cemetery and the Grade II monuments within the cemetery. The site is also just outside of the Bunhill Fields/ Finsbury Square Conservation Area and within 90 metres of the Grade II listed Wesleyan Chapel. The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the tests for dealing with heritage assets in planning decisions. In relation to listed buildings, all planning decisions should *'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'* and with regards to conservation areas, special attention must be paid to the desirability of preserving or enhancing the character or appearance of that area. This should be given significant or special weight in the balance of making planning decisions. The NPPF identifies that the extent and importance of the significance of the heritage asset is integral to assessing the potential harm, and therefore acceptability. 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 is demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Where a development will lead to less than substantial harm, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. These aims are detailed in London Plan Policy 7.8 which requires the identification, conservation, restoration and re-use of heritage assets.

30 At the consultation stage, having had regard to the Planning (Listed Buildings and Conservation Areas) Act 1990 and in relation to special attention being paid to the desirability of preserving or enhancing the character or appearance of the conservation areas; GLA officers were satisfied that the proposals would not result in any harm to the listed buildings or conservation areas nearby.

31 Whilst accepting that the new buildings would result in an increase of enclosure in north facing views from within the cemetery, thus reducing the perception of openness to a certain degree, it was considered that the proposals would appear recessive in relation to the emerging high-rise development immediately to the north of the site. It is also noted that the applicant has sought to maintain the existing scale of development further along Featherstone Street, with the southern edge of the building setback from the site edge to acknowledge the cemetery's boundary wall. Furthermore the proposed buildings are well-detailed and of a significantly higher quality architectural design than the existing buildings. The tallest element of the scheme lies on the north eastern corner of the burial ground and steps down to the modestly scaled elements immediately

adjacent to the cemetery boundary. As such it is not considered that the scheme would be harmful to the setting of Bunhill Fields or the monuments within at the scale currently proposed. Furthermore, as the site is 90 metres from the Wesleyan Chapel and not within any views of the Chapel, it is considered unlikely that the proposals in their current form would lead to any negative impact.

32 The Bunhill Fields and Finsbury Square Conservation Area wraps around the Site but the majority lies to the south. It is considered that the scheme represents significant improvement over the existing buildings. It is therefore considered likely that the special interest of the conservation area will remain unaffected and the proposed development would improve the wider setting.

Climate Change

33 Sufficient information was provided with the application to allow an understanding of the proposals as a whole and to demonstrate that they had broadly followed the energy hierarchy. Whilst broadly acceptable, further revisions and information were requested to demonstrate that the proposals were fully compliant with London Plan climate change policy.

34 The applicant was specifically asked to:

- Make further inquiries regarding connection to nearby heat networks and provide proof of correspondence;
- Commit to allowing potential end users in the retail units the option of future connection to the site heat network, and;
- Consider the inclusion of additional photovoltaic (PV) cells where possible.

35 The applicant has since undertaken an investigation into the opportunity for connecting to an existing district heat network and submitted proof of relevant email correspondence with E.ON UK and Bunhill Heat and Power (via Islington Council's Energy officer). The applicant has identified the existing Bunhill Heat Network, Citigen and the Citigen Cooling network for potential connection. The applicant has provided further information on the Bunhill extension and determined that the closest access point will be approximately 450 metres away. The applicant has provided costs for the necessary extension and contends that connection is not feasible in view of the distances involved in relation to the site heat demand. This is accepted.

36 The closest connection point to the Citigen cooling network is estimated to be 1 kilometer and the applicant is not proposing to connect due to the distances involved. This is also accepted.

37 For the Citigen network the applicant has identified that the closest possible connection point is around 350 metres from the proposals. The applicant has stated that discussions have been held with E.ON Energy, and the applicant understands that E.ON are currently reviewing the expansion of the Citigen network in the Bunhill Row area with plans in the early stages of development.

38 The applicant has also investigated the possibility of connecting to neighbouring developments (White Collar Factory and 1 Oliver's Yard); however the applicant has determined that neither building has spare capacity (heating or cooling) to accommodate the peak load required for Monmouth House.

39 The energy centre has been designed to facilitate future connection to a district heating network and the applicant will continue dialogue with E.ON UK over possible connection as the detailed design progresses, this is supported.

40 Since the consultation stage the applicant has provided a commitment to providing capped pipes to any retail units from the site heat network, so as to allow tenants of these units the option of connection. This is welcomed.

41 The applicant has also investigated the potential for incorporating additional PV panels and is proposing to install a larger PV array of 115 sq.m (17kWp), which is welcomed. An updated roof layout of the new PV array has been provided showing where the larger array will be located. Overall, the energy proposals will now achieve a 43% reduction in carbon dioxide emissions on Building Regulations Part L 2013, which exceeds the 35% target and is therefore supported. The application is now considered compliant with London Plan climate change policy.

Transport

42 At the consultation stage the applicant was asked to consider an increase of short stay cycle parking and explore the opportunity to contribute towards additional Cycle Hire capacity. Further discussions were also encouraged with Transport for London (TfL) in order to co-ordinate and avoid a clash with planned works in the Old Street area. It was also requested that conditions and/or section 106 obligations be used to secure various other mitigation measures and a Crossrail contribution, if appropriate.

43 The applicant and TfL have since been in discussions to resolve these matters. The applicant has agreed to increase cycle parking to 314 spaces to comply with London Plan standards. TfL has requested £200,000 towards the installation of a cycle hire docking station within 300 metres of the subject site. In addition agreement has been reached with TfL on the principles of the Construction Management Plan (CMP) in respect of strategic matters.

44 The site is located within an area where section 106 contributions for Crossrail will be sought, in accordance with London Plan Policy 6.5 and the associated SPG 'Use of planning obligations in the funding of Crossrail' (April 2013). In these situations, the Mayoral CIL will be treated as a credit towards the section 106 Crossrail liability, and this should be reflected in the wording of any final section 106 agreement.

45 Subject to the above being carried through to any grant of planning permission and to the imposition of suitable conditions and section 106 obligations, including the requirement for Delivery & Servicing; Construction Management Plans (including a Construction and Logistics Plan); the securing, monitoring and review of a Travel Plan; CPZ parking permit exemption; and ensuring the one parking space proposed is only for Blue Badge holders and has electric vehicle charging facilities, the application could be considered London Plan compliant in transport terms.

Response to consultation- local residents and members of the public

46 Islington Council advertised the application through the use of site and press notices and by sending a letter to 486 occupants of nearby properties. 36 responses were received of which 30 were from unique respondents (i.e. different people). A total of 21 objections were received. All representations received in response to the Council's local consultation process are considered within the Council's committee reports, and all representations have been made available to the Mayor. The issues can be summarised as follows:

Height

47 Most of the buildings on Featherstone Street are around five storeys in height and a building of 10/11 storeys would be too tall and out of character. The proposed height would mean that it would become visible from Bunhill Fields cemetery. The height would mean that the Wesleyan Chapel could feel lost in a sea of high rise buildings. The tall building will dominate the

streetscape. The building should be considered for refurbishment rather than redevelopment, as this would result in something more simple and less obtrusive.

Impact on heritage assets

48 The 10/11 storey buildings would overshadow the adjacent conservation areas and existing buildings within them that have been built to respect the conservation area. The proposed building, along with the emerging White Collar Factory development would hem in the northern part of the Bunhill Fields/ Finsbury Square conservation area.

Design

49 The design is akin to buildings in Sim City or Dubai and does not relate to the historic fabric of the area. The buildings have little architectural merit and unlike other large buildings on City Road do not mitigate the height by stepping back or curving.

Trees

50 The proposals will endanger the health of the two Sumac trees in the Lexington Apartments garden, whose roots will be constrained.

Wind

51 The prevailing wind blows from Bunhill Fields towards the gardens, and through the pedestrians entrance to City Road. Existing buildings create a funnel effect and the proposals will exacerbate this.

Amenity

52 Upper floors of proposed building would overlook existing flats on the opposite side of Featherstone Street and potentially overshadow flats on Mallow Street/ Featherstone Street and City Road. The proposals would also block light into the Lexington apartments and overlook the gardens of Lexington Apartments. Concerns were also expressed that some of the proposed offices would directly overlook bedrooms in the Lexington Apartments and that noise from late working, parties or office lights left on in the proposed development could disturb residents' sleep. Residents expressed the concern that the non-office commercial units could lead to anti-social behaviour associated with late-night music and alcohol licenses.

Supporting documentation

53 The drawings have been criticised as being unclear and showing the tower of the White Collar Factory that is still under construction and therefore not relevant to existing context, in an attempt to justify a tall building.

Pedestrian and cyclist use of adjacent carriageway

54 Respondents expressed concern that the shape of the new building at ground-level does not address this existing issues associated with pedestrians and cyclists sharing a relatively narrow carriageway on Featherstone Street.

Construction impact

55 The White Collar Factory is currently undergoing construction closeby, and residents object to the potential for more noise, dust and disruption to impact upon their lives during construction of the proposed development.

Response to consultation- statutory bodies, local groups and other organisations

City of London Corporation

56 The City Corporation expressed concern at the potential impact on Bunhill Fields and the heritage assets within. Although comfortable with the 5 storey elements of the scheme, the City Corporation believe that the 11 storey building would introduce a larger built mass into the skyline and outlook of the garden, overshadow the garden, greatly affecting its open and natural aspect, impinging upon its character, amenity and tranquillity. Accordingly the City Corporation has requested that the application be refused.

Historic England

57 HE expressed the view that that the potential impact of the proposals would be to enhance the significance of Bunhill Fields burial ground and this part of the Bunhill Fields/ Finsbury Square conservation area through better designed buildings of appropriate materials, forming a more consistent urban edge to the open space. Whilst acknowledging the increased height of the corner buildings the view is that this alone, when considered in the context of the wider area, would not cause harm to the significance of the Grade I registered landscape or the conservation area. In that regard Historic England believe that the proposals accord with the policies of the NPPF, which seek to conserve heritage assets in a manner appropriate to their significance.

Historic England (Archaeological advisory service)

58 No objection was raised to the proposal subject to a condition and informative being attached to any permission.

Thames Water

59 Informatives were requested regarding non-return valves; petrol/ oil interceptors; groundwater discharge; flow rates; and building within five metres of water mains. Conditions were also requested regarding a piling method.

Summary

60 The statutory and non-statutory responses to the Council's consultation do not raise any material planning issues of strategic importance that have not already been considered at consultation stage, and/or in this report. The local implications of the consultation responses have been considered by the Council, however, should the Mayor take over and determine this application, in acting as the local planning authority, the Mayor would also need to consider the local implications of the representations.

Legal considerations

61 Under the arrangements set out in Article 5 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor has the power to issue a direction under Article 7 that he is to act as the local planning authority for the purpose of determining the application and any connected application. The Mayor may also leave the decision to the local authority. If the Mayor decides to direct that he is to be the local planning authority, he must have regard to the matters set out in Article 7(3) and set out his reasons in the direction.

Financial considerations

62 Should the Mayor take over the application he would be responsible for holding a representation hearing and negotiating any planning obligation. The Mayor should be aware that determining the application will require a reasonable level of resource within the GLA Planning team and TfL. Should the Mayor decide to act as the local planning authority, officers would seek to sign an appropriate Planning Performance Agreement with the applicant, part of which could be the provision of funds to meet the costs of the Mayor and GLA/TfL to undertake detailed technical assessments and workstreams in order to properly determine the application.

Conclusion

63 Having regard to the details of the application, the matters set out in the committee report and the Council's draft decision notice the development has a significant impact on the implementation of the London Plan, has a significant effect on more than one borough, and there are sound planning reasons for the Mayor to intervene in this particular case and issue a direction under Article 7 of the Order 2008.

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