



Appeal Decision

Inquiry Held on 1 - 4 July 2019

Site visit made on 3 July 2019

by P N Jarratt BA DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 15 August 2019

Appeal Ref: APP/V5570/C/18/3199860

Anita House, 15 Clerkenwell Close, Islington, London, EC1R 0AA

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by 15CC Limited against an enforcement notice issued by the Council of the London Borough of Islington.
 - The enforcement notice, numbered E/2016/0335, was issued on 28 February 2018.
 - The breach of planning control as alleged in the notice is the erection of a 6 storey building.
 - The requirements of the notice are to demolish the building and remove all resultant materials and debris from the land.
 - The period for compliance with the requirements is 12 months.
 - The appeal is proceeding on the grounds set out in section 174(2) (a), (f) and (g) of the Town and Country Planning Act 1990 as amended.
 - **Summary of decision: Appeal allowed, notice quashed and planning permission granted.**
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Procedural matters

The notice and plan

1. The allegation in the notice is 'the erection of a 6-story building'. I queried whether the allegation could be more correctly described as 'the erection of a 6-storey building not in accordance with planning permission P2012/0630/FUL'. However, the appellant considered that no planning permission exists for the building as erected (for reasons described later) and consequently the appellant has not made an appeal on ground (c). Accordingly, it is unnecessary to correct the notice.
2. The plan attached to the notice is incorrect in that it fails to show the full extent of the planning unit and the access to the south east of the building. Following the agreement of the parties to a revised plan (ID10), I am correcting the notice by the substitution of the plan attached to this decision to the one attached to the notice. I am satisfied that there would be no injustice to the parties arising.

Statement of Common Ground

3. The parties failed to submit a Statement of Common Ground (SoCG) prior to the inquiry although, with my agreement, one was submitted following the inquiry (ID45). This covers the application process; floorspace of Anita House;

planning history; planning policies; matters of agreement and dispute; and the appellant's views on the planning benefits of the development.

Unilateral planning obligation

4. An executed and certified unilateral obligation was submitted at the inquiry by the appellants (ID34). This makes provision for contributions towards affordable housing, a carbon offset, the maintenance of St James' Garden and undertakings in respect of the scheme being car free, the courtyard garden, the biodiverse roof, access to the practice architectural library and the construction of additional employment floorspace.

The site

5. The appeal building is on the site of the former Anita House that has been demolished to make way for the development. It comprises a recently constructed 6-storey building occupied by the appellant's architectural practice on the basement (lower ground) and ground levels with some 15 full-time jobs sustained in the building. On the upper floors there are eight apartments, with 2 owner-occupied (including the appellant and his family) with the remaining apartments being leased. The property provides living accommodation for 14 persons and 5 children.
6. It has a flat roof upon which there is a lift overrun and solar chimney together with a roof garden.
7. It is situated at the end of a terrace of buildings in the corner of Clerkenwell Close. Vehicular access is provided to a property at 14 Clerkenwell Close in an open arcade to the side of the ground floor of the appeal property. Pedestrian access is provided to a pocket park/courtyard on land owned by the Council but developed and maintained by the appellant on the south side of the building.
8. It is in an area of residential, commercial and civic uses and lies within the Clerkenwell Green Conservation Area opposite St James Church which is Grade II* listed. There are other listed buildings in the vicinity.

Relevant planning history

9. The full planning history is described in the SoCG.
10. The most relevant decision is P2012/0630/FUL granted in June 2013 for the demolition of the existing building and the construction of a new six-storey building providing spa/gym at basement, B1 offices at ground floor and lower ground floor and eight residential units to the first to fifth floors (the original permission). Conservation Area Consent was also granted under P2012/0634/CAC.
11. Subsequent approvals in connection with conditions included P2013/3251/AOD for the approval of details (PART – implementation of archaeological mitigation in accordance with a Written Scheme of Investigation) in regard to condition 4 (archaeology), granted in April 2014; approval of details (P2013/3640/AOD) pursuant to condition 3c (front elevation and details), granted in February 2014; and approval of details (P2015/2414/AOD) pursuant to conditions 3A (brickwork), 3B (glazing treatment), 3D (lift overrun), 14 (windows obscured and fixed shut) and 15 (sound insulation), granted in August 2015.

12. Since the notice was served a number of applications for the discharge of conditions relating to the original permission have been submitted but these have not been determined.
13. Application P2018/3951/FUL for the as-built scheme but with additional employment floorspace is the subject of an appeal against non-determination by the Council. That appeal has not yet been determined.

Differences between the approved plans and the as-built development

14. Although the parties accept that the development subject to the allegation does not benefit from planning permission as it was impossible to implement the original permission and subsequent approval of details, that permission is nevertheless a material considerations in this appeal.
15. Condition 2 of the original permission (CD68) requires that the development to be built in accordance with a series of approved plans which do not match up. These drawings and subsequent approval of details are confusing, inconsistent and factually incorrect in part and as a consequence it is unclear what was permitted. There are drawings that show a 5-storey development and others showing a 6-storey scheme and the position of columns are variously indicated to be behind the lightwell and within the lightwell amongst many other inconsistencies.
16. The Council's position is that the development varies from the original permission and is materially different. These are illustrated in Andrew Jarratt's Appendix 1 to his proof of evidence. In particular the footprint is larger than approved with different internal arrangements leading to a shortfall of employment space; the stone columns protrude beyond the building line; the use of coarse stone for the columns is not approved; the use of the roof as a roof garden is not approved; the lift overrun is larger than approved; the 5-bay window pattern differs to the 6-bay approved; Condition 4 (archaeology) is a pre-commencement condition and is likely to have been breached; and, Conditions 10 (approval of surface drainage works) and 13 (approval of waste management strategy) have been breached.
17. The appellant's response (ID1) seeks to explain these variations through analysis of approved plans and as-built plans. These show that as-built, the building is smaller than approved and sits directly on the previous building's basement line. Drawing 206-502 Rev H was not reissued to co-ordinate with section and elevation drawing 206-604 Rev I and consequently it is accepted that there is an inconsistency between the approved layout and the later approved elevation/section.
18. There is disagreement over calculations of employment floorspace figures but it is accepted that there is a shortfall that can be rectified to some extent through the provision of 133.5 sqm at ground floor level with internal works only. The appellant chose not to construct the proposed spa/gym and there was no condition requiring this to be done.
19. In respect of the position of the columns, the approved ground floor plan 206-502 Rev H was not updated to reflect the protruding columns shown on drawing 206-604 Rev 1. The original permission relates to a protruding brick structural exo-skeleton but the appellant considers that the stone exo-skeleton was approved as part of P2015/2414AOD. Drawing 206-1511 Rev B

shows columns protruding from the building line of the adjoining building. Photographs of sample materials include rough-cut quarried limestone, including ammonite fossils to be used as the external frame of the building, stone columns and beams and brick infill. The appellant refers to the officer's delegated report dated 7 August 2015 which confirms the acceptability of the materials.

20. Drawing 206-1512 Rev A was approved as part of P2015/2414/AOD and shows a biodiverse planted green roof with access for maintenance purposes.
21. The appellant accepts that the lift overrun has been constructed in excess of the approved height.
22. The window pattern with 5 bays to the principal and south elevation in a frame of structural stone columns and beams is shown on drawing 206-1510 Rev B as part of P2015/2414/AOD.
23. A particularly misleading aspect of the application drawings is the Proposed North Elevation (drawing 206-601Rev G (CD91)) which illustrates the proposed façade and height of the building relative to its neighbours. The Council attached considerable weight to this illustration in considering the acceptability of the proposal within the street scene, conservation area and the setting of listed buildings. However, the building as constructed is markedly higher than the neighbouring buildings and, although the overall height of the roof (excluding the lift over-run) is similar to the ridge height of the roof of the former Anita House, the relationship to its neighbours is different.
24. The appellant has been extremely critical of the failure of the Council officers to resolve apparent inconsistencies in the drawings at the appropriate time, which clearly should have been done. However, the appellant must also share a significant degree of responsibility for the errors made as it was his practice that submitted inconsistent plans in the first place. Whilst the appellant has sought to submit details to discharge conditions, and claims that some of these were approved verbally by an Officer who is no longer with the Council, he nevertheless acknowledges that aspects of the building as constructed vary from original permission, such as the lift overrun.

Design of the replacement building

25. The 2018 Design and Access Statement (CD98) is a highly detailed account of the design development of the replacement building. It describes the building to be a thoughtful, contemporary and innovative reflection and addition to Clerkenwell's historical, social and built context referencing the work of the Normans, later construction periods and alludes in detail to the almost vanished nunnery and its reformation as St James.
26. At first glance, the building shocks and surprises the observer, and until the subtleties of the structure and its design evolution is appreciated, it could be misunderstood. It presents a structural 5x6 exo-skeleton grid of stone columns and beams of varying widths and surface treatment. It is a building that draws attention to itself through its unusual treatment of the stone with the smooth-faced columns and beams appearing 'unfinished' or awaiting some form of treatment for it to look less incongruous. The existence of fossils in the limestone reminds the observer of its origins. The set-back large expanse of glazing provides the front elevation with articulation and depth.

27. The attention to detail and the build quality is of high order, with the scallop shells of the entrance grilles connecting with St James, but unlike the design of many historic or contemporary buildings, it does not present an obvious or distinctive portal to the street. The 'fallen' column, with its leafed ionic capital adds a witty statement of interest of the building. The flowing tactile pebble flooring patterns in the courtyard complement the building.
28. The glass and steel solar chimney/lift over-run is lightweight in appearance and complements the solidity of the mass of the building, albeit that its height is significant. The brick north elevation rises above the roof level of 16 Clerkenwell Close and has contrasting coloured brick infill panels intended to show the extent of the party wall of the previous building (although the Council dispute whether this is accurately portrayed).
29. Internally, the double height office space at basement and ground level is creatively conceived. The original unadorned and arched brickwork of the party walls with the steel and glass 'suspended' meeting room and bridge demonstrate a creative response to internal space.
30. It is without doubt a most thoughtful building of eclectic design, and one which generates controversy. Some 24 written representations were made to the Planning Inspectorate objecting to the building, mainly on design and visual impact grounds, with one local resident giving oral evidence at the inquiry. His concern was the prominence of the building, but rather than wanting the building to be demolished, he considered that it should be altered to comply with the original permission.
31. Some 133 written representations of support were received. Some 14 third parties spoke at the inquiry, including eminent persons in the field of architecture, extolling the virtues of the imaginative building and reflecting on the various design awards that the building has received and the attention given by the press to the building (CD20).

The appeal on ground (a)

Main Issues

32. The main issues in the ground (a) appeal are
 - i) The effect of the development on the character and appearance of the Conservation Area and the setting of listed buildings;
 - ii) The impact of the loss of employment space;
 - iii) Whether planning conditions could overcome any harm caused by the development.

Reasons

Heritage issues

33. The historic development of Clerkenwell and the conservation area is described and illustrated in detail in the proofs of evidence of the expert heritage witnesses of both parties. The site lies within the heart of the Clerkenwell Green Conservation Area which has a village-like character with its small-scale and dense grain of urban fabric with buildings of many different periods and a variety of uses. The site is at a corner in the medieval alignment of

Clerkenwell Close and occupies a sensitive position opposite St James's Parish Church with its Portland stone steeple. It has a more tranquil location than the broader and more active Victorian thoroughfares of Farringdon Road and Clerkenwell Road.

34. The unassuming architecture of the buildings up to No 21 of the Close have a scale of three to five storeys with the distinctive buildings of the Peabody Estate being six storeys. Facing brick is the predominant material and the west side of the Close has a continuous building line. The parties acknowledge that the former Anita House, demolished in 2014, lacked any architectural distinction and did not contribute positively to the character and appearance of the conservation area.
35. The appeal site lies within the setting of two Grade II* listed buildings, St James's Church and the Clerkenwell Old Sessions House, and there are a number of other listed buildings in the vicinity including two Grade II listed buildings at 29 Clerkenwell Green and the Marx Memorial Library at No 37A. The mature trees and openness of St James Garden contribute to the character of the conservation area.
36. The appeal site also lies within the historic precinct of the medieval Benedictine Nunnery of St Mary Clerkenwell. It is within an Archaeological Priority Area and lies immediately adjacent to the Scheduled Ancient Monument of St Mary's Nunnery.
37. The focus of the National Planning Policy Framework (the Framework) is to conserve assets in a manner appropriate to their significance. It is necessary to identify and assess the particular significance of any heritage assets and to consider the extent to which a proposed development may cause harm to the significance so identified. Heritage interest may be archaeological, architectural, artistic or historic and significance derives not only from an asset's physical presence but also from its setting. Although the appellant is critical that the Council's heritage witness, Mr Forshaw, for not having considered explicitly the impact of the development on the basis of an assessment process that reflects the approach required by the Framework, I nevertheless found Mr Forshaw's contribution to be helpful. I note that the appellant's heritage witness, Mr J Clemons, assessed the four matters relating to the significance of heritage assets.
38. The matters of concern to the Council relate to the height, scale and massing of the building; impact on views; the solar chimney; the roof garden; the building line; use of materials; fenestration and archaeology.
39. The height of the building is about 18m to parapet level but the solar chimney adds a further 3.95m in height and there are air handling units to one side. I note that the Council's Conservation Area Design Guidance 2002 (CD63) refers at para 1.21 to new buildings not being permitted above 5 storeys or 18m above street level and that plant rooms and lift overruns should be invisible from the street. The guidance also points out that on some sites, buildings may need to be lower to respect their neighbours. In view of this it would be wrong to place too much weight on the appellant's argument that a height of 18m is acceptable as what is important is whether it is contextually appropriate. However, whilst the building is markedly higher than its neighbours, its design is such that any incongruity in height does not cause harm to the significance of heritage assets in view of the range of building heights in the vicinity. The brick north elevation

rising above the roof line of 16 Clerkenwell Close does appear somewhat at odds with the elevational treatment of No 15 and this accentuates the height of the building in the context with its neighbours. Interestingly, the appeal building does not set a precedent in respect of its height on this site. The appellant's heritage witness, Professor R Tavernor at Fig 4-4 of his evidence shows a view of the church from Clerkenwell Green in 1820 with a prominent building on the appeal site higher than adjacent buildings.

40. It is acknowledged that the height to the parapet is similar to the overall height of the previous building but its massing looks more substantial than the previous building and consequently appears more prominent, particularly in the winter when the mature trees around the church are not in leaf. Its prominence is further accentuated by the solar chimney/lift overrun and by the vegetation on the green roof which does not accord with the Design Guidance or with Policy BC7 of the Finsbury Area Local Plan which seeks to protect the special character of historic Clerkenwell, and sets out requirements in respect of development proposals.
41. My site inspection included viewing the appeal building from different locations in the conservation area and understanding its context; viewing the many and varied building styles, some of which incorporated roof top vegetation; and assessing the impact of the appeal building and its solar chimney on views of and settings of the listed buildings. It was evident that the upper part of the building is visible behind other buildings from some locations where the upper storeys and the solar tower can be seen
42. Both parties have submitted photographs to illustrate the extent of the visual impact of the development. Whilst these are helpful, photographs can be taken from numerous viewing points and they are no real substitution for a site inspection. The building appears intrusive from the photos at Figs 5A and 5B (Farringdon Road) of Mr Forshaw's evidence, but in reality, the focus of attention is directed towards the tower of St James's Church. Whilst the appeal building may have changed the setting of the church, it does not affect its significance any more than other buildings within the same frame. The solar chimney is visible on the skyline, and although it is glazed and appears lightweight, its height is significant such that it appears more obtrusive than it otherwise would have needed to be. The roof garden is also visible but in this particular view, it appears to merge into the trees around the church.
43. Professor Tavernor's photograph at Fig 3-6 of his evidence shows the Grade II listed Marx Memorial Library across Clerkenwell Green with the appeal building slightly visible among the rooftops with the tower of St James's again drawing the eye. Fig 3-5 shows the upper part of the appeal building beyond the corner building at 29 Clerkenwell Road, also Grade II listed with the Grade II* listed Old Sessions House in the foreground which is in the wider setting of the appeal building and provides the principal focus of the view. The impact of the appeal scheme on the two Grade II listed buildings and the Old Sessions House is neutral and their significance unharmed.
44. Whilst the appeal building is visible to an extent from various parts of the conservation area, as Professor Tavernor states "If noticed at all, the Appeal Scheme would add positively to the urban layering and diversity of architectural character that is characteristic of the locality...adding to the distinctiveness of the place."

45. The Conservation Area Design Guidance refers to important views of St James's Church none of these are materially affected by the development.
46. I find no harm caused by the 5-bay window pattern as their dimensions appear entirely appropriate to the geometry of the front elevation and they are more akin to the large windows favoured by earlier commercial buildings in the area. Similarly, whilst the exo-skeleton has been constructed forward of the building line (but within the perimeter of the basement) which adds to its prominence, its impact is not as great as it otherwise could have been due as the appeal building being located in the corner of the Close. Nevertheless, it is contrary to Policy BC7B of the Finsbury Area Local Plan. I note however that Nos 8-13 Clerkenwell Close have building lines and frontages that step in and out as the corner of the Close is turned and consequently any harm caused by the forward projection of the appeal building is not significant.
47. The Council is concerned that the varieties of finish of the stone adds to the buildings prominence. There is no doubt that the unusual approach achieves this. There is criticism that the appellant's contextual explanation for the use of rough stone is 'unscholarly' and that it is different to the smooth Portland Stone used as an embellishment on the church, or the stone used on the Sessions House or in St John's Gate. The use of stone is criticised for not respecting the hierarchy of the buildings. The Council believes that the disposition of different stone finishes gives rise to visual harm.
48. However, this takes a conventional view of the use of materials in a conservation area and, as Professor Tavenor comments (at para 4.15 of his evidence), it fails to recognise the appreciation by the appellant of the appeal site, the dialogue that led to the selection of masonry as the main expressive element of the building, the use of limestone as the principal structural component and its treatment and minimal dressing all of which have resulted in a building that demands attention and bears detailed scrutiny. Notwithstanding these comments I found the sawn faces of some of the columns and beams to appear intrusive and prominent on its Clerkenwell Court elevation.
49. The appeal scheme has only limited visibility within the conservation area and it adds positively to its character and appearance. It does not have a detrimental impact on the key aspects of the significance of the conservation area, these being the pre-mid 19th C buildings and spaces, the range of building types and periods and mix of residential and commercial uses. It does have a minor impact on the setting of the conservation area that is positive although the mass and height reflects that of other buildings in the vicinity. Whilst brick is the predominant building material, this varies in type and appearance and the use of stone is evident in a number of buildings. The high quality of the design and the materials employed, with the exception of the sawn faces of the columns and beams, enhance the character and appearances of this part of the conservation area.
50. St James's Church has high evidential, historic, communal and aesthetic value. The intermediate setting of the church includes the appeal building which makes a minor positive contribution to its significance through highlighting its context in an urban landscape. It also adds positively to the setting of the church through its historical references to the nunnery, the quality of its design and the use of limestone, although the height of the solar chimney and the sawn faced limestone have negative impacts.

51. Conditions were placed on the 2013 planning permission requiring archaeological investigations before and during construction. Whilst the former was done through P2013/3251/AOD, the Greater London Archaeological Advisory Service should have been notified at the start of works and a watching brief carried out. This was not done by the appellant and although the second basement was not constructed, the Council believes that excavations that were carried out could have revealed more about the historic environment. I do not wish to condone the appellant's failure to adhere to a planning condition, but this condition is now irrelevant in the context of an appeal on ground (a) which involves an extant building.
52. Paragraph 131 of the Framework indicates that in determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings. The appeal building meets these criteria.
53. I conclude on this issue that in general terms the building is not harmful to the character or appearance of the conservation area or the setting of listed buildings, other than in the sawn faces of some of the columns and beams, and in the height of the solar chimney and planting on the green roof. In this respect it is therefore contrary to Policy 7.4 of the London Plan, Policy CS9 of the Islington Core Strategy, Policy DM2.3 of the Islington Development Management Policies, Policy BC7 of the Finsbury Local Plan Area Action Plan for Burnhill and the Clerkenwell Green, Charterhouse Square, Hat and Feathers, Conservation Area Design Guidance, all of which seek to protect the area's heritage and character.
54. However, I consider the harm caused to be less than substantial when considered in the context of para 196 of the Framework and this harm could be mitigated through appropriate conditions which I refer to below and when weighed against the limited public benefits of the development. These include the economic benefits of modern replacement employment floorspace with the provision of further floorspace; the creation of eight additional dwellings and a financial contribution towards affordable housing; and, a building of considerable design merit. I note that the Council's planning witness, Mr Kaimakamis, believes that an alternative form of development could come forward delivering similar benefits with less harm and if a matter is required by policy then it is not a benefit attracting weight. However, these are both arguments that fail to convince me as I am determining the scheme as it exists and not a hypothetical alternative scheme, and a scheme that accords with policy must deliver a benefit sought by the objectives of a policy.

Employment Space

55. The Council is concerned over the loss of employment space provided in the that the building (207 sqm employment use, replacing the 478 sqm of employment use provided in the previous building) with the loss conflicting with policies which seek to protect employment space in the Central Activity Zone, such as Policy CS13 of the Islington Core Strategy 2011 (CD54), Policy BC8 of the Finsbury Local Plan Area Action Plan for Burnhill and Clerkenwell 2013 (CD57) and Policy DM5.2 of Development Management Policies 2013 (CD53).

56. The parties dispute the amount of existing employment space prior to demolition as the appellant relies on his residential occupation of part of Anita House and the implementation of a 2011 permission for the provision of a dormer window and change of use to living accommodation. By the appellant's reckoning the baseline floorspace should be 431 sqm after allowing for shared B1/C3 floorspace. Despite interesting arguments between the advocates over whether the 2011 residential permission had been implemented and whether a material operation comprised in the development had occurred, this matter does not represent the fulcrum upon which a judgement on this issue is concluded.
57. The Council considers that the 220 sqm of class D2 spa/gym floorspace proposed as part of the original proposals provided a leisure use that was a material part of the overall planning balance struck, and that planning policies require a better mix of uses more akin to what was approved in 2013. From the appellant's case it is stated that such a use would have been a private facility for the benefit of the occupants of the building and, in any event, would not have generated significant employment. It is pointed out that there was no condition on the leisure use to ensure its implementation and continued use as such. Accordingly, I attach little weight to the absence of leisure facilities in the appeal scheme.
58. Although the development provides significantly less floorspace than had existed in Anita House, which would be contrary to Policy BC8(i) of the Action Plan, Policy BC8(ii) indicates that proposals should incorporate the maximum amount of business floorspace reasonably possible on the site. The appellant's proposal to incorporate an additional 133.5 sqm of employment floorspace would increase the floorspace from the as-built 312 sqm to 445.7 sqm by the Council's calculation ignoring the contested residential use of Anita House, whereas the appellant's calculations suggest that there would be a net gain of employment floorspace, taking account of disputed calculations over the assignment of shared floorspace (ID9).
59. The appellant has indicated that the additional 133.5 sqm of floorspace could be provided at ground floor the design of which is structurally capable of incorporating additional floorspace. Although the Council considered that some of this space would not be able to be efficiently used because of the stairwell, I was satisfied at my site inspection that the Council's reservations appeared pessimistic. The provision of the additional floorspace could be the subject of an appropriate condition requiring its implementation.
60. I conclude on this issue that there is a loss of employment floorspace compared to what had previously existed at Anita House and this is contrary to the local planning policies described above. However, it appears that with the provision of an additional 133.5 sqm of floorspace, there could be up to a little over 30 sqm of floorspace lost over the previous position, on the basis of the Council's calculations, and none according to the appellant. The main factor however is not the quantum of change but its significance, which I consider to be minimal in the circumstances of this case, but this will form a factor in the overall planning balance.

Overcoming any harm caused

61. The steps required by the notice involve the demolition of the building because it was the Council's understanding, based on the appellant's position, that the building could not reasonably be amended due to the exo-skeleton of columns being structural. However, the Council subsequently indicated that it was open to alternative remedies not involving demolition. In pursuance of this a joint report on behalf of the Council and the appellant was prepared by Alan Baxter Ltd, independent structural engineers (CD30).
62. The report concludes that the vertical columns cannot be removed without a replacement alternative perimeter supporting system, which could also provide the opportunity for a different fenestration arrangement. In order to reduce the height of the building, the current roof slab would have to be removed. The height of the lift overrun could be reduced if staircase only access were provided to the roof.
63. In the light of this report the Council considers there are potential optional lesser steps available that would mitigate the harm caused by certain elements of the development. Although there would be the scope for me to impose conditions through the grant of a planning permission that could require details of such changes to be submitted, approved and implemented, this would be on the basis that such conditions are necessary to make the development acceptable in planning terms. I have concluded on the first main issue that the building has led to less than substantial harm on the character and appearance of the Conservation Area and the setting of listed buildings, and it is unnecessary to impose such radical alterations to the appearance of the building in terms of reducing its height by removing the roof slab, or the re-positioning of the columns.
64. The height of the lift overrun/solar chimney could be reduced by 1.375m although this would require the removal of the solar chimney and the use of mechanical ventilation (drawing 208-122 Rev A attached to ID 1). Although the building would be less sustainable without the solar chimney it would reduce the prominence of lift over-run and lessen the harm to the character and appearance of the conservation area and setting of listed buildings.
65. The green roof has certain plants of height such that it takes on more of the appearance of a roof garden and adds to the prominence of the building. Although there are many other examples of roof gardens/green roofs in the vicinity, in the case of the appeal site, excessive planting at height constitutes a distraction to the roofscape and street scene, and should be limited to reasonable proportions.
66. I have considered the treatment of the facing of the limestone and I find that there are arguments in support of achieving a more consistent appearance to the columns and beams which I appreciate might make the design of the building more acceptable to some people and appear less prominent in the conservation area. Against this is whether to do so would compromise the integrity of the design and the narrative that the different treatments suggest. On balance, I consider that the starkness of the smooth limestone facing would benefit from treatment to create a rough finish which would lead to a more cohesive appearance to the front façade of the exo-skeleton and thereby mitigate any visual harm to the area.

67. As referred to earlier, the appellant has indicated an intention to increase the amount of employment floorspace which would overcome the harm caused by the loss of employment floorspace contrary to policies in the development plan which seek to protect such floorspace.

Other considerations

68. The SoCG indicates that there are no amenity objections from the Council in respect of the impact of the development on surrounding residential and business use or in respect of noise or light pollution; and access, deliveries, servicing, cycle and car parking arrangements are all acceptable although certain aspects of the development would require a degree of control through the imposition of appropriate conditions.
69. Having regard to para. 55 of the Framework, it was accepted at the inquiry that conditions would be necessary to ensure that living conditions are adequately protected (Conditions 6, 8 and 9); adequate provision is made for waste disposal (Condition 7); and provision is made for sustainable transport (Conditions 5, 10 and 11). Condition 1 is necessary to ensure that adequate employment floorspace is provided. Conditions 2, 3 and 4 are necessary to reduce the harm that the development causes to the conservation area and the settings of listed buildings.
70. I have also had regard to the appeal decisions and to case law referred to by the parties in reaching my decision.

Planning Obligation

71. The signed and dated unilateral planning obligation made under s106 (ID34). makes provision for contributions towards affordable housing (£420,000), a carbon offset (£7000), the maintenance of St James's Garden (£5000) and undertakings in respect of the scheme being car free, the courtyard garden, the biodiverse roof, access to the practice architectural library and the construction of additional employment floorspace.
72. Paragraph 56 of the Framework states that planning obligations should only be sought where they are necessary to make the development acceptable in planning terms, are directly related to the development and fairly and reasonably related in scale and kind to the development. I find this to be the case in respect of the financial contributions which accord with the Council's small sites policy in respect of both the affordable housing provision and the environmental off-set contribution. Although the parties have not explained the reasoning behind the maintenance contribution to St James's Garden, I can only assume that this is connected to the shortage of amenity space for the benefit of the residents of the apartments. If so, it seems to be necessary for the development and reasonable in scale.
73. Public access and supervised use of the courtyard garden, whilst representing a planning benefit, fails to meet these tests, and I note that it is not under the control of the appellant and its continued availability is dependent upon the Council as landowners with whom the appellant has sought to reach an agreement.
74. Access by schoolchildren to the biodiverse roof and access to the practice library of Amin Taha and Groupwork appear to be personal undertakings and not planning obligations. Obligations requiring the provision of additional

employment floorspace and car free development are unnecessary in the light of the planning conditions imposed on the planning permission.

75. The Council has expressed concern that Clause 11 does not follow the Council's standard wording requiring that in the event of the mortgagee taking control of the site or appointing a receiver it will be responsible for fulfilling the obligations, such that payments due rank ahead of the of the debt to the mortgagee. The appellant has indicated that the mortgagee has requested the amendment to the wording which is not intended to avoid responsibility in that any person acquiring the site from the receiver would be liable for the obligation. On this basis, I am satisfied that Clause 11 as drafted provides adequate safeguards for the payments.
76. I have taken account of the relevant obligations in determining this appeal.

The overall planning balance

77. Although I have considered the ground (a) appeal fresh, I attach considerable weight to 2013 planning permission and approval of conditions notwithstanding that there is a difference between the parties on what was either submitted or approved. This is an unsatisfactory situation for both parties and it is not in the public interest if members of the public cannot establish what has been approved when examining planning records. Nevertheless, the principle of development is not in dispute and the building accords with the generality of what had previously been approved.
78. I have concluded that whilst the design is controversial, it is of a very high standard that has generated a significant degree of public support and support within the architectural community, to which I attach great weight, notwithstanding the building being contrary to a number of development plan policies. Nevertheless, I also attach considerable weight to the harm caused to heritage assets although this is limited in extent and is less than substantial. As the harm caused could be mitigated by conditions that could be imposed on the planning permission and there are public benefits of the scheme, these factors add weight to the acceptability of the development.
79. Although the development is contrary to planning policies relating to the provision of employment floorspace, this can be overcome through condition requiring the provision of the shortfall.
80. I consider that the overall planning balance falls in favour of the development and I intend to grant planning permission subject to conditions.

Conclusions

81. It is clear from the representations, and from my inspection of the site, that the notice in the enforcement notice is incorrect in that it fails to show the full extent of the site. The appellant and the local planning authority agreed at the inquiry that it was open to me to correct the notice by substituting the plan with a corrected one. I am satisfied that no injustice will be caused by this and I will therefore correct the enforcement notice, in order to clarify the terms of the deemed application under section 177(5) of the 1990 Act as amended.
82. For the reasons given above I conclude that the appeal should succeed on ground (a) and I will grant planning permission in accordance with the application deemed to have been made under section 177(5) of the 1990 Act as

amended, which will now relate to the corrected plan. The appeal on grounds (f) and (g) does not therefore need to be considered.

Decision

83. It is directed that the enforcement notice be corrected by the substitution of the plan annexed to this decision for the plan attached to the enforcement notice. Subject to this correction the appeal is allowed and the enforcement notice is quashed. Planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended, for the development already carried out, namely the erection of a six storey on the land shown edged and hatched black on the plan annexed to this decision, subject to the following conditions:

- 1 The provision and installation of an additional 133.5 (GIA) square metres of B1(a) floorspace on the ground floor of the development shall be commenced no later than 12 months from the date of this decision and completed no later than 18 months of the date of this decision. It shall be used for employment purposes only and maintained as such thereafter. It shall be constructed in accordance with Drawing No 206-111 Rev G unless otherwise agreed in writing by the local planning authority.
- 2 The solar chimney situated above the lift overrun at the roof level of the development as shown at 1 on Drawing No, 206-122 Rev P shall be removed and amended to the design shown at 2 in the same drawing no later than 24 months from the date of this decision. The resultant required mechanical ventilation for the lift shaft shall to be provided as shown in Position B on the drawing.
- 3 The biodiverse roof shall be maintained in its present form. Existing trees forming part of the biodiverse roof shall be either pruned at kept at no more than 1 metre in height or replaced with species no more than 1 metre in height at maturity above roof level. The biodiverse 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, upkeep or bee husbandry or escape in case of emergency.
- 4 The sawn faces of the limestone columns and beams facing Clerkenwell Close shall be tooled to provide a rough finish to match the finish of the adjacent columns and beams, subject to the structural integrity of the columns and beams not being affected. Where the sawn faces on the front façade of the building face rearwards towards the windows, these shall not require tooling. A sample panel shall be made available for inspection and approval by the local planning authority within 6 months of the date of this decision and the tooling shall be completed within 6 months of the local planning authority's written approval to the sample block.
- 5 The bicycle storage area hereby approved shall remain covered, secure and provide no less than 14 bicycle spaces and maintained as such thereafter.
- 6 The lift shaft shall be maintained with sound insulation sufficient to ensure that the noise level within the dwellings does not exceed

NR25(Leq) 23:00 – 07:00 (bedrooms) and NR30 (Leq 1 Hr) 07:00 – 23:00 (living rooms) and a level of +5NR on those levels for the hours 0:700 – 23:00.

- 7 The dedicated refuse/recycling enclosure hereby approved shall be retained and maintained as such thereafter.
- 8 All bedroom windows of residential units 1, 2, 3, 4, 5 and 6 facing the mutual south west facing lightwell shall remain obscure glazed and ventilated and maintained as such thereafter.
- 9 The fixed plant hereby approved shall operate such that it is 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 BS4142:1997. It shall be maintained as such.
- 10 A Green Travel Plan shall be submitted to and approved by the Local Planning Authority and the approved Green Travel Plan shall be complied with thereafter.
- 11 All current and future occupiers of the residential units hereby approved shall not be eligible to obtain an on-street residents' parking permit, except:
 - a) In the case of disabled persons;
 - b) In the case of a resident who is an existing holder of a residents' parking permit issued by the London Borough of Islington and has held the permit for a period of at least one year.

P N Jarratt

Inspector

FOR THE APPELLANT: Mr Reuben Taylor QC of Counsel, instructed by Bryan Cave Leighton Paisner LLP

He called

Professor Robert Tavenor BA Dip Arch PhD RIBA	Tavenor Consultancy Ltd
Jason Clemens BA(Hons) MSc MRTPI IHBC	Director and Head of Heritage Planning Savills (UK) Ltd
Chris Goddard BA(Hons) BPL MRTPI MRICS	Director, DP9 Ltd

FOR THE LOCAL PLANNING AUTHORITY: Mr Daniel Kolinsky QC of Counsel, instructed by LBI

He called

Andrew Jarratt MRTPI MPLAN BA Hons	Planning Enforcement Manager
Alec Forshaw IHBC MRTPI	Principal Conservation Officer and Design Officer (Retired) and Heritage Advisor
John Kaimakamis BAS	Principal Planning Officer (Major applications)

INTERESTED PERSONS:

1 Helen Ortiz-Bukowski	Local resident speaking on behalf of herself, Andrew Baughan, Nadar Karar and Deepak Patel
2 Prof Robert Temple	Local resident
3 Olivia Temple	Local resident
4 Sir Jeremy Dixon	Architect
5 Julia Somerville	Journalist
6 Piers Gough RA CBE	Architect
7 Jacob Kopperud	Local resident
8 Madeleine Weaver	Potential resident of appeal property
9 Alan Weaver	Potential resident of appeal property
9 Mike Franks	Local resident
10 Matt Nicholson	Resident of appeal property
11 Robert White	Architect and resident of appeal property
12 Richard Markland	Architect and former occupant of Anita House
13 Paul Finch	Architectural journalist
14 V Allan	Local resident
15 Mrs A Taha	Local resident and appellant's wife.

CORE DOCUMENTS (CD)

- 1 Appeal Statement (6 April 2018)
- 2 Appendix 1 to Appeal Statement
- 3 Appendix 2 to Appeal Statement
- 4 Appeal Submission Covering Letter (6 April 2018)
- 5 Appeal Questionnaire (4 January 2019)
- 6 Appellant's Statement of Case (28 January 2019)
- 7 Council's Statements of Case (28 January 2019)
- 8 Appellant's Response to Council's Statement of Case (18 February 2019)

Appellant's Proofs of Evidence

- 9 Summary Proof of Evidence of Professor Robert Tavernor
- 10 Proof of Evidence of Professor Robert Tavernor
- 11 Appendix RT1 to Professor Robert Tavernor's Proof Evidence: Savills' Heritage Statement (November 2018)
- 12 Appendix RT2 to Professor Robert Tavernor's Proof Evidence: Background and Experience
- 13 Summary Proof of Evidence of Jason Clemons
- 14 Proof of Evidence of Jason Clemons
- 15 Appendix JC.1 to Jason Clemons' Proof of Evidence: Figures and Plates
- 16 Appendix JC.2 to Jason Clemons' Proof of Evidence: Policy Context
- 17 Appendix JC.3 to Jason Clemons' Proof of Evidence: Listing Descriptions
- 18 Summary Proof of Evidence of Chris Goddard
- 19 Proof of Evidence of Chris Goddard
- 20 Appendix 1 to Chris Goddard's Proof of Evidence: List of awards, publications, lectures/speaking events related to the Development
- 22 Appendix 2 to Chris Goddard's Proof of Evidence: List of awards received by Groupwork + Amin Taha
- 23 Appendix 3 to Chris Goddard's Proof of Evidence: Chronology of Planning Application Ref: P2012/0630/FUL and Associated Correspondence with Case Officer in respect of the approved development
- 24 Appendix 4 to Chris Goddard's Proof of Evidence: Media Coverage Report, prepared by Portland Communications
- 24 Appendix 5 to Chris Goddard's Proof of Evidence: Third Party Representations Report, prepared by Portland Communications
- 25 Appendix 6 to Chris Goddard's Proof of Evidence: Details from Amin Taha outlining the social and economic consequences of the Enforcement Notice
- 26 Appendix 7 to Chris Goddard's Proof of Evidence: Note detailing proposed office extension, prepared by DP9 Limited and Groupwork

Council's Proofs of Evidence

- 27 Summary Proof of Evidence of Andrew Jarratt
- 28 Proof of Evidence of Andrew Jarratt
- 29 Appendix 1 to Andrew Jarratt's Proof of Evidence: Key differences between as approved and as built
- 30 Appendix 2 to Andrew Jarratt's Proof of Evidence: Independent Structural Engineering

Review prepared jointly for London Borough of Islington and the Appellant

31 Appendix 3 to Andrew Jarratt's Proof of Evidence: Service of Enforcement Notice Witness Statement

32 Appendix 4 to Andrew Jarratt's Proof of Evidence: Islington Tribune June 2017

33 Appendix 5 to Andrew Jarratt's Proof of Evidence: Approved Plans P2012/0630/FUL & P2015/2414/AOD

34 Summary Proof of Evidence of Alec Forshaw

35 Proof of Evidence of Alec Forshaw

36 Appendix 1 to Alec Forshaw's Proof of Evidence: Extract from Historic England Review of Archaeology in Islington 2018

37 Appendix 2 to Alec Forshaw's Proof of Evidence: Appeal decision February 2019 for 10-11 Clerkenwell Green

38 Appendix 3 to Alec Forshaw's Proof of Evidence: Pre-application advice letter from Islington Council 15th December 2011

39 Appendix 4 to Alec Forshaw's Proof of Evidence: Appeal decision May 2010 for 63 Clerkenwell Road

40 Summary Proof of Evidence of John Kaimakamis

41 Proof of Evidence of John Kaimakamis

42 Appendix 1 to John Kaimakamis' Proof of Evidence: Planning History

43 Appendix 2 to John Kaimakamis' Proof of Evidence: Recommended Conditions

Legislation

44 Town and Country Planning Act 1990
Sections 55, 78 and 174

45 The Planning (Listed Building and Conservation Areas) Act 1990 (as amended)
Sections 66 and 72

46 Town and Country Planning (Enforcement Notices and Appeals) (England) Regulations 2002

47 Town and Country Planning (Inquiries Procedure) (England) Rules 2000

Planning Policy Documents

48 National Planning Policy Framework (2018)
Sections 12 and 16

49 National Planning Policy Framework (2019)
Sections 2, 4, 6, 11 and 16

50 The London Plan (2016)
Policies 2.10, 2.11, 3.5, 4.1, 4.2, 7.2, 7.4, 7.6 and 7.8

51 The London Plan: Spatial Development Strategy for Greater London: Draft for Public Consultation with Minor Amendments (July 2018)
Policies D1, D2, D7, E1, E7, H1, H2 and HC1

52 London Plan SPG - Central Activities Zone (2016)

53 London Borough of Islington Development Management Policies (2013)
Policies DM2.1, DM2.3, DM2.5 and DM5.2

54 London Borough of Islington Core Strategy: CS7, CS9, CS10 and CS13 (2011)

55 Islington Urban Design Guide (2017)

56 London Borough of Islington Employment Land Study (2016)

- 57 Finsbury Local Plan: DPD BC7, BC8 (2013)
- 58 English Heritage, Conservation Principles, Policies and Guidance (2008)
- 59 London Borough of Islington: Conservation Area Design Guidelines - Information (2015)
- 60 Historic Environment Good Practice Advice Note 2: Managing Significance in Decision Taking in the Historic Environment (2015)
- 61 Historic England Advice Note 2: Making Changes to Heritage Assets (2016)
- 62 Historic England Good Practice Advice Note 3: Setting of Heritage Assets (2017)
- 63 Clerkenwell Green (CA01), Charterhouse Square (CA09), Hat & Feathers (CA26) Conservation Area Design Guidelines (2002)
- 64 London Borough of Islington CIL Charging Schedule (2014)
- 65 Mayor of London CIL Charging Schedule (2012)
- 66 Mayor of London CIL Charging Schedule 2 (2019)
- 67 GLA - Living Roofs & Walls - February 2008

Decision Notices

- 68 Decision Notice for Planning Application Ref: P2012/0630/FUL
- 69 Delegated Report for Planning Application Ref: P2012/0630/FUL
- 70 Application Submission for Approval of Details for Condition 3C of Planning Permission Ref: P2012/0630/FUL
Ref: P2013/5005/AOD
- 71 Decision Notice for Approval of Details for Condition 3C of Planning Permission Ref: P2012/0630/FUL
Ref: P2013/5005/AOD
- 72 Delegated Report for Approval of Details for condition 3C of Planning Permission Ref: P2012/0630/FUL
Ref: P2013/5005/AOD
- 73 Decision Notice for Approval of Details for condition 4 of planning permission ref: P2012/0630/FUL
Ref: P2013/3251/AOD
- 74 Delegated Report for Approval of Details for Condition 4 of Planning Permission Ref: P2012/0630/FUL
Ref: P2013/3251/AOD
- 75 Application Submission for Approval of Details for Conditions 3A, 3B, 3D, 14 and 15 of Planning Permission Ref: P2012/0630/FUL
Ref: P2015/2414/AOD
- 76 Decision Notice for Approval of Details for Conditions 3A, 3B, 3D, 14 and 15 of Planning Permission Ref: P2012/0630/FUL
Ref: P2015/2414/AOD
- 77 Delegated Report for Approval of Details for Conditions 3A, 3B, 3D, 14 and 15 of Planning Permission Ref: P2012/0630/FUL
Ref: P2015/2414/AOD
- 78 Approval of Details Application Form for Condition 10 of Planning Permission Ref: P2012/0630/FUL ; Ref: P2017/3155/AOD
- 79 Approval of Details Application Form for Condition 13 of Planning Permission Ref: P2017/3156/AOD

80 Approval of Details Application Form for Condition 18 of Planning Permission Ref: P2017/3157/AOD

81 Decision Notice for Conservation Area Consent Ref: P2012/0634/CAC

82 Delegated Report for Conservation Area Consent Application Ref: P2012/0634/CAC

83 Decision Notice for Approval of Details for Conditions 2 and 3 of Conservation Area Consent ref: P2012/0634/CAC

Ref: P2013/3640/AOD

84 Delegated Report for Approval of Details for Conditions 2 and 3 of Conservation Area Consent ref: P2012/0634/CAC

Ref: P2013/3640/AOD

85 Planning Officer's report to committee for planning application P2014/0373/FUL (16 December 2015)

86 Enforcement Notice (26 February 2018)

Ref: E/2016/0335

87 Enforcement Report for Enforcement Notice Ref: E/2016/0335 (22 February 2018)

88 Planning Application Form

Ref: 2018/3951/FUL

89 Application Submission for Planning Application Ref: P111562 (erection of dormer roof extension)

90 Decision Notice for Planning Application Ref: P111562

Plans and Drawings

91 Approved drawings – P2012/0630/FUL

92 Appellant's drawings stamped by him 'Received 5 April 2013' with the same drawing numbers as the approved plans relating to P2012/0630/FUL

93 Approved drawings – Ref: P2013/5005/AOD

94 Approved drawings – Ref: P2015/2414/AOD

95 Existing and Approved drawings – Ref: P111562

Other reports and documents

96 Pre-application advice letter (15 December 2011)

97 Written Scheme of Investigation for an Archaeological Monitoring Exercise (August 2013)

98 Design and Access Statement 2018

99 Daylight and Sunlight Report (11th January 2013)

100 Noise Impact Assessment

101 Air Quality Assessment

102 Utilities and Foul Sewage Assessment

103 Ventilation and Extraction Statement

104 Historic England Listing Church of St James – 4 January 2019

105 Historic England Listing Old Sessions: 22 Clerkenwell Green – 4 January 2019

106 15 Clerkenwell Close Appeal Consultation List 3199860

107 15 Clerkenwell Close Appeal Consult letter – 3 January 2019

108 Pevsner extracts and survey of London extracts

Pevsner, Buildings of England: London 4: North (1999)

109 Survey of London Volume XLVI, South and East Clerkenwell

110 Appeal Decision - APP/V5570/W/17/3173346 - 68-86 Farringdon Road – 20 March 2018

Correspondence

111 Appellant's Request for Further & Better Particulars – 13 February 2019

112 Council's Response to Request for Further & Better Particulars – 8 March 2019

113 Email - Ashley Niman to Amin Taha - 10 March 2015 (re. P2015/2414/AOD)

114 Email - Ashley Niman to Amin Taha - 2 September 2015 (re. P2015/2414/AOD)

115 Letter confirming receipt of Planning Application Ref: P2018/2606

116 Letter confirming receipt of Planning Application Ref: P2018/2607

117 Letter confirming receipt of Planning Application Ref: P2018/2605

118 Email - BCLP to Jim Gardiner - 16 May 2019 - Party Wall

119 Email - Jim Gardiner to BCLP & Council - 17 May 2019 - Party Wall

120 Email - BCLP to Jim Gardiner - 7 June 2019 - Mezzanine Floorspace

121 Email - Jim Gardiner to BCLP & Council - 10 June 2019 - Mezzanine Floorspace

122 Email - BCLP to Jim Gardiner - 10 June 2019 - Roof Structure

123 Email - Jim Gardiner to BCLP & Council - 10 June 2019 - Roof Structure

124 Written Representation by Email – Planning Application Ref: P2018/3951/FUL - Carey Green – 28 May 2019

125 Written Representation by Email – Planning Application Ref: P2018/3951/FUL - John Goodier – 3 June 2019

126 Written Representation by Email – Planning Application Ref: P2018/3951/FUL – Ward Thompson – 18 June 2019

127 Letter - Webb Yates to BCLP - 11 June 2019 - Ground Floor & Roof Slab

128 Letter - Consil to Amin Taha - 14 June 2019 - Measured Survey and including Drawing No. 206-111 Rev G

DOCUMENTS SUBMITTED AT THE INQUIRY (ID)

- 1 Appellant's response to Appendix 1 of Andrew Jarratt's PoF
- 2 Opening submissions on behalf of appellant
- 3 Opening statement on behalf of the LPA
- 4 Notice of Inquiry (LPA)
- 5 DAS (Also CD98) (Appellant)
- 6 Email from Matt Nicholson dated 12 February 2019 (Appellant)
- 7 Glossary from Finsbury Local Plan 2013 (Appellant)
- 8 Planning application form for P2012/0630 (LPA)
- 9 Floorspace figures (Appellant)
- 10 Revised enforcement notice plan (LPA)
- 11 Clerkenwell Green Conservation Area leaflet
- 12 Site visit route
- 13 Statement by Helen Ortiz-Bukowski
- 14 Statement by Andrew Baughen
- 15 Statement by Nader Karrar
- 16 Statement by Deepak Patel
- 17 Statement by Piers Gough
- 18 Statement by Rowan Moore
- 19 Statement by Wendy de Silva
- 20 Statement by Sir Jeremy Dixon
- 21 Statement by Julia Somerville
- 22 Bundle of extracts from historic documents from Prof Robert Temple
- 23 Statement by Robert Markland
- 24 Statements by Madeline Weaver and Alan Weaver
- 25 Statement by Alice Eggeling and letter to Amin Taha from Iris Eggeling (aged 10).
- 26 Statement by Phil Coffey
- 27 Email dated 3 July 2019 from Tobias Gunkel and Jo Toader
- 28 Email dated 2 July 2019 from Professor Neil MacLaughlin
- 29 Email dated 3 July 2019 from Amir Sanei
- 30 Email dated 3 July 2019 from Rachel Feeley
- 31 Email dated 27 June 2019 from Matthew Brunet
- 32 Draft conditions (LPA)
- 33 Appellant response to draft conditions
- 34 Signed and dated Unilateral Planning Obligation (Appellant)
- 35 Closing submissions on behalf of the LPA
- 36 DCLG decision APP/K5030/V/13/2205294 (LPA)
- 37 Signed and dated Obligation (Appellant)
- 38 FSS, West End Green (Properties) Ltd v Sainsbury's Supermarkets Ltd [2007]EWCA Civ 1038
- 39 Closing submissions on behalf of the LPA
- 40 Case of Societe Colas Est and others v France (ECHR) (Appellant)
- 41 Case of Buck v Germany (ECHR) (Appellant)
- 42 Case of Niemitz v Germany (ECHR) (Appellant)
- 43 Details of occupants of the appeal property (Appellant)
- 44 Statement of Jacob Kopperud
- 45 Statement of Common Ground submitted post inquiry on 9 July 2019



Plan

This is the plan referred to in my decision dated: 15 August 2019

by **P N Jarratt BA(Hons) DipTP MRTPI**

Land at: Anita House, 15 Clerkenwell Close, Islington, London, EC1R 0AA

Reference: APP/V5570/C/18/3199860



DEVELOPMENT MANAGEMENT

PLANNING ENFORCEMENT REF NO: E/2016/0335

LOCATION: Anita House, 15 Clerkenwell Close, London, EC1R 0AA

SCALE: 1250

