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# Appeal Decision

Inquiry opened on 29 February 2012

**by Christine Thorby MRTPI, IHBC**

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

**Decision date: 11 May 2012**

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**Appeal Ref: APP/V5570/A/11/2162902**

**Former Moorfields Primary School, Bunhill Row, London, EC1Y 8RX**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Southern Housing Group against the decision of the Council of the London Borough of Islington.
  - The application Ref P102545, dated 19 November 2010, was refused by notice dated 21 April 2011.
  - The development proposed is the demolition of the existing buildings and the construction of part 5, part 6 and part 7 storey buildings on Featherstone Street, Part 6 and part 7 storey building on Bunhill Row and 6 three storey townhouses adjacent to the eastern boundary of the site to accommodate 121 residential units and 4 flexible use commercial/community units along Featherstone Street and Bunhill Row at ground floor level. This includes associated cycle parking, refuse storage, plant equipment, landscaping and other associated works.
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## Decision

1. The appeal is dismissed.

## Procedural Matters

2. The Inquiry opened on 29 February 2012 and sat for 7 days. An accompanied site visit was made on 2 March 2012.
3. The National Planning Policy Framework (the Framework) was published on 27 March 2012 replacing the Planning Policy Statements relevant to this case. The main parties have been consulted on the Framework and their comments have been taken into account in determining this appeal.

## Main Issues

4. The main issues in this case are:
  - i) The effect on the setting of the Bunhill Fields Burial Ground, the listed structures and the trees therein and the Bunhill Fields and Finsbury Square Conservation area.
  - ii) The effect on the living conditions of the occupiers of neighbouring properties in terms of outlook, sunlight, daylight and privacy.
  - iii) Whether the affordable housing provision meets national and local policies aimed at achieving mixed and balanced communities.

## Reasons

5. The appeal site is located in an urban area, close to the historic City of London. There are very busy commercial areas nearby; however, within the vicinity of the appeal site there is a quieter, more residential character. The appeal site is a former school located at the corner of Featherstone Street and Bunhill Row. The school buildings, which are being demolished, appeared as single storey from the street, un-typically low in scale for the area, and of no architectural or historic merit.
6. *Bunhill Fields Burial Ground*. The appeal site backs onto the Bunhill Fields Burial Ground, an open space of outstanding heritage value. The burial ground is the pre-eminent graveyard for Nonconformists in England, and has been associated with burials from the 17<sup>th</sup> Century onwards. The areas of densely packed gravestones enclosed by railings, the 1950's landscaping by the renowned landscape architect, Sir Peter Shephard, the notable graves and monuments, and the historic walls and railings, all combine to make the site of exceptionally high significance. Bunhill Fields Burial Ground has been listed as grade I on the Register of Historic Parks and Gardens. 76 monuments and tombs are listed grade II and II\* and the walls, gates and railings are grade II listed structures.
7. The buildings adjacent to the appeal site along Featherstone Street and City Road enclose much of the northern part of the burial ground where an open landscaped area has been created. While the landscaping by Sir Peter Shephard is modest, this area is very pleasant. It contains listed walls, listed boundary tombs and monuments and informal planting, all of which complement each other in a simple layout, making this part of the burial ground of high aesthetic value. Its simplicity and open character contrast with the areas of dense gravestones occupying other parts of the burial ground and its value as an intrinsic part of the historic landscape is very high.
8. The enclosure afforded by the existing buildings forms part of the setting of the burial ground, influencing its character. It heightens the importance of the open space, giving it a sense of intimacy, distinguishing it from the surrounding urban environment. Around the northern landscaped area where the appeal site is located, there is some commonality of height to the row of surrounding buildings, and this together with their simple perimeter layout affords a balance and harmony between the urban structures and the open burial ground.
9. The appeal site is relatively open at present and provides a spacious aspect to the adjacent part of the burial ground. However, the contrast between the low school buildings and the adjacent row of buildings is abrupt and there is a sense that the street scene is unfinished. The loss of spaciousness resulting from the appeal scheme would be noticeable, but in itself would not be harmful, as some continuity of enclosure would contribute to the balance, harmony and sense of intimacy within the burial ground. However, in this case, it is the height and the overall bulk of the perimeter block, together with the form and siting of the proposed houses that are of concern.
10. When viewed from the burial ground the proposed perimeter block would be 6 storeys along the Featherstone Street elevation. Whilst this is the same height as the adjacent Matisse Court, this is a building which is noticeably higher than the adjacent blocks along Featherstone Street which back onto the burial ground. Along the Bunhill Row elevation it would increase to a maximum of 7 storeys with a higher corner section. Although much of the upper storey of

both frontages is set back reducing its impact from the street, this is not the case at the rear. The full storey heights would be seen from the burial ground and the considerable increase in height of development along Featherstone Street to Bunhill Row would be noticeable.

11. The height and bulk of the perimeter block would make it a very substantial block, and its size would exert a considerable influence over the burial ground. The increase in scale, particularly along Bunhill Row would threaten the sense of seclusion and tranquillity by altering the balance from one of harmony between the built form and the open burial ground to one where the surrounding buildings would be oppressive and dominant.
12. Although there is a larger block of flats (Lexington Apartments) adjoining the burial ground, it appears intrusive and an incoherent element in the townscape. There are also larger buildings in the area including those on the opposite side of Featherstone Street and Bunhill Row to the appeal site. While these buildings are visible from the burial ground they have a fundamentally different relationship as they are set further away and have less of an immediate impact. The heritage considerations would therefore be different to those of the appeal scheme. The larger developments in the area would not therefore justify the proposed scheme.
13. The setting would be further harmed by the introduction of houses at the rear of the Bunhill Row block of flats. Their siting and form would be uncharacteristic of development surrounding the burial ground. They would stand out visually and disrupt the continuity of enclosure and simple layout of the perimeter blocks. Their height and the proximity to the burial ground would add to the oppressive nature of the development. The overall effect would be a cluttered and claustrophobic development, undermining the simple and tranquil character of the burial ground and its surroundings. The enjoyment and appreciation of the burial ground, the listed monuments, tombs and walls, and the attractive landscape would be diminished and there would be significant harm to the historic and architectural interest of the heritage assets.
14. In reaching this conclusion I have had regard to the historic evolution of development surrounding the burial ground. There may once have been warehouses at the appeal site along Featherstone Street and Bunhill Row with numerous other buildings occupying the rest of the site. However, the precise height and form of these buildings is unknown, they pre-dated any heritage protection or any relevant planning policy documents relating to their setting. They would not therefore justify the proposal.
15. *Trees.* There are around 8 trees within the burial ground planted close to the boundary with the appeal site which would be affected by the appeal scheme. The large Plane tree (T8) is of particular importance as part of a formal historic landscape. The remaining trees may be self sown or infill planting; nevertheless, as boundary trees within the open landscaped area, they contribute to the attractive character and appearance of the burial ground contributing to its appreciation and value as a grade I Historic Park and Garden.
16. The proposed houses would be about 4m from the boundary wall making most of the private gardens small and confined. Even with the pruning shown, trees T5, T6, T7 and T8 would have branches overhanging these gardens. T12 and

- T11 would be very close to the proposed perimeter block with the branches of T11 overhanging balconies.
17. The cutting back of the trees for construction purposes and on a regular basis, (2 yearly as suggested by the appellant) for maintenance may allow the canopy spread to be restricted to that shown on the appellant's plan. However, the pruning work would be noticeable and would lead to the trees appearing as one-sided specimens, detracting from their natural shape and informal appearance. I noted at my site visit that the change in shape to trees T5 – T10 would be visible from the footpaths within the burial ground, and T12 from Bunhill Row. This would detract from their contribution to the attractive planting within the landscaped area.
  18. There would also be considerable conflict between the pruned trees and the future occupier's enjoyment of their property. There would be overhanging branches causing debris, some overshadowing and some concern about safety. With confined gardens and small balconies, this is likely to lead to pressure for more drastic work or removal of the closest trees. Although T11 would be the least publicly visible, it would be most severely affected. Its shape would be destroyed and it is highly likely that because of its proximity to the balconies removal would be sought.
  19. The other trees within the burial ground are not as close to the buildings and the effect on the trees would be much less severe. Those shown in the appellant's statement are misshapen and the harsh pruning away from the building would not be desirable for a tree within the grade 1 listed landscape. The number of trees affected would be a small proportion of the total number of trees within the burial ground. However, the concentration of damage to trees along the boundary with the appeal site, would add to the harm to the setting of the landscaped area within the burial ground already identified.
  20. *Conservation Area.* The Nonconformist burial ground has wider associations in the area with the famous, grade I listed, Wesley's Chapel and other listed Wesleyan buildings to the east of the site, and the former Quaker burial ground to the west. These important associations all contribute to the primary significance of Bunhill Fields Burial Ground. The historic connections with other nearby non-Conformist sites strongly influence the local character of this part of the Bunhill Fields and Finsbury Square Conservation Area and the area is of great historic importance to the public. Although located outside the conservation area boundary, the harmful effect on the setting of the burial ground, including the damage to trees would erode its contribution to the character and appearance of the conservation area, adding to the harm to the historic environment.
  21. I conclude that the appeal scheme would detract from the setting of grade I listed Historic Park and Garden, the listed tombs, monuments and walls, and the landscape therein and the conservation area, significantly harming their special architectural and historic interest.
  22. In these circumstances, the Framework indicates that it is appropriate to weigh the public benefit against the harm, including securing the optimum viable use. In this case, whilst the effect to the rear where the site backs onto the burial ground would be harmful, there would be some positive design aspects of the scheme experienced from the street frontages. The perimeter block would restore the urban grain and pattern of the area, making it more legible and it

would fill in an incongruous gap, reinforcing the street scene. The appeal scheme will also make an important contribution towards local economic growth through the provision of community/employment floor space and job creation. There may also be some biodiversity benefits from new planting at the site. Nevertheless, I am not convinced that these benefits could not be achieved by a more sympathetic scheme which may be an equally viable option for the site.

23. There would be considerable benefits derived from the provision of 121 dwellings of which between 23% and 60% would be affordable units, all of an appropriate mix, in an area where there is currently a substantial shortage of affordable housing. I attach significant weight to this in favour of the scheme.
24. However, the heritage assets affected are very special. In combination, they are of outstanding historic and architectural interest and they make a considerable contribution to society. The harm to their setting would damage the appreciation and experience of the heritage assets to the public. In my view, the proposed benefits, although considerable, would not outweigh the harm.
25. The appeal scheme would fail to preserve the special architectural and historic interest of the grade I listed Bunhill Fields Burial Ground, the listed tombs, monuments and walls and the landscape therein and the character and appearance of the Bunhill Fields and Finsbury Square Conservation Area. This would be contrary to the aims the London Plan policy 4B.12, the London Borough of Islington Core Strategy (CS) policies CS7 and CS9 which seek to protect the historic environment and other guidance/emerging policy which carries forward these aims.

#### *Living conditions*

26. A considerable amount of information was put forward by all parties demonstrating that the proposed perimeter block would affect, to some extent, the daylight and sunlight received by many of the flats opposite the site. Several properties would receive below the BRE guidance for daylight and sunlight, and/or be within the differential where the loss of light would result in some diminution of their living conditions. The ground and first floor flats would suffer the greatest losses, particularly as their outlook would also be diminished. There would be a greater sense of enclosure experienced by neighbours and together with the loss of light this would alter to their detriment, the enjoyment of their property.
27. However, there is a balance to be struck between new development and the effect on the neighbouring properties. Living in a densely developed part of central London, some interference with daylight, sunlight and outlook might be expected and it is clear that there are many other properties within the area where there is a similar relationship to the appeal scheme and the neighbouring buildings.
28. Right to Light and compensation are dealt with under other legislation and are not matters for my consideration. The buildings would be a sufficient distance apart to ensure that there would no loss of privacy. Nevertheless, in this case, because of the aforementioned conclusions on harm to the special interest of the heritage assets, the benefits of the scheme would not outweigh the harm to the neighbours' living conditions. It would therefore fail to comply with CS

policy CS7 and Unitary Development Plan policy D3 which seek to protect residents' amenities.

*Affordable housing*

29. The London Plan policy 3A.10 seeks the maximum reasonable amount of affordable housing. Local Plan policy is CS12, which seeks an overall Borough target of 50% with a flexible approach to each site taking into account viability and individual site circumstances. The site would attract a housing grant if it is built within a certain time and after that, there would be no grant available. Therefore the calculations make provision for two different scenarios - 60% affordable housing where a housing grant is available and 23% where there is no grant available.
30. The Council considers that in both cases a higher percentage of affordable units should be provided. They suggest that the appellant's viability calculations are flawed, primarily because the assessment includes a predicted rather than actual 'exceptional' cost (£7,000,000) and a higher than realistic market value for the land.
31. The 'exceptional costs' relates to possible compensation for Right to Light. This matter has been dealt with by way of a unilateral undertaking with a cascade mechanism in place to take account of actual costs rather than predicted costs. This approach would address circumstances where the actual costs were much lower than predicted, thereby relating the level of affordable housing to the increase in viability of the scheme.
32. With regard to the land value, I am not wholly convinced by the Council's suggested lower market value. Firstly, it relies upon only 2 alternative uses which are at the low end of the market. This seems unduly restrictive given the site location near the City of London and adjacent to a grade I historic garden. No account has been taken of an alternative residential scheme which might have produced a higher value. Secondly, there is no comparable market evidence for similar sites within the vicinity, and therefore no quantifiable demonstration of the Council's concerns about the effect on land values of grant funding, exceptional costs, development plan and build costs.
33. I also have some concerns about the appellant's figures. Their calculations take into account the historic purchase price. Although the documents accompanying its sale in 2008 suggest potential development scenarios and the appellant is a registered charity, this carries no weight, as the site is purchased at the developer's risk and these are not exceptional circumstances. Some additional figures have been put forward to justify the purchase price relating to the alternative uses and marketing for other similar sites. However, the data for alternative sites is basic and dates from 2009, and it not clear that it can be relied upon as an indicator of current values. Moreover, there is no background information supplied for the comparative sites referred to for the market value and it is not clear whether their site circumstances are similar.
34. Therefore, the appellant's and Council's figures used to calculate the viability benchmark sum and determine the profit margin are difficult to rely on completely and it cannot be determined with any certainty that the scheme would provide the maximum reasonable amount of affordable housing. Notwithstanding this conclusion, I afford significant weight to the 60% scenario which would comply in part with the CS12 policy aim of at least 50% of new

development to be affordable units. In addition, I have taken into account that the provision of either 60% or 23% of deliverable affordable units would be a very positive aspect of the proposal contributing to the high demand for affordable housing in the borough. I have addressed this in more detail in my conclusion on the heritage aspects of the scheme and in the final conclusion.

### *Planning Obligation*

35. The unilateral agreement would secure affordable housing. I have already addressed the provision of the cascade option. The planning agreement would secure provision/contributions for sustainable/accessible transport, the public realm, public open space and play space improvements, sport and recreation, community facility improvement, car free housing, car club and travel plan which would meet the Council's requirements. However, the offered provisions/contributions would not outweigh the harm identified in my conclusions. The benefit arising from the provision of affordable housing and job creation is dealt with elsewhere in this decision.

### *Other matters*

36. With regard to English Heritage's pre-application comments, although inconsistent with their later approach, they were advisory only. Similarly, the Council's pre-application advice was advisory. The planning/design briefs accompanying the sale of the site were not adopted planning policy or guidance documents. Therefore, these comments/documents carry no weight in favour of the proposal.

37. The level of objection to the planning application would not be material as it is not an indication of acceptability. In any event, considerable local objection was put forward to the Inquiry by the Rule 6 party. While the alternative scheme submitted to the Council may provide a lower range of public benefits than the appeal proposal, the alternative scheme is not before me and it carries no weight.

### *Overall conclusion and balance*

38. The Framework sets out a presumption in favour of sustainable development and confirms the tests in s38(6) of the Planning and Compulsory Purchase Act 2004 and s70 of the Town and Country Planning Act 1990. The development plan policies set out above remain relevant in this case.

39. The appeal site is previously developed land in a highly sustainable location, close to facilities and public transport. There is no doubt that the scheme would be deliverable and contribute to the local housing stock, provide affordable housing, including family homes, create jobs, provide community floor space, and improve biodiversity and promote sustainable construction, design and travel patterns. Allowing this appeal may also ensure that the timescale for the provision of 60% affordable housing with grant funding could be achieved.

40. However, one of the core planning principles in the Framework is to conserve heritage assets in a manner appropriate to their significance so they can be enjoyed for their contribution to the quality of life of this and future generations. The assets in this case are of exceptionally high historic and architectural interest, influencing the character and distinctiveness of the area and as such they are of very high value to the public.

41. The appeal scheme would significantly harm the setting of the heritage assets, and the historic landscape, detracting from experience and appreciation of their heritage value to the public. In doing so, it would detract from the contribution of the heritage assets to society for this and future generations. In addition there would be harm to the living conditions of neighbours. As there would be a legacy of harm, I conclude that the appeal scheme would not constitute sustainable development and it would not comply with the aims of the Framework.

*Christine Thorby*

INSPECTOR



## **APPEARANCES**

### FOR THE LOCAL PLANNING AUTHORITY:

Mr D Kolinsky of Counsel

He called

Mr J Tibbet

Team Manager for Arboriculture, London Borough of Islington

Mr C Solomon

DVS Property Specialists on behalf of London Borough of Islington

Mr K Kaminski

London Borough of Islington

Mr M Durling

Principal Planning Officer, London Borough of Islington

Mr T Webster

Senior Planning Officer, London Borough of Islington

### FOR THE APPELLANT:

Mr S White of Counsel

He called

Mr E Buckton

ACS Consulting (London)

Mr B Hood

GIA

Mr J Brown

Strutt and Parker

Mr B Derbyshire

HTA Architects Ltd

Dr C Miele

Montague Evans

Mr B Kelway

Nathaniel Litchfield and Partners

### RULE 6 PARTY – owners and occupiers group:

Mr David Lock

of David Lock Associates

He called

Mr A Redlar

Delva Patman Associates

Mr H Geddes

Resident of Galileo Apartments

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**MOORFIELDS INQUIRY - CORE DOCUMENTS LIST**

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<b>CD1:</b>	<b>Planning Application Documents</b>
<b>CD2:</b>	<b>Planning Application Drawings</b>
<b>CD3:</b>	<b>Pre-Application Documents/Correspondence</b>
<b>CD4:</b>	<b>Post Submission Documents/Correspondence</b>
<b>CD5:</b>	<b>Delegated Report &amp; Decision Notice</b>
<b>CD6:</b>	<b>Correspondence from Planning Inspectorate</b>
<b>CD7:</b>	<b>National Planning Policy Core Documents</b>
<b>CD8:</b>	<b>Circulars and Government Regulations</b>
<b>CD9:</b>	<b>Strategic Planning Authority Policy Documents and Other Guidance/Studies</b>
CD9/1	London Plan (2011)
CD9/2	Accessible London: Achieving an Inclusive Environment
CD9/3	Housing SPG (November 2005)
CD9/4	Sustainable Design and Construction SPG (May 2006)
CD9/5	Planning for Equality and Diversity in London
CD9/6	Wheelchair Accessible Housing Best Practice Guidance
CD9/7	Draft Revised Interim Housing Supplementary Planning Guidance
CD9/8	London Housing Design Guide: Interim Guidance
CD9/9	Providing for Children and Young People's Play and Informal Recreation
CD9/10	Control of Dust and Emissions from Construction and Demolition Best Practice Guidance
CD9/11	Development Plan Policies for Biodiversity Best Practice Guidance
CD9/12	London Plan Crossrail Alterations
CD9/13	Draft Housing SPG
CD9/14	Draft affordable Housing Note
CD9/15	London Strategic Housing Market Assessment 2008
CD9/16	Mayor's London Housing Strategy Evidence Base 'Housing in London'
CD9/17	Mayor's London Housing Strategy February 2010
CD9/18	GLA London Plan Annual Monitoring Report 7 2011
CD9/19	London Strategic Housing Land Availability Assessment
CD9/20	Proposals for Community Infrastructure Levy Draft CIL Charging Schedule
CD9/21	Draft City Fringe Opportunity Area Planning Framework
CD9/22	CIL Examiner's Report to the Mayor
<b>CD10:</b>	<b>Local Authority Policy Documents and Other Guidance/Studies</b>
CD10/1	London Borough of Islington Core Strategy (2011)
CD10/2	London Borough of Islington Unitary Development Plan (2002; as saved 2007):
CD10/3	Development Management Policies – Proposed Submission Version (October 2011) (Excluding Appendices)
CD10/4	Finsbury Local Plan (Bunhill and Clerkenwell Area Action Plan) - Submission Version (October 2011)
CD10/5	Finsbury Local Plan (Bunhill and Clerkenwell Area Action Plan) –Direction of Travel (October 2010) - Extract
CD10/6	Site Allocations Document – Issues and Options Version (October 2009) Extract
CD10/7	Proposals Map 2011
CD10/8	Consultation on Changes to the Proposals Map (October 2011)
CD10/9	Accessible Housing SPD (March 2009)
CD10/10	Inclusive Landscape Design SPG (January 2010)
CD10/11	Urban Design SPD (December 2006)
CD10/12	Planning Obligations SPD (July 2009)

CD10/13	Planning Standards Guidelines SPG (August 2002)
CD10/14	Car Free Housing SPG (August 2002)
CD10/15	Conservation Area Design Guidelines SPG (CA22- Bunhill Fields/Finsbury Square Conservation Area)
CD10/16	Draft Tree Policy for Islington (2009)
CD10/17	Islington Streetbook (February 2005)
CD10/18	Bunhill and Clerkenwell Urban Design Study (Sept 2010)
CD10/19	Islington Open Space, Sport and Recreation Study (Oct 2009)
CD10/20	Housing Needs Study (2008)
CD10/21	Islington Affordable Housing Viability Assessment (2009)
CD10/22	Annual Monitoring Report 2011
CD10/23	Annual Monitoring Report 2010
CD10/24	Islington Sustainable Transport Strategy (2006)
<b>CD11:</b>	<b>Listing Descriptions and Heritage Designations</b>
CD11/1	Bunhill Fields Entry on the Register of Historic Parks and Gardens
CD11/2	English Heritage Bunhill Fields Burial Ground Listing Map
CD11/3	Schedule of listed structures within Bunhill Fields
CD11/4	Bunhill Fields/Finsbury Square Conservation Area Designation Report (1986)
CD11/5	English Heritage Report on the Grade I listing of Bunhill Fields
<b>CD12:</b>	<b>Information on Site Disposal</b>
<b>CD13:</b>	<b>Rule 6 Statements and Associated Documents</b>
<b>CD14:</b>	<b>Other Documents</b>
CD14/1	BRE 'Site Layout Design for Daylight and Sunlight: a guide to good practice' (2011)
CD14/2	English Heritage Guidance: 'The Setting of Heritage Assets' (October 2011)
CD14/3	English Heritage, Conservation Principles (2008)
CD14/4	Better Places to Live by Design: A Companion Guide to PPG3 (DTLR/CABE, 2001)
CD14/5	BS 5837:2005 Trees in relation to construction. Recommendations
CD14/6	BS 3998:2010 Tree work Recommendations
CD14/7	By Design: Urban design in the planning system: towards better practice (DETR/CABE, 2000)
CD14/8	PPS5 Planning for the Historic Environment: Planning Practice Guidance (English Heritage March 2010)
CD14/9	Conservation Principles (English Heritage, April 2008)
CD14/10	Investment and Planning Obligations: Responding to the Downturn (Homes and Communities Agency, 2009)
CD14/11	Bunhill Fields Burial Ground Management Plan City of London Corporation 2009-2014 (Updated Nov 2011)
CD14/12	RICS Valuation Information Paper 12- Valuation of development land
CD14/13	RICS draft Guidance Note "Financial Viability in Planning"
CD14/14	GLA Three Dragons Toolkit Guide
<b>CD15:</b>	<b>Relevant Appeal Decisions / Applications</b>
<b>CD16:</b>	<b>Freedom of Information Requests</b>

## **Inquiry Documents**

### **Appellant's documents**

- SHG 1 List of Appearances 29.02.12
- SHG 2 Draft s106 Agreement 29.02.12 (superseded by version submitted by LBI on 09.03.12)
- SHG 3 Draft Unilateral Agreement 29.02.12 (superseded by versions submitted by LBI on 09.03.12)
  
- SHG 4 Accommodation Mix and Tenure Split 29.02.12 (with and without Grant scenarios)
- SHG 5 Viability Statement of Common Ground 29.02.12
- SHG 6 Rights of Light Opinion (prepared by Katharine Holland QC, Landmark Chambers) 29.02.12
- SHG 7 Opening Speech of the Appellant 29.02.12
- SHG 8 Daylight and Sunlight Statement of Common Ground 01.03.12
- SHG 9 Draft Conditions with Appellant's comments annotated 08.03.12 (addressed during discussions on 09.03.12)
- SHG 10 Freedom of Information response on the Planning Brief 08.03.12
- SHG 11 Daylight and Sunlight - Annotated Drawings 09.03.12

### **Rule 6 Party Documents**

- R6.1 Three Witness Statements in which the writers say they will not accept compensation for Right of Light infringement: Messrs Geddes, Davies, and Millington and Israel
- R6.2 Correspondence between Mr Geddes and Councillor Terry Stacey, October 2007
- R6.3 List of Rule 6 party Members; some with dates of reservation off plan or date of purchase
- R6.4 Opening Speech of the Rule 6 Party – 9th March 2012
- R6.5 Letter sent to Mr Geddes from Louise Reid 8th December 2010 regarding the pre application process
- R6.6 Suggested Condition Change – Condition 41 relating to windows facing Featherstone Street
- R6.7 Suggested Condition Change - Removal of Permitted Development Rights from the entirety of the Development
- R6.8 Design Statement for the Galileo Apartments, 48 Featherstone Street

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