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1 August 2022

Our Ref: U00116655/GAO/SNA

Dear Sir/Madam

## **Representations on Islington Local Plan Review Main Modifications to the Strategic and Development Management Policies and Bunhill and Clerkenwell Area Action Plan (AAP)**

We write on behalf of our client, City, University of London ('City'), to provide a formal consultation response on the Main Modifications to the Local Plan dated June 2022, specifically on the Main Modifications to the Strategic and Development Management Policies and Bunhill and Clerkenwell AAP. For the avoidance of doubt, no comments are made in relation to changes to the Main Modifications to the Policy Map nor Site Allocations.

This letter follows the representations made on behalf of City for the Regulation 18 and 19 iterations of the Local Plan.

### **Local Plan: Strategic and Development Management Policies Main Modifications**

City wish to comment upon the changes proposed to policies and supporting text in relation to Student Accommodation, and Design and Heritage.

#### **Student Accommodation**

A number of modifications have been proposed in relation to purpose built student accommodation (PBSA) that City believes will restrict the ability to deliver PBSA in line with identified need and hinder the scope or quantum that is needed to serve the student population.

City's ability to enhance and expand its educational facilities at each of its campuses would be unduly restricted which would in turn impact upon the University's ability to continue to compete with other leading university's and support the wider economy of the Council.

**Supporting Text Paragraph 1.38 and Policy H6 Purpose Built Student Accommodation is proposed to be amended by the following modification:**

**SD-MM-03 paragraph 1.38: Provision of affordable workspace and suitable space for a range of businesses, including Small and Medium Enterprises (SMEs), is key to delivering an inclusive economy, as this is a tangible mechanism to open up the local economy to those who would otherwise find it difficult or impossible to access.**  
~~Provision of student bursaries, funded by new student accommodation, also offer opportunities to tackle the root cause of worklessness and give young people the opportunity to develop skills and learning.~~

**SD-MM-24 and Policy H6 Purpose-built student accommodation Part B iii) ~~Provide an ongoing financial contribution (as long as the site is in use as student accommodation) towards the provision of student bursaries for students leaving Council care and/or other Islington students facing hardship who are attending a higher or further education establishment;~~**

The requirement for provision of student bursaries to be funded by new student accommodation has been removed. City welcomes the removal of this onerous requirement which would hinder the successful delivery of quality student accommodation, and is not believed to be justified in directly addressing the potential impacts arising from the development of student accommodation. It should be noted that the wider objectives referenced in the deleted text to “tackle the root cause of worklessness and give young people the opportunity to develop skills and learning” are core to City’s principles and drivers as an institution of Higher Education, and are achieved effectively/successfully through City’s provision of educational services and the services it offers rather than would be achieved through their estates programme or provision of student accommodation.

**Policy H1 Thriving Communities and Policy H6 Purpose Built Student Accommodation is proposed to be amended as below:**

**SD-MM-20 Policy H1 Part M:** The provision of additional student accommodation will be restricted to allocated sites or sites in existing use as purpose built student accommodation or where there is a wider master-planned approach to consolidate and reconfigure educational floorspace on a university campus. Any proposals for student accommodation will be expected to provide ~~funding for bursaries for students as a priority, and~~ affordable student accommodation. Further detail on this policy approach is set out in Policy H6.

**SD-MM-24 Policy H6 Part A:** Proposals involving the development, redevelopment and/or intensification of purpose-built student accommodation will only be permitted on [inter alia]: iii) a university campus where reconfiguration of the educational floorspace as part of a wider master-planned approach to the higher education providers’ plans for change result in a consolidation of social infrastructure floorspace that complies with Policy SC1, part D (iii)

Both Part M of the Policy H1 and Part A iii) of Policy H6 policy now state that provision of additional student accommodation will be restricted to: allocated sites, sites in existing use as PBSA, or where there is a wider master-planned approach on a university campus. It is noted that the policy now includes a greater scope for the provision of PBSA in the borough, which is supported however City encourage greater flexibility.

The Local Plan currently identifies only two site allocations as suitable for student accommodation; NH10 and NH14. Furthermore, allocation NH14 states that an element of student accommodation may be acceptable. Both sites are currently developed. Islington’s most recent Strategic Housing Market Assessment, dated 2017, does not identify the specific demand for student housing, rather student housing demand contributes to the overall housing demand for the borough. Since it is not clear what the specific student housing demand for Islington is, it is not possible to understand whether the local plan could meet the required student housing need over the plan period. Note that the London wide requirement is for 3,500 PBSA bed spaces<sup>1</sup> to be provided annually over the London Plan period of 2021-2041.

As the policy states, sites in existing use as PBSA have established the principle of student accommodation as a land use in those locations. However, additional demand is unlikely to be met through optimisation of these sites alone, or in combination with allocated sites.

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<sup>1</sup> Student population projections and accommodation need for new London Plan 2017 (amended October 2018) GLA as set out in footnote 78 of the London Plan 2021

Whilst City welcomes the allowance of additional PBSA, particularly through master-planned approaches and reconfiguration of educational floorspace on a university campus, the policy unduly restricts the ability for student accommodation to be provided where there is an evidenced demand. There are only two university campuses in the borough which are currently occupied and functioning, including City's Northampton Square campus, thereby further limiting the availability of land to provide PBSA. The policy, and supporting text, should provide clarification around the consolidation and reconfiguration of educational floorspace and what this means in general terms for the overall footprints and development quantum of university campuses, i.e. an increase in the envelope of the campus will be considered in the successful consolidation and delivery of educational services and student accommodation.

**Supporting text to Policy H6 is proposed to be amended as follows:**

**SD-MM-24 Policy H6 paragraph 3.99: ...A piecemeal approach to campus and estate rationalisation will not be supported.**

The proposed amendments resist a piecemeal approach to campus and estate rationalisation. While it is understood that the Council would prefer the delivery of PBSA within university campuses through a master-planned approach, it is important to note the potential delays with realisation of PBSA through this route rather than through an approach which enables individual sites to come forward as they become surplus to requirements. As currently worded, policy around delivery of PBSA on campuses in the borough is predicated on the wholesale review of the university campus; should the reconfiguration and consolidation of the campus not be feasible or required, this is likely to restrict the delivery of student accommodation.

City would suggest that provision of PBSA should be assessed on a site by site basis, taking into account need identified within the Local Plan as well as where it is evidenced at application stage, and the local context. The delivery of required PBSA is likely to be heavily constrained by Policy H6 and thereby projected demand is unlikely to be met. Therefore, as currently worded, the policy is not positively prepared, not justified and not effective and is therefore unsound. Accordingly, we suggest the following amendments to Policy H1 Part M:

*The provision of additional student accommodation will be delivered in line with objectively assessed identified need or where need can be evidenced as part of a planning application. Provision of student housing will be encouraged on restricted to allocated sites or sites in existing use as purpose built student accommodation or where there is a wider master-planned approach to consolidate and reconfigure educational floorspace on within a university campus. Any proposals for student accommodation will be expected to provide affordable student accommodation. Further detail on this policy approach is set out in Policy H6.*

We suggest the following amendments to Policy H6 Part A:

*Proposals involving the development, redevelopment and/or intensification of purpose-built student accommodation will ~~only be permitted~~ considered on:*

- i. sites allocated for purpose-built student accommodation; or*
- ii. sites with existing purpose-built student accommodation, subject to consistency with other Local Plan policies and additional impacts of development being acceptable; or*
- iii. a university campus which may include the where reconfiguration of the educational floorspace as part of a wider master-planned approach; ~~or to the higher education providers' plans for change result in a consolidation of social infrastructure floorspace that complies with Policy SC1, part D (iii).~~*
- iv. on other suitable and appropriate sites.*

Policy H6 Part B v) is proposed to be amended as follows

**SD-MM-24 Policy H6 Part B v):** ~~Prevent Temporary~~ use of student accommodation for ancillary uses ~~as general visitor accommodation will be secured via legal agreements/conditions to ensure —either short term or long term— due to~~ the potential impacts on the safety, security and privacy of both resident students and wider amenity impacts ~~long term residents will be managed, and the~~. The potential individual and cumulative impact on housing supply will be considered and any proposal for temporary use which cannot be demonstrated ancillary will be resisted

The modifications to Part B v) of Policy H6 allow for student accommodation to be used for temporary ancillary uses where this is secured by legal agreement. This is a welcome addition which aligns with supporting text at paragraph 4.15.13 of the London Plan.

### **Design & Heritage**

#### **Policy DH1 Fostering Innovation and conserving and enhancing the historic environment**

It is acknowledged that the comments made in our Regulation 19 representations on Policy DH1 have been accounted for in the main modifications.

#### **Policy DH2 Heritage Assets**

**SD-MM-70 Policy DH2 Part B:** Development within conservation areas and their settings – including alterations to existing buildings and new development - must conserve ~~and~~ ~~or~~ enhance the significance of the area, and must be of a high quality contextual design. Proposals that harm the significance of a conservation area must provide clear and convincing justification for the harm; where proposals will cause substantial harm to the significance of a conservation area, they will be strongly resisted.

Our previous representations made on this policy still stand. The policy seeks to resist ‘substantial harm’ to conservation areas and their settings. It is considered that this is not consistent with national policy and would unduly restrict development in proximity to conservation areas and listed buildings. The policy should be amended to align with paragraph 201 of the NPPF whereby development that leads to substantial harm is refused “*unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss*” (Paragraph 201, NPPF). The policy as currently worded continues to be inconsistent with national policy and is therefore unsound.

#### **Policy DH3 Building Heights seeks additional Part E wording as follows:**

**SD-MM-71 Policy DH3 Part E:** Tall buildings must be high quality in accordance with policy PLAN1. The designs of tall buildings must consider the individual and cumulative visual, functional, and environmental impacts, avoid negative impacts through good design, and mitigate any remaining negative impacts as far as possible. The following criteria must be fully satisfied

City welcomes the greater flexibility built into Policy DH3 which accounts for the comments made on the policy at both Regulation 18 and 19 stage. It is encouraging that the policy better aligns with the London Plan policies D3 and D6 and provides for a design led approach to tall buildings. However, wording which requires that “criteria must be fully satisfied” [emphasis added] is overly restrictive and may lead to conflict in achieving the component parts of the policy itself. We suggest the word “fully” is removed from the policy wording.

Policy DH3 Building Heights seeks additional Part E wording as follows:

**SD-MM-71 Policy DH3 Part F:** Buildings that do not meet the tall building criteria in Part A but which are still considered prominent in their surrounding context, for example twice the contextual reference height, must respond appropriately to local contextual building heights and be compatible to their surroundings and the character of the area consistent with other relevant policies.

New Part F is welcome in allowing the consideration of tall buildings in areas outside of tall building locations and acknowledges the comments we made in our Regulation 18 and 19 representations on Policy DH3. The addition provides consistency across the policy document, and allows for multiple objectives to be considered in the round, for example in seeking to achieve policy objectives for delivery of PBSA, consideration of building height outside of tall building locations will be necessary.

Policy DH3 supporting text paragraph 8.50 is proposed to be modified as follows:

**SD-MM-71 Policy DH3 supporting text paragraph 8.50:** Proposals that do not meet the definition of tall buildings under this policy must still be of an appropriate scale for their context, and will be assessed against all relevant policies including PLAN1, DH1, DH2, and DH3 part E. Proposals will be considered in relation to their impacts and should not undermine the quality of existing development and streetscape. Part E of DH3 is important in this regard to ensure such proposals are considered in and appropriately respond to their context to create a human scale and massing consistent with DH1. ~~Buildings that are below the 30m threshold and less than twice of the height of the surrounding context but which can still be considered prominent may be classed as tall buildings and, as a result, they may be subject to Part F of policy DH3 dependent on site specific circumstances.~~

The addition of supporting text to Policy DH3 at new paragraph 8.50 is welcome and positively prepared and provides the necessary flexibility for development whilst ensuring good design outcomes that meet environmental, social and economic objectives, in line with the London Plan design policies.

#### **Bunhill and Clerkenwell AAP Main Modifications**

BC12 (Bayes Business School, 106 Bunhill Row) site allocation proposes the following modifications:

#### **BC-MM-28 Site Allocation BC12 Cass Development consideration:**

- ~~• No site specific considerations, relevant policies apply.~~
- *The building is of a similar height to the surrounding buildings and is reflective of the typical townscape context of the local area. As a result, only a modest upwards extension is likely to be acceptable in this location.*

City request that the School is referred to as 'Bayes Business School' in all policy documents. It is acknowledged that the comments we made in our Regulation 19 representations on this site allocation have been accounted for.

The additional text proposed within the main modifications of the site allocation places undue restriction on development potential of the property. While it is encouraging that the Council confirm that there is scope for an extension to the building, City believe that any proposals put forward for 106 Bunhill Row should be determined by the Council through the planning application process.

City agree that the height and townscape context of the local area will be a material consideration for any planning application submitted for 106 Bunhill Row. These matters are the subject of policies within the forthcoming Strategic and Development Management Policies of the Local Plan and any application will be assessed against those relevant policies.

Furthermore, use of the word “modest” is ambiguous. A *modest* upwards extension is subjective and does not allow for the policy to be applied effectively. It is considered that the additional text does not meet the tests of soundness for local plans, specifically it is not positively prepared and is not justified. As such, it is requested that the proposed prescriptive design criteria should be removed from the site allocation, or the wording amended. City suggest that the wording is removed, or amended as follows:

***“The building is of a similar height to the surrounding buildings and is reflective of the typical townscape context of the local area. It is considered that there is scope for an extension however, any increase in height to the building should consider the impact on the surrounding townscape context.”***

BC46 (10 Northampton Square) site allocation proposes the following modifications:

***BC-MM-56 Site Allocation BC46: City, University of London, 10 Northampton Square: Allocation and justification - Refurbishment and redevelopment of buildings to provide improved education floorspace, teaching facilities and uses ancillary to teaching. ~~Increased teaching facilities may be suitable where they can be accommodated in line with other Local Plan policies.~~***

City note the reference to permission P2019/1124/FULL is now included within the site allocation wording. City have previously commented on the text “Increased teaching facilities may be suitable where they can be accommodated in line with other Local Plan policies.” at the Regulation 18 and 19 stage. We note that the text was introduced at the Regulation 19 stage and is now proposed to be deleted. As previously stated, the ‘Allocation and justification’ remains current and accurate and we request that the text proposed to be deleted should be included within the wording of the site allocation.

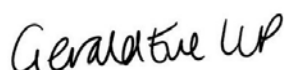
In view of the proposed amendments to Policy H6, and in light of amendments to site allocation NH14 as part of these main modifications (that an element of student accommodation may be acceptable), City request that the BC46 include student accommodation as an acceptable land use at the site.

For the avoidance of doubt, City therefore considers that the ‘Allocation and justification’ section of site allocation BC46 be amended as follows:

***Refurbishment and redevelopment of buildings to provide improved education floorspace, teaching facilities and uses ancillary to teaching, including the provision of student accommodation. Increased teaching facilities are required to accommodate projected student growth. Existing buildings have poor internal circulation and do not provide facilities to the required standard.***

We look forward to receiving confirmation that these representations have been received and acknowledged. Please do not hesitate to contact [REDACTED] of these offices if it would be helpful to discuss the contents of these representations further. We look forward to further dialogue with the London Borough of Islington as the emerging planning policy progresses.

Yours faithfully



Gerald Eve LLP