



AGENDA FOR THE PLANNING COMMITTEE

A meeting of the Planning Committee will be held in Council Chamber, Town Hall, Upper Street, N1 2UD on **22 July 2014 at 7.30 pm.**

John Lynch
Head of Democratic Services

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Despatched : 14 July 2014

Welcome:

Members of the public are welcome to attend this meeting.

Consideration of Planning Applications – This is a formal agenda where decisions are taken on planning applications submitted to the Council. Public speaking rights on these items are limited to those wishing to comment on specific applications. **If you wish to speak at the meeting please register by calling the Planning Department on 020 7527 2278 or emailing enquiriesplanning@islington.gov.uk.**

Committee Membership

Councillor Khan (Chair)
Councillor Klute (Vice-Chair)
Councillor R Perry (Vice-Chair)
Councillor Chowdhury
Councillor Fletcher
Councillor Gantly
Councillor Kay
Councillor Nicholls
Councillor Picknell
Councillor Poyser

Quorum: 3 councillors

Wards

- Bunhill;
- St Peter's;
- Caledonian;
- Barnsbury;
- St George's;
- Highbury East;
- Mildmay;
- Junction;
- St Mary's;
- Hillrise;

Substitute Members

Councillor Convery - Caledonian;
Councillor Makarau Schwartz - Junction;
Councillor O'Sullivan - Finsbury Park;
Councillor A Perry - St Peter's;
Councillor Poole - St Mary's;
Councillor Smith - Holloway;
Councillor Spall - Hillrise;
Councillor Ward - Holloway;
Councillor Wayne - Canonbury;
Councillor Williamson - Tollington;



A. Formal Matters	Page
1. Introductions	
2. Apologies for Absence	
3. Declarations of Substitute Members	
4. Declarations of Interest	

If you have a **Disclosable Pecuniary Interest*** in an item of business:

- if it is not yet on the council's register, you **must** declare both the existence and details of it at the start of the meeting or when it becomes apparent;
- you may **choose** to declare a Disclosable Pecuniary Interest that is already in the register in the interests of openness and transparency.

In both the above cases, you **must** leave the room without participating in discussion of the item.

If you have a **personal** interest in an item of business **and** you intend to speak or vote on the item you **must** declare both the existence and details of it at the start of the meeting or when it becomes apparent but you **may** participate in the discussion and vote on the item.

***(a) Employment, etc** - Any employment, office, trade, profession or vocation carried on for profit or gain.

(b) Sponsorship - Any payment or other financial benefit in respect of your expenses in carrying out duties as a member, or of your election; including from a trade union.

(c) Contracts - Any current contract for goods, services or works, between you or your partner (or a body in which one of you has a beneficial interest) and the council.

(d) Land - Any beneficial interest in land which is within the council's area.

(e) Licences- Any licence to occupy land in the council's area for a month or longer.

(f) Corporate tenancies - Any tenancy between the council and a body in which you or your partner have a beneficial interest.

(g) Securities - Any beneficial interest in securities of a body which has a place of business or land in the council's area, if the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body or of any one class of its issued share capital.

This applies to **all** members present at the meeting.

5. Order of Business	
6. Minutes of Previous Meeting	1 - 2
B. Consideration of Planning Applications	Page
1. 130-154, 154A, Pentonville Road, (including 5A Cynthia Street, 3-5, Cynthia Street, 2, Rodney Street), Islington, London, N1 9JE	5 - 128

2.	Emirates Stadium, Drayton Park, Islington, London, N5 1BU	129 - 178
3.	Shire House Whitbread Centre, including car park and service yard, 11 Lamb's Passage, London, EC1Y 8TE - Full	179 - 286
4.	Shire House Whitbread Centre, including car park and service yard, 11 Lamb's Passage, London, EC1Y 8TE - Listed	287 - 300

C. Urgent non-exempt items (if any)

Any non-exempt items which the Chair agrees should be considered urgent by reason of special circumstances. The reasons for urgency will be agreed by the Chair and recorded in the minutes.

Date of Next Meeting: Planning Committee, 4 September 2014

Please note all committee agendas, reports and minutes are available on the council's website:

www.democracy.islington.gov.uk

PROCEDURES FOR PLANNING COMMITTEE

Planning Committee Membership

The Planning Committee consists of ten locally elected members of the council who will decide on the applications for planning permission.

Order of Agenda

The Chair of the Planning Committee has discretion to bring forward items, or vary the order of the agenda, where there is a lot of public interest.

Consideration of the Application

After hearing from council officers about the main issues of the proposal and any information additional to the written report, the Chair will invite those objectors who have registered to speak for up to three minutes on any point relevant to the application. If more than one objector is present for any application then the Chair may request that a spokesperson should speak on behalf of all the objectors. The spokesperson should be selected before the meeting begins. The applicant will then be invited to address the meeting also for three minutes. These arrangements may be varied at the Chair's discretion.

Members of the Planning Committee will then discuss and vote to decide the application. The drawings forming the application are available for inspection by members during the discussion.

Please note that the Planning Committee will not be in a position to consider any additional material (e.g. further letters, plans, diagrams etc.) presented on that evening. Should you wish to provide any such information, please send this to the case officer a minimum of 24 hours before the meeting. If you submitted an objection but now feel that revisions or clarifications have addressed your earlier concerns, please write to inform us as soon as possible.

What Are Relevant Planning Objections?

The Planning Committee is required to decide on planning applications in accordance with the policies in the Development Plan unless there are compelling other reasons. The officer's report to the Planning Committee will refer to the relevant policies and evaluate the application against these policies. Loss of light, openness or privacy, disturbance to neighbouring properties from proposed intrusive uses, over development or the impact of proposed development in terms of size, scale, design or character on other buildings in the area, are relevant grounds for objection. Loss of property value, disturbance during building works and competition with existing uses are not. Loss of view is not a relevant ground for objection, however an unacceptable increase in sense of enclosure is.

For further information on how the Planning Committee operates and how to put your views to the Planning Committee please call Zoe Crane on 020 7527 3044. If you wish to speak at the meeting please register by calling the Planning Department on 020 7527 2278 or emailing enquiriesplanning@islington.gov.uk.

London Borough of Islington

Planning Committee - 8 July 2014

Minutes of the meeting of the Planning Committee held at Council Chamber, Town Hall, Upper Street, N1 2UD on 8 July 2014 at 7.30 pm.

Present: **Councillors:** Khan (Chair), Klute (Vice-Chair), R Perry (Vice-Chair), Fletcher, Gantly, Nicholls, Poyser and Williamson (Substitute) (In place of Picknell)

Also Present: **Councillors:**

Councillor Robert Khan in the Chair

8 **INTRODUCTIONS (Item A1)**

Councillor Khan welcomed everyone to the meeting. Members of the Committee and officers introduced themselves.

9 **APOLOGIES FOR ABSENCE (Item A2)**

Apologies were received from Councillors Chowdhury, Kay and Picknell.

10 **DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)**

Councillor Williamson substituted for Councillor Picknell.

11 **DECLARATIONS OF INTEREST (Item A4)**

There were no declarations of interest.

12 **ORDER OF BUSINESS (Item A5)**

The order of business would be as per the agenda.

13 **MINUTES OF PREVIOUS MEETING (Item A6)**

RESOLVED:

That the minutes of the meeting held on 17 June 2014 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

14 **GOODINGE COMMUNITY CENTRE, 21 NORTH ROAD, LONDON, N7 9GQ (Item B1)**

Demolition of existing single storey Goodinge Community centre building. Redevelopment of the site to provide a 6 storey building comprising of a community centre at ground floor level and 23 residential units on upper levels. Residential units comprised 16 x 2 bed flats and 7 x 3 bed flats.

(Planning application number: P2014/0950/FUL)

In the discussion the following points were made:

- The planning officer reported that within Condition 2 of Recommendation B on page 38 of the agenda, plans 498_PL_007 and 498_PL_008 should both include Revision A.

Planning Committee - 8 July 2014

- The Design Review Panel had commented that the floor to ceiling heights were low in the initial design. The floor to ceiling heights had since been increased to 3.6 metres which was considered acceptable.
- The communal heating system units on the roof would add height to the building but were set back, were not prominent and would not alter the design.
- The Council usually sought to achieve 100% affordable housing in its schemes. However, replacing the community centre meant the provision of 100% affordable housing was not possible in this scheme.

RESOLVED:

That planning permission be granted subject to a Directors' Agreement between Housing and Adult Social Services and Environment and Regeneration or Planning and Development in order to secure the planning obligations outlined in Recommendation 1 of the case officer's report and subject to the conditions and informatives in the case officer's report with Condition 2 being amended as above.

15 PLANNING ENFORCEMENT AND APPEAL PERFORMANCE: FOURTH QUARTER AND YEAR END 2013/14 (Item C1)

RESOLVED:

That the report be noted.

The meeting ended at 7.45 pm

CHAIR

COMMITTEE AGENDA

1 130-154, 154A, Pentonville Road, (Including, 5A Cynthia Street, 3-5, Cynthia Street, 2, Rodney Street), Islington, London, N1 9JE

2 Emirates Stadium, Drayton Park, Islington, London, N5 1BU

(Coach Parking Locations: Queensland Road, Hornsey Road, Sobell Centre, Hornsey Street, Finsbury Park)

3 Shire House Whitbread Centre [including Car Park & Service Yard], 11 Lamb's Passage, London EC1Y 8TE

1 130-154, 154A, Pentonville Road, (Including, 5A Cynthia Street, 3-5, Cynthia Street, 2, Rodney Street), Islington, London, N1 9JE

Ward: Barnsbury

Proposed Development: Comprehensive redevelopment of the site to provide for a mixed use development consisting of 3,879sq m (GIA) of a Car Hire Facility (sui generis use class) comprising of offices and 150 parking spaces and 873sq m (GIA) of office (B1 use class) floor space and 118 residential units (C3 use class), along with associated communal amenity space, children's play space, landscaping, cycle spaces, refuse storage. The building would consist of the following storey heights: - Rodney Street: part 5 and part 7 storeys;- corner of Rodney and Pentonville Road: 10 storeys;- Pentonville Road: part 5, part 6 and part 7 storey's with a set back floors at 8th and 6th floor levels; and- Cynthia Street: 4 storeys with a set back 5th. This application may affect the character and appearance of a conservation area and the setting of a listed building. Town and Country Planning (Listed Building and Conservation Areas) Act 1990 (as amended); Section 67 and 73.

Application Number: P2014/1017/FUL

Application Type: Full Planning Application

Case Officer: John Kaimakamis

Name of Applicant: Groveworld Rodney Street Ltd

Recommendation:

2 Emirates Stadium, Drayton Park, Islington, London, N5 1BU

(Coach Parking Locations: Queensland Road, Hornsey Road, Sobell Centre, Hornsey Street, Finsbury Park)

Ward: Highbury West

Proposed Development: Approval of details pursuant to condition AG16 (Arsenal event day coach parking locations) of planning permission ref: P061170.

Condition AG16 of planning permission ref: P061170 states:

'That during any major event, at least 40 coach parking spaces shall be made available for use within the stadium or at another location(s) outside the stadium previously agreed by the Council'

The proposed parking locations in order of priority:

Queensland Road (18 spaces)
Hornsey Road (9 spaces)
Sobell Centre (12 spaces)
Hornsey Street (11 spaces)
Finsbury Park (90+ spaces)

The applicant is seeking a permanent permission.

Application Number: P2013/4353/AOD

Application Type: Approval of Details

Case Officer: Benjamin Dixon

Name of Applicant: Arsenal Football Club

Recommendation:

3 Shire House Whitbread Centre [including Car Park & Service Yard], 11 Lamb's Passage, London EC1Y 8TE

Ward: Bunhill

Proposed Development: Demolition of existing works building and re-development of the existing surface level car park, along with the conversion of existing Grade II listed underground vaults to provide a mixed use development comprising of a part 4, part 8 storey building providing 38 residential units (19 affordable, 19 market rate) (Class C3), a 61 bedroom hotel (Class C1), office floor-space (Class B1a), restaurant (Class A3), retail (Class A1) and gym (Class D1), along with the creation of new public realm, associated landscaping and alterations to the existing access arrangements. [Listed Building consent ref: P2013/3297 also submitted]

Application Number: P2013/3257/FUL

Application Type: Full Planning Application

Case Officer: Paul Conboy

Name of Applicant: London City Shopping Centre Ltd & Lamb's Passage Real Estate

Recommendation:

Ward: Bunhill

Proposed Development: Demolition of existing works building and re-development of the existing surface level car park, along with the conversion of existing Grade II listed underground vaults to provide a mixed use development comprising of a part 4, part 8 storey building providing 38 residential units (19 affordable, 19 market rate) (Class C3), a 61 bedroom hotel (Class C1), office floor-space (Class B1a), restaurant (Class A3), retail (Class A1) and gym (Class D1), along with the creation of new public realm, associated landscaping and alterations to the existing access arrangements. [Full planning application ref: P2013/3257also submitted].

Application Number: P2013/3297/LBC

Application Type: Listed Building

Case Officer: Paul Conboy

Name of Applicant: London City Shopping Centre Ltd & Lamb's Passage Real Estate

Recommendation:



PLANNING COMMITTEE REPORT

PLANNING COMMITTEE		
Date:	22 July 2014	NON-EXEMPT

Application number	P2014/1017/FUL
Application type	Full Planning Application
Ward	Barsnbury
Listed building	Not Applicable
Conservation area	Not Applicable
Development Plan Context	<ul style="list-style-type: none"> - Employment Growth Area - King's Cross and Pentonville Road Key Area (Core Strategy CS6) - Not located within the Central Activities Zone (CAZ) - Within 200metres of RS2 Crossrail 2 - RS2 Crossrail 2 (Hackney-SW) safeguarding - CPZ Area - Site within 100m of a TLRN Road - LV7 Local view from Dartmouth Park Hill - Within 50m of New River Conservation Area - Within 50m of Chapel Market/Baron Street Conservation Area - KC1 Pentonville Road, Rodney Street and Cynthia Street
Licensing Implications	None
Site Address	130-154, 154A, Pentonville Road, (including, 5A Cynthia Street, 3-5, Cynthia Street, 2, Rodney Street), Islington, London, N1 9JE
Proposal	Comprehensive redevelopment of the site to provide for a mixed use development consisting of 3,879sq m (GIA) of a Car Hire Facility (sui generis use class) comprising of offices and 150 parking spaces and 873sq m (GIA) of office (B1 use class) floor space

	and 118 residential units (C3 use class), along with associated communal amenity space, children's play space, landscaping, cycle spaces, refuse storage. The building would consist of the following storey heights: - Rodney Street: part 5 and part 7 storeys;- corner of Rodney and Pentonville Road: 10 storeys;- Pentonville Road: part 5, part 6 and part 7 storey's with a set back floors at 8th and 6th floor levels; and- Cynthia Street: 4 storeys with a set back 5th.
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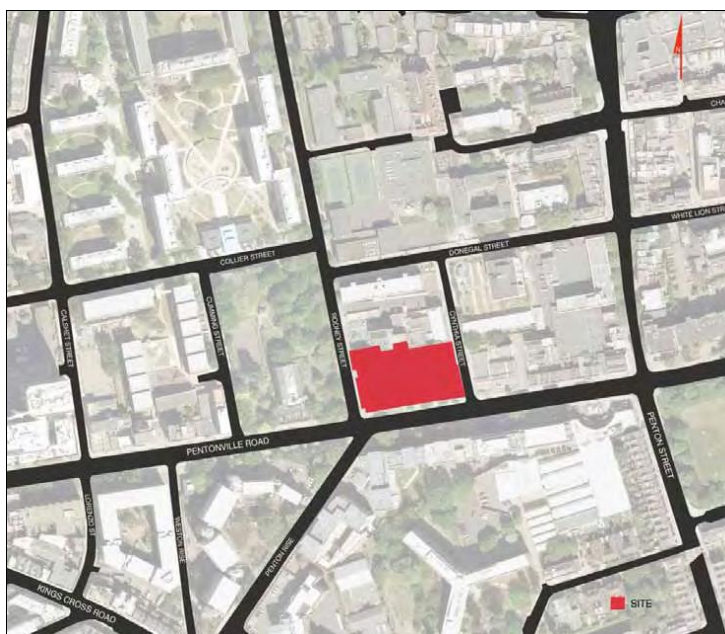
Case Officer	John Kaimakamis
Applicant	Grovieworld
Agent	Savills

1. RECOMMENDATION

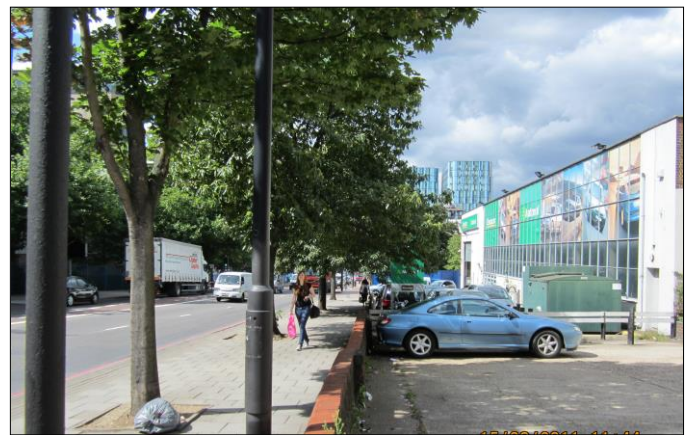
The Committee is asked to resolve to **GRANT** planning permission:

1. subject to the conditions set out in Appendix 1;
2. conditional upon the prior completion of a Deed of Planning Obligation made under section 106 of the Town and Country Planning Act 1990 securing the heads of terms as set out in Appendix 1; and
- 3 subject to any direction by the Mayor of London to refuse the application or for it to be called in for the determination by the Mayor of London.

2. SITE PLAN (site blocked out)



3. PHOTOS OF SITE/STREET



4. SUMMARY

- 4.1 The proposal is for the provision of an expanded car hire business and office floorspace and the provision of 118 residential units, 20 of which would be affordable (23% by habitable room or 17% by unit numbers). The land use offer is supported by a financial viability appraisal that concludes that the provision of additional office floorspace would have a further (significant) negative impact on viability, and that the prospects for new office floorspace in this particular location are currently weak. The affordable housing offer is considered by BPS (independently appointed consultants) to represent the maximum reasonable amount the site/proposal can afford to deliver (applying the strategic target of securing at least 50% of new housing as affordable) due to the specific circumstances of this case, which includes amalgamating four sites through private negotiations (purchases) and due to the requirement to re-provide the car hire business.
- 4.2 The proposal seeks permission for buildings ranging from 4 storeys to 10 storeys. Whilst the buildings are considered to be large in places, the scheme has some regard to the scale and massing of the surroundings and it is accepted that there are 9 and 10 storey buildings in the vicinity of the site. Further, considerations of scale and bulk were considered by the Planning Inspectorate under the previous scheme and found to be acceptable. In comparison to the appeal scheme, there have been reductions in massing opposite Hill House so as to address amenity concerns. The detailed design of the building is considered to be high quality, sustainable, to enhance biodiversity and to be energy efficient adhering to the energy hierarchy, subject to conditions of consent. The trees on Pentonville Road would be retained as part of these proposals.
- 4.3 The revised proposals have limited the loss of sunlight and daylight to the duplex properties at ground and first floor level of Hill House, and the impact on these properties has also been lessened when compared to the appeal proposal. The proposed building opposite Hill House Apartments is on the whole lower than Hill House Apartments and therefore the townscape approach to this design is considered to be acceptable. Balancing the townscape and other benefits against the sunlight and daylight losses to these properties the harm to these properties is accepted.
- 4.4 The proposed increase in capacity of the car hire business is supported by Development Management policies which accepts car parking that is operationally required as part of a business. The application includes a statement that supports the level of capacity increase which is accepted. The servicing, delivery, prevention of misuse of the car hire parking spaces and other transportation considerations are considered to be appropriately addressed through recommended conditions and legal agreement requirements.
- 4.5 The proposals (as revised since the previous application) are on-balance considered acceptable despite the limited impacts on residential amenity that would occur, due to the public benefits that the scheme would deliver including, new homes some of which would be affordable, increased

employment levels from existing, efficient use of a very accessible brownfield site and improvement to the public realm through high quality design of buildings.

5. SITE AND SURROUNDING

Site

- 5.1 The application site is located on the northern side of Pentonville Road and is positioned approximately half way between Kings Cross (to the west) and Angel (to the east) London Underground stations which are both within walking distance of the site. The site is 0.34 hectares in size and is bounded by three street frontages: Pentonville Road (south), Cynthia Street (east) and Rodney Street (west). The northern boundary of the site abuts the Montessori School and an office block at 6-10 Cynthia Street. The site itself has a significant change in level of a storey height across it from Cynthia Street to Rodney Street. Pentonville Road is part of the strategic road network, maintained by Transport for London (TfL). It accommodates a total of four (4) trees within the pavement in front of the site.
- 5.2 Fronting Pentonville Road, the Europcar building (Nos. 136-150 Pentonville Road) stands at 2 storeys height (double height space), set back significantly into the site by 9.0 metres from the inner edge of the footway. An external substation is located between the building frontage and the footway. This car hire operation has a 12.5m wide vehicle entrance aligned with the western wall of the car hire building.
- 5.3 Set back from the front Europcar building line (by 4.5 metres) and also fronting Cynthia Street, is Nos. 130-134 Pentonville Road and Nos. 3-5 Cynthia Street. This building is a 3-storey building with a semi-sunk basement level. A shop front faces Pentonville Road looking onto a vehicle forecourt, which has space to accommodate approximately 7 vehicles and is accessed from Cynthia Street. The Cynthia Street frontage includes a light well enclosed by railings reducing the footway width to 1.5 metres.
- 5.4 Adjacent to this building (No. 5a Cynthia Street) is a single storey building with glass brick frontage that accommodates a flower distributor (B1 use class) with a setback first floor level that accommodates a 3 bedroom residential unit. The majority of this building frontage has a dropped kerb along the highway edge.
- 5.5 To the west of the Europcar site on the corner of Rodney Street and Pentonville Road is a vacant site (Nos. 152-154 Pentonville Road) where buildings were previously demolished. Planning permission (Ref: P092706) for office B1 at ground floor and 26 residential units above has been implemented but not progressed significantly on site. The site is enclosed by construction hoarding.
- 5.6 Along Rodney Street is an additional, double height entrance into the Europcar facility with a vehicle crossover measuring 9.5 metres wide. The

Europcar operation therefore wraps around the vacant site on the corner of Rodney Street and Pentonville Road.

Surroundings:

- 5.7 Pentonville Road is a principal east-west route that was developed as part of the growth of London during the Georgian period. Once characterised by terraced housing on either side, remnants of which remain, the road is now more mixed in building types, heights, age and quality as well as the uses they accommodate.
- 5.8 Some features have endured since the laying out of the road and the surrounding streets of Pentonville in the later 18th century. These include the positioning of the former churchyard of St James, the street layout and a connection between Penton Rise and Pentonville Road. Building heights on the north side of Pentonville Road also relate more to the pre-existing townscape with buildings rising 5/6 storeys on average at the highest points. There are taller, more recent exceptions. Buildings on the south side of Pentonville Road (which tend to be located within the Central Activities Zone) have larger footprints and there is generally a larger scale. In these cases, buildings tend to be set back from the pavement line.
- 5.9 The rear part of the urban block that accommodates the application site (but does not sit within the application site) contains:
- Nos. 6-9 Cynthia Street, 4-storey warehouse aesthetic building;
 - The Gower School Nursery is located along the rear (northern) boundary of the application site. This site also accommodates a ballcourt, enclosed by wire mesh fence close to the corner of Cynthia and Rodney Streets and is accessed via a vehicle arch through Nos. 6-9 Cynthia Street;
 - Nos. 4-8 Rodney Street – with a valid planning permission (P092706), for the construction of a ground floor commercial and upper floor residential scheme up to 7 storeys in height in vacant area of land to the front of the site. The existing building to the rear of the site at Nos. 4-8 Rodney Street has recently had a prior approval consent granted for the conversion of the existing office accommodation to residential units;
 - Rodney House (which fronts Donegal Street) and is an Islington Council managed housing estate that stands at 5 storeys at the Rodney Street end and 4 storeys at its Cynthia Street end (working with the slope along the street).
- 5.10 Located to the east of the application site on the opposite side of Cynthia Street is:
- 122-128 Pentonville Road (Hill House) which is a part 4, part 5 with a set back 6th storey building accommodating residential flats (and a ground floor supermarket);
 - north of Hill House are two single storey substation buildings;
 - running at right angles to Cynthia Street is the two storey Islington Council housing estate building; and

- beyond this on the eastern corner of Donegal Street and Cynthia Street is the 10 storey residential building Prospect House which is set back from the Cynthia Street frontage by generous grounds and child play space areas.

6. PROPOSAL (IN DETAIL)

- 6.1 The submitted application is largely similar to planning application reference: P121570 which was dismissed at appeal. Amendments have been carried out which see the reduction in scale/mass particularly to the Cynthia Street elevation and the corner of the site at the junction of Pentonville Road and Cynthia Street.
- 6.2 The proposal seeks the redevelopment of the site to provide a residential-led mixed use development comprising of the expansion of the Europcar (car hire) business (sui generis use class), amounting to 3,879 square metres (GIA) of floor area and providing a total of 150 car storage spaces associated with the business (an uplift of 50 spaces from the existing operations).
- 6.3 The proposals include the provision of 873 square metres (GIA) of office floorspace (B1 use class) located at lower and upper ground floors (with the ability for those spaces to be subdivided into smaller units); and the provision of 118 residential units (C3 use class). The proposal offers a total of 20 affordable housing units (17% by unit numbers and 23% by habitable rooms) comprised of 11 social rented units (all 3 bedroom) and 9 intermediate tenure units (71/29% split by habitable rooms).
- 6.4 The development has been designed in 5 blocks labelled as A-E. Whilst designed as 5 blocks the design is based on a warehouse aesthetic, with regular grid-like design punctuated by recessed balconies with glazed balustrades (for the majority of the blocks). The buildings are to be constructed mainly of brick (two colours proposed) utilising a stretcher bond pattern and white mortar. Street facing elevations are designed with 225mm deep window reveals.
- 6.5 **Block A** (fronting Rodney Street) has been designed with its main bulk standing at 7 storeys (21m) designed 4 bays wide in the warehouse aesthetic, incorporating inset (recessed) balconies. A set back (aligned with the ground floor building line, not the first floor projection) 5 storey element, one bay wide is proposed to the north of this with projecting balconies that would extend to the front façade of the main (7 storey) elevation. Separating this block (visually) from Block B is a setback (from projecting building line) 7 storey (single bay wide) element of the block constructed of glass curtain walling that would provide the main residential entrance at ground floor. This element adopts projecting balconies.
- 6.6 At ground floor level this block accommodates the entrance and exit to the car hire business secured by sliding metal gridded security gate adjoined by the security office to oversee vehicle comings and goings. The ground floor frontage would be designed to be clad in bronze and light weight glazing to

accommodate access to cycle storage, electricity substation and residential entrance lobby (that serves block A and B).

- 6.7 **Block B** (to the corner of Rodney Street and Pentonville Road) is designed to stand at 10 storeys (30m) in height and a width of 5 bays to Rodney Street and 4 bays to Pentonville Road. This particular block is proposed to be constructed of rainscreen cladding 'Grey Limestone' to display a stone clad appearance. Inset into this double height stone grid appearance, windows inset with bronze cladding would be 225mm inset including recessed balconies. Ground floor frontages are designed to be glazed and offer the pedestrian entrance to the car hire business on the corner.
- 6.8 **Block C** (fronting Pentonville Road) is designed to stand at 7 storeys with a setback 8th incorporating a mezzanine commercial level making use of the slope of the site. This block is again visually separated from the adjacent blocks B and D by a light weight (curtain wall glazing) element (one bay wide) from the taller 10 storey block. The ground floor of this curtain wall glazed element of the building provides the main reception entrance to one of the commercial units. The design of this block is very similar to proposed block A. The set back top storey is to be bronze clad with aluminium framed windows, set behind a parapet and glass balustrades. The ground floor is provided with glazed frontages and projecting canopies, with a further commercial entrance located at the opposite end of the Block C frontage. Photovoltaic panels are proposed to the roof of Blocks A and C. The provision of a residential access is also provided to Core C from Pentonville Road
- 6.9 **Block D** (to the corner of Pentonville Road and Cynthia Street) is designed to stand at 5 storeys in height with a 6th storey set in from the lower level façade of Pentonville Road and substantially setback from Cynthia Street. Block D drops to a height of 4 storeys at the corner for the width of an extended bay (4.5 metres). This corner is also set in from the building line of Pentonville Road by 2.0 metres providing uniformity with the set back upper floors. The design, is similar to block A.
- 6.10 **Block E** (fronting Cynthia Street) has been designed to stand at 4 storeys and set back 1.9m from the building line of the adjoining building (known as 6-10 Cynthia Street – the Gower School). This block is designed with a setback 5th floor which is set 4.4m back from the front façade of the lower floors fronting Cynthia Street and setback 6.0m from the building line of the adjoining building at Nos. 6-10 Cynthia Street. This block has its own design character different to the rest of the scheme and has a more residential appearance with regular window patterns and alignment set within 225mm window reveals. A different brick type is proposed for this block to reflect its different design. Projecting metal balconies are proposed to floors 1-3 and a defensible planted space 1.6m in depth is proposed to the ground floor punctuated by a communal entrance to the development block. A gate encloses the communal entrance to the courtyard of this development and the core to Blocks C and D.
- 6.11 **Communal Courtyard** the development is designed as a perimeter block enclosing a communal courtyard in the centre that measures 23m x 32m (736sqm) incorporating small private spaces to ground floor residential units,

pathways and a landscape layout that overcomes a change in level to utilise the roof of a proposed bin and bicycle store. Within this 736sqm area a total of 286sqm of play spaces in three distinct spaces is also proposed.

- 6.12 The development has been designed to be car free for the office and residential elements of the scheme, with on-street servicing from Cynthia Street and Rodney Streets. More than 200 cycle parking spaces are proposed in three distinct locations and refuse and recycling storage is proposed with collection to be carried out from Cynthia and Rodney Streets.
- 6.13 The proposal has been designed to incorporate a Combined Heat and Power unit, sized to be capable of supplying heat to the wider block in the future. The scheme is designed to be energy efficient and therefore use less energy. Renewable energy is to be incorporated through solar photovoltaic panels. The scheme proposes a CO2 reduction of 29% as compared to Building Regulations 2010.
- 6.14 The scheme is proposed to be constructed to BREEAM 'Excellent' standard for the car hire and office uses and Code for Sustainable Homes level 4 for the residential units. The scheme proposes to incorporate green roofs, a rainwater harvesting tank to provide for irrigation purposes and other sustainability measures.

7. RELEVANT HISTORY:

- 7.1 The following planning history for the various sites that make up the wider application site are considered to be relevant to this current application:

Planning Applications:

- 7.2 130-150 Pentonville Road. LBI ref: 910392 granted (9 October 1992) the 'Construction of a building for B1 offices and B1 light industrial with associated car parking service area and landscaping'.
- 7.3 152-154 Pentonville Road. P092706 granted (7 October 2010) the 'Extend time limit on previous permission ref: P061175 for demolition of existing building and erection of new building comprising of ground and six upper floors providing 26 flats with commercial use at ground floor.'
- 7.4 LBI ref: P061175 granted (3 April 2007) the 'Demolition of existing building and erection of new building comprising of ground and five upper floors providing 26 flats with commercial use at ground floor.'
- 7.5 3-5 Cynthia Street. LBI ref: 931349 granted (21 February 1994) the 'Redevelopment to provide a three storey building to comprise a workshop and vehicle parking area on the ground floor and a three bedroom maisonette on upper floors.'
- 7.6 4-8 Rodney Street: LBI ref: P100915 granted (18 January 2012) the 'Development of vacant car park site to construction of a five storey building'

comprising two B1 units on the ground floor and eight flats on the upper floors (7 x 2 bed and 1 x 1 bed).

7.7 4-8 Rodney Street: LBI ref: P080662 refused (18 December 2008) the 'Erection of a part five, part six storey building comprising two B1 units on ground floor and eight flats on the upper floors (five x 2 bed and three x 1 beds).

7.8 130-154, 154A, Pentonville Road, (Including, 5A Cynthia Street, 3-5, Cynthia Street, 2, Rodney Street): LBI Ref: P121570 for the 'comprehensive redevelopment of the site to create a mixed use development comprising of approximately 3,613sqm (GIA) of commercial floor space (sui generis use class) comprised of office and 150 parking spaces associated with a car hire business and approximately 870sqm (GIA) of office (B1 use class) floor space and 123 residential units (C3 use class). Together with associated communal amenity space, children's play space, landscaping, cycle and refuse storage and related infrastructure and engineering works in creating the basement level car parking. This involves the creation of buildings of the following storey heights: - Rodney Street: part 5 and part 7 storeys;- corner of Rodney and Pentonville Road: 10 storeys;- Pentonville Road: part 6 and part 7 storey's with a setback floor above; and- Cynthia Street: 4 storeys with a setback 5th'.

7.9 This application was appealed on grounds of non determination, however the Planning Committee would have refused the application for the following reasons had it determined the application:

- *“The proposed development, by reason of its height, massing and design fails to be sympathetic in scale or to be complementary to the local identity, character and finer grain of the surrounding streetscene as well as failing to acknowledge the underlying landform and topography of the site and local area. The development and particularly the 10 storey building is taller than the prevailing building heights and this would be harmful to the setting of Joseph Grimaldi Park as well as harmful to local views including the view up Penton Rise due to the significant changes in topography that would exacerbate its perceived height. For these reasons, the proposal is found to be contrary to policies 7.4, 7.6 and 7.7 of the London Plan 2011, policies CS6F and CS9 of the Islington Core Strategy 2011, saved policies D3, D4, D5 of the Unitary Development Plan 2002 and emerging policies of the Development Management Policies (submission) June 2012: DM1 and DM3 as well as the Islington Urban Design Guide SPD 2006 and the NPPF.*
- *The proposed development, by reason of its inappropriate layout, height, massing and proximity to facing residential properties would result in an unacceptable harm to the amenity of nearby residential buildings through loss of sunlight and daylight receipt experienced by those properties. This harm makes the proposal contrary to policy 7.5 of the London Plan (2011), policies H3 and D3 of the Islington Unitary Development Plan (2002) and emerging policy DM1 of the Development Management Policies (Submission) June 2012, as well as BRE ‘Site layout planning for daylight and sunlight: a guide to good practice’ (Second Edition 2011).”*

7.10 The Planning Inspectorate dismissed the appeal. The appeal decision is appended in full as Appendix 4, however the Inspector concluded the following:

7.11 *"There are substantial benefits of the scheme in respect of the character and appearance of the area and the positive provisions in respect of housing and employment creation. Nevertheless these do not outweigh the substantial harm that I have identified in respect of the effects on the living conditions of the occupiers of adjacent residential properties in respect of daylight and sunlight, for residents in Hill House. For the reasons given above, I conclude that the appeal should be dismissed."*

Enforcement:

7.12 152-154, Pentonville Road: date opened 30 August 2011. BREACH Unauthorised parking of rental vehicles. Enforcement file closed on 25 November 2011 as breach was remedied without notice or action being taken.

8. CONSULTATION

Public Consultation

8.1 Letters were sent to occupants of 403 adjoining and nearby properties on 19 March 2014. A site notice and press advert were displayed on 27 March 2014. The public consultation of the application therefore expired on 17 April 2014, however it is the Council's practice to continue to consider representations made up until the date of a decision.

8.2 At the time of writing of this report a total of 24 objections had been received from the public with regard to the application. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):

- low provision of affordable housing within the proposals. (*Paragraphs 11.136 ~ 11.143*)
- concerns raised that the height, scale and proximity would over power the surrounding residential dwellings (Hill House specifically identified) (*Paragraphs 11.31 ~ 11.33*)
- concerns raised that a seven storey approval was previously granted on the Rodney Street/Pentonville Road corner, and therefore why a 10 storey development should be considered appropriate; (*Paragraphs 11.31 ~ 11.33*)
- the design appears as one large block with different façade materials, but is too large in scale and vast in volume (*Paragraphs 11.31 ~ 11.33, 11.40*)
- objections that the development would not contribute to the existing neighbourhood in a positive way (*Paragraphs 11.31 ~ 11.33, 11.40*)
- impacts on the skyline of King's Cross from tall buildings
- the building would be just 12m from the Hill House building face and would be between 3.25m and 10.55m taller than existing buildings fronting Cynthia Street

- objection to the loss of trees (*Paragraphs 11.54 ~ 11.56*)
- objection to the 10 storey height of the proposed development and its impact on Joseph Grimaldi Park (one of few green spaces in this part of the borough) (*Paragraphs 11.34 ~ 11.36*)
- objection to the negative impact the development would have on Grimaldi Park and the views up Penton Rise. (*Paragraphs 11.34 ~ 11.36*)
- concerns that the scheme would adversely impact the setting of a listed building. (*the Planning Inspector considered the previous scheme in terms of its impact on the setting of the listed building and concluded that there would be no harm*)
- objection to the loss of sunlight and daylight due to the height and proximity of the proposed building to Hill House Apartments (*Paragraphs 11.59 ~ 11.108*)
- objection to loss of sunlight and daylight to ground and first floor family units; (*Paragraphs 11.59 ~ 11.108*)
- objections that the proposed development provides flats with large windows that would overlook existing Hill House residents (*Paragraphs 11.110 ~11.113*)
- comments received that the existing balconies of Hill House (overlooking Cynthia Street) are well used and that the proposal due to overlooking and loss of light would prevent their use and enjoyment (*Paragraphs 11.110 ~11.113*)
- objections that the proposed 5 storey building facing Hill House would create an echo and increase noise (*Paragraphs 11.114, 11.127 ~11.129*)
- concerns that the Hill House residential units are all single aspect units (west facing) with the exception of the first floor. (*Paragraph 11.59 ~ 11.108*)
- west facing single aspect units would suffer from almost no natural light and would require heating all year around (*Paragraph 11.59 ~ 11.108*)
- objections received stating that criminal activity would increase due to the development (Paragraph)
- objections that the office floor space would not provide sufficiently active frontage/use to Pentonville Road (*Condition 14 ensures the business uses maintain a ground floor active frontage. With regard to the remaining ground floor frontages, this was considered by the Planning Inspector, who concluded that the ground floor design would be appropriate*)
- objections that during construction, workers would be able to look into Hill House Apartment windows and occupants would not be able to enjoy their balconies during that period (*this matter is only temporary during the duration of construction*)
- major construction work will be a nuisance and affect Hill House residents through dust, noise and inconvenience (*Paragraphs 11.114, 11.127 ~11.129*)
- objection to loss of views towards the west (*Paragraph 11.34*)
- inability to rent my flat (short-term) during construction phase (*non planning matter*)
- the proposals will devalue the Hill House properties (*non planning matter*)
- object to infringements of rights to light (*rights of light matters are covered under separate legislation to planning considerations. Sunlight and Daylight considerations are assessed against the BRE guidelines and this has been covered between Paragraphs 11.59 ~ 11.108*)

- concerns about what would happen to the 150 car parking spaces if Europcar were to cease trading on the site. (*the land use for the Europcar is defined as sui generis under the Use Class Order and should they vacate the premises, planning permission would be required for any change of use*)

External Consultees

8.3 **Greater London Authority (GLA) including TfL – Stage 1 Response (summary):** that the proposal does not comply with the London Plan but that the possible remedies set out in the response could address those deficiencies. The Mayor requests a copy of the draft decision notice when a resolution to determine the application has been reached, and the Mayor has the opportunity to direct refusal, request amendments, to any draft decision notice or seek to act as the LPA for the purpose of determining the application. The key areas of concern/non-compliance identified by the GLA include:

- **Principle of Development:** The provision of a mix use development is supported by the London Plan.
- **Affordable Housing:** financial viability assessment should assess whether the inclusion of affordable rent units in place of social rent units would increase the quantum of affordable housing the scheme is delivering (policies 3.11 and 3.12 of LP);
- **Density:** calculation requested (based on net residential area) discounting commercial floorspace) to ascertain compliance with policies 3.3, 3.4 and 4.3 of LP.
- **Design:** applicant has responded to concerns raised in relation to previous iteration of scheme by providing additional access points to residential cores. Issues raised by Planning Inspector in relation to overshadowing have been successfully addressed through massing reconfiguration.
- **Energy:** it should be confirmed that all apartments and non-domestic building uses will be connected to the site heat network.
- **Transport:** it is requested that items be secured by condition and s106 prior to referring back to the Mayor for Stage 2 response. Including:
 - **To be secured by S106 agreement:** creation of one on-street accessible parking bay designated for Blue Badge holders; secure a car parking management strategy, restriction of access to on-street parking permits, contribution to LBI towards on-street car club spaces; residential travel plan secured and monitoring to be secured, s278 agreement required with TfL to secure footway reinstatement works on the TLRN; and
 - S106 contribution towards mitigating the impact of additional pedestrian trips in accord with LP policy 6.10 to achieve the de-cluttering of Pentonville Road to improve the pedestrian experience, in accordance with the findings of the Pedestrian Environment Review System audit submitted by the applicant;
 - **Conditions:** tree protection for trees on Pentonville Road, construction logistics plan

- 5 cycle spaces for residential visitors

8.4 **English Heritage** raised no objection and stated that the scheme should be determined in accordance with national and local policy guidance, and on the basis of the Council's specialist conservation advice.

8.5 **English Heritage (Greater London Archaeology Advisory Service)** recommended that no archaeological requirement was necessary. They concluded that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest. As such, no further assessment or conditions are necessary with regard to archaeological considerations.

8.6 **Metropolitan Police (Crime Prevention)** advised that because there are more than 10 flats served from each residential communal door, it is recommended that there is an additional access control on each floor. It is recommended that the Secured by Design physical security standards are applied to the development.

8.7 **Thames Water** responded stating that the impact on surrounding infrastructure depends on which side of the development the new connection is made. Cynthia Street is capable of supporting the new demand but Rodney Street is not. Thames Water preferred option would be for all surface water to be disposed of on site using SUDS as per policy 5.13 of the London Plan. The following conditions and informatives were requested:

- a non-return valve to avoid risk of backflow at a later date be installed;
- Petrol / oil interceptors to be fitted to all car parking / washing/repair facilities [condition 37];
- no impact piling to take place until a piling method statement has been submitted to and approved [condition 6];
- water pressure informative requested to be imposed; and
- it was stated that it is the developers responsibility to make provision for drainage to ground, water courses or a suitable sewer.

8.8 **London Fire and Emergency Planning** responded advising that the Brigade is satisfied with the proposals.

8.9 **Crossrail Safeguarding (Chelsea Hackney Line)** responded requesting that should the LPA be minded to grant planning permission that it r a condition be imposed on any permission that secures detailed design and construction method statements for all basements, ground floors and foundations and other structures to be approved in consultation with Crossrail 2, including an assessment on the effects of noise and vibration from the Crossrail tunnels on the development.

Internal Consultees

8.10 **Access Officer** advised similar comments to previous application whereby they were satisfied with the commercial aspects of the scheme but concerns remained regarding the detailed design of the wheelchair accessible units

including wheelchair accessible car parking spaces. These matters are addressed by condition.

8.11 **Conservation and Design Officer** advised that the current proposal is largely similar to application P121570 which was dismissed at appeal. Amendments have been carried out which see the reduction in scale/mass particularly to the Cynthia Street end to address concerns in relation to impact on neighbouring amenity. The appeal is a material consideration. The issues of overall massing, in terms of townscape impact, were considered at the time of the appeal and found to be generally acceptable by the appeal inspector. Nevertheless, there are two issues which need to be addressed:

1. the provision of a tall building as identified by the appeal inspector in the context of the high-court and court of appeal judgements for 45 Hornsey Road which form new case law since the appeal for P121570 was determined;
2. the infringement of Local View 7 of St Paul's which was not addressed at the time of appeal.

It is advised that the question of the impact of the height of the block on the corner of Pentonville Road and Rodney Street (Block B) was debated at length at the appeal and the inspector found that despite the technicality of the flues making the building exceed the tall building threshold, the flues would not be visible from public vantage points and, therefore, the building would not appear overly dominant.

In relation to the infringement of LV7, the thresholds are absolute in order to protect and enhance the views of St Paul's, therefore, as requested by the policy team, the applicant should submit accurate evidence to demonstrate that there is no impact on the view and that the maximum threshold is not being exceeded.

Regarding the overall design changes which have been carried out to address the amenity impact of the previously refused scheme, , the tiering of volumes is not ideal but has been resolved elegantly and the breaking of the Pentonville Road frontage in particular is positive. There is one point of concern however, , which is the addition of volume at Level 6 to provide a stairwell enclosure. This small additional volume is at odds with the overall form employed elsewhere in the development, it reads as an add on rather than being integral to the design of the building and I suspect will be visible from public vantage points from Pentonville Road, but nevertheless, will be visible from surrounding buildings.

Subject to concerns raised above being addressed, particularly in connection with impact on protect view LV7, the success of the design will largely depend on the quality of implementation, therefore, should you be minded to recommend approval, the usual conditions to ensure high quality materials and detailing is recommended.

- 8.12 **Energy Conservation Officer** accepted the air tightness levels and the inclusion of CHP and solar photovoltaics welcomed. The inclusion of mechanical cooling is objected to by the Energy Officer as passive design measures are considered sufficient. The CO2 emissions savings achieved are supported. Conditions were recommended to secure the measures including approval of details of the basement car storage lighting (to be LED).
- 8.13 **Public Protection Division (Air Quality)** the submitted report appears to rule out mechanical ventilation despite the site being in an area of particularly poor air quality. The report claims that the NOx levels are due to elevated background concentrations rather than local road emissions and that mechanical ventilation would only draw in 11% lower than at the roadside. Requested a condition for approval of details of the CHP, in order to specify an ultra low NOx emissions unit is installed. As mechanical ventilation is required due to the background noise levels a condition will be imposed that addresses these two issues in parallel.
- 8.14 **Public Protection Division (Noise Team)** this site is subject to high noise levels. From previous reports conducted along this stretch of road, the Noise officer would expect the site to fall into Noise Exposure Category D from the now withdrawn PPG24. The measurements were carried out during the school time Easter holidays and the officer suspects that may have affected the readings. Any increase in noise from the intensified car hire use hasn't been taken into account either. As the report concluded Noise Category C, conditions are recommended to address: sound insulation to achieve internal noise targets due to high background noise levels; including consider increased car hire business capacity and plant noise.
- 8.15 **Public Protection Division (Land Contamination)** an initial desktop survey has been carried out into the potential for contaminated land at the site. With the historical land uses clearly there will be a need for further investigation and sampling in order to deal with this fully. Advised that the Contaminated Land condition is applied to any permission granted. [Condition 4]
- 8.16 **Spatial Planning and Transport (Transport Officer)** requested additional information regarding the current and future expected servicing and delivery trips associated with the car hire business, the office use and residential units. Information requested includes: number of trips, vehicle types, locations and swept paths. Detail of on-street location of servicing for the office and review of the residential delivery figures was requested. Appropriate management of the car hire business parking was requested to prevent misuse. Further detail about the location and convenience of location of cycle parking was requested.
- 8.17 **Sustainability Officer** raised some concerns and requested clarification of passive design measures, SUDS proposals. The overheating dynamic simulation modelling was accepted. Conditions of consent were requested including: 95 litre /p/day to accord with policy (for residential units); rainwater harvesting; green roof and biodiversity enhancements; passive design (external shutters) details SUDS. The Sustainability Officer accepted the

details of the proposals (subject to conditions) with the exception of proposed active cooling, which is objected to.

- 8.18 **Parks Manager** has advised that the development could possibly materially impact on the park in terms of shading. The park was redeveloped to allow more light into it and develop a sunnier grass area and wildlife meadow to increase positive use and enhance ecology. The scheme is closest to this grass and meadow area so may have a negative impact on the use and ecology of the park.

Design Review Panel

- 8.19 The submitted planning application was revised to take into account the reasons set out by the Planning Inspectorate in dismissing the previous application. Amendments have been carried out which see the reduction in scale/mass particularly to the Cynthia Street elevation and the corner of the site at the junction of Pentonville Road and Cynthia Street. The proposed building maintains the same design principles as the previous scheme.
- 8.20 The issues of overall massing and design detail, in terms of townscape impact, were considered at the time of the appeal and found to be generally acceptable by the Planning Inspector, who concluded that the development would respect its context, would enhance the character and appearance of the area and would comply with the development plan in those respects.
- 8.21 Given the above direction by the Planning Inspectorate the current planning application was not presented to the Council's Design Review Panel.

9. RELEVANT POLICIES

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

National Guidance

- 9.1 The National Planning Policy Framework 2012 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

Development Plan

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

Designations

9.3 The site has the following designations under the London Plan 2011, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:

- Employment Growth Area
- King's Cross and Pentonville Road Key Area (Core Strategy CS6)
- Not located within the Central Activities Zone (CAZ)
- Within 200metres of RS2 Crossrail 2
- RS2 Crossrail 2 (Hackney-SW) safeguarding
- CPZ Area
- Site within 100m of a TLRN Road
- LV7 Local view from Dartmouth Park Hill
- Within 50m of New River Conservation Area
- Within 50m of Chapel Market/Baron Street Conservation Area
- KC1 Pentonville Road, Rodney Street and Cynthia Street

Supplementary Planning Guidance (SPG) / Document (SPD)

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

10. ENVIRONMENTAL IMPACT ASSESSMENT

10.1 In 2012 an EIA screening request was made to the Council for the demolition of existing buildings and the erection of approximately 131 residential units (Use Class C3), replacement accommodation for the existing Europcar car hire business (sui generis use class); replacement and additional use class B1 floorspace; together with associated parking and landscaping works'.

10.2 In accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, the London Borough of Islington determined the following:

"that whilst the proposed development could be considered Schedule 2 Development '(10b) Urban Development Project' the development falls below the 3 main threshold tests. The site is not located within a 'sensitive area' as defined by Regulation 2(1). Consideration has been given as to whether the development would result in significant effects on the environment by virtue of its 'characteristics, location and potential impacts' in the context of the selection criteria set out in Schedule 3 of the Regulations (requiring assessment by Regulation 4(6)). Whilst the site is located within a densely populated area, it is considered that the height, bulk, scale and siting of the development as well as the proposed land uses (characteristics and intensity) would not result in significant effects on the environment. This included consideration of cumulative impacts with other approved developments nearby. It is considered that the proposal would not constitute EIA development and an Environmental Statement is not required."

10.3 The current planning application does not propose any works greater than those considered under the Screening Opinion and as such would not constitute EIA Development.

11. ASSESSMENT

11.1 The main issues arising from this proposal relate to:

- Land Use (Principle)
- Design, Conservation and Heritage Considerations
- Density
- Accessibility
- Landscaping and Trees
- Neighbouring Amenity
- Quality of resulting residential accommodation
- Dwelling mix
- Affordable Housing and Financial Viability
- Energy Efficiency, Renewable Energy and
- Sustainability
- Transportation and Highways
- Contaminated Land and Air Quality
- Planning Obligations, Community Infrastructure Levy and local finance considerations

Land-use

11.2 The National Planning Policy Framework (2012) seeks to: *secure sustainable development that seeks economic, social and environmental gains that should be sought jointly and simultaneously through the planning system.*

11.3 The application site is not located within the Central Activities Zone (CAZ). However it is located within the Kings Cross Opportunity Area as defined in Annex 1 of the London Plan 2011 (ref 16). The King's Cross Opportunity Area is defined as 53ha (hectares) in size and seeks to secure 25,000 new jobs and 1,900 new homes. The London Plan recognises that this area has the highest level of public transport accessibility within London and must seek to regenerate neighbourhoods within the wider area. Policy 2.13 seeks to:

- optimise residential and non-residential output;
- provide necessary social and other infrastructure;
- contain a mix of uses; and
- contribute towards meeting the minimum guidelines for housing and / or indicative estimates for employment capacity set out in annex 1 (tested through local development frameworks).

11.4 The application site is also located within the 'King's Cross Area' as defined within the Islington Core Strategy, Policy CS6 'King's Cross'. The policy: CS6A refers to protecting existing business floor space in this area from changes of use. It identifies that the King's Cross area will be expected to

accommodate estimated growth in jobs of approx 3,200 from B-use floor space with York Way and Pentonville Road being the principal locations for office-led mixed use development. It goes on to state that Small/Medium Enterprises (SMEs), which have historically contributed significantly to the area, will be supported and new provision particularly encouraged.

- 11.5 Core Strategy Policy CS13, for existing employment space states: safeguarding existing business spaces throughout the borough by protecting against change of use to non-business uses, particularly in the CAZ; and in exceptional circumstances loss of employment floor space might be acceptable in line with considerations which will be set out in the Development Management Policies.
- 11.6 The Development Management Policies document identifies this site as being located within an 'Employment Growth Area' (Map 5.1). Policy DM 5.2 (amended text) states that *'proposals resulting in a loss of or reduction of business floor space will be refused unless exceptional circumstances can be demonstrated by the applicant demonstrating there is no demand for the floor space'*. It goes on to state that: in the absence of marketing (2 years) site-specific circumstances supported by a market demand analysis may address this issue.
- 11.7 The site is also allocated within the Council's Site Allocations as KC1 'Pentonville Road, Rodney Street and Cynthia Street'. The allocation and justification states: "Mixed-use redevelopment, including employment and residential uses. The area along Pentonville Road has been identified in the Core Strategy as a principal location for office-led (B1) mixed-use development, intensifying use of the land to provide employment uses. As part of any redevelopment there should be a net increase in office floor space (subject to viability)."
- 11.8 This differs from Core Strategy Policy CS6 that seeks an *'office-led mixed use development along Pentonville Road'*. The application site currently accommodates the following commercial uses (by gross internal floor area, measured in square metres). In addition, the permitted (and technically implemented) planning permission at 152-154 Pentonville Road (ref: P092706) has also been included in the 'existing' office employment table below. The table below illustrates the change from existing (and consented) to proposed land uses:

Use class / type of use	Existing Floor space	Floor space to be lost by change of use or demolition	Total proposed floor space (including change of use)	Net additional floor space following development
B1(a) Office	728	855	873	+18
B1(a) office	127			

(consented*)				
Europcar (sui generis)	1,626	1,626	3,879	+ 2,253
The Flower House (B2/B8)	186	186	0	- 186
Total	2,667	2,667	4,752	+ 2,085

11.9 As shown above, there would be a small net increase of office floor space (that takes into account a loss of floor space that is consented, but not yet built or occupied) as a result of this proposal, but there would be a net uplift in general employment floor space due to the expansion of the car hire business.

Loss of Office Floorspace

11.10 Islington policies state that losses of office floorspace will only be supported in exceptional cases, where there are site-specific circumstances. Development Management Policy 5.2 seeks Market Demand Analysis where a 2-year marketing evidence is not available as well as viability testing information. The applicant submitted a 'Market Demand Analysis' prepared by Knight Frank that looks at the proposed development rather than existing (or consented) office floorspace. This included an 18-month letting void due to the 'amount of floorspace offered'. This approach is also supported by the LPAs own viability review of the impact that the inclusion of large amounts of office floorspace has on mixed use schemes, particularly in non-central locations (for the short term).

11.11 Furthermore, the submitted Financial Viability Appraisal submitted with the application has been reviewed by the Council's independent valuers BPS Chartered Surveyors, who have stated that they agree with the appraisal's conclusion that increasing the level of proposed office space to fulfil Council policies on minimising loss of employment floorspace would further compromise the viability and this is unlikely to be feasible.

11.12 There are also considered to be particular site specific circumstances that are considered to be relevant. The application site essentially comprises four (4) parcels of land (contained within the 'red-line' boundary of the site) that have been 'assembled' by the applicant through a private transaction negotiation process, with the Europcar business being the majority land owner for this site as illustrated in the image below. The financial viability implications of this are outlined later in the report (the approach is supported by the RICS Guidance); however this has had an impact on the financial viability of this particular scheme. In addition to this, a scheme can only come forward with the agreement of Europcar, and the provision of a large basement car storage area to be leased back to Europcar at a peppercorn rent has an impact on

scheme viability. However, without the agreement with Europcar, this site would not come forward for development.



Land Ownership and Site Areas Diagram (Sites F, G, H and I make up the application site – outlined by the red rectangle)

11.13 Having regard to the above, as well as giving due regard to the fact that the 'loss' of office floorspace is actually a loss of consented floorspace (within a building that has not truly commenced construction), there are considered to be sufficient viability reasons and other exceptional circumstances to accept a loss of (consented) office floorspace from this site.

Employment Growth

11.14 The applicant submitted an 'Economic Statement' that compares the existing employment levels at the site (various existing buildings and consented schemes) to the proposed developments' anticipated employment levels. The table below illustrates it in summary form, although it compares existing (actual) employment levels at the site as opposed to potential capacity for employment. The growth in employment is not significant, However the application submission documents confirm that the growth in Europcar jobs would be filled from local residents to the area. A head of term is recommended to secure a recruitment process that prioritises Islington residents into those jobs.

Use type	Use class	Existing	Proposed	Net change
Europcar	Sui Generis (with ancillary B1)	29	38	+9
Office*	B1	40	72	+32
Residential Amenities	Ancillary to C3 residential	0	10	+10
Total		69	120	+51

* including the consented office floorspace (152-154 Pentonville Road).

- 11.15 As well as after completion of construction the developer has agreed to the facilitation of 7 work placements during the construction phase of the development, lasting a minimum of 13 weeks, or equivalent fee to be paid to LBI towards construction training upon implementation of the first phase to aid young people into employment.

Principle of Land Use Summary

- 11.16 The proposal is for a residential-led mixed use scheme as opposed to an office or employment-led scheme. Whilst the proposal does not accord with Core Strategy Policy CS6, the scheme is supported by a financial viability appraisal which includes a market demand analysis. With this in mind, whilst the proposal does not accord with adopted Core Strategy policies, it does accord with the requirements of the National Planning Policy Framework, with particular reference to viability and its requirement that (para. 22) '*policies avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose*'. The land use mix also complies with London Plan policies 2.13, 3.3 and 4.3 and is supported in land use terms by the Greater London Authority (GLA). The scheme also addresses Development Management Policies 5.2 which allow for loss of office floorspace in exceptional circumstances. The exceptions in turn make the scheme acceptable in relation to policy CS13 of the Islington Core Strategy, and the emerging Site Allocation (KC1). For these reasons, the proposed land use mix is considered to be acceptable and is supported in principle.

Affordable Workshop Space

- 11.17 Core Strategy Policy CS13 and Development Management Policy 5.4 also seek to secure affordable workshop space within a scheme. BPS have reviewed the impacts of providing a dedicated affordable workshop space, secured at peppercorn rent levels for a minimum 10 year period and have confirmed that this would have a further negative viability impact on the scheme which would result in a reduced affordable housing offer. The

applicant has demonstrated that the office floorspace could be divided into smaller units, which would positively impact on affordability. Given the viability constraints, the non-provision of a peppercorn rent affordable workshop space is considered to be acceptable.

- 11.18 In addition to the above, the applicant has agreed to heads of terms to secure:
- facilitation of 7 work placements during the construction phase of the development, lasting a minimum of 13 weeks; and
 - a contribution of £8,925 towards end use employment opportunities for Islington residents.

Design, Conservation and Heritage Considerations (including Archaeology)

- 11.19 London Plan policies require development proposals to achieve the maximum intensity of use compatible with local context, the design principles in chapter 7 of the London Plan and with public transport capacity. The Islington Core Strategy Policy CS6F states that *'The area's historic character will be protected and enhanced with high quality design encouraged to respect the local context of Kings Cross and its surroundings'*.
- 11.20 Islington's Site Allocations document states *"Future uses and design should respect the amenity of residential properties within the vicinity of the site. Frontages should be positioned along the site boundary and be active frontages, particularly along Pentonville Road."* It goes on to state that *"the setting of nearby conservation areas must be conserved and enhanced and views up Penton Rise and along Pentonville Road must be maintained"*.
- 11.21 Core Strategy Policy CS9E states: *"New buildings and developments need to be based on a human scale and efficiently use the site area, which could mean some high density developments. High densities can be achieved through high quality design without the need for tall buildings. Tall buildings (above 30m high) are generally inappropriate to Islington's predominantly medium to low level character, therefore proposals for new tall buildings will not be supported"*.
- 11.22 The application site is located within an area of varied age, style, height and use of buildings and spaces. It also fronts onto the busy Pentonville Road that forms an important east-west route through the borough and across the northern edge of central London. On the south side of Pentonville Road, buildings range from double height 2-storey to 9-storeys (with the consistent height being on average 8 storeys) and uses include office, warehouse and student accommodation. To the northern side of Pentonville Road buildings are of a smaller scale and grain, being 2-3 storeys to the east of the site, with the tallest building being Hill House Apartments on Cynthia Street which is part 5 and part 6 storeys (recently constructed). To the west buildings are 3-4 storeys, with the more distant Nido building being approximately 18 storeys.

- 11.23 The site is not located within a conservation area, nor are any buildings on the site locally or statutorily listed. The site itself slopes by a storey height (3.0m) from Cynthia Street dropping to Rodney Street. The existing buildings on the site are not considered to be of high quality, however the site is within close (50m) proximity of the New River Conservation Area, located to the south and east of the site; the Chapel Market Conservation Area located to the north-east; and Priory Green Conservation Area located to the north of the site. Within the Joseph Grimaldi Park open space (OS93) located opposite the site on Rodney Street is a Grade II statutorily listed building (headstone of Joseph Grimaldi) that has been relocated to the north east corner of the park. This park is also listed as a landscape of heritage value.
- 11.24 The design of the proposed buildings is described in paragraphs 6.2- 6.14. Essentially the proposal seeks a perimeter block development with the following building heights:
- Rodney Street frontage (5 and 7 storeys);
 - Corner building to Pentonville Road and Rodney Street (10 storeys);
 - Pentonville Road frontage (part 5, part 6 and part 7 storeys with setback floors at 8th and 6th floor levels);
 - Cynthia Street frontage (4 storeys with setback 5th);
 - Courtyard garden (including concealed cycle and refuse storage area); and
 - Basement car storage, plant and residential amenities.
- 11.25 The current application is largely similar to planning application reference: P121570 which was dismissed at appeal. Amendments have been carried out which see the reduction in scale/mass particularly to the Cynthia Street elevation to address concerns in relation to the impact on neighbouring amenity. The Planning Committee would have resolved to refuse the previous application had it not gone to appeal on design grounds. Specifically, the reason for refusal would have been:
- *“The proposed development, by reason of its height, massing and design fails to be sympathetic in scale or to be complementary to the local identity, character and finer grain of the surrounding streetscene as well as failing to acknowledge the underlying landform and topography of the site and local area. The development and particularly the 10 storey building is taller than the prevailing building heights and this would be harmful to the setting of Joseph Grimaldi Park as well as harmful to local views including the view up Penton Rise due to the significant changes in topography that would exacerbate its perceived height. For these reasons, the proposal is found to be contrary to policies 7.4, 7.6 and 7.7 of the London Plan 2011, policies CS6F and CS9 of the Islington Core Strategy 2011, saved policies D3, D4, D5 of the Unitary Development Plan 2002 and emerging policies of the Development Management Policies (submission) June 2012: DM1 and DM3 as well as the Islington Urban Design Guide SPD 2006 and the NPPF.*
- 11.26 The issues of overall massing, in terms of townscape impact, were considered at the time of the appeal and found to be generally acceptable by the Planning

Inspector, who concluded that the development would respect its context, would enhance the character and appearance of the area and would comply with the development plan in those respects.

11.27 The building fronting Rodney Street is proposed as part 5 and part 7 storeys in height (then stepping to 10 storeys – Block B). A seven storey building was previously approved (and technically implemented) on the corner of Rodney Street and Pentonville Road. In addition, an approval was granted in January 2012 for a 5 storey building at 4-8 Rodney Street. It is considered therefore that the proposed building heights of part 5 and 7 storeys is appropriate fronting Rodney Street and that it would retain an appropriate relationship to the consented 5 storey scheme (4-8 Rodney Street). The proposed building heights would provide a visual frame for the park located opposite, and introduce informal surveillance opportunities (upper levels).

11.28 The junction of Rodney Street and Pentonville Road would be marked by 'Block B', which is 10 storeys in height and would reach 30m in height to the top of its parapet. A CHP exhaust flue would reach a height of 31.1m. The main mass of the proposed corner block building therefore does not exceed 30m, but would only exceed this height due to the CHP flue (necessary to terminate above roof level for air quality purposes). There are examples of 10 storey buildings in the vicinity of the site including Prospect House which is located to the northeast of the site, and 9 storey buildings located on the opposite side of Pentonville Road. Whilst buildings of 9-10 storeys are unusual, and the main character of the area is for lower height of buildings (particularly on the north side of Pentonville Road), they are nevertheless present and visible from the application site. In addition, the application site sits on a busy thoroughfare.

11.29 Given the proposed flues extend beyond the 30 metre threshold the building is categorised as a tall building and as such would not be in compliance with Core Strategy Policy CS9E. The question of the impact of the height of the block on the corner of Pentonville Road and Rodney Street (Block B) was considered at length at the appeal and the Planning Inspector found that despite the technicality of the flues making the building exceed the tall building threshold, the flues would not be visible from public vantage point and, therefore, the building would not appear overly dominant.

11.30 Specifically, the Planning Inspector stated: "*Because the building would exceed 30m in height it would technically be a tall building. This is why the Greater London Authority was consulted on the planning application. Nevertheless, it would only exceed 30m because of flues on the roof. These flues would not be visible from any public vantage point.*"

11.31 The proposed building was considered in the context of the neighbouring buildings in the area:

"There are buildings of substantial scale and massing nearby including 10 storey buildings between Weston Rise and Penton Rise. Directly opposite the site on Pentonville Road there are buildings that are 7 to 9 storeys high on the corner with Penton Rise.

Because of the close proximity of these buildings, although they are on lower land, and because the 10 storey part of the building would be a relatively small part of the overall building, the 10 storey part of the building would not in terms of its height look out of character. Furthermore, the massing of the building overall would respect other substantial blocks locally."

11.32 Further, consideration was also given as to whether there is any justification to mark this corner with a landmark building. Although the Planning Inspector agreed with the Council that there is no particular need to mark the corner of Rodney Street and Pentonville Road because it is a small scale insignificant junction and the view up Penton Rise does not necessarily require to be terminated by such a building, the Inspector concluded that *"...the building would not be a particular landmark and whether an alternative scheme would be preferable is not a matter for me to consider. The 10 storey block would be well integrated with the remainder of the building, rather than appearing as a separate tower, and would not appear out of context in the light of my earlier observations."*

11.33 The application site slopes by a storey height (3.5m), being 32.1 at Cynthia Street and 28.6 at Rodney Street. The proposed building fronting Pentonville Road would stand at 10-storeys on the corner with Rodney Street (Block B) and then drop to a height of 7-storeys with 8th storey setback (Block C) along the main frontage. The proposed building drops in height further at the corner of Pentonville Road and Cynthia Street (Block D) to a part-4/part-5 storey block and a partial 6th storey setback, which takes into account the slope of the site as it gradually rises to the east. The overall design changes to the eastern end have been carried out to address the amenity impact of the previously refused scheme and whilst the tiering of volumes is not ideal it has been resolved elegantly, and the breaking of the Pentonville Road frontage in particular is positive. Further, the overall design maintains the continued grid system of the previous scheme, particularly with the emphasis of the ground floor and the set back top floor to distinguish bottom, middle and top.

11.34 The previous scheme (which is similar to the current proposal apart from the reduced built form opposite Hill House) was considered in the context of views along Pentonville Road in both directions and views up Penton Rise and found appropriate by the Planning Inspector:

"When viewed from Pentonville Road looking towards Kings Cross, from quite a distance away at Claremont Square when approaching towards the building itself, the backdrop to the site is the 18 storey Nido student housing development. This would be partially obscured by the building. Because that exists, the building would sit comfortably within this context.

When viewed in the other direction, on approach from Kings Cross, a large part of the building would be well screened for much of the year by trees in Joseph Grimaldi Park and by street trees and so the building would not be overly dominant in views. Additional street trees may also be planted. It is important also that the Council promoted an 8 or 9 storey building and that there is an extant planning permission for a substantial 7 storey building on the corner with Rodney Street that is a fallback.

The site allocation KC1 identifies that there is a need to maintain and enhance views up Penton Rise. Whilst the highest part of the development would be that lying opposite Penton Rise, which rises towards Pentonville Road, again there is a significant screening by street trees. This is not a protected or particularly important view, and the traffic flow is away from the junction. The vista for pedestrians is relatively narrow because of these trees and also because of the buildings on the corner of Penton Rise with Pentonville Road to the east.”

- 11.35 The previous application was also considered by the Council to have a detrimental impact on the setting of Joseph Grimaldi Park. This was also considered at appeal and the Planning Inspector concluded:

“There would also be some surveillance from the upper floors across the park. From within the park the building would provide for better enclosure that would not be overbearing on its enjoyment because the 10 storey element is not for the full length of the Rodney Street elevation. Also, there is little to suggest that it harms the significance of the park as a non-designated heritage asset or the setting of the Joseph Grimaldi grave. Because the park has separate components and many trees, it is not distinguished by openness that would be harmed.

Because the Park provides a separation from lower buildings to the west along Pentonville Road, taking into account the buildings on the south side of Pentonville Road, I consider that the wider setting of the site to the west would not be harmed.”

- 11.36 The Council's Parks Manager has also queried whether the proposed development would have a material impact on the park in terms of shading given the park was redeveloped to allow more light into it and develop a sunnier grass area and wildlife meadow to increase positive use and enhance ecology. In response to the above the applicant has submitted an indicative overshadowing study of the park using a 3D sketch up model. This indicates that there would be a very small amount of transient overshadowing to the southeast corner of the park in the early morning and will have passed by the mid morning. The BRE guidelines recommend that at least half of the amenity spaces should receive at least 2 hours of sunlight on 21 March. It is clear from the orientation of the site, the distance from neighbouring buildings and the indicative overshadowing study undertaken that nearly all the park will receive at least two hours of sunlight throughout the day in the existing condition. This would not alter with the proposed development in place.

- 11.37 Block E along Cynthia Street has been set back from the building line of the adjoining building by 1.9m to accommodate a defensible space along the ground floor residential frontage and secure a further set-away distance (14.5m in total) from the Hill House Apartments (residential) opposite, which has been increased by 0.3 metres from the dismissed scheme. This part of the building is proposed at 4 storeys in height with a set back 5th for the majority of its frontage. The 5th storey setback has also been increased from 2.2 metres as compared to the dismissed scheme. Directly opposite, Hill House Apartments is 4 storeys, stepping to 5 storeys with a set back 6th.

- 11.38 The proposed Cynthia Street building, at the top of its 5th storey would be 480mm lower than the roof of the 4 storey element of Hill House. Where Hill House steps up to 5 storeys with a set back 6th the development would stand approximately 5.8m lower. Fronting Pentonville Road, the proposed development would stand part 6, part 7 storeys in height. Its 6th storey would be 600mm higher than the 5th storey of Hill House and the proposals roof height would be 120mm taller than the roof of Hill House. In townscape terms the proposed height of these buildings is appropriate and responds to the height of buildings opposite.

Design Detail

- 11.39 The proposed design of the buildings fronting Rodney Street (Block A) and Pentonville Road (Blocks C and D) is of a strong grid-like design a single floor and bay wide, to be constructed of brick. The taller, 10 storey Block B is designed with a two floor height grid, but single bay width to emphasis the vertical of this taller element, and this would be constructed of rainscreen 'stone' cladding.
- 11.40 These designs adopt recessed balconies to avoid interrupting the regular grid-like pattern. Within these recessed spaces, bronze cladding will complement the windows (which are proposed to be aluminium framed). To visually distinguish/mark the break between blocks A and B; and B and C (and visually break down the massing) there are glazing dominated breaks proposed. These accommodate glazing and projecting glass balconies/balustrades that would not project beyond the line of the brick and stone cladding grid patterns.
- 11.41 The use of high quality materials is considered to be the key to ensuring that the resulting appearance of this scheme does in fact offer a high quality result and therefore a condition has been suggested seeking details and samples of all materials to be agreed prior to superstructure commencing on the development (Condition 10).
- 11.42 Ground floor commercial frontages are designed as large expanses of glazing, with three commercial entrances fronting Pentonville Road. Residential entrances are located on Rodney Street (a single entrance serving two cores), from Cynthia Street (two entrances serving three cores) and access from Pentonville Road to residential Core C.
- 11.43 The design detail follows on from that of the previous scheme and these matters were considered by the Planning Inspector:

"It would thus comply with that part of the KC1 allocation design considerations and constraints because with its interesting gridded well articulated fenestration patterns, deep window reveals and inset balconies and use of a brick, stone and bronze cladding materials, its design would improve the appearance of the area."

Strategic Views

11.44 The application site is located 160 metres east of the protected panorama from Kenwood House to central London. The applicant provided a view assessment which shows the development just visible, though largely screened by neighbouring development. The GLA have concluded that the view is unaffected and that policy 7.11 of the London Plan has been complied with.

Local Views

11.45 The application site is located on the edge of Local View 8 (Pentonville Road to St Pancras Chambers and Station). This states that development will not be permitted that further obstructs the view from the viewing point on the north pavement of Pentonville Road, at its junction with Penton Street to the station and hotel. Given the slightly south westerly position of the St Pancras buildings in relation to the application site, the views would not be obstructed.

11.46 The site also falls within Local View 7 (Local view from Dartmouth Park Hill). The tallest part of the building reaches 58.6 AOD (according to the submitted Cityscape Verified View Methodology) – this also corresponds with where LV7 appears to run through the site and would exceed the height threshold and block the view within the corridor by 2.06 metres. Policy DM 2.4 is clear that local views will be protected and enhanced. Islington's local views are given equal protection to those of the Mayor. Within defined local views the council will seek to protect the line of sight of the view. The submitted Townscape and Visual Impact Assessment has provided a verified view that highlights the proposed development would be almost entirely obscured by a large chimney stack in the foreground with only a very small part visible to the right of this chimney in the foreground.

Density

11.47 The application site is considered to be located within a central area, given its Public Transport Accessibility level of 6b (highest possible) and its location within 800m of an international centre (King's Cross), a District Town Centre (Angel) and given the varied scale of buildings and range of uses within the immediate context. As such the density range within the London Plan (Table 3.2) is 650-1100 habitable rooms per hectare or 215-405 units per hectare. The application site measures 0.3492 hectares. The applicant has provided a density range per hectare, adjusted on a pro-rata basis to account for the commercial floorspace that is provided within the scheme. This sees the density of these proposals being at the top end of the range:

- 1004 habitable rooms per hectare; and
- 380 units per hectare.

11.48 Whilst this sits at the higher end of the range, and the proposed building heights are also considered at the taller end of appropriateness (in particular the 10 storey element), in light of the Planning Inspector's decision the scheme is not considered to unacceptably harm the character of the surroundings or the wider townscape. The proposals offer good quality

accommodation and therefore the proposals are in this instance considered to be acceptable.

Accessibility

- 11.49 London Plan Policy 7.2 states development should achieve the highest standards of accessible and inclusive design, ensuring that developments can be used safely, easily and with dignity by all regardless of disability, age gender ethnicity or economic circumstances.
- 11.50 London Plan Policy 3.8 states there should be genuine housing choice which meets requirements for different sizes and types as well as being built to Lifetime Homes Standards and with 10% being wheelchair accessible or adaptable. Such requirements are also required by Islington Core Strategy CS12 and Accessible Housing SPD.
- 11.51 Further, Development Management Policy DM 2.2 seeks all new developments to demonstrate inclusive design, whilst Policy DM 3.4 provides housing standards for all types of residential developments. Council's Inclusive Design SPD sets out guidelines for the appropriate design and layout of dwellings, including wheelchair accessible units.
- 11.52 Accessibility considerations were considered at length during the course of the previous application, to incorporate indicative locations for WC facilities for the commercial and car hire uses, along with changes to the layouts and circulation within the residential units in order to address concerns raised by Access Officers. The previous amendments have been incorporated into the current submission so as to ensure that the development is well laid out and designed to ensure that all facilities are inclusive and accessible to all.
- 11.53 Conditions are recommended to secure confirmation of compliance with:
- wheelchair accessible housing – details for review to confirm compliance with Inclusive Design SPD; (Condition 16)
 - details to be submitted for approval, demonstrating compliance with Lifetime Homes Standards; and (Condition 15)
 - landscaping plan to include appropriate accessibility (landings to ramps etc). (Condition 29)

Landscaping and Trees

- 11.54 There are existing trees along Pentonville Road that are TfL managed and owned. TfL has raised no objection to the proposed building line on Pentonville Road, and does not consider that there would be an unacceptable impact on these trees subject to a tree protection plan during the construction phase whereby protective measures would be required to ensure the trees are protected during building works. This has been secured by condition (8).
- 11.55 The proposal is also subject to a Transport and Public Realm section 106 legal obligation, which includes a contribution for improvements to the public

realm including new street trees on Pentonville Road, Cynthia Street and Rodney Street.

- 11.56 The central courtyard space is the raised roof of the lower car storage spaces. In order to incorporate varied planting/substrate depths to support appropriate tree planting, further landscaping details are sought by condition.(Condition 29)

Neighbouring Amenity

- 11.57 The proposal site is in relatively close proximity to a number of adjoining properties. Residential amenity comprises a range of issues which include daylight, sunlight, overlooking and overshadowing impacts. These issues are addressed in detail in below. The Development Plan contains adopted policies that seek to safeguard the amenity of adjoining residential occupiers including Development Management Policy DM 2.1.
- 11.58 DM Policy 2.1 requires new developments to provide a good level of amenity including consideration of noise and the impact of disturbance, hours of operation, vibration, pollution, fumes between and within developments, overshadowing, overlooking, privacy, direct sunlight and daylight, over-dominance, sense of enclosure and outlook. Further, London Plan Policy 7.6 requires large scale buildings in residential environments to pay particular attention to privacy, amenity and overshadowing.

Daylight and Sunlight

- 11.59 The British Research Establishment (BRE) has produced guidance assessing the impact of proposals on the daylight, sunlight and overshadowing received from adjoining properties. The Council's policies and the daylight/sunlight report submitted with the application all refer to the BRE guidance as a point of reference, and this guidance will be used to assess the impacts of the proposals.
- 11.60 The introduction to the BRE guide however stresses that it should not be used as an instrument of planning policy and should be interpreted flexibly because lighting is only one design factor for any scheme and designs should factor in site context. Sunlight and daylight target criteria as found in the BRE guidance have been developed with lower density suburban situations in mind. In denser inner urban contexts, sunlight and daylight levels may struggle to meet these target criteria in both existing and proposed situations. The target criteria cannot therefore be required for dwellings in denser inner urban locations as a matter of course.
- 11.61 The application site is located within an accessible central London location, where the potential of sites and density should be maximised where possible. Urban design considerations are important when applying the guidance quoted above.
- 11.62 The following properties have been considered for the purposes of sunlight and daylight impacts as a result of the proposed development.

- a. Nos. 122- 128 Pentonville Road, Hill House Apartments (residential);
- b. Rodney House, Donegal Street (residential);
- c. The Gower School, No. 10 Cynthia Street (school);
- d. Prospect and Penton House, Cynthia Street (residential);
- e. Paul Robeson House, Penton Rise (student accommodation); and
- f. Nos. 101 to 113 Pentonville Road (live/work units).

11.63 Planning application reference P121570 went to appeal on the basis of non-determination. However the Planning Committee would have resolved to refuse the application had it not gone to appeal on the grounds that the development would have a detrimental impact on the amenity of neighbouring properties with regard to daylight and sunlight. This previous application was considered by the Planning Inspectorate and dismissed on the basis that it would be harmful to the living conditions of the occupiers of Hill House in respect of daylight and sunlight which would be contrary to London Plan Policy 7.6 and DM Policy 2.1. The Inspector's decision also considered the impact of the development on the other neighbouring properties mentioned above but did not consider that there would be an unreasonable impact on their amenity in terms of daylight/sunlight, and the resubmission proposal has not altered in terms of its relationship with these neighbouring properties.

11.64 Therefore, the current application is a resubmission proposal in response to the above Inspector's decision, whereby amendments have been made to the development in built form terms at the corner of Pentonville Road and Cynthia Street, and along the Cynthia Street elevation. Consequently, a revised Daylight and Sunlight Assessment has been submitted with the application.

Nos. 122- 128 Pentonville Road, Hill House Apartments (residential)

Vertical Sky Component

11.65 As noted in the Inspector's decision, the rooms in Hill House facing Cynthia Street are served by windows that would be opposite the application site and are both single aspect and the main windows for the properties.

11.66 Appeal Scheme: 27 windows (ground, first, second and third floor levels) had a VSC less than the BRE recommended level of 27% and as a result of the appeal scheme a loss of greater than 20% of its former value. The losses ranged between 23% and 79% with over a third greater than 50%. Of these, 7 windows serve living/kitchen/dining (L/K/D) rooms and a further 4 windows serve living rooms.

11.67 Proposed Scheme: As a result of the design changes to the scale and massing of the proposal fronting Cynthia Street, the number of windows to Hill House that would have a VSC level of less than 27% and a loss of more than 20% of its former value

has been reduced to 5 windows as compared to 27 windows previously.

11.68 Specifically:

Note: Previous, appeal scheme figures in normal font and the **proposed scheme in bold font**

- Ground Floor: All 3 windows (L/K/D rooms) on this floor had corresponding losses of 57%, 48% and 38% of its former value.
- **Ground Floor: Only 1 window (L/K/D room) on this floor would now have a loss greater than the recommended level of 20% of its former at 27% (previously 57%).**
- First Floor: 8 windows (all bedrooms) had corresponding losses of 45%, 67%, 59%, 50%, 41%, 23%, 72% and 79% losses of its former value.
- **First Floor: 4 windows (all bedrooms) on this floor would now have a loss greater than the recommended level of 20% of its former value at 26% (was 67%), 21% (was 59%), 33% (was 78%) and 42% (was 79%).**
- Second Floor: 8 windows (4 bedrooms + 2 L/K/D + 2 Living Rooms) had corresponding losses of 43%, 50%, 55%, 52%, 48%, 44%, 38% and 37% losses of its former value.
- **Second Floor: All windows on this floor would retain complying levels of VSC in relation to BRE Guidelines.**
- Third Floor: 8 windows (4 bedrooms + 2 L/K/D + 2 living rooms) had corresponding losses of 30%, 35%, 38%, 36%, 34%, 32%, 27% and 25% losses of its former value.
- **Third Floor: All windows on this floor would retain complying levels of VSC in relation to BRE Guidelines.**

11.69 It is also noted that the VSC figures for the impact of the proposed development on Hill House (were one to make allowances and remove the balconies from the VSC assessment), would see all windows to Hill House not transgress the recommended levels of VSC outlined by the BRE Guidelines. The previous application resulted in 17 windows to Hill House having a loss greater than the recommended level of 20% of its former value were one to make allowances for the balconies.

11.70 Whilst this exercise demonstrates that the existing balconies to Hill House have an impact on the VSC values, it can only be considered as

supplementary information and not as part of the main assessment. This is due to the fact that the design of the balconies and open areas to Hill House properties are a key design aspect of that building and integral to its function and design, and as such any proposal on neighbouring land should factor in this existing condition. Nevertheless, this exercise does demonstrate that the amendments made to those elements of the scheme opposite Hill House have reduced the impact on these properties in terms of the Vertical Sky Component.

Summary of VSC

- 11.71 Looking at the VSC figures in isolation, considerable improvements have been made from the appeal scheme whereby 27 affected windows have been reduced to 5 affected windows, while the level of transgression of their former value for those 5 windows has also been reduced.
- 11.72 However, it is also noted that 3 of these 5 affected windows serve one residential unit to Hill House, which are its only windows given it is a single aspect unit. The other 2 affected windows serve the bedrooms of another single facing unit in Hill House, which are two of the three windows to that unit (albeit these windows have a lesser need for good daylighting than kitchen/living rooms).

Daylight Distribution

- 11.73 As noted in the Inspector's decision, the rooms in Hill House facing Cynthia Street are served by windows that would be opposite the application site and are both single aspect and the main windows for the properties.
- 11.74 Appeal Scheme: 12 rooms (ground, first, second and third floor levels) had a reduction in the amount of direct daylight they receive in excess of 20% of their former value. They ranged between 24% and 62% with 7 of them greater than 50%. Of these, 3 served living/kitchen/dining (L/K/D) rooms and a further 4 that serve bedrooms.
- 11.75 Proposed Scheme: As a result of the design changes to the scale and massing of the proposal fronting Cynthia Street, the number of rooms within Hill House that would have a daylight distribution loss of more than 20% of its former value has been reduced to 7 windows, as compared to 12 previously.
- 11.76 Specifically:

Note: Appeal scheme figures in normal font and the **proposed scheme in bold font**

- Ground Floor: All 3 rooms (L/K/D rooms) on this floor had corresponding losses of 58%, 59% and 59% of its former value.
- **Ground Floor: All 3 rooms (L/K/D rooms) on this floor would now have corresponding losses of 53% (58%), 52 (59%) and 44% (59%) of their former value.**
- First Floor: 5 rooms (all bedrooms) had corresponding losses of 56%, 51%, 51%, 48% and 62% losses of its former value.
- **First Floor: 4 rooms (all bedrooms) would now have corresponding losses of 32% (56%), 26% (51%), 30% (51%) and 30% (62%) of their former value.**
- Second Floor: 2 rooms (2 bedrooms) had corresponding losses of 24% and 27% losses of its former value.
- **Second Floor: All rooms on this floor would now maintain existing levels of daylight distribution apart from one which suffers a 3% loss, which is well within the BRE 20% loss 'allowance'**
- Third Floor: 2 rooms (2 bedrooms) had corresponding losses of 24% and 24% losses of its former value.
- **Third Floor: All rooms on this floor would now maintain existing levels of daylight distribution apart from one which suffers a 1% loss, which is well within the BRE 20% loss 'allowance'**

- 11.77 It is also noted that the DD (Daylight Distribution) figures for the impact of the proposed development on Hill House (were one to make allowances and remove the balconies from the DD assessment) then all windows to Hill House apart from the three L/K/D rooms at ground floor level, would not transgress the recommended levels of DD outlined by the BRE Guidelines.
- 11.78 The previous application resulted in 10 windows to Hill House having a loss greater than the recommended level of 20% of its former value were one to make allowances for the balconies. As per reasons outlined above, this can only be considered as supplementary information and not the key assessment.
- 11.79 The submitted Sunlight and Daylight Assessment also includes the DD figures for notional 5 metre deep ground floor LKD rooms to the ground Floor of Hill House. These are noted for additional information purposes but not considered to alter the assessment. The BRE Guidelines make mention that it may be unavoidable for single aspect units with rooms greater than 5 metres deep to have a greater movement of the no sky line. However, it does not

state that figures should be produced in the form presented by Anstey Horne in their notional table. The fact that these L/K/D rooms are longer than 5 metres and single aspect are factors to be taken into account when considering the conventional DD figures. The notional figures do not form part of this consideration.

Summary of DD

- 11.80 Looking at the DD figures in isolation, improvements have been made from the appeal scheme whereby 12 affected rooms have been reduced to 7 affected rooms, while the level of transgression of their former value for those 7 rooms has also been reduced (with the greater reductions to the 4 bedrooms at first floor level but minor reductions to the 3 L/K/D rooms at ground floor level.
- 11.81 However, it is also noted that 3 of these 7 affected rooms are located within one residential unit to Hill House, and the unit is single aspect. Of the remaining 4 affected rooms, two serve the ground floor L/K/D room and one first floor bedroom of another single facing unit in Hill House, which are two of the three windows to that unit. The remaining 2 affected rooms also serve the ground floor L/K/D room and one first floor bedroom of another single facing unit in Hill House, which are two of the three rooms to that unit.

Annual Probable Sunlight Hours (APSH)

- 11.82 Appeal Scheme: 26 windows would have had a reduction in sunlight over the whole year to figures below the recommended 25% and in excess of the 20% threshold in the BRE guidelines of its former value. Twenty-five (25) of them had losses ranging between 27% and 77%. Additionally, in all cases the reduction in sunlight over the year in Hill House would exceed the 4% threshold loss over the whole year.

Further, 16 windows would have a reduction in winter sunlight to figures below the recommended 5% and in excess of 20% of its former value. All 16 windows had losses ranging between 50% and 100%, with 4 of them retaining a winter APSH of zero or 1%.

- 11.83 Proposed Scheme: As a result of the design changes to the scale and massing of the proposal fronting Cynthia Street, the number of windows to Hill House that would have a year round APSH at less than the overall 25% threshold and a loss of more than 20% of its former value has been reduced from 26 to 6 windows.

Further, the number of windows to Hill House that would have winter sunlight at less than the overall 5% threshold and a loss of more than 20% of its former value has been reduced from 16 to 2 windows.

11.84 Specifically:

Note: Appeal scheme figures in normal font and the **proposed scheme in bold font**

- Ground Floor: All 3 windows (L/K/D rooms) on this floor had corresponding losses of 52%, 77% and 69% of its former value. Additionally, the total reductions over the whole year amounted to 11%, 17% and 20% respectively.
- In terms of winter APSH, 2 of the windows fell below the overall 5% recommended level with losses of 50% and 62% of its former value.
- **Ground Floor: Only 1 window (L/K/D room) on this floor would have a total reduction over the whole year greater than the 4% threshold at 8%, and this represents a loss of 28% on its former value.**
- **In terms of winter APSH, all 3 windows would now have a value above the recommended overall threshold of 5% winter APSH.**
- First Floor: 8 windows (all bedrooms) had corresponding losses of 27%, 74%, 60%, 65%, 58%, 50%, 64% and 73% losses of its former value. Additionally, the total reductions over the whole year amounted to 9%, 17%, 12%, 13%, 11%, 11%, 9% and 11% respectively.
- In terms of winter APSH, 6 of the windows fell below the overall 5% recommended level with losses of 57%, 80%, 75%, 100%, 86% and 75% of its former value.
- **First Floor: 4 windows (all bedrooms) would now have a total reduction over the whole year greater than the 4% threshold, and these are 5%, 5%, 5% and 4% respectively. In terms of their former value, these represent losses of 25%, 21% 23% and 31% respectively.**
- **In terms of winter APSH, only 2 windows would have a loss more than 20% of its former value and less than 5% overall winter APSH. These losses amount to 43% and 43% for the 2 windows.**
- Second Floor: 8 windows (4 bedrooms, 2 living room, 2 LKD) had corresponding losses of 45%, 48%, 57%, 52%, 59%, 44%, 42% and 50% losses of its former value. Additionally, the total reductions over the whole year amounted to 14%, 15%, 16%, 15%, 17%, 12%, 10% and 13% respectively.
- In terms of winter APSH, 4 of the windows fell below the overall 5% recommended level with losses of 64%, 60%, 57% and 75% of its former value.

- **Second Floor:** All windows on this floor would now meet the recommended BRE thresholds for APSH and winter sunlight apart from one bedroom window, which would see an overall reduction from 24% to 19% (more than 4%), however marginally fails to meet the recommended guidelines as this represents a loss of 21% of its former value.
- **Third Floor:** 7 windows (3 bedrooms + 2 living room + 2 LKD) had corresponding losses of 30%, 35%, 32%, 29%, 33%, 31% and 21% losses of its former value. Additionally, the total reductions over the whole year amounted to 10%, 11%, 9%, 9%, 10%, 9% and 6% respectively.
- In terms of winter APSH, 4 of the windows fell below the overall 5% recommended level with losses of 64%, 64%, 50% and 56% of its former value.
- **Third Floor:** All windows on this floor would now meet the recommended BRE thresholds for APSH and winter sunlight.

11.86 It is also noted that the APSH figures for the impact of the proposed development on Hill House (were one to make allowances and remove the balconies from the APSH assessment), all windows to Hill House would not transgress the recommended levels of APSH outlined by the BRE Guidelines, but for reasons outlined above this can only be considered as supplementary information and not the key assessment.

Summary of APSH

11.87 Looking at the VSC figures in isolation, considerable improvements have been made from the appeal scheme whereby 26 affected windows have been reduced to 6 affected windows, while the level of transgression of their former value for those 6 windows has also been reduced. Additionally, the 16 affected windows relating to winter sunlight have now been reduced to 2 affected windows and the level of transgression to these two windows has also been reduced.

11.88 However, it is also noted that 3 of these 6 affected windows serve one residential unit to Hill House, which are its only windows given it is a single aspect unit. Further, one ground floor L/K/D would have reductions in both its annual and winter sunlight beyond the recommended thresholds.

Overall Summary for Hill House

11.89 When looking at all of the above sunlight/daylight assessments with regard to Hill House, considerable improvements have also been made from the appeal scheme with particular regard to VSC and annual/winter sunlight, whilst where transgressions still exist, these have also been reduced.

- 11.90 Despite the above reductions, it is also noted that of the transgressions that still remain, these predominantly affect specific properties and are not widespread across the whole elevation. Specifically, the transgressions remain to the three duplex residential units over the ground and first floors of Hill House. These units are defined by a L/K/D room to the ground floor and 2 individual bedroom windows at first floor, i.e. 3 windows per flat.
- 11.91 Of these flats at ground floor level one window and room behind would suffer losses greater than the BRE thresholds across 3 tests, i.e. VSC, DD and APSH. Further, its two bedroom windows would not meet the VSC or DD test. Whilst the transgressions to this flat have been reduced, the proposed development on this unit alone would have a detrimental impact given the above assessment. The other two duplex flats would have their ground floor L/K/D rooms impacted upon in terms of DD and APSH values with additional impacts to their first floor bedroom windows in terms of VSC, DD and APSH values.
- 11.92 The impact on the amenity of the three duplex units at ground and first floor level of Hill House has to be considered in the wider context of the proposed scheme in terms of all neighbouring properties. Whilst the daylight losses to these three duplexes are greater than 20% of the existing levels, the BRE guidance does state that in central locations the guidance should be applied flexibly to secure appropriate townscape design. The development is not significantly taller or out of character at this corner of the site compared to the immediate surroundings. The proposal would repair the urban grain by restoring appropriate building lines, making better use of this central site through efficiently developing this brownfield site.
- 11.93 Further, the proposed 4-storey element opposite Hill House has been set back 1.9 from the building line of the adjoining building (known as 6-10 Cynthia Street – the Gower School), whilst the 5-storey element has been set back 6.0m from the building line of the adjoining building. These setbacks also need to be considered in the context of height, whereby the Cynthia Street block's 4-storey height would stand 2.3 metres lower than that of the Hill House Apartment buildings 5th floor.
- 11.94 However, given the reduction in the number of units at Hill House that are now affected as compared to the appeal scheme and in the context of surrounding neighbours, it is considered that a balance has to be struck between making more efficient use of this central and highly accessible site, securing townscape improvements through the high quality design of these buildings and the provision of new homes is finely balanced but that these wider benefits outweigh the degree of daylight loss and resulting harm to the amenity of the three duplex properties.
- 11.95 Further, the existing built form conditions of both the application site and Hill House result in a situation whereby the Hill House occupiers currently enjoy a largely uninterrupted amount of sky above the application site, due to the application site not making best use of its central location. The existing daylight and sunlight levels experienced at present are therefore particularly high for a location such as this. Any development at the application site would

affect sunlight and daylight levels to the lower levels of Hill House. Although there would be a preference for all new developments to meet the BRE recommended levels with no transgressions, in this instance the proposed design has reduced the impact to 3 properties, whereby any redesign of the application proposals would bring the facing buildings much lower than the Hill House Apartment building, and potentially have a detrimental impact in townscape terms, as well as not optimising best use of this urban site.

- 11.96 For these reasons, the sunlight and the daylight losses to these three properties and associated impact on their amenity when balanced against the townscape and other considerations and benefits of the scheme, outweigh the loss of daylight and sunlight that would be experienced.

Rodney House, Donegal Street (residential)

- 11.97 This site is occupied by a residential building with its main elevation onto Donegal Street (facing north) however the south elevation faces the application site. The submitted sunlight and daylight assessment provides calculations of losses to these south facing windows (as the building is designed), and gives an additional calculation of losses as if the balconies and windows on this elevation were not recessed. Whilst this additional exercise demonstrates that the existing recesses would have an impact on the BRE values, it can only be considered as supplementary information and not the key assessment.

- 11.98 The relationship of the proposed development adjoining this property was also considered by the Planning Inspector on the appeal scheme and made the following comments:

"12 windows at ground, first and second floor levels would suffer a loss of VSC in excess of 20% and would fail the test. All the rooms on the ground floor would also suffer from a reduction in daylight distribution of between 28% and 50%. 2 rooms at ground and first floor levels would experience a loss of direct sunlight in winter months in excess of the recommended maximum. There would also be losses for some rooms on lower ground and first floors.

Nevertheless, if the deep recesses were taken into account then it would produce a different result. All but one window would pass the guidance and that relates to a room with a second window. It also has to be seen within the context of the effect of the extant planning permission that could be built on the appeal site. Because of these matters, I consider therefore that the scheme would not have an unreasonable effect on the occupiers of Rodney House."

- 11.99 Given the resubmission proposal has not altered in terms of its relationship with these neighbouring properties and taking into account the Planning Inspector's decision, it is not considered that the proposed development would have a detrimental impact on this adjoining property.

The Gower School, No. 10 Cynthia Street (school)

11.100 The relationship of the proposed development adjoining this property was also considered by the Planning Inspector on the appeal scheme and made the following comments:

11.101 "Although one window in a classroom would be affected and would suffer a significant loss of daylight, because the room is also served by other windows, the room would remain adequately lit."

Prospect and Penton House, Cynthia Street (residential)

11.102 This site contains a 10-storey residential building located to the north east of the application site. This building would retain complying levels of VSC to all windows should this proposal be constructed. The Daylight Distribution within all rooms is maintained at its current levels. The annual sunlight received (APSH) either exceeds 25% and therefore accords with the BRE guidance.

Paul Robeson House, Penton Rise (student accommodation)

11.103 This site contains a student accommodation building that stands between 6 and 9 storeys tall. It is located on the opposite side of Pentonville Road and turns onto Penton Rise. In terms of assessment of impacts to the amenity of student accommodation, it is generally accepted that given the non-permanent/shorter period of occupation of these buildings, a less restrictive application of the BRE guidelines is appropriate. The windows affected in daylight terms have a north aspect and therefore do not require sunlight assessment. Affected floors include the ground to fifth floors (the sixth floor and above has full compliance). The relationship of the proposed development adjoining this property was considered by the Planning Inspector on the appeal scheme, who made the following comments:

11.104 *"Paul Robeson House comprises student accommodation on the opposite side of Pentonville Road to the appeal site. Because it is student accommodation, the BRE guidance is not strictly applicable. Nevertheless, DMP policy DM2.1 applies to all buildings and the BRE guidance still provides a useful methodology for assessment."*

11.105 *"The development would result in a loss of daylight of up to 36% as measured by the VSC and up to 75% against the NSL to 46 bedrooms and kitchens at ground, first, second, third and fourth floors. 38 rooms would suffer a loss of daylight beyond the minimum recommended in the BRE document. In addition, a total of 28 rooms would see a reduction in NSL in excess of the BRE recommended levels. However, because this is student accommodation which would have a transient population and is not family accommodation, I consider that the effect on Paul Robeson House would not be unacceptable."*

11.106 *"Because Paul Robeson House does not face within 90 degrees of due south, sunlight is not relevant."*

- 11.107 Given the resubmission proposal has not altered in terms of its relationship with these neighbouring properties and taking into account the Planning Inspector's decision, it is not considered that the proposed development would have a detrimental impact on this adjoining property.

Nos. 101 to 113 Pentonville Road (live/work units)

- 11.108 This site contains a building that accommodates live/work units. All windows are not impacted by these proposals maintaining in excess of 27% VSC and maintaining 100% of existing Daylight Distribution within rooms. The windows face north and therefore do not require testing for sunlight receipt.

Privacy and Overlooking

- 11.109 Objections have been received mainly from the occupiers of Hill House Apartments (122-128 Cynthia Street) stating that these proposals generate an unacceptable level of overlooking due to the proximity, height, position of balconies and number of windows on the Cynthia Street elevation.

- 11.110 Development Management Policy DM 2.1 states that there should be a minimum distance of 18 metres between windows of habitable rooms. However, this does not apply across the public highway, as overlooking across a public highway does not constitute an unacceptable loss of privacy. Block 'D' on the corner of Pentonville Road and Cynthia Street and Block 'E' along Cynthia Street would have a height of 4-storeys with a setback 5th floor would be positioned 14.5 metres away from Hill House, with the 5th floor an additional 4.4 metres further away.

- 11.111 The Planning Authority does not operate a separation distance requirement across public highways. This is because urban design requirements will generally ensure that a similar amount of overlooking would occur (as currently occurs) further up or down a street between facing properties. This is a usual occurrence that is seen throughout London. Whilst objections have stated that Cynthia Street is a narrow road which exacerbates this problem, the separation distances as specified above are considered acceptable. In addition, recent Planning Inspectors decisions have concluded that distances of 14.9m across public highways are sufficient to ensure no loss of privacy, and an appropriate degree of enclosure.

- 11.112 All other properties are either not directly faced by this proposal or are in excess of 18m from the elevations of this proposal and would experience no unacceptable loss of privacy.

Noise and construction impacts

- 11.113 Conditions are recommended to ensure that plant equipment operates below background noise levels to protect nearby residential amenity (Condition 17). A code of construction response document is to be secured by legal agreement and a construction logistics plan (Condition 7) secured with the view of ensuring that dust, noise and other construction impacts are minimised wherever possible. Whilst objections were received that occupiers

would not be able to enjoy the use of their balconies during construction phase (due to noise and dust), these impacts would be temporary and do not warrant refusal of an application. The above measures would help to mitigate impacts.

Quality of Resulting Residential Accommodation

- 11.114 The London Housing SPG sets requirements for the design of new residential units, including size, layout, circulation, floor to ceiling heights, aspect and private outdoor space requirements etc. Minimum unit sizes are set out in the London Plan Policy 3.5. Further, DM Policy 3.4 sets out Housing Standards for all new developments. The playspace requirements of the London Plan are set out in the SPG and DM Policy 3.6.

Unit Sizes

- 11.115 All of the proposed residential units, regardless of their bedroom numbers would meet the minimum standards set out in the London Plan (policy 3.5) and DM Policy 3.4. The proposed 11 (all 3 bedroom) social rented units are suitable for accommodating either 4 or 5 people. The proposed units range from 79 - 115 sqm (4p) which exceed the 74sqm minimum, or 90-100 sqm (5 people), which exceeds the minimum (86sqm) size requirement, some being particularly generous which helps to mitigate internal day lighting concerns. The proposed private tenure studio units (housing mix acceptability is explored below) exceed the minimum unit size standard by between 3-8sqm.

Internal Daylighting

- 11.116 A selection of BRE testing Average Daylight Factor (ADF) was undertaken for the proposed scheme. The ADF testing suggests that bedrooms should reach 1.0%, living rooms 1.5% and kitchens 2%. Ground floor units (Block E – social rented units) are provided with large glazed areas that ensure that the majority of rooms meet the minimum ADF standards. The presence of projecting balconies on each level further restricts daylight into rooms. The majority of rooms pass, but some do fail.
- 11.117 There are failures within the private tenure proposals, mainly where recessed balconies are proposed and therefore overshadowing is caused. Whilst this can cause problems reaching the target ADF, it does help to prevent overheating, particularly in south facing units. In these instances the slight failures are considered acceptable.
- 11.118 The resubmission proposal does not contain transgressions further to the previous scheme, which was not refused on this basis. The Planning Inspector also noted that the internal daylighting in the some of the rooms of the dismissed scheme did not meet the minimum ADF standards but did not include this reason in dismissing the previous application.
- 11.119 For these reasons, the daylighting levels of the proposed residential units are on-balance considered to be acceptable.

Ceiling heights/Aspect

- 11.120 All units are designed with a 2.5m floor to ceiling height which is just less than the minimum 2.6 metres outlined in DM Policy 3.4. Although this is fractionally less than the minimum required by policy, the proposed ceiling heights are considered acceptable in this instance given this did not form a reason for refusal in the previous scheme. Further, increasing the ceiling heights in this instance would increase the overall height of the proposed building.
- 11.121 A total of 49 of the 118 units would be considered as single aspect, which is one less than the previous scheme. Many of these single aspect units though incorporate recessed balconies to the south and western elevations, which enable a further aspect to be secured across those balcony spaces. Whilst this design technique doesn't necessarily mean they are truly 'dual' aspect, it does allow for ventilation and additional sunlight and daylight receipt. On this basis, and as there is no further increase in the number of single aspect units in comparison to the dismissed scheme, the scheme is considered appropriate. Further, there are no north-facing single aspect units which ensure compliance with DM Policy 3.4.

Private Outdoor space

- 11.122 The London Housing SPG sets requirements for private outdoor space, which are then expanded on by DM Policy 3.5, which requires 30sqm for ground floor family units. For upper level units, a minimum of 5sqm of external space for 1-2 person units, and an additional 1sqm per additional occupant is sought. Level thresholds must be provided to all private external spaces and balconies must have a minimum width of 1.5m. Ground floor units must have a 1.5m wide defensible space. The proposed residential units all secure a private balcony space and have level access to the communal courtyard in addition to that.
- 11.123 The ground floor social rented (family sized) units are provided with a small (6.5sqm) area of private open space, 1.5m deep. Whilst falling short of the policy requirement (30sqm) these private amenity spaces then have direct access onto the communal courtyard. Given the character of this proposed development, this is considered acceptable as the additional amenity space is directly accessible from these units, and in addition Joseph Grimaldi Park is within a 2 minute walking distance of these units. The upper floor 3 bed social rented units have between 7sqm and 8.15sqm of private balcony space. Whilst these fall 1sqm short of the requirement, given the proximity of public open space, this is on-balance considered acceptable.

Play space

- 11.124 The provision of 10sqm of play space is required per child for major development proposals. This development would generate a child yield of 24.4 (LBI) or 30 (London Plan). This requires a total playspace provision of 244sqm (LBI) and 300sqm (London Plan). The submitted landscape proposals show three spaces for play which effectively take up the whole of the communal amenity space (excluding circulation). This is double counting

of playspace requirements on top of private amenity space requirements and therefore a full playspace contribution is sought for these proposals. A financial contribution of £83,605 is secured towards the provision of play space facilities.

- 11.125 As the proposals make no provision for the creation of additional, public open space, and as the new residents and additional employees would use the nearby public open spaces, a financial contribution of £215,859 is sought from the applicant (in accordance with the Planning Obligations SPD) towards open space improvements within the vicinity of the site.

Noise

- 11.126 The application was accompanied by a noise assessment that looked at the noise levels of Pentonville Road with a view to securing a high quality internal noise environment for resulting residential accommodation. The Council's Acoustic Officer expected the noise assessment to conclude that the site falls within Noise Exposure Category D (where planning permission for residential should normally be refused). However, the report concludes that the site falls within Category C. Measurements were taken outside school time and within the Easter Holidays which may have distorted results, in addition, the increase in noise from the intensified car hire use has not been taken into account either.
- 11.127 As such, a condition is recommended to secure noise insulation details (Condition 19), however in order to attain the stated condition targets, windows would need to remain shut and some form of ventilation will be required. The noise generated by the ventilation system should be included in these calculations, requiring an updated assessment.
- 11.128 Plant noise is also conditioned to protect future occupiers amenity as well as nearby neighbours (Condition 17).

Dwelling Mix

- 11.129 The proposed mix of accommodation is as follows:

	Studio	One bed	Two Bed		Three Bed			Totals
			3p	4p	4p	5p	6p	
Unit numbers	15	35	14	41	3	8	2	118
	15	35	55		13			
	12.7%	29.7%	46.6%		11%			100%
Habitable rooms	15	70	42	123	12	40	10	312
	4.8%	22.4%	52.9%		19.9%			100%

- 11.130 The proposed mix of accommodation is not consistent with DM Policy 3.1 and the table below sets out the housing mix required for all major developments. The table also highlights that whilst the social housing mix reflects policy, and

the intermediate housing is almost consistent, the private housing mix would not meet the requirements with a lower proportion of both 2 and 3 bed flats and higher proportion of 1-bed/studios. In fact, 1bed/studios make up 45% of the market housing mix, compared to just a 10% policy requirement for 1-beds.

Units	Private		Intermediate		Social	
	Proposed	DM Policy	Proposed	DM Policy	Proposed	DM Policy
Studio	15.3%					
1 bed flat	29.6%	10%	67%	65%		
2 bed flat	53.1%	75%	33%	35%	20%	20%
3 bed flat	2%	15%			30%	30%
4-bed or more					50%	50%

- 11.131 Whilst DM Policy 3.1 seeks a good mix of housing sizes, leading on from policy CS12 of the Core Strategy, it is accepted that the Pentonville Road frontage is a challenging location in terms of its noise and air quality and therefore not a desirable location for a significant amount of large family housing.
- 11.132 The majority (9 of 13) of family sized units (3 bedroom) are to be located within the Cynthia Street fronting block (Block E) and would be social rented units. This part of the site would be protected from the more significant environmental challenges of Pentonville Road due to the set back from the main Cynthia Street building line and the shielding provided by the Pentonville Road facing block. In this regard the smaller than normal percentage of three bed or larger units is considered acceptable in this location given environmental challenges and constraints of the site. Furthermore, provision of additional family units within the private housing would have an impact on the viability of the development and the level of affordable housing being provided.
- 11.133 The proposal also seeks permission for 15 (private tenure) studio units, which is resisted by DM Policy 3.4 'Housing Standards' that refers to studio units '*only being accepted in exceptional circumstance where a larger unit is not possible or a studio unit would result in better aspect*'.
- 11.134 Seven (7) of the 15 units (47% of the studios proposed) help to ensure that larger (2 bedroom) units can be provided adjacent to the studio unit in

question. Redesigning these 7 studios would result in 2 x 1 bed units rather than a 2 bedroom unit and a studio (as currently proposed). These 7 studio units help to overcome difficult building plan layouts. With this in mind, whilst the scheme provides a mix of units that does not strictly accord with the desired housing mix for Islington, the site is located on a busy strategic road where air quality and the noise environment is challenging. In addition, a car hire business accesses the site from beneath the Rodney Street frontage, where a large proportion of the studio units (west facing) are proposed. With this in mind the mix of units for this location is considered to be acceptable.

Affordable Housing and Financial Viability

11.135 The applicant's financial viability consultant, Gerald Eve has submitted an updated financial viability appraisal with the application. The Local Planning Authority appointed BPS Chartered Surveyors to undertake an independent review of the submitted financial viability report and was asked to consider and comment on the schemes ability to viably provide:

- a greater amount of office floorspace (to better accord with policy CS6A and CS13 of the Islington Core Strategy). This is assessed within the Land Use section (**paragraphs 11.10 – 11.13**); and
- consider if the affordable housing offer (23% by habitable rooms) is indeed the maximum reasonable amount that the site can afford to deliver (applying the borough strategic target of achieving at least 50% affordable housing on the relevant sites (reflecting 'policy compliant scheme').

11.136 The BPS report is appended to the end of this report at **Appendix 3**.

Affordable Housing Offer

11.137 The applicant has offered 23% affordable housing by habitable rooms, or 17% by unit numbers. This equates to a total of 20 residential units (out of the total 118 proposed), and the offer is split 71% social rented units (11 x 3 bedroom units) and 29% (6 x 1 bedroom and 3 x 2 bedroom units) intermediate rent units. This is illustrated in the table below:

	Unit / Habitable Rooms	1 bed	2 bed	3 bed	Total
Social Rent	Unit numbers	-	-	11	11
	Hab rooms	-	-	52	52
Intermediate Rent	Unit numbers	6	3	-	9
	Hab rooms	12	9	-	21

11.138 The key influence on viability in this case relates to the Benchmark Land Value (site value for planning purposes). With regards to the benchmark values adopted in the applicant's financial appraisal (carried out by Gerald

Eve), BPS did not dispute the value arrived at. This is in the context of the complex site assembly carried out by the applicant in bringing together four separate sites to facilitate a comprehensive redevelopment. This arrangement would leave some of the site owners in a very strong negotiating position, in effect a ransom situation, given that the proposed development required the entire island site to be acquired. BPS advised that land values generated through a complex site assembly process, unless backed by a Compulsory Purchase Order, is one over which the developer has limited control – the options being to acquire at the price offered or withdraw from the development. This decision becomes more difficult with increased developer ownership and investment. This is a key factor that supports the BPS acceptance of the benchmark land value in the context of specific advice within the RICS Guidance. It should be noted that this benchmark land value was also previously accepted by DVS in their assessment of the appeal scheme's viability). This is a unique situation that does not come about very often and the land value reflects the risk that the applicant has taken in this endeavour.

- 11.139 In assessing the Gerald Eve financial viability appraisal, BPS stated that the applicant's appraisal generates a net profit on cost of 9.57%, which falls short of their target profit of 19% on cost (the blended profit target which is accepted as reasonable in the current market). Based on information provided relating to present-day costs and values, BPS consider that there is no justification for requiring further up-front affordable housing contributions. BPS note there are some points of clarification in respect of costs but these are relatively small in quantum, and they also note some uncertainty in respect of the residential values. However, even allowing for alternative assumptions concerning these elements, BPS is of the view that the scheme is unlikely to generate a significant surplus. Therefore, they concluded that the current offer represents the maximum that can be provided (see Appendix 3 for BPS report).

Review Mechanism

- 11.140 The Council's SPD on Planning Obligations (Section 106) states that a further financial viability appraisal (review mechanism) should be submitted prior to but close to the date of implementation of the scheme. Therefore, a section 106 obligation is recommended requiring the owner to submit an Updated Viability Assessment (UVA) to the council, prior to implementation of the development in the event that the development is not implemented within eighteen months of the date of the planning permission (at which point the original viability assessment submitted with the planning application shall be deemed to (reasonably) be out of date).

GLA Stage 1 Response

- 11.141 The GLA responded within their Stage 1 response that they wished to see the affordable housing offer modelled utilising the affordable rent product (in place of the proposed social rent units) to ascertain whether an additional quantum of 'affordable' housing could be secured. Gerald Eve on behalf of the applicant modelled those units as 'affordable rent units' with rent set at 50% of

market rent level. This did not generate sufficient additional value to enable additional affordable housing units to be provided. It should be made clear that the applicant therefore retains the offer as 23% affordable housing (by habitable rooms) split 71% social rented and 29% shared ownership accommodation (secured by head of term **paragraph 1**).

- 11.142 BPS conclude that the financial viability offer of 17% by unit number and 23% by habitable rooms reflects the maximum reasonable offer that this site can afford to deliver, given the specific circumstances of this case including the special case of site assembly, the provision of an expensive build for the expanded car hire business (at peppercorn rent) and the difficulties in securing value for the office floorspace, all of which present a drain on the schemes viability. For these reasons the proposal is considered to maximise the amount of affordable housing that the site can afford to deliver and therefore accords with Core Strategy Policy CS12G and with London Plan Policy 3.11 as it has been demonstrated affordable rent in place of social rent would not enable an increased quantum of affordable housing to be delivered.

Sustainability

- 11.143 London Plan Chapter 5 policies are the Mayor of London's response to tackling climate change, requiring all development to make the fullest contribution to climate change mitigation. This includes a range of measures to be incorporated into schemes pursuant to Policies 5.9-5.15. Sustainable design is also a requirement of Islington Core Strategy Policy CS10. Details and specific requirements are also provided within the Development Management Policies and Islington's Environmental Design SPD, which is supported by the Mayor's Sustainable Design and Construction Statement SPG.
- 11.144 The development is located in an urban area where people can access services on foot, bicycle or public transport. It is a mixed use development satisfying key sustainability objectives in promoting the more efficient use of land, and reducing the need to travel.
- 11.145 The submission includes BREEAM and Code for Sustainable Homes pre-assessment reports for the proposed uses. These reports highlight that the non residential uses will achieve "Excellent" rating and the residential units will achieve Code for Sustainable Homes Level 4. The applicant has committed to achieving these targets and conditions are recommended to secure compliance.(Condition 23)
- 11.146 Grey water recycling (for WC flushing) was investigated by the applicant, but found that limited water use savings would be made compared to the capital cost and maintenance, storage capacity requirements (as well as yearly saving to occupants). In this regard it is accepted that it is not feasible to include grey water recycling. Rainwater runoff will be reduced through inclusion of green roofs to all buildings (including beneath PV array) as well as enhance biodiversity resulting in a 50% site coverage of planted space when the courtyard is included.

- 11.147 As the site is to be fully developed, storage and release of rainwater is necessary. Storage and slow release is proposed and a condition (Condition 27) is recommended to ensure those details adequately address NPPF, London Plan and Islington policies. In addition, rainwater is to be stored for irrigation purposes within a storage tank to be located within the basement those details are also secured by the above condition (although these are separate functions and tanks).
- 11.148 The development also proposes the:
- use of sustainably sourced construction material (**condition10**);
 - provision of secure, covered cycle storage to support use of sustainable transport methods (**conditions 31 and 32**);
 - inclusion of bird and bat box and invertebrate refuges (**condition 29**);
 - provision of a site waste management plan (**condition 3**);
 - registration as a Considerate Constructors Scheme (**s106 clause**); and
 - scheme is stated to seek a 105 litre/person/day rate of water use through efficient water appliances. Whilst this falls short of the policy 95 litres/person/day the Sustainability and Energy report is to be conditioned to secure adherence to the statement within it (**condition 28**).

Energy Efficiency and Renewable Energy

- 11.149 The application is accompanied by an Energy Strategy, which details how it would comply with London Plan Policy 5.2 and Islington Core Strategy Policy CS10 by incorporating a range of passive design features, renewable energy technology (photovoltaic panels) and a CHP. The resultant CO2 reduction target is for 154 tCO2/an, which would be a percentage reduction of 29% on total CO2 emission. Council's Energy Officer recommends appropriately worded conditions and in addition s106 head of term will secure the energy measures as well as future-proofing for connection to heating and cooling networks.
- 11.150 The proposals address the energy hierarchy of 'be lean, be clean, be green' in the following way:
- BE LEAN
- Energy efficiency standards*
- 11.151 A range of passive design features and demand reduction measures are proposed to reduce the carbon emissions of the proposed development. Both air permeability and heat loss parameters will be improved beyond the minimum values required by building regulations. Other features, including high performance hot water cylinders, full space heating zone controls and mechanical ventilation with heat recovery (MVHR) are proposed. The demand for cooling will be minimised by limited window sizes, the higher ceilings, the shading from balconies and deep window recesses and the glazing specification selected would also serve to control summer gains. Overheating analysis has been submitted and that concludes that none of the dwellings

are at unacceptable risk of summer overheating. The applicant proposes that the 98 private apartments will have comfort cooling provided by a communal cooling system that also serves the commercial units. The applicant states “Cooling is being proposed for the sole reason that the purchasers of high specification apartments such as these insist upon it”.

11.152 The report concludes “The development proposals therefore fully meet the requirements The London Plan: Policy 5.2: Minimising carbon dioxide emissions; Policy 5.6: Decentralised energy in development proposals; and Policy 5.7: Renewable energy, and the local energy policies in the London Borough of Islington LDF Core Strategy: Policy CS10 Sustainable design.”

11.153 However the application also needs to adhere to London Plan Policy 5.9 on overheating and cooling, which states:

“New development in London should also be designed to avoid the need for energy intensive air conditioning systems as much as possible.”

11.154 Major development proposals should reduce potential overheating and reliance on air conditioning systems and demonstrate this in accordance with the following cooling hierarchy:

- 1 minimise internal heat generation through energy efficient design
- 2 reduce the amount of heat entering a building in summer through orientation, shading, albedo, fenestration, insulation and green roofs and walls
- 3 manage the heat within the building through exposed internal thermal mass and high ceilings
- 4 passive ventilation
- 5 mechanical ventilation
- 6 active cooling systems (ensuring they are the lowest carbon options).

11.155 Local planning policy and guidance states:

“The need for cooling should be designed out as far as possible through use of passive design and passive ventilation”. “Use of technologies from lower levels of the hierarchy shall not be supported unless evidence is provided to demonstrate that technologies from higher levels of the hierarchy cannot deliver sufficient heat control.”

11.156 The applicant has clearly stated that comfort cooling is not required to avoid overheating and the sole reason for its inclusion is that “the purchasers of high specification apartments such as these insist upon it”. This is in conflict with both London Plan Policy 5.9 and local policy.

11.157 Therefore, a condition has been imposed for the non installation of active cooling systems to any residential units and that amended plans detailing future proofing methods to enable retrofitting of cooling at a later date, should increasing temperatures make this necessary, to be considered. (Condition 24)

BE CLEAN

District heating

- 11.158 There are no existing or planned district heating networks within the vicinity of the proposed development. The applicant has, however, provided a commitment to ensuring that the development is designed to allow future connection to a district heating network should one become available. This shall be secured via condition.

Combined Heat and Power

- 11.159 The CHP plant proposed has capacity to serve as a block-wide heat network, being a 30kW gas-fired, combined heat and power unit which would provide for domestic hot water load and a proportion of the space heating. A condition is recommended stating that all apartments and non-domestic building uses will be connected to this network (including the gym sauna and swimming pool facilities) and requiring details of the route of the network for approval. (Condition 21)
- 11.160 Council's Energy officer advises that this approach is acceptable subject to a condition ensuring that their CO₂ reduction target is for 154 tCO₂/an which would be a percentage reduction of 29% on total CO₂ emissions. Should this not be achieved through biodiesel CHP they would need to make up the shortfall through either other onsite measures, an additional contribution to the offset fund or a combination of the two. This is also to be secured under the relevant planning obligation relating to the offset carbon levy.

BE GREEN

Renewable energy technologies

- 11.161 The applicant has investigated the feasibility of a range of renewable energy technologies and is proposing to install solar PV panels on the roof of the buildings.
- 11.162 Development Management Policy DM7.1 states that all major applications are required to include a Green Performance Plan (GPP) detailing measurable outputs for the occupied building, particularly for energy consumption, CO₂ emissions and water use, and should set out arrangements for monitoring the progress of the plan over the first years of occupancy.
- 11.163 The GPP with updated targets adjusted to reflect new information on occupancy, etc, and full details of monitoring arrangements shall be submitted within 6 months of occupancy, whilst the level of detail required for submission is outlined in the Council's Environmental Design SPD. This is to be secured as an obligation in the s106 agreement.
- 11.164 Summary

- 11.165 The total CO2 emissions savings would amount to a 29% saving above 2010 Building Regulations baseline. The Environmental Design SPD seeks an off-setting of CO2 emissions (for major applications) to bring schemes to an equivalent of zero carbon. The development attracts a carbon levy of £244,076 with regard to Core Strategy Policy C10.
- 11.166 The proposal includes comfort cooling, which does not accord with the Core Strategy policy CS10. Therefore, a condition has been imposed preventing the installation of such mechanical cooling. This condition was part of the previous recommendation that was also heard at appeal. Whilst the applicant has not agreed to the condition and disputed the condition at appeal, no justification on energy grounds has been submitted. Given the previous application was dismissed there was no need for the Planning Inspector to state what conditions would have been appropriate should the previous proposal been allowed. The Inspector's decision has not stated that the above condition would be unreasonable, and as such it is considered necessary so that the proposed scheme is in conformity with the Development Plan.
- 11.167 Subject to the above and the implementation of the range of energy measures to be secured via conditions and s106 obligations, it is considered the Energy Strategy is appropriate.

Highways and Transportation

- 11.168 The site is very well located in relation to public transport and has a PTAL rating of 6b, the highest rating. The site is located approximately 650 metres from Angel Underground Station, which provides London Underground services on the Northern Line (Bank branch). The site is located approximately 800 metres away from King's Cross Station, which provides London Underground Services on the Northern, Piccadilly, Victoria, Metropolitan, Hammersmith and City and Circle Lines. It also provides East Coast and First Capital Connect services to various destinations in England and Scotland.
- 11.169 St Pancras International Station is located slightly further from the site (approximately 950 metres), and provides East Midlands and First Capital Connect services to various destinations in England, and Eurostar Services to France and Belgium. The site is also well located in relation to buses, with five bus routes extending along this stretch of Pentonville Road (30, 73, 205, 214 and 476).
- 11.170 The application site is a substantial block with three street frontages, namely: Pentonville Road (A501) marking the southern frontage of the site which is a Transport for London (TfL) managed road and is a designated Red Route. A single red line prevents stopping between 8am and 7pm Mondays to Saturdays. Outside of these times parking and loading is permitted on the kerbside. Two lanes of traffic run in either direction, however immediately to the west of the site, Pentonville Road becomes a one way system with traffic moved down Penton Rise (but with a contra flow bus lane moving buses westwards). To the west is Rodney Street and to the east is Cynthia Street,

both of which are local distributor roads managed by Islington Council's Highways Department.

- 11.171 North of Pentonville Road is Controlled Parking Zone B and south of Pentonville Road, Zone A that covers most of Clerkenwell up to Pentonville Road, both of which prevent parking 8.30am-6.30pm Monday to Friday and 8.30am-1.30pm Saturdays.
- 11.172 The existing site accommodates a substantial amount of car parking (storage), associated with the Europcar business (approximately 100 spaces). This business has vehicle access points on Pentonville Road and also on Rodney Street. Existing car parking spaces are also located within the forecourt of 130-134 Pentonville Road and 3-4 Cynthia Street (approximately 7 spaces), with vehicle access from Cynthia Street. In addition, the Flower Shop accommodates vehicles within its ground floor workshop with its associated vehicle movements.

Car Parking

- 11.173 The proposals seek to re-provide and increase the capacity of the existing Europcar business, increasing the associated car parking from 100 spaces to 150. Europcar would be accessed solely from Rodney Street with a manned office space overlooking the entrance to the basement car parking to prevent misuse. Car parking is essential to the functioning of a car hire business.
- 11.174 The policies relevant to the car parking are Core Strategy Policy CS10 (Sustainable development), Part H and Development Management Policy DM8.5 (Vehicle parking). Part B(i) of Policy DM8.5 specifically relates to car hire facilities and states the following:
- “Parking will only be allowed for non-residential developments where this is essential for operational requirements and therefore integral to the nature of the business or service (e.g. car hire, Use Class B8 storage and distribution uses).”*
- 11.175 In this regard the spaces are considered to be more akin to car storage than to car parking spaces, which is reflected in the unusual car parking arrangements (requiring qualified staff to move the vehicles around once dropped off by customers). The application includes a business case demonstrating the need for the business growth (increased car storage capacity). It is accepted that the business location close to King's Cross St Pancras, and within a borough with car free policies (for new development) generates a demand for such services and the 50% growth rationale is accepted.
- 11.176 Whilst the provision of car parking for a car hire business is permitted under Policy DM8.5(B)(i), the parking area must be appropriately managed to ensure that it is not used for regular parking for the commercial or residential uses. Section 4.2.2 of the Transport Assessment notes that the applicant is willing to include a condition on any planning consent restricting access to the car park for the exclusive use of the on-site car hire facility. Therefore, to

ensure that the storage spaces are not misused by staff of the car hire business, commercial units or the upper residential units a Car Parking Management Strategy is secured by condition. (Condition 39)

- 11.177 The residential and office parts of the development are 'car-free', in that no private car parking spaces are provided for residents, employees, and visitors of the development. The submission states that the car parking area will be for the sole use of the car hire business, and will be manned by a security guard during opening hours in line with Core Strategy Policy CS10(A) and DM Policy 8.5 (A and B).
- 11.178 No on-site car parking for residents is proposed and to enforce this, a car parking management strategy is to be secured by condition. Further, new residents to new build developments will not be eligible for on-street parking permits and this is to be secured via the legal agreement, however existing Islington residents are exempt from the above and eligible for CPZ permits.
- 11.179 A financial contribution of £28,000 is secured for the provision of (at least one) on-street accessible parking bay for blue badge holders (and additional in accordance with requirements for wheelchair accessible housing units).

Cycle Parking

- 11.180 The proposals include the provision of cycle parking in accordance with DM policies. Showers and changing facilities are also included for the office and car hire businesses, which is secured by condition (Condition 32). The following provision is also secured (compliance) by the imposition of a condition: (Condition 31)
- 199 cycle spaces for the residential uses (1 per bedroom)
 - 12 spaces for the office uses
 - 6 spaces for the car hire business
 - 5 spaces are proposed for the northern footway of Pentonville Road for the use of visitors to the residential element of the development (secured by s106 obligation).

Refuse and Recycling

- 11.181 Storage is appropriately located within the development for all uses proposed and bins would be wheeled to the kerb-side of Rodney, Cynthia and Pentonville Roads for collection. Compliance with the submitted Operational Waste Strategy is secured by condition. (Condition 33)

Servicing and Deliveries

- 11.182 The submitted Transport Assessment notes that the car hire facility will have a marginal increase in servicing/delivery trips (two additional vehicles per week), as many of the deliveries currently made to the site are half loads. It also states that all servicing/deliveries by light vehicles will be carried out on site. Further information is required to show where servicing/delivery vehicles

will be accommodated within the basement (including swept paths) and a loading bay should be clearly demarked and kept clear for servicing/deliveries. This is to be secured by the imposition of a condition should consent be granted. (Condition 34)

- 11.183 Larger vehicles which would deliver petrol, diesel and chemicals for the car hire facility would be required to service on-street, with an expected frequency of approximately two vehicles every four weeks. Whilst the number of visits is very low, we have concerns about these types of deliveries that cause a hazard due to equipment being placed on the public highway. Further information is required to explain how these types of deliveries will be carried out and this has been secured by condition requesting the submission of a Service and Delivery Plan. (Condition 34)
- 11.184 The proposed office is 873 square metres and the Transport Assessment estimates that it will generate 10 servicing/delivery vehicles per day, whilst it is estimated that the development will generate up to 15 servicing/delivery vehicles per day for the residential part of the scheme.
- 11.185 The applicant has identified positions on Rodney Street and Cynthia Street that could accommodate the office and residential servicing (although servicing could take place from Pentonville Road before 8am and after 7pm Mondays to Saturdays). The applicant has reviewed kerbside controls on Rodney Street and Cynthia Street and concludes that servicing can take place between 0930 and 1630 and the streets could accommodate the levels of servicing anticipated. Capacity for Rodney Street servicing would be between 56 and 140 vehicles, and for Cynthia Street would be between 28 and 70 vehicles, which far exceeds the levels of servicing expected to be generated by the totality of these proposals (which would be in the range of 10-35 per day). Nevertheless, a delivery and servicing plan is secured by condition to ensure that the development has no adverse impact on the highway.

Highways Mitigation, Requirements and s106 Obligations

- 11.186 The development is supported by a Construction, Logistics and Management Plan which is secured by condition. (Condition 7) This would enable consideration of vehicle movements around the site to manage road impacts, consider implications for school safety as well as help to mitigate dust and noise nuisance to nearby residents. In addition to this, the legal agreement would secure compliance with the Code of Construction Practice, including a monitoring fee (£13,377) to help to monitor and minimise disturbance to local residents.
- 11.187 The submitted Pedestrian Environment Review System audit concludes that whilst the surrounding pedestrian environment is generally good, nearby sections of Pentonville Road would benefit from de-cluttering in order to provide additional capacity – s106 contributions are secured for this purpose. Transport and public realm (pedestrian) improvements within the vicinity of the site are secured and the total agreed: £237,081 would contribute towards this aim.

11.188 Transport for London requested that the following be secured via s106 legal agreement, and are reflected in Appendix 1 Recommendation B:

- secure one on-street accessible parking bay for blue badge holders;
- Car Park Management Strategy to be submitted, with the aim of preventing unauthorised parking of residential and business vehicles within the car hire business parking spaces. The ongoing management, review and adherence to this strategy is secured by legal agreement;
- Contribution towards on-street car club spaces;
- Request for the provision of 3 visitor cycle stands to be located on the northern footway of Pentonville Road;
- Travel Plan – to be secured and monitored;
- The developer to enter into a s278 agreement with TfL as Highway Authority for the reinstatement and crossover removal works on the TLRN (Pentonville Road);
- De-cluttering of Pentonville Road (as per the PERS Audit);

11.189 In addition to the above, the proposals include the removal of crossovers from Pentonville Road and Cynthia Street and the widening of a crossover on Rodney Street. The recovery of costs for carrying these works out are secured in the legal agreement as well as the repair and re-instatement of the footways and highways adjoining the development that are under the control of London Borough of Islington (Rodney Street and Cynthia Street).

Contaminated Land and Air Quality

11.190 The applicant has submitted an initial desktop survey on the potential for contaminated land at the site. The Council's Pollution Project Team have reviewed the report and advised that there is a high likelihood of there being contamination within the site due to historic polluting land uses at this site. As such, they have recommended the Council's standard land contamination condition be applied should planning permission be granted. (Condition 4)

11.191 With regard to air quality, the whole borough is designated as an Air Quality Management Area (AQMA). Development Management Policy DM 6.1 deals with air quality and all major applications should consider air quality impacts caused by both the operational characteristics of the development and traffic generation. Council's Pollution Project Team have reviewed the submitted information and advised that the current application does not differ from that previously submitted and advised that conditions relating to noise and air quality be imposed should planning permission be granted. Further, it is recommended that the CHP energy system is also to be conditioned to ensure that air quality impacts are minimised.

Planning Obligations, Community Infrastructure Levy and local finance considerations

11.192 The application site is located outside of the Central Activities Zone (CAZ) boundary and therefore collection of a Crossrail contribution is not required.

- 11.193 The Mayoral Community Infrastructure Levy (CIL) does apply to this development however the total payable would be adjusted to show the social housing relief that is likely to be due. This is an estimate however and must be arrived at through formal CIL charging processes. An informative is attached providing guidance on this process.
- 11.194 The officer recommendation of approval is subject to the Heads of Terms as set out in Appendix 1 – Recommendation B, to be included in a Section 106 Agreement attached to any planning permission, in order to secure compliance with planning policy and mitigate the impacts of the development on surrounding infrastructure. The total package of s106 contributions totals £1,222,977 and includes (those items not previously covered elsewhere in this report) financial contributions of:
- Health facilities: a total contribution of £137,033 towards health facilities within the vicinity of the site has been agreed by the developer. This would help to ensure that the capacity of these services can be expanded in order to address the impacts on demand the new residents would cause.
 - Sports and recreation improvement schemes contribution of £100,533 within the vicinity of the site to help mitigate the additional demand;
 - Community facilities improvement contributions of £108,240 within the vicinity of the site; and
 - Compliance with the Code of Local Procurement (to help promote the use of local businesses).
- 11.195 Planning permission ref: P092706 has been technically implemented and the s106 contributions paid. Therefore in the event that this application obtains planning permission, and the applicant implements it, the s106 financial contributions paid already under the implemented P092706 would be subtracted from the total (index linked) s106 financial contributions sought for this development.
- 11.196 The total s106 package sought has been incorporated into the viability testing undertaken with the view of securing the maximum affordable housing provision in line with the strategic target of securing at least 50% affordable housing for major housing or mixed use proposals.
- 11.197 These contributions are necessary to make the development acceptable in planning terms; the impacts are directly related to the development and fairly and reasonably related in scale and kind to the proposals.

National Planning Policy Framework

- 11.198 This application proposes a mix of uses that does not fully comply with the aims for the site (King's Cross Area – Core Strategy and Site Allocation KC1) as it proposes residential led development in an area identified to become an office-led corridor in order to secure the employment growth forecast for King's Cross. However, the applicant submitted a financial viability report that concludes that additional office floorspace in the current economic market, in

this particular location would not generate sufficient returns and therefore that type of scheme has no realistic prospect of coming forward in the short-medium term. Having regard to the NPPF and its intention not to safeguard employment sites where there is no realistic prospect of those uses coming forward (particularly with the requirement to re-provide the Europcar business) the proposed land use is considered acceptable.

- 11.199 The proposed development has been revised in built form terms at the junction of Pentonville Road and Cynthia Street (and along Cynthia Street) so as to reduce the impact it would have on the amenity of the adjoining residential occupiers of the Hill House Apartments. The resubmission proposals have reduced the number of Hill House properties affected by sunlight and daylight impacts to the three duplexes, which cover the ground and first floors. The design of the proposed development would be of a lesser scale directly opposite the Hill House building and the proposals would introduce townscape benefits through the redevelopment of underutilised and poor quality buildings that currently detract from the appearance of the area. Having regard to the benefits and harm caused by this proposal, it is considered that the wider benefits outweigh the harm having regard to the focus of the NPPF.
- 11.200 Whilst the NPPF seeks to balance the needs of the economy, the environment and social progress, these proposals are considered to forward all three of these aims.

12. SUMMARY AND CONCLUSION

Summary

- 12.1 The delivery of this scheme would be consistent with the broad aims of the NPPF and its presumption in favour of sustainable development that supports economic growth, but also seeks to ensure social and environmental progress.
- 12.2 The proposal is for the provision of an expanded car hire business and office floorspace and the provision of 118 residential units, 20 of which would be affordable (23% by habitable room or 17% by unit numbers). The land use offer is supported by a financial viability appraisal that concludes that the provision of additional office floorspace would have a further (significant) negative impact on viability, and that the prospects for new office floorspace in this particular location are currently weak. The affordable housing offer is considered by BPS (independently appointed consultants) to represent the maximum reasonable amount the site/proposal can afford to deliver (applying the strategic target of securing at least 50% of new housing as affordable) due to the specific circumstances of this case, which includes the amalgamating four sites through private negotiations (purchases) and due to the requirement to re-provide the car hire business (which has a particular drain on the scheme finances).

- 12.3 The proposal seeks permission for buildings ranging from 4 storeys to 10 storey buildings. Whilst the buildings are considered to be large in places, the scheme has some regard to the scale and massing of the surroundings and it is accepted that there are 9 and 10 storey buildings in the vicinity of the site. Further, considerations of scale and bulk were considered by the Planning Inspectorate under the previous scheme and found to be acceptable. In comparison to the appeal scheme, there have been reductions in massing opposite Hill House so as to address amenity concerns. The detailed design of the building is considered to be high quality, sustainable, to enhance biodiversity and to be energy efficient adhering to the energy hierarchy, subject to conditions of consent. The trees on Pentonville Road would be retained as part of these proposals.
- 12.4 The revised proposals have limited the loss of sunlight and daylight to the duplex properties at ground and first floor level of Hill House, and the impact on these properties has also been lessened under the revised proposals. The proposed building opposite Hill House Apartments is on the whole lower than Hill House Apartments and therefore the townscape approach to this design is considered to be acceptable. Balancing the townscape and other benefits against the sunlight and daylight losses to these properties the harm to these properties is on-balance accepted.
- 12.5 The proposed increase in capacity of the car hire business is supported by Development Management policies which accepts car parking that is operationally required as part of a business. The application includes a statement that supports the level of capacity increase which is accepted. The servicing, delivery, prevention of misuse of the car hire parking spaces and other transportation considerations are considered to be appropriately addressed through recommended conditions and legal agreement requirements.
- 12.6 The proposals as revised since the previous application are, on-balance considered acceptable despite the limited impacts on residential amenity that would occur, due to the public benefits that the scheme would deliver including, new homes some of which would be affordable, increased employment levels from existing, efficient use of a very accessible brownfield site and improvement to the public realm through high quality design of buildings.

Conclusion

- 12.7 It is recommended that planning permission be granted subject to conditions and s106 legal agreement heads of terms for the reasons and details as set out in Appendix 1 - RECOMMENDATIONS.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

That the Committee resolve to GRANT planning permission subject to any **direction by The Mayor to refuse the application or for it to be called in for determination by the Mayor of London.** Therefore, following the Council's resolution to determine the application, the application shall then be referred to the Mayor of London in accordance with Article 5 of the Town and Country Planning (Mayor of London) Order 2008 – allowing him 14 days to decide whether to:

- a. allow the draft decision to proceed unchanged; or
- b. direct the Council under Article 6 to refuse the application; or
- c. issue a direction under Article 7 that he is to act as the Local Planning Authority for the purpose of determining the application.

RECOMMENDATION B

That planning permission be granted subject to the prior completion of a Deed of Planning Obligation made under section 106 of the Town and Country Planning Act 1990 between the Council and all persons with an interest in the land (including mortgagees) in order to secure the following planning obligations to the satisfaction of the Head of Law and Public Services and the Service Director, Planning and Development/Head of Service – Development Management or, in their absence, the Deputy Head of Service:

1. Provision of affordable housing – 23% (by habitable room) 17% (by unit numbers) split 71% social rented and 31% intermediate (hab rooms). A maximum of 50% of private residential units shall be occupied prior to the completion and hand over to a Registered Provider of all of the Affordable Housing Units
2. Viability Mechanism Review - The owner will submit an Updated Viability Assessment (UVA) to the council prior to implementation of the development in the event that the development is not implemented within eighteen months of the date of the planning.
3. Car Free Dwellings clauses.
4. A contribution of £257,960 towards transport and public realm (pedestrian) improvements within the vicinity of the site, including the provision of a car club bay (as requested by Transport for London);
5. A contribution of £100,533 towards sports and recreation improvement schemes within the vicinity of the site;
6. A contribution of £108,240 towards community facilities within the vicinity of the site;

7. A contribution of £215,859 towards public open space improvements within the vicinity of the site;
8. A contribution of £83,605 towards play space facilities;
9. A contribution of £137,033 towards health facilities within the vicinity of the site;
10. Installation of 5 cycle for the use of visitors to the residential element of the development;
11. Islington: The repair and re-instatement of the footways and highways adjoining the development. The cost is to be confirmed by LBI Highways, paid for by the applicant and the work carried out by LBI Highways. Conditions surveys may be required;
12. Transport for London: The repair and re-instatement of the footways and highways adjoining the development along Pentonville Road (managed by TfL). These works / arrangements are to be secured by requiring the developer to enter into a s278 agreement with Transport for London (TfL);
13. A Green Travel Plan to be submitted for the Council's approval prior to implementation of the planning permission.
 - A final Green Travel Plan is to be submitted for Council approval 6 months after the first Occupation of the Development.
 - An update on progress to be submitted on the 3rd anniversary of first Occupation of the Development.
14. A contribution of £28,000 for the provision of accessible transport bays or alternative accessible transport measures;
15. Facilitation of 7 work placements during the construction phase of the development, lasting a minimum of 13 weeks, or equivalent fee to be paid to LBI towards construction training upon implementation of first phase. If these placements are not provided, LBI will request a fee of £35,000.
16. A contribution of £10,010 towards end use employment opportunities for Islington residents. LBI Construction Works Team to recruit and monitor placement.
17. New jobs created within the re-provided Europcar facility shall be filled through prioritising existing Islington residents. A recruitment process for those jobs shall be agreed with the Local Planning Authority prior to any recruitment being undertaken and that approved recruitment process shall be followed strictly by the Europcar recruitment processes;
18. Compliance with the Code of Employment and Training.
19. Compliance with the Code of Local Procurement.

20. Compliance with the Code of Construction Practice, including a monitoring fee (£12,673) and submission of site-specific response document to the Code of Construction Practice for approval of LBI Public Protection, which shall be submitted prior to any works commencing on site.
21. A contribution towards offsetting any projected residual CO2 emissions of the development, to be charged at the established price per tonne of CO2 for Islington. Total amount: £244,076.
22. Connection to a local energy network, if technically and economically viable (burden of proof will be with the developer to show inability to connect). In the event that a local energy network is not available or connection to it is not economically viable, the developer should develop an on-site solution and/or connect to a neighbouring site (a Shared Heating Network) and future proof any on-site solution so that in all cases (whether or not an on-site solution has been provided), the development can be connected to a local energy network if a viable opportunity arises in the future.
23. Submission of a Green Performance Plan.
24. Note: The financial contributions paid under planning permission reference: P092706 shall be subtracted from the financial contributions sought within this permission (subject to adjustment to reflect index linking; and
25. Council's legal fees in preparing the S106 and officer's fees for the negotiation, monitoring and implementation of the S106.
26. All payments to the Council are to be index-linked from the date of Committee are due upon implementation of the planning permission.

That, should the **Section 106** Deed of Planning Obligation not be completed by 01 September 2014, the Service Director, Planning and Development/Head of Service – Development Management or, in their absence, the Deputy Head of Service may refuse the application on the grounds that the proposed development, in the absence of a Deed of Planning Obligation is not acceptable in planning terms.

ALTERNATIVELY should this application be refused (including refusals on the direction of The Secretary of State or The Mayor) and appealed to the Secretary of State, the Service Director, Planning and Development / Head of Service – Development Management or, in their absence, the Deputy Head of Service be authorised to enter into a Deed of Planning Obligation under section 106 of the Town and Country Planning Act 1990 to secure to the heads of terms as set out in this report to Committee.

RECOMMENDATION C

That the grant of planning permission be subject to **conditions** to secure the following:

List of Conditions:

<p>1</p>	<p>Commencement</p> <p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
<p>2</p>	<p>Approved plans list</p> <p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>PL(00) 000; PL (00) 001; PL (00) 002; PL (00) 003; PL (00) 004; PL (00) 098; PL (00) 099; PL (00) 100; PL (00) 101; PL (00) 102; PL (00) 105; PL (00) 106; PL (00) 107; PL (00) 108; PL (00) 109; PL (00) 110; PL (00) 201; PL (00) 202; PL (00) 203; PL (00) 204; PL (00) 205; PL (00) 210; PL (00) 211; PL (00) 212; PL (00) 301; PL (00) 302; PL (00) 303; PL (00) 304; PL (00) 305; PL (00) 306; PL (00) 307; PL-L01.</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p>
<p>3</p>	<p>Site Waste Management Plan</p> <p>CONDITION: The demolition and construction of the development shall be carried out strictly in accordance with the Site Waste Management Plan (SWMP) supporting Statement dated 03 March 2014 prepared by SKM Enviro.</p> <p>REASON: To maximise resource efficiency and minimise the volume of waste produced, in the interest of sustainable development.</p>
<p>4</p>	<p>* Land Contamination</p> <p>CONDITION: Prior to the commencement of development the following assessment shall be submitted to and approved in writing by the Local Planning Authority</p> <p>a) A land contamination investigation.</p> <p>Following the agreement to details relating to point a); details of the following works shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site:</p> <p>b) A programme of any necessary remedial land contamination remediation works arising from the land contamination investigation.</p> <p>The development shall be carried out strictly in accordance with the investigation and any scheme of remedial works so approved and no change therefrom shall</p>

	<p>take place without the prior written approval of the Local Planning Authority.</p> <p>c) Following completion of measures identified in the approved remediation scheme a verification report, that demonstrates the effectiveness of the remediation carried out, must be produced which is subject to the approval in writing of the Local Planning Authority in accordance with part b).</p> <p>REASON: To protect occupiers and the environment from contamination risk.</p>
5	<p>* Crossrail Safeguarding – Design and Construction Method Statements</p> <p>CONDITION: None of the development hereby permitted shall be commenced until detailed design and construction method statements for all ground floor structures, foundations and basements and for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the Local Planning Authority (in consultation with Crossrail) which:</p> <ul style="list-style-type: none"> i) Accommodate the proposed location of the Chelsea Hackney Line structures including tunnels, shafts and temporary works, ii) Accommodate ground movement arising from the construction thereof, iii) Mitigate the effects of noise and vibration arising from the operation of the Chelsea Hackney Line railway within the tunnels and other structures, and iv) Mitigate the effects on the Chelsea Hackney Line, of ground movement arising from development. <p>The development shall be carried out in all respects in accordance with the approved design and method statements. All structures and works comprised within the development hereby permitted which are required by Parts (i), (ii), (iii) and (iv) of this condition shall be completed, in their entirety, before any part of the building(s) is/are occupied.</p> <p>REASON: In the interests of protecting the strategically important transport infrastructure.</p>
6	<p>* Impact Piling Statement – Thames Water</p> <p>CONDITION: No impact piling shall take place until a piling method statement (detailing the type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.</p> <p>REASON: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure.</p>
7	<p>*Construction Logistics and Management Plan</p>

	<p>CONDITION: No development or demolition shall be commenced unless and until a Construction Logistics and Management Plan (CLMP) has been submitted to the Local Planning Authority and approved in writing. The CLP shall include:</p> <ul style="list-style-type: none"> a) proposed access routes for construction traffic; b) permitted hours of access for construction; c) proposed on-site management measures to ensure that movement of vehicles in and out of the site is safe (and in forward gear); d) using freight operators who can demonstrate their commitment to best practice - for example, members of our Freight Operator Recognition Scheme (FORS) e) consolidating deliveries so fewer journeys are needed; f) using more sustainable delivery methods; g) details of methods of demolition, excavation and construction; h) details of the methods to be used and the measures to be undertaken to control the emission of noise arising from demolition and construction works; and i) details of how construction works (including demolition) would be undertaken to minimise disruption to the adjoining school. This should include noise measurements and proposed mitigation measures to ensure that there is no adverse impact on the teaching environment within the school. The school will be consulted on this aspect of the plan. <p>The development shall be constructed in accordance with the details so approved and no change therefrom shall take place without the agreement in writing being obtained from the Local Planning Authority.</p> <p>REASON: In the interests of ensuring that the demolition and construction works are carried out in a way that minimises potential obstruction and disruption to the surrounding road network, reduces CO2 emissions, lowers the risk of collisions (in particular with cyclists) reduce parking enforcement issues and improve the quality of life for local residents through reduced noise and intrusion and lower risk of accidents.</p>
8	<p>* Tree Protection - TfL</p>
	<p>CONDITION: No development shall be commenced unless and until details of the retention and adequate protection of all trees and tree root systems within, bordering and adjacent to the site have been submitted to and approved in writing by the Local Planning Authority (in consultation with TfL).</p> <p>The details shall include a site plan identifying all trees to be retained and removed including the location of Root Protection Area (RPA) and Construction Exclusion Zone (CEZ) and the erection of protective hoarding. Tree protecting fencing shall consist of a rigid 2.4 metre OSB, exterior grade ply high sterling board hoarding or weld mesh. Protection/retention shall be in accordance with BS 5837, 2005 'Trees in Relation to Construction'. Heras fencing in concrete, rubber or similar foot plates is not acceptable as a form of tree root protection.</p> <p>The tree retention and protection shall be carried out strictly in accordance with the details so approved, installed/carried out prior to works commencing on site, and shall be maintained for the duration of the works.</p>

	<p>REASON: To protect the health and stability of trees to be retained on the site and to neighbouring sites, and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p>
9	<p>Reduced Width Scaffolding (Compliance)</p> <p>CONDITION: All scaffolding that is located within 2m of the crowns of established trees shall have a maximum working width/project no further than 1.2m from the proposed buildings facia or elevation and the reduced width scaffolding shall be maintained for the duration of the construction works.</p> <p>The outer face of the scaffolding shall be covered in debris protective netting for the duration of the construction works.</p> <p>Any glass, insulation, finishing, trims, cladding, facia panels etc that are not able to be positioned or affixed due to the reduced scaffolding width shall be craned / placed into position or affixed to the building at a later stage of construction or by other means not requiring and further pruning of the trees.</p> <p>REASON: To ensure that no additional tree pruning works are required other than what is strictly necessary and to protect the long term health of the trees which neighbour the site (being located within the footway of Pentonville Road).</p>
10	<p>Materials and Samples</p> <p>CONDITION: Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on site. The details and samples shall include:</p> <ul style="list-style-type: none"> a) solid brickwork (three brick types and samples); b) stretcher bond brick panels); c) Cemex London white mortar (or similar); d) rainscreen cladding stone work; e) bronze cladding: bronze or bronze effect panels with hidden fixings and minimal joints; f) render: coloured render soffit and side returns (including colour, texture and method of application); g) glass curtain walling: recessed framed window units with obscured glass spandrel panels to floor/ ceilings zones; h) aluminium window treatment (including sections and reveals); i) canopies: bronze effects boxed canopy with hidden structure and integral lighting; j) privacy screens: obscured frameless glass with minimal fixings; k) balustrade: metal railings formed from PPC vertical flats; l) balconies: cantilevered with metal PPC edge capping, hardwood timber decking and perforated metal soffit; m) roofing materials; n) green procurement plan; and o) any other materials to be used. <p>The development shall be carried out strictly in accordance with the details so</p>

	<p>approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
11	Roof top enclosures
	<p>CONDITION: Details of roof-top plant, structures and any ancillary enclosures including lift overruns, shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing in relation to all roof plans. The details shall include their location, height above roof level, specifications and facing materials.</p> <p>The development shall be carried out strictly in accordance with the details so approved and permanently maintained as such thereafter.</p> <p>REASON: In the interest of good design and also to ensure that the Authority may be satisfied that any roof-top plant or ancillary enclosure/structure do not have a harmful impact on the new public realm or surrounding streetscenes.</p>
12	CCTV, Lighting and Security Lighting (Details)
	<p>CONDITION: Details of site-wide general security measures shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development. The details shall relate to:</p> <p>a) CCTV; b) general lighting; and/or c) security lighting</p> <p>The details shall include the location and full specification of: all lamps; light levels/spill; cameras (detailing view paths); lamps and support structures and should demonstrate that they are designed and positioned to be bat sensitive (i.e. direct light towards the ground using shields, hoods or cowls) and be motion sensitive to minimise light pollution as well as nuisance to residents.</p> <p>The general security measures shall be carried out strictly in accordance with the details so approved, shall be installed prior to the first occupation of the relevant parts of the development hereby approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure that the any resulting general or security lighting and CCTV cameras are appropriately located, designed do not adversely impact neighbouring residential amenity and are appropriate to the overall design of the building.</p>
13	Privacy Screens and Balustrades (Compliance)
	<p>CONDITION: The obscurely glazed windows, privacy screens and balustrades, as shown on the following plan drawings (and elevations):</p> <p>PL(00) 101; PL(00) 102; PL(00) 105; PL(00) 106; PL(00) 304; PL(00) 305;</p>

	<p>PL(00) 306; PL(00) 307.</p> <p>shall be installed with obscure glass as per the permitted drawings and retained as such permanently thereafter.</p> <p>REASON: In the interest of preventing undue overlooking between habitable rooms within the development itself, to protect the future amenity and privacy of residents.</p>
14	No Permission to Obscure ground floor levels
	<p>CONDITION: The window glass of all ground floor and mezzanine commercial units shall not be painted, tinted or otherwise obscured and no furniture or fixings which may obscure visibility shall be placed within 2.0m of the inside of the window glass.</p> <p>REASON: In the interest of pedestrian security and to secure an appropriate street frontage and appearance.</p>
15	Accessible Homes Standards – (Details)
	<p>CONDITION: Notwithstanding the plans hereby approved, the residential units shall be constructed to the standards for flexible homes in Islington ('Accessible Housing in Islington' SPD) and incorporating all Lifetime Homes Standards. Amended plans/details confirming that these standards have been met shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The details shall include:</p> <p>a) Plans (and if necessary elevations) to scale 1:50; and</p> <p>b) An accommodation schedule documenting, in relation to each dwelling, how Islington's standards for flexible homes criteria and lifetime homes standards have been met.</p> <p>The development shall be constructed strictly in accordance with the details so approved.</p> <p>REASON: To secure the provision of flexible, visitable and adaptable homes appropriate to diverse and changing needs.</p>
16	NWS: Wheelchair Accessible Housing Standards (Details)
	<p>CONDITION: The wheelchair/wheelchair adaptable units hereby approved (B01-1, B02-1, B03-1, B04-1, B05-1, B02-5, B03-5, B04-5 (2B3P); E01-1 and E01-2 (3B4P) (ten (10) units in total) within each block shall be provided prior to the first occupation of the relevant block.</p> <p>Notwithstanding the plans hereby approved, the layout/design of the wheelchair/wheelchair adaptable units shall be redesigned in accordance with Wheelchair Accessible Housing standards and details shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The details shall be provided in the following format:</p> <p>a) Plans (and if necessary elevations) to scale 1:50; and</p>

	<p>b) An accommodation schedule responding to Islington's 17 Wheelchair Accessible Housing standards.</p> <p>The development shall be constructed strictly in accordance with the details so approved.</p> <p>REASON: To secure provision of the appropriate number of wheelchair accessible units in a timely fashion and to: address the backlog of and current unmet accommodation needs; produce a sustainable mix of accommodation; and provide appropriate choices and housing opportunities for wheelchair users and their families.</p>
17	Fixed Plant
	<p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level LAeq Tr arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 10dB(A) below the background noise level LAF90 Tbg. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 1997.</p> <p>As stated within the report it is expected that a character correction of +5dB is attached for plant noise.</p> <p>REASON: To ensure that the operation of fixed plant does not impact on residential amenity.</p>
18	Sound Insulation Between Different Uses (Details)
	<p>CONDITION: Full particulars and details of a scheme for sound insulation between the proposed office and residential use and car hire business and residential uses of the building shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on site.</p> <p>The sound insulation and noise control measures shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter. The insulation and measures within each block shall be implemented prior to the first occupation of each block of the development hereby approved.</p> <p>REASON: In the interest of protecting future residential amenity against undue noise and nuisance arising from non-residential uses.</p>
19	Noise Insulation (High Background Noise)
	<p>CONDITION: A noise assessment following the guidelines of DM Policy 3.7 and a scheme for sound insulation and noise control measures shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of superstructure works. The sound insulation and noise control measures shall achieve the following internal noise targets (in line with BS 8233:1999):</p> <p>Bedrooms (23.00-07.00 hrs) 30 dB LAeq, and 45 dB Lmax (fast) Living Rooms (07.00-23.00 hrs) 35 dB LAeq,</p>

	<p>Kitchens, bathrooms, WC compartments and utility rooms (07.00 –23.00 hrs) 45 dB LAeq</p> <p>In order to attain these targets, windows will need to remain shut and some form of ventilation is required. The noise generated by the ventilation system and other plant equipment must also be included in these calculations.</p> <p>The assessment must also consider in carrying out the background noise assessment: the increased capacity of the car hire business. In designing the mitigation measures, air quality requirements must also inform the response.</p> <p>The sound insulation and noise control measures shall be carried out strictly in accordance with the details so approved, shall be implemented prior to the first occupation of each block of the development hereby approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: The site has been shown to fall within Noise Exposure Category (NEC) C in the applicant's assessment, but is considered more likely to fall into NEC D from Council's own assessments.</p>
20	CHP and Renewable Energy (Details)
	<p>CONDITION: The energy efficiency measures/features and renewable energy technology(s) (solar photovoltaic panels), which shall provide for no less than 29% on-site total CO₂ reduction (as compared to 2010 Building Regulations) as detailed within the 'BBS Sustainability and Energy Statement dated July 2012, Issue 1' shall be installed and operational prior to the first occupation of the development.</p> <p>Details of the renewable energy technology(s) shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The details shall include:</p> <ol style="list-style-type: none"> a) (CHP and Solar photovoltaic panels) location, specification, flue arrangement, operational details; b) a management plan and maintenance strategy/schedule for the operation of the technologies; c) the method of how the facility and infrastructure shall be designed to allow for the future connection to any neighbouring heating and cooling network d) a servicing plan including times, location, frequency, method (and any other details the Local Planning Authority deems necessary); and e) air-quality assessment and dispersion modelling regarding the operation of the technology. <p>The CHP and energy efficiency measures/features and renewable energy technology(s) shall be provided/carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>To ensure the facility and associated infrastructure are provided and so that it is designed in a manner which allows for the future connection to a district system,</p>

	to maximise the CO ₂ emission reductions and in the interests of ensuring that the operation of the CHP unit does not have an unacceptable impact on air quality in the local vicinity of the site given its location within an Air Quality Management Area.
21	Connection to CHP (Details)
	<p>CONDITION: All apartments and non-domestic building uses will be connected to the network (including the gym, sauna and swimming pool facilities).</p> <p>Details of the route of the network shall be submitted to the Local Planning Authority for approval in writing prior to any superstructure works commencing on site.</p> <p>The network and connections shall be installed in accordance with the details so approved and maintained as such thereafter.</p> <p>REASON: In the interest of sustainable development and to ensure that the Local Planning Authority may be satisfied that CO₂ emission reduction targets by energy efficient measures/features and renewable energy are met.</p>
22	Car Storage Area Lighting Details (Approval)
	<p>CONDITION: Notwithstanding the approved plans and documents, details of the proposed basement car storage lighting details (lumens/watt efficiencies) with the aim of minimising electricity demand shall be submitted to the local planning authority and approved in writing prior to superstructure works commencing on the site.</p> <p>The lighting equipment shall be installed in accordance with the details so approved and maintained as such permanently thereafter.</p> <p>REASON: In the interest of securing a development that minimises electricity demand and CO₂ emissions.</p>
23	BREEAM and Code of Sustainable Homes (Compliance)
	<p>CONDITION: The development shall achieve a BREEAM New Construction rating (2011) of no less than 'Excellent' and Code of Sustainable Homes rating of no less than 'Level 4'.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development.</p>
24	Installation of Comfort Cooling Not Supported
	<p>CONDITION: Notwithstanding the approved documents and plans no permission is hereby given for the installation of active cooling systems to any residential units.</p> <p>Amended plans detailing future proofing methods to enable retrofitting of cooling at a later date, should increasing temperatures make this necessary are welcomed for consideration and approval. It is not considered that a strong case has been demonstrated to require the provision of such cooling, which is not</p>

	<p>supported by the London Plan or Development Management Policies.</p> <p>REASON: The application confirms that cooling is not required to minimise overheating and that it is proposed to be installed for the sole reason that purchasers expect it in high specification apartments. London Plan policy 5.9 adopts an energy hierarchy that lists active cooling as the least preferred method of preventing overheating. The high specification units are located at the upper floor levels and at least dual aspect is secured, with generous floor to ceiling heights and floor areas. Active cooling is not considered to have been sufficiently justified given the impacts to the urban heat island effect and climate change that would result.</p>
25	Passive design features
	<p>CONDITION: The applicant shall submit details of external shutters and/or confirmation (details) that the building structures around the windows are adequately robust to allow for future installation of external shutters in order to future proof against the potential for overheating of the south facing residential units.</p> <p>Should shutter details (only bracket details) not be submitted, the submission must be accompanied by calculations and other evidence to show that shutters are not in the short term necessary for the prevention of overheating due to increased temperatures (climate change).</p> <p>REASON: In order to prevent the over heating of dwellings and to mitigate the impacts of climate change.</p>
26	Green/Brown Biodiversity Roofs (Compliance)
	<p>CONDITION: Details of proposed (green/brown) roofs to be installed on every roof of the development hereby approved (other than on the private amenity terraces), including beneath photovoltaic panels shall be submitted to the Local Planning Authority and approved in writing prior to super structure works commencing on the site. The details shall include confirmation that the roofs maximise green roof coverage and are:</p> <ul style="list-style-type: none"> a) biodiversity based with extensive substrate base (depth 80-150mm); and b) planted/seeded with a mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum); and c) invertebrate refuge details. <p>The biodiversity (green/brown) roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.</p> <p>The biodiversity roof(s) shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision</p>

	towards creation of habitats and valuable areas for biodiversity.
27	Sustainable Urban Drainage System/Rainwater harvesting (Details)
	<p>CONDITION: Details of surface drainage works/rainwater harvesting system shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site.</p> <p>The details shall <i>include</i>:</p> <ol style="list-style-type: none"> 1. <i>the scheme's peak runoff rate and storage volume;</i> 2. <i>demonstrate how the scheme will achieve at least a 50% attenuation of the undeveloped site's surface water run off at peak times if feasible; and</i> 3. demonstrate the maximum level of harvested water that can feasibly be provided to the development for irrigation purposes. <p>The development shall be carried out strictly in accordance with the details so approved, prior to the first occupation of the development and shall be maintained as such thereafter.</p> <p>REASON: To ensure that sustainable management of water.</p>
28	Water Use Target
	<p>CONDITION: The development shall strive to reach a 95 litre/person/day of water use rate through the measures as set out within the 'Sustainability and Energy Statement' dated March 2014 Issue 1 prepared by BBS Environmental.</p> <p>REASON: In the interests of securing developments that minimise their impact on water resources.</p>
29	Landscaping (Details)
	<p>CONDITION: A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The landscaping scheme shall include the following details:</p> <ol style="list-style-type: none"> a) an updated Access Statement detailing routes through the landscape and the facilities it provides (including provision of landings along the ramped pathways); b) a biodiversity statement detailing how the landscaping scheme maximises biodiversity; c) of bird and bat nesting boxes / bricks to include the exact locations, specification and design of the habitats, d) of invertebrate refuges (which may be part of the green roof details) and stag beetle loggeries should be included in the landscape strategy; e) detailed calculations setting out the substrate depth necessary to accommodate the tree planting proposed within the courtyard; including provision for storage of water for irrigation purposes; f) existing and proposed underground services and their relationship to both hard and soft landscaping; g) proposed trees: their location, species and size; h) soft plantings: including grass and turf areas, shrub and herbaceous areas;

	<p>i) topographical survey: including earthworks, ground finishes, top soiling with both conserved and imported topsoil(s), levels, drainage and fall in drain types;</p> <p>j) enclosures: including types, dimensions and treatments of walls, fences, screen walls, barriers, rails, retaining walls and hedges;</p> <p>k) hard landscaping: including ground surfaces, kerbs, edges, ridge and flexible pavings, unit paving, furniture, steps and if applicable synthetic surfaces; and</p> <p>l) any other landscaping feature(s) forming part of the scheme.</p> <p>All landscaping in accordance with the approved scheme shall be completed/planted during the first planting season following practical completion of the development hereby approved. The landscaping and tree planting shall have a two year maintenance/watering provision following planting and any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of completion of the development shall be replaced with the same species or an approved alternative to the satisfaction of the Local Planning Authority within the next planting season.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p>
30	Playspace Provision (Details)
	<p>CONDITION: Details of the onsite children’s playspace provision contained within the central courtyard landscaped space, shall be submitted to and approved in writing by the Local Planning Authority prior to any landscaping works commencing on the courtyard.</p> <p>The details shall include the:</p> <p>a) location, layout, design of the playspace; and</p> <p>b) equipment/ features.</p> <p>The playspace and equipment/features shall be laid out and installed prior to the first occupation of the development.</p> <p>The children’s playspace shall be provided strictly in accordance with the details so approved, installed/erected prior to the first occupation of the residential dwellings and shall be maintained as such thereafter.</p> <p>REASON: To secure the appropriate provision and design of children’s playspace.</p>
31	Cycle Parking Provision (Details)
	<p>CONDITION: Notwithstanding the approved drawings, details of methods to separate the cycle storage spaces into smaller, secure sections (such as by</p>

	<p>swipe card accessed cages) shall be submitted to the Local Planning Authority and approved in writing prior to first occupation of the development.</p> <p>Each of the bicycle storage area(s) which shall be covered and secure shall be provided in accordance with the details so approved and prior to the first occupation of the relevant blocks hereby approved and maintained as such thereafter.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport, as well as to reduce opportunities for crime.</p>
32	Commercial Use Cycle Facilities
	<p>CONDITION: Details of shower and other facilities (such as lockers) that would help promote cycling as a mode of transport to the commercial (office) floorspace and the car hire business shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of superstructure works.</p> <p>The facilities shall be installed and operational prior to first occupation of that part of the development and maintained as such permanently thereafter.</p> <p>REASON: In the interests of ensuring that sustainable forms of travel to work (cycling) is promoted and robustly encouraged.</p>
33	Operational Waste Strategy (Compliance)
	<p>CONDITION: The details set out in the 'Operational Waste Strategy' prepared by SKM Enviro dated 05 March 2014 hereby approved shall strictly adhered to in the day to day operation of waste storage and collection for this development.</p> <p>REASON: In the interests of ensuring that the development is designed and managed so as to promote recycling and the reduction of waste generation and collection practices are carried out in a way that minimises disruption to future and adjoining residents.</p>
34	Delivery and Service Plan (TfL consultation)
	<p>CONDITION: In accordance with the hereby approved Transport Assessment' a Delivery and Servicing Plan (DSP) shall be submitted to the Local Planning Authority and approved in writing (in consultation with TfL) prior to occupation of any part of the development.</p> <p>This plan shall confirm that all service vehicle deliveries/collections/visits to and from the office and residential units hereby approved must not take place except:</p> <ul style="list-style-type: none"> a) from Cynthia Street and Rodney Street: between 0930 hours and 1630 hours Mondays to Saturdays; and b) from Pentonville Road: before 8am and after 7pm Monday to Saturdays or anytime on Saturdays c) basement servicing details

	<p>The DSP plan shall expand on the information that was submitted as part of the 'Colin Buchanan Transport Assessment dated March 2014' and shall also include further details regarding the arrangements for the delivery of fuel in order to address Highways concerns regarding the actual practice of these deliveries in terms of health and safety of users of the Rodney Street footway.</p> <p>REASON: To ensure that resulting servicing arrangements do not adversely impact on existing kerbside controls, nor on adjoining residential amenity (Cynthia Street) to ensure that such operations do not cause undue adverse impacts to the safe and efficient movement of vehicles within the highway.</p>
35	Petrol / Oil Interceptors
	<p>CONDITION: The applicant shall install petrol/oil interceptors to treat the discharges from the car parking and car washing areas associated with the car hire business prior to first occupation of the car hire unit. These petrol/oil interceptors shall be regularly serviced and maintained to ensure prevention of pollution of water waste and maintained as such permanently thereafter.</p> <p>REASON: In the interests of preventing oil-polluted discharges from entering local watercourses.</p>
36	Vehicle movement into Europcar business
	<p>CONDITION: Vehicles shall only enter or exit the site in forward gear.</p> <p>REASON: To ensure that the traffic generated by the proposed development does not prejudice the free flow of traffic nor public safety along the neighbouring highway.</p>
37	Electrical Substation (Details)
	<p>CONDITION: Details of the electrical substation including its location, acoustic specifications, cladding/facing shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of Block A.</p> <p>The development shall be carried out strictly in accordance with the details so approved and maintained as such thereafter.</p> <p>REASON: In the interest of protecting amenity and to ensure that the Authority may be satisfied that any substation(s) does not have a harmful impact on the character and appearance of the building or the existing streetscene.</p>
38	Basement Level Car Storage
	<p>CONDITION: All of the basement level car storage as shown on drawing nos. PL (00) 099 and PL (00) 100 shall only be used for the parking and storage of vehicles for hire in association with the hereby approved car hire use. The basement levels shall not be used for any other storage or parking of vehicles, including resident, staff or visitor parking associated with any other part of the hereby approved development.</p> <p>REASON: To secure car-free development and to encourage sustainable transport choices.</p>

39	Vehicle Management Strategy
	<p>CONDITION: A vehicle management strategy detailing how the car hire business and associated car storage areas shall be managed, including measures for the mitigation of impacts arising from the collection and drop-off of hire vehicles on highway safety and congestion, shall be submitted to and approved in writing by the Local Planning Authority prior to the first use of the car storage areas. The car hire business and associated car storage areas shall thereafter be managed strictly in accordance with the vehicle management strategy as approved.</p> <p>REASON: To ensure that the operation of the car hire business and use of the basement level car storage areas do not adversely impact on highway safety and congestion.</p>

List of Informatives:

1	S106
	<p>SECTION 106 AGREEMENT</p> <p>You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.</p>
2	Superstructure
	<p>DEFINITION OF 'SUPERSTRUCTURE' AND 'PRACTICAL COMPLETION'</p> <p>A number of conditions attached to this permission have the time restrictions 'prior to superstructure works commencing on site' and/or 'following practical completion'. The council considers the definition of 'superstructure' as having its normal or dictionary meaning, which is: the part of a building above its foundations. The council considers the definition of 'practical completion' to be: when the work reaches a state of readiness for use or occupation even though there may be outstanding works/matters to be carried out.</p>
3	Community Infrastructure Levy (CIL) (Granting Consent)
	<p>INFORMATIVE: Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at cil@islington.gov.uk. The Council will then issue a Liability Notice setting out the amount of CIL that is payable.</p> <p>Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed. The above forms can be found on the planning portal at: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</p> <p>Pre-Commencement Conditions:</p> <p>These conditions are identified with an 'asterix' * in front of the short description. These conditions are important from a CIL liability perspective as a</p>

	<p>scheme will not become CIL liable until all of these unidentified pre-commencement conditions have been discharged.</p>
4	Car free Development
	<p>All new developments are car free in accordance with Policy CS10 of the Islington Core Strategy 2011. This means that no parking provision will be allowed on site and occupiers will have no ability to obtain car parking permits, except for parking needed to meet the needs of disabled people.</p>
5	Crossrail
	<p>Crossrail Limited has indicated its preparedness to provide guidelines in relation to the proposed location of the Chelsea Hackney Line structures and tunnels, ground movement arising from the construction of the tunnels and noise and vibration arising from the use of the tunnels. Applicants are encouraged to discuss the guidelines with the Chelsea Hackney Line Engineer in the course of preparing detailed design and method statements.</p> <p>In addition, the latest project developments can be found on the Crossrail website www.crossrail.co.uk/safeguarding which is updated on a regular basis.</p>
6	Thames water waste comments
	<p>Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.</p> <p>The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the details of the piling method statement.</p>
7	Thames water Surface water drainage
	<p>Surface Water Drainage – With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined sewer, the site drainage should be separate and combined at final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.</p> <p>Thames Water’s preferred option would be for all surface water to be disposed of on site using SUDS as per policy 5.13 of the London Plan.</p>
8	Water Supply / Pressure – Thames Water
	<p>Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/ minute at the point where it leaves Thames Water pipes. The developer should take account of this minimum pressure in the design of the proposed development.</p>

	<p>The impact on the surrounding infrastructure depends on which side of the development the new connection will be made. Rodney Street has a 90mm main, which to our calculations will not support the new demand, whereas the 125mm main on Cynthia Street will.</p> <p>The developer must contact Developer Services at Thames Water on 0845 850 2777 to discuss the connection.</p>
9	Health and Safety Executive
	<p>The Council's Public Protection Division advises that the developer comply with the legal requirements specified by the Health and Safety Executive (HSE), details of which can be found on their web site. Please refer to the following link http://www.hse.gov.uk/pubns/priced/hsg179.pdf which details how you can comply with your legal obligations.</p>
10	Roller Shutters
	<p>ROLLER SHUTTERS</p> <p>The scheme hereby approved does not suggest the installation of external roller shutters to any entrances or ground floor glazed shopfronts. The applicant is advised that the council would consider the installation of external roller shutters to be a material alteration to the scheme and therefore constitute development. Should external roller shutters be proposed a new planning application must be submitted for the council's formal consideration.</p>

APPENDIX 2: RELEVANT POLICIES

This appendix lists all relevant development plan policies and guidance notes pertinent to the determination of this planning application.

1 National Guidance

The National Planning Policy Framework 2012 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

2. Development Plan

The Development Plan is comprised of the London Plan 2011, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The following policies of the Development Plan are considered relevant to this application:

A) The London Plan 2011 - Spatial Development Strategy for Greater London

1 Context and strategy

Policy 1.1 Delivering the strategic vision and objectives for London

2 London's places

Policy 2.1 London in its global, European and United Kingdom context

Policy 2.2 London and the wider metropolitan area

Policy 2.5 Sub-regions

Policy 2.9 Inner London

Policy 2.13 Opportunity areas and intensification areas

Policy 2.14 Areas for regeneration

Policy 2.18 Green infrastructure: the network of open and green spaces

3 London's people

Policy 3.1 Ensuring equal life chances for all

Policy 3.2 Improving health and addressing health inequalities

Policy 3.3 Increasing housing supply

Policy 3.4 Optimising housing potential

Policy 3.5 Quality and design of housing developments

Policy 3.6 Children and young people's play and informal recreation facilities

Policy 5.7 Renewable energy

Policy 5.8 Innovative energy technologies

Policy 5.9 Overheating and cooling

Policy 5.10 Urban greening

Policy 5.11 Green roofs and development site environs

Policy 5.12 Flood risk management

Policy 5.13 Sustainable drainage

Policy 5.14 Water quality and wastewater infrastructure

Policy 5.15 Water use and supplies

Policy 5.16 Waste self-sufficiency

Policy 5.17 Waste capacity

Policy 5.18 Construction, excavation and demolition waste

Policy 5.19 Hazardous waste

Policy 5.21 Contaminated land

Policy 5.22 Hazardous substances and installations

6 London's transport

Policy 6.1 Strategic approach

Policy 6.2 Providing public transport capacity and safeguarding land for transport

Policy 6.3 Assessing effects of development on transport capacity

Policy 6.4 Enhancing London's transport connectivity

Policy 6.5 Funding Crossrail and other

Policy 3.7 Large residential developments
Policy 3.8 Housing choice
Policy 3.9 Mixed and balanced communities
Policy 3.10 Definition of affordable housing
Policy 3.11 Affordable housing targets
Policy 3.12 Negotiating affordable housing on individual private residential and mixed use schemes
Policy 3.13 Affordable housing thresholds
Policy 3.14 Existing housing
Policy 3.15 Coordination of housing development and investment
Policy 3.16 Protection and enhancement of social infrastructure
Policy 3.17 Health and social care facilities
Policy 3.18 Education facilities
Policy 3.19 Sports facilities

4 London's economy

Policy 4.1 Developing London's economy
Policy 4.2 Offices
Policy 4.3 Mixed use development and offices
Policy 4.6 Support for and enhancement of arts, culture, sport and entertainment provision
Policy 4.7 Retail and town centre development
Policy 4.8 Supporting a successful and diverse retail sector
Policy 4.9 Small shops
Policy 4.10 New and emerging economic sectors
Policy 4.11 Encouraging a connected economy
Policy 4.12 Improving opportunities for all

5 London's response to climate change

Policy 5.1 Climate change mitigation
Policy 5.2 Minimising carbon dioxide emissions
Policy 5.3 Sustainable design and

strategically important transport infrastructure

Policy 6.7 Better streets and surface transport

Policy 6.8 Coaches

Policy 6.9 Cycling

Policy 6.10 Walking

Policy 6.11 Smoothing traffic flow and tackling congestion

Policy 6.12 Road network capacity

Policy 6.13 Parking

Policy 6.14 Freight

7 London's living places and spaces

Policy 7.1 Building London's neighbourhoods and communities

Policy 7.2 An inclusive environment

Policy 7.3 Designing out crime

Policy 7.4 Local character

Policy 7.5 Public realm

Policy 7.6 Architecture

Policy 7.7 Location and design of tall and large buildings

Policy 7.8 Heritage assets and archaeology

Policy 7.9 Heritage-led regeneration

Policy 7.11 London View Management Framework

Policy 7.12 Implementing the London View Management Framework

Policy 7.13 Safety, security and resilience to emergency

Policy 7.14 Improving air quality

Policy 7.15 Reducing noise and enhancing soundscapes

Policy 7.18 Protecting local open space and addressing local deficiency

Policy 7.19 Biodiversity and access to nature

Policy 7.20 Geological conservation

Policy 7.21 Trees and woodlands

Policy 7.22 Land for food

Policy 7.23 Burial spaces

8 Implementation, monitoring and review

Policy 8.1 Implementation

Policy 8.2 Planning obligations

Policy 8.3 Community infrastructure levy

Policy 8.4 Monitoring and review for

construction
Policy 5.4 Retrofitting
Policy 5.5 Decentralised energy networks
Policy 5.6 Decentralised energy in development proposals

London

B) Islington Core Strategy 2011

Spatial Strategy

Policy CS6 (King's Cross)

Strategic Policies

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

Policy CS10 (Sustainable Design)

Policy CS11 (Waste)

Policy CS12 (Meeting the Housing Challenge)

Policy CS13 (Employment Spaces)

Policy CS14 (Retail and Services)

Policy CS15 (Open Space and Green Infrastructure)

Policy CS16 (Play Space)

Policy CS17 (Sports and Recreation Provision)

Infrastructure and Implementation

Policy CS18 (Delivery and Infrastructure)

Policy CS19 (Health Impact Assessments)

Policy CS20 (Partnership Working)

C) Development Management Policies June 2013

Design and Heritage

DM2.1 Design

DM2.2 Inclusive Design

DM2.3 Heritage

DM2.4 Protected views

DM2.5 Landmarks

DM6.4 Sport and recreation

DM6.5 Landscaping, trees and biodiversity

DM6.6 Flood prevention

Housing

DM3.1 Mix of housing sizes

DM3.4 Housing standards

DM3.5 Private outdoor space

DM3.6 Play space

DM3.7 Noise and vibration (residential uses)

Energy and Environmental Standards

DM7.1 Sustainable design and construction statements

DM7.3 Decentralised energy networks

DM7.4 Sustainable design standards

DM7.5 Heating and cooling

Employment

DM5.1 New business floorspace

DM5.2 Loss of existing business floorspace

DM5.4 Size and affordability of workspace

Transport

DM8.1 Movement hierarchy

DM8.2 Managing transport impacts

DM8.3 Public transport

DM8.4 Walking and cycling

DM8.5 Vehicle parking

DM8.6 Delivery and servicing for new developments

Health and open space

DM6.1 Healthy development

DM6.2 New and improved public open

Infrastructure

DM9.1 Infrastructure

DM9.2 Planning obligations

space
DM6.3 Protecting open space

DM9.3 Implementation

D) Site Allocations June 2013

KC1 Pentonville Road, Rodney Street and Cynthia Street

5. Designations

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

- Employment Growth Area
- King's Cross and Pentonville Road Key Area (Core Strategy CS6)
- Not located within the Central Activities Zone (CAZ)
- Within 200metres of RS2 Crossrail 2
- RS2 Crossrail 2 (Hackney-SW) safeguarding
- CPZ Area
- Site within 100m of a TLRN Road
- LV7 Local view from Dartmouth Park Hill
- Within 50m of New River Conservation Area
- Within 50m of Chapel Market/Baron Street Conservation Area
- KC1 Pentonville Road, Rodney Street and Cynthia Street

7. Supplementary Planning Guidance (SPG)/Document (SPD)

The following SPGs and/or SPDs are relevant:

Islington Local Plan

- Environmental Design (Oct 2012)
- Conservation Area Design Guidelines
- Inclusive Landscape Design (Jan 2010)
- Inclusive Design in Islington (Feb 2014)
- Planning Obligations & S106 (Nov 2013)
- Islington Urban Design Guide (Dec 2006)
- Streetbook (Oct 2012)
- King's Cross Neighbourhood Framework (July 2005)

London Plan

- Accessible London: Achieving and Inclusive Environment
- Housing
- Sustainable Design & Construction
- Providing for Children and Young Peoples Play and Informal Recreation
- Planning for Equality and Diversity in London

APPENDIX 3 – BPS INDEPENDENT FINANCIAL VIABILITY REPORT



130-154 Pentonville Road, Islington, N1 9JE

Application Reference: P2014/1017/FUL

Independent Review of Assessment of Economic Viability

May 2014

1.0 INTRODUCTION

- 1.1 BPS Chartered Surveyors has been instructed by the London Borough of Islington ('the Council') to review a viability assessment that has been prepared by Gerald Eve on behalf of Groveworld Rodney Street Ltd (the Applicant) in respect of a proposed scheme at 130-154 Pentonville Road, Islington.
- 1.2 The viability assessment consists of a March 2014 Addendum Note which is based on, and implements changes to, Gerald Eve's 2012 viability assessment of the previous version of the scheme, which was refused consent. Subsequently an Appeal against this refusal was dismissed. We understand that the level of affordable housing provision was not one of the Council's reasons for refusal.
- 1.3 The current (2014) scheme is proposed to provide 118 dwellings of which 20 will be affordable, with a 70:30 split between social rent and intermediate dwellings. The appraisal also includes £1.2m of planning contributions. The currently proposed scheme entails the following:

"Comprehensive redevelopment of the site to provide for a mixed use development consisting of 3,879sq m (GIA) of a Car Hire Facility (sui generis use class) comprising of office parking spaces and 873sq m (GIA) of office (B1 use class) floor space and 118 residential units (C3 use class), along with associated communal amenity space, children's play space, landscaping, cycle spaces, refuse storage."
- 1.4 We have had reference to various draft viability reviews by DVS, including drafts dated February 2012, August 2012 and December 2012, which we have taken into account although our review does constitute a separate report and does not rely on any of DVS's conclusions.
- 1.5 Since the 2012 application the scheme has been changed to address some of the reasons for refusal. This includes a reduction in the size of Block D which results in a 5-unit reduction in the number of private dwellings.
- 1.6 We have sought to establish whether the current affordable housing offer represents the maximum that can be supported based on present-day costs and values. We have also considered whether it is feasible for a higher level of office space to be provided than is currently proposed.
- 1.7 We have given particular attention to those issues and concerns that were raised by DVS in its August 2012 review of viability. This August 2012 report was, however, superseded by later drafts which ultimately concluded that the level of provision of affordable had been maximised by the applicant's offer.

2.0 CONCLUSIONS & RECOMMENDATIONS

- 2.1 The applicant's appraisal generates a net profit on Cost of 9.57%, which falls short of their target profit of 19% on Cost. This amounts to an effective £12.8m deficit, based on the 19% blended profit target which we accept is reasonable in the current market.
- 2.2 Based on information provided relating to present-day costs and values, we consider that there is no justification for requiring further up-front affordable housing contributions. We note there are some points of clarification in respect of costs but these are relatively small in quantum, we also note some uncertainty in respect of the residential values but even allowing for alternative assumptions concerning these elements we are of the view that the scheme is unlikely to generate a significant surplus.
- 2.3 We therefore conclude that the current offer represents the maximum that can be provided. The assessment is in our view appropriate to consider on the basis of present day costs and values without the application of assumed growth, given its short duration. This is also consistent with RICS Guidance, the London Plan and local policy. However given the potential uncertainty concerning, in particular the potential for the scheme to generate higher than anticipated sales values the Council may wish to consider reviewing viability on an outturn cost and value basis.
- 2.4 We do not dispute the benchmark land value used in the appraisal, in the context of the complex site assembly involved, in which some of the site owners would have been in a strong negotiating position, in effect a ransom situation, given that the proposed development required the entire island site to be acquired. It is also arguable that an additional profit could be justified specifically to cover the risk exposure during the site assembly process, as we have included in our summary valuation.
- 2.5 To be clear, land values generated through a complex site assembly process, unless backed by a CPO, is one over which the developer has limited control - the options being to acquire at the price offered or withdraw from the development. This decision becomes more difficult with increased developer ownership. In consequence, recognition of the need to ensure an adequate margin to meet planning policy obligations whilst still being a relevant consideration can be outside of the developer's ability to control, and this factor should be recognised in considering the acceptability of the proposed benchmark land value.
- 2.6 With the exception of the additional £200,000 of demolition costs, which is considered to be unnecessarily included in the appraisal, our cost consultant, Neil Powling, does not generally dispute the build cost estimate, although it is apparent that an insufficiently detailed cost plan has been provided which makes it difficult to fully verify the estimate, in particular the higher cost rate applied to the private units when benchmarked with other schemes. This uncertainty does not however affect our overall conclusion and could be addressed through an outturn review as suggested above.
- 2.7 Addressing DVS's August 2012 concerns, we have considered in particular the issue raised by DVS regarding the value of the upper floor units potentially being understated. Our analysis of the local market indicates the potential for higher sales values for the proposed private units. Taking into account the disadvantages of the location of the scheme, next to the busy A501, and comparing it with other schemes along this road, we do not consider that a large enough increase in values can be justified, to warrant additional affordable housing being provided.

- 2.8 With respect to the two duplex penthouses, it is difficult to be certain in respect of achievable values for these apartments, given the limited size of the pan-London market for these scarce units and given that it is uncertain how the market will respond to penthouses in this location. Penthouse units are highly sensitive to quality of location and quality of aspects and views, thus it remains to be seen how the proposed penthouses will perform relative to the London penthouse market as a whole.
- 2.9 We are broadly in agreement with the previous view of DVS that higher values could potentially be achieved for the upper floor units, particularly those with higher specifications and advantageous aspects, although this may not apply to the two duplex penthouses for which it is unproven whether the market would pay more than £[REDACTED] in this location.
- 2.10 The higher specification units' value (excluding penthouses) totals £[REDACTED]. The upgrading totals a 10% increase to the build costs for these units. Knight Frank considered that this upgrading is necessary to compete with other new-build stock.
- 2.11 The units on the top two floors of the each building are mostly effectively penthouses, being stepped back from the main facade and thus provided with large terraces - a key feature of penthouse apartments. It is in our view necessary to make suitable comparisons with other penthouses/top-floor units with similar terraces and levels of specification. There is a strong possibility of higher values being achievable especially for those units with large terraces and which have aspects away from the main road, such as unit numbers A06-1 to A06-3 which all have aspects onto the park and courtyard.
- 2.12 The uncertainties surrounding values, in particular values achievable for the penthouse units, and the fact that Knight Frank has not provided any comparable evidence to support its values should ideally be addressed and also strengthens the case for seeking agreement to a review mechanism.
- 2.13 We accept Gerald Eve's conclusion that increasing the level of proposed office space to fulfil Council policies on minimising loss of employment space would further compromise viability thus is unlikely to be feasible.

3.0 RESIDENTIAL SALES VALUES

- 3.1 Residential sales values have been estimated by Knight Frank in an update market report which is based on their original, 27th June 2012 report which estimated total private values of £[REDACTED] (£[REDACTED] per sqft). This 2012 report did not provide any comparable evidence in support of this estimate. The current estimate equates to an average of £[REDACTED] per sq ft (£[REDACTED] per sqm). Again no comparable evidence of specific transactions is provided in support of the estimated values.
- 3.2 The scheme is somewhat disadvantaged by its proximity to the busy Pentonville Road, but has the benefit of overlooking Joseph Grimaldi Park, and is in an area which is predicted to improve markedly over the coming years. Moreover, it has good access to Angel and King's Cross stations.
- 3.3 Knight Frank has provided a letter dated 26th February 2014 in which they set out their views concerning pricing and marketability, and in which they cite the Folio (22 Micawber Street) scheme as having informed and influenced the pricing levels they have recommended. However, no comparable evidence is provided for Folio, which is a development by Notting Hill Housing Group.

3.4 The Table below summarises values at four nearby schemes. Taking Eagle House as an example, this scheme is on the same road (A501) as the subject site, and has higher values on average. See Appendix Two for details of the comparable transactions used to generate this average and the one for Art House. Higher values are evident on the lower floors as well as the upper floors so the higher values at Eagle House are unlikely to be accounted for by the fact that this is a taller development (27-storeys). The average asking price of £1,120 per sqft, once a typical 5% discount is implemented to reach achievable values, gives £1,064 per sqft. We do not envisage values at the subject site significantly exceeding those at Eagle House given the close similarities, in some respects, of these schemes.

Summary of average values

	Average values per sq ft (March 2014) - based on asking prices
Art House	£1,356
Canaletto	£1,170
Central Square	£1,420
Eagle House	£1,121
Pentonville Road (proposed scheme)	£932

3.5 Canaletto is located near City Road, and is due for completion in Spring/summer 2015. The units are currently being marketed for sale off plan. As Canaletto is a high rise scheme we accept that higher values would be achievable overall than for an equivalent low-rise scheme. Canaletto is in a similar type of location, being close to the busy A501 (City Road/Pentonville). We note, however, that the premium, upper floor units have yet to be marketed but are likely to secure higher values than those shown above. As shown above, average values of £1,121 per sqft at Canaletto reflect strong recent sales growth.

3.6 The Art House and Central Square schemes are in our view somewhat superior to the proposed scheme, but do highlight the strong values that can be achieved in this locality for quality apartments with good specification, thus we consider that these schemes demonstrate that the proposed scheme's higher specification units and those units with aspects over the nearby park (rather than over Pentonville Road) have the potential for higher values than those estimated by Knight Frank.

3.7 The two duplex penthouses are valued at £[redacted] and £[redacted] (£[redacted] and £[redacted] per sq ft). One of these is situated away from the main road and overlooking the park. Whilst high quality units in this locality can often achieve higher values per sqft than those applied by Knight Frank to the subject site's penthouses, the absolute capital values need to be considered also, particularly given that there is often a 'ceiling' to what buyers will pay for units in a particular location, irrespective of their size. In other words, it would need to be shown that the market would pay over £[redacted] for a penthouse in this particular location. Penthouse values are highly sensitive to the quality of location, and clearly the subject site is substandard when compared to the

locations of most Central London penthouses, thus its position within this market is unclear.

- 3.8 In conclusion, we are of the view that higher values could potentially be achieved for those units which are situated on the upper two floors of each block - some of which are of a higher specification, although this may not apply to the penthouses for which it is unproven whether the market would pay more than £[REDACTED] in this location.
- 3.9 Overall, we consider that there is a potential for higher present-day values than those estimated by Knight Frank for the scheme as a whole although not by a sufficient margin to warrant the provision of additional affordable housing.
- 3.10 The uncertainties surrounding values, in particular values achievable for the penthouse units and taking account of the fact that Knight Frank has not provided any comparable evidence to support its values, should ideally be addressed and strengthens the case for seeking agreement to a review mechanism.

4.0 AFFORDABLE HOUSING VALUES

- 4.1 The value ascribed to the social rented units is £[REDACTED] per sq ft, and to the Shared Ownership units is £[REDACTED] per sqft. No explanation has been provided as to how these estimated values have been arrived at, for example no information concerning rents, yields and other assumptions have been provided. These details, along with information relating to discussions with and offers from Registered providers would in our opinion reflect normal levels of information we would expect with a submission. It is quite conceivable that an RP could offer in excess of these levels, however the impact of enhanced values would be relatively marginal in terms of overall viability but again strengthens the view that a review reflecting an actual RP offer would help provide greater clarity in this respect.

5.0 DEVELOPMENT COSTS

- 5.1 Sawyer & Fisher has updated its cost estimate by applying BCIS inflation rates and making adjustments to the scheme costs to reflect the latest changes to the scheme including the reduction in unit numbers. Our Cost Consultant, Neil Powling, has reviewed the cost estimate that has been provided by Sawyer & Fisher, and has reached the conclusion that it is generally reasonable although there is insufficient detail provided in the Cost Plan to give a satisfactory level of certainty over the suitability of the cost estimate. Neil Powling's report is included as Appendix Three.
- 5.2 Private residential units are circa. £[REDACTED] above benchmark levels due to the difference in the level of services provided to these units. Neil Powling notes that there is insufficient detail to enable him to check if this difference is a fair reflection of an enhanced specification. It may be that with more information we could confirm these costs are reasonable, but the detail currently provided is not sufficient to enable us to do this. He also notes that the allowance of £200,000 for demolitions appears to be double counted in the Appraisal.
- 5.3 With the exception of the additional £200,000 of demolition costs, we therefore do not generally dispute the build cost estimate on a headline basis, although it is apparent that an insufficiently detailed cost plan has been provided which renders some uncertainty in our analysis.

5.4 The build period of 26 months was considered reasonable by DVS, but the proposed 13 month lead-in is in our view possibly a little overstated. We are of the view that 13 months is a somewhat lengthy lead-in but is within an acceptable range, given the complexities involved with this site, thus we do not dispute these timings.

6.0 LAND COST (VIABILITY BENCHMARK)

6.1 A viability benchmark of £[REDACTED] has been adopted by the applicant, which is based upon the historic purchase prices for the different sites that have been purchased in order to assemble the site. This is the same figure as was applied in the 2012 Gerald Eve assessment.

6.2 In support of the benchmark, Gerald Eve has provided details of the purchase of the individual plots that make up the site - labelled Site 1-4 - and has also provided an existing use valuation of each site, together with details of site holding costs and details of comparable land transactions which are said to support the benchmark. We discuss each of these in more detail below. Our summary comments are as follows:

- We accept that the holding costs are suitable
- We consider the existing use valuations of the individual parts of the site to be broadly reasonable and based on sound assumptions
- Whilst potentially lower levels of landowner premium could be justified for some of the sites, we consider that, based on Appeal evidence, a degree of "site assembly profit" could legitimately be included to cover the risk during site assembly process
- The Europcar site (the last site to be purchased) in particular constitutes an effective "ransom" situation, given the importance of acquiring the entire island site in order to achieve a feasible development.

6.3 The Table below shows our estimated viability benchmark of £18.5m which is [REDACTED]. We adopted the existing use valuations (and alternative use valuation) adopted by Gerald Eve and added suitable levels of premium. In the case of Europcar we have adopted the purchase price as being reasonable as this was the last site to be purchased and is crucial to delivery of the proposed scheme. Even if this element of the site represents an overpayment the applicant was effectively committed to its purchase having already acquired the other elements of the site.

6.4 It should however be noted that this benchmark arises from the high land owner payment which reflects a degree of ransom value attributed to the enhanced Europcar facilities, the other site assembly costs and land assembly profit. This has a detrimental impact on the scheme's ability to meet Local Plan requirements which cannot easily be safeguarded through a complex site assembly process.

	BPS calculation of benchmark values		TOTALS
Site 1	£3.8m AUV + nil premium	£3.8m	
Site 3	1.31m EUV + 30% landowner premium	£1.70m	
Site 4	1.19m EUV + 30% landowner premium	£1.55m	
			£7.05m
Site 2 (Europcar)	Landowner premium/ Ransom payment (in addition to the £3.7m uplift in value of Europcar facilities)	£5.00m	
			£12.05m
	Site Assembly Costs	£4.73m	
			£16.78m
	Land Assembly Profit (10% of £16.78m)	£1.678m	
	BPS ESTIMATED VIABILITY BENCHMARK		£18.46m

- 6.5 The Land Assembly Profit that has been included above is consistent with a comparatively recent Appeal decision (391-407 Chiswick High Road, Chiswick, London W4 4AR; Appeal ref: APP/F5540/A/06/2017513) which stated that such a cost is suitable to “offset the risk, time and cost of assembling the site”.

Holding Costs

- 6.6 We have had regard to the specific circumstances of this site which has involved complex site assembly - acquiring the multiple plots of the site. RICS Guidance Note *Financial Viability in Planning* advises as follows concerning site assembly costs:
- “Where plots have been acquired to form the site of the proposed development, without the benefit of a compulsory purchase order, this should be reflected either in the level of Site Value incorporated in the appraisal or in the development return. In some instances, site assembly may result in synergistic value arising.”*
- 6.7 With respect to holding costs, the Guidance advises that “...where plots of land have been assembled and subject to assessment, it may also be appropriate to include related holding costs”. Taking this into account, it is apparent that holding costs are suitable for the subject site, including during the time in which the site was being assembled, but should not necessarily extend to the period since the site assembly was effectively completed, including the time of the planning application in 2012 and subsequent appeal.
- 6.8 Holding Costs/Site Assembly Costs of £4.3m are included in Gerald Eve’s benchmark. This figure includes purchaser’s costs and related costs associated with site assembly, which we have scrutinised and consider reasonable. It includes c£2.1m of historic finance costs incurred between April 2007 and June 2012, which is reasonable as this spans the time during which the site was being assembled, thus, in line with standard practice (as recently endorsed by RICS Guidance), these are legitimate site assembly costs.

Comparable land transactions - analysis

- 6.9 We do not consider that any firm conclusions can be drawn from the limited number of comparable land transactions provided, particularly given their very wide range of values per Ha and the general shortcomings of using comparable land transactions particularly when insufficient details are provided concerning them.

Existing Use Valuations - analysis

- 6.10 An existing use valuation (EUV) of £■■■ has been provided, with detailed explanation of how the EUV of each part of the site was calculated. We have assessed the existing use valuations (and alternative use valuation) for the individual components within this site, and have then considered whether suitable levels of “competitive return” are allowed for in the benchmarks used, as detailed further in the following Table:

Site	Current Use	£	m
152-154 Road Pentonville SITE 1	Wass site Vacant site with consent for residential-led scheme September 2007 purchase price	£	m
136-150 Road Pentonville SITE 2	Europcar site - rental car use Purchased 2011	£	m
5a Cynthia Street SITE 3	Flower shop with residential above Purchased 2007	£	m
130-134 Road and 3-4 Cynthia Street Pentonville SITE 4	Four-storey office block purchased in 2007	£	m

£4.3m is September 2007 purchase price
Has extant consent for seven-storey residential-led scheme (26 units) - reference P061175

This has been valued using a residual valuation method which gives a figure of £ (AUV). This is based on residential sales values of £ per sqft, and £ per sqft retail (capitalised at %), which are broadly consistent with proposed scheme and on that basis are reasonable. The rest of the Argus appraisal assumptions are reasonable. The build costs are £ per sq ft (per sqm) which our cost consultant has reviewed and has reached the opinion is reasonable. We are satisfied that this is a reasonable estimate of the alternative use value of the site based on the extant consent

BPS Conclusion: AUV is suitable figure so we suggest £3.8m instead of £

Europcar has an existing total area of 17,034 sq ft, giving a total rent of £ pa, based on £ per sqft plus £ applied to 10 parking spaces. This is consistent with comparable evidence cited and not to dissimilar from the site's Rateable Value. The total EUV estimate is £m (EUV)

When considering the suitability of the £5m land payment to Europcar, we have taken into account that new, larger facilities are being provided to Europcar. In conclusion, we consider that this figure is potentially overstated, but taking this together with our other suggested reductions to the benchmarks does not result in the scheme becoming viable.

BPS Conclusion: we do not dispute the £m.

The commercial element assumed at a £ per annum rent, capitalised at % to give £ which appears reasonable. The three-bed flat above is valued at £m, giving a total of £.

BPS Conclusion: We suggest £m which is EUV plus 30%.

Rent of £ per sqft applied in the EUV estimate, giving £ per annum, capitalised at % yield, which gives (EUV).

BPS Conclusion: We suggest EUV plus 30% which equals £1.547m.

Site 2 (Europcar) - further discussion

- 6.11 Europcar has an existing total area of 17,034 sq ft. The completed unit is 41,753 sqft (3,879 sqm). A suitable value to ascribe to the completed 41,000 sqft Europcar facility is £■■■■m, which we have based on the £■■ rental value per sqft giving £■■■■ which has been capitalised at ■■%. These rents and yields are those applied by Gerald Eve in their valuation of the *existing* Europcar facilities.
- 6.12 The existing use value estimate is £■■■■ which indicates that the larger facilities will result in an uplift of £■■■■ in the value its interest, based on our summary estimate of the value of the completed facilities. Europcar has received a £■■ cash payment which is included as part of the benchmark for the overall site and incorporates a landowner premium and compensation for the disruption and costs of having to temporarily relocate during the build periods (including cost of leasing temporary facilities). Thus the net consideration to Europcar is c£■■■■.
- 6.13 Taking account of the need for compensation, and that any rational owner in Europcar's position would have expectations of receiving a significant premium given the site's development potential, we do not dispute the benchmark. The site was purchased in May 2011 which is after the 2007 purchases of the neighbouring parcels of land, and given the importance of the site to the applicant's development plans this would have put Europcar in a strong negotiating position. The level of the previous land sales would be a consideration to Europcar when formulating its expectation of land price particularly as it constitutes the largest single parcel of land on this island site.
- 6.14 As stated above, this situation is clearly specific to this site. In general site purchase price is not considered to be an appropriate means to benchmark viability, in line with RICS Guidance which states that market value should have regard to local plan policies. This hinges on the treatment of overpayments for land. Ordinarily such overpayments are disregarded because they do not adequately recognise planning policy. In this instance the ability of individual land owners to effectively ransom the assembly process means that the developer can only withdraw from a purchase leaving potentially expensive and undevelopable land in its ownership or to pay a higher price.

BPS Chartered Surveyors
7th May 2014

APPENDIX ONE: LOCATION OF NEARBY COMPARABLE SCHEMES



2= Eagle House

3= Art House

4= Central Square

5= Canaletto

Appendix Two: Comparable sales evidence

Eagle House - latest asking prices (April 2014)

Unit description		
2-bed, 893 sqft	£910,00	£1,019
2-bed, 818 sqft	£920,000	£1,124
3-bed, 936 sqft	£950,000	£1,014
3-bed, 936 sqft	£980,000	£1,047
3bed, 936 sq ft	£1,020,000	£1,089
Studio, 461 sq ft, 3rd floor	£599,999	£1,301
957 sq ft, 6th floor	£1,200,000	£1,253
Average		£1,121

BPS schedule of asking prices for Art House apartments as of 10th April 2014

Unit description	Price	Date of availability/agent	Price sqft
2-bed, 4th floors, 1,110 sq ft	£1,550,000	Added on 28th Mar 2014 Marketed by Stirling Ackroyd	£1,396
2-bed, 4th floor, 1,081 sqft	£1,350,000	Added on 26th Mar 2014	£1,243
2-bed, 4th floor, 1,081 sqft	£1,550,000	Added on 18th Mar 2014	£1,433
2-bed, 6th floor, 1,019 sqft	£1,450,000	Marketed by relocate- me.co.uk	£1,422
2-bed, 6th floor, 1,018 sq ft	£1,350,000		£1,326
2-bed, 5th floor, 1,005 sq ft	£1,335,500		£1,328
2-bed, 846 sq ft, 2nd floor	£1,325,000	Marketed by Moving City, London	£1,600
3-bed, 1,107 sq ft	£1,300,000	relocate-me.co.uk,	£1,147
3-bed, 1,107, 1st floor	£1,285,000	Faron Sutaria Sales	£1,160
1-bed, 617 per sqft, 4th floor	£999,500	Marketed by Moving City, London. Call	£1,619
1-bed, 522 sq ft, 3rd floor	£780,00		£1,503
AVERAGE			£1,356

Appendix Three: Cost Report

1 SUMMARY

- 1.1 There is insufficient detail for us to accurately benchmark the four areas: Europcar commercial area £ [REDACTED] (/m²), Europcar Storage £ [REDACTED] (/m²), Europcar fuel storage (£ [REDACTED] /m², commercial area £ [REDACTED] (/m²), however the rates appear broadly consistent with BCIS average rates.
- 1.2 The estimated costs of the residential areas have been compared to an adjusted benchmark. The private residential units are about £785,000 above benchmark levels; we can identify that the difference is predominantly in the services section but have insufficient detail to enable us to check if this difference is a fair reflection of an enhanced specification.
- 1.3 The inflation adjustment used to adjust costs from July 2012 to current costs 1Q2014 we consider reasonable. The allowance of £200,000 for demolitions appears to be double counted in the Appraisal.

2 METHODOLOGY

- 2.1 The objective of the review of the construction cost element of the assessment of economic viability is to benchmark the applicant costs against RICS Building Cost Information Service (BCIS) average costs. We use BCIS costs for benchmarking because it is a national and independent database. Many companies prefer to benchmark against their own data which they often treat as confidential. Whilst this is understandable as an internal exercise, in our view it is insufficiently robust as a tool for assessing viability compared to benchmarking against BCIS.
- 2.2 BCIS average costs are provided at mean, median and upper quartile rates (as well as lowest, lower quartile and highest rates). We generally use mean or upper quartile for benchmarking depending on the quality of the scheme. BCIS also provide a location factor compared to a UK mean of 100; our benchmarking exercise adjusts for the location of the scheme. BCIS Average cost information is available on a default basis which includes all historic data with a weighting for the most recent, or for a selected maximum period ranging from 5 to 40 years. We generally consider both default and maximum 5 year average prices; the latter are more likely to reflect current regulations, specification, technology and market requirements.
- 2.3 BCIS average prices are also available on an overall £ per sqm and on an elemental £ per sqm basis. We generally consider both. A comparison of the applicants elemental costing compared to BCIS elemental benchmark costs provides a useful insight into any differences in cost. For example: planning and site location requirements may result in a higher than normal cost of external wall and window elements.
- 2.4 BCIS costs are available on a quarterly basis - the most recent quarters use forecast figures, the older quarters are firm. If any estimates require adjustment on a time basis we use the BCIS all-in Tender Price Index (TPI).
- 2.5 BCIS average costs are available for different categories of buildings such as flats, houses, offices, shops, hotels, schools etc. The Applicant's cost plan

2.6 should keep the estimates for different categories separate to assist more accurate benchmarking.

2.7 To undertake the benchmarking we require a cost plan prepared by the applicant; for preference in reasonable detail. Ideally the cost plan should be prepared in BCIS elements. We usually have to undertake some degree of analysis and rearrangement before the applicant's elemental costs can be compared to BCIS elemental benchmark figures.

2.8 To assist in reviewing the estimate we require drawings and (if available) specifications. Also any other reports that may have a bearing on the costs. These are often listed as having being used in the preparation of the estimate. If not provided we frequently download additional material from the documents made available on the planning website.

BCIS average prices per sqm include overheads and profit (OHP) and preliminaries costs. BCIS elemental costs do not include these. Nor do elemental costs include for external services and external works costs. Demolitions and site preparation are excluded from all BCIS costs. We consider the Applicants detailed cost plan to determine what, if any, abnormal and other costs can properly be considered as reasonable. We prepare an adjusted benchmark figure allowing for any costs which we consider can reasonably be taken into account before reaching a conclusion on the applicant's cost estimate.

3 GENERAL REVIEW

3.1 We have relied on the following documents provided as pdf files:-

- Design & Access Statement (as 3 files)
- Financial viability 2014 Addendum note prepared by Gerald Eve incorporating 7 appendices
- Outline Building Costs Estimate dated July 2012 prepared by Sawyer & Fisher
- Addendum to the Outline Building Costs Estimate of July 2012 dated February 2014 prepared by Sawyer & Fisher
- Appendix 4 AUV Appraisal Sep 2012 by Gerald Eve

3.2 The February 2014 cost plan has an updated summary in the total amount of £31,949,000 including a 5% contingency and inflation uplift from July 2012 (3Q2012) to 1Q2014 of 5.54%.

3.3 The published Tender Price Index (TPI) on 1st July 2012 for 3Q2012 was a 220 forecast figure. This is now a firm figure for 3Q2012 of 221 but the quarter before 2Q2012 was 230. Sawyer & Fisher(S&F) have correctly identified the fluctuating market conditions at this time and taken 5.4% as an average uplift from 3Q2012 to 1Q2014 currently a forecast 240. This is a very reasonable figure. The calculation might be $240/220 = 9.09\%$. However it also depends on how they saw market conditions at the time they priced the project when they might reasonably have been more influenced by market conditions producing a TPI of 230 than 220, particularly as they were on the cusp of the two quarters. We are therefore content with the inflation adjustment used by S&F.

3.4 We have transferred the cost plan information into the 11 different categories of building estimated, and attach it as an elemental analysis used for benchmarking against BCIS.

- 3.5 Three of the categories: private residential, Premier residential and intermediate residential have been re-estimated (at 2012 rates) to reflect the scheme changes. The remaining categories are unchanged and the details are as the original July 2012 cost plan - although adjusted by 5.4% for inflation.
- 3.6 S&F have not prepared their cost plan in BCIS elemental format - some costs broadly follow the elemental format whilst others - internal partitions, doors, finishings and services have been grouped in ways that make an accurate elemental benchmarking exercise impossible.
- 3.7 The allowance for preliminaries is 17%. We consider this to be at the high end of tender levels, although in the current market - prices and preliminaries levels are increasing. The location of the site and the nature of the work will result in complications that will tend to increase preliminaries costs. The allowance for Overheads and Profit (OHP) is 3% - we consider this reasonable and if anything slightly low. The provision for contingencies is 5% which is reasonable.
- 3.8 The totals excluding contingency for the following items: Europcar commercial area £ [REDACTED] (£ [REDACTED]/m²), Europcar Storage £ [REDACTED] (£ [REDACTED]/m²), Europcar fuel storage (£ [REDACTED]/m²), commercial area £ [REDACTED] (£ [REDACTED]/m²). There is an insufficient level of detail to enable us to benchmark accurately against BCIS but the rates do not appear out of line with BCIS average prices.
- 3.9 S&F have allowed for different levels of specification for the four categories of residential flats: private, premier, intermediate and affordable rented. These have been benchmarked against one level of BCIS average adjusted for differences in the elements of substructure, fittings, balconies and lift. These show the affordable rented to be £ [REDACTED] below benchmark whereas the premier and intermediate are £ [REDACTED] and £ [REDACTED] respectively above benchmark. The three taken together are very close to the adjusted benchmark figure indicating that the specifications of the private properties are higher than benchmark and offset by the lower specification of the affordable rented units.
- 3.10 The private units are priced at £ [REDACTED] in total (including contingency) this we calculate at £ [REDACTED] (£ [REDACTED]/m²) above the adjusted benchmark figure. The whole of this difference occurs in the combined services elements, but S&F have not provided a sufficient breakdown of the services costs for us to identify more specifically which services elements are over cost or indeed what specifications may have been assumed resulting in the higher costs. It may be that with more information we could confirm these costs are reasonable, but the detail currently provided is not sufficient to enable us to do this.

We note that the Appraisal includes an allowance of £200,000 for demolitions. The cost plan total of £ [REDACTED] already includes the sum of £ [REDACTED] for demolitions, so this amount appears to be double counted.

BPS Chartered Surveyors
Date: 22nd April 2014

APPENDIX 4 – APPEAL DECISION

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Appeal Decision

Inquiry held on 17, 18 and 19 September 2013 and 11 October 2013

Site visit made on 11 October 2013

by Julia Gregory BSc (Hons) BTP MRTPI MCMi

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

Decision date: 15 January 2014

Appeal Ref: APP/V5570/A/13/2195285

**130-154 Pentonville Road, and 3, 4 and 5A Cynthia Street, Islington
N1 9JE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Groveworld Rodney Street Limited against the Council of the London Borough of Islington.
 - The application Ref P121570 is dated 17 July 2012.
 - The development proposed is the comprehensive redevelopment of the site for a mixed use development comprising of approximately 3,624 sq m (GIA) of commercial floorspace (sui generis) comprised of office and 150 parking spaces associated with a car hire business; approximately 872 sq m (GIA) of B1 (office) floorspace; and 123 residential units (C3 use); together with associated communal amenity space, play space, landscaping, cycle and refuse storage, and related infrastructure and engineering works.
-

Preliminary matters

1. The Council failed to determine the planning application within the prescribed period. Nevertheless, the Council resolved on 15 April 2013 that it would have refused planning permission had it been able to have done so. The putative reasons for refusal are recorded in Council Minute 413 contained within the Statement of Common Ground (SoCG).
2. Subsequently, the Council has adopted its Development Management Policies and Site Allocations Documents. The putative reasons for refusal were updated with amended policy references in Mr Durling's Proof of Evidence.
3. The SoCG identifies the areas of disagreement between the main parties. These are the relationship between the scheme and the surrounding area, including townscape and undesignated local views, and the relationship between the scheme and surrounding residential properties in respect of daylight and sunlight.
4. The main parties agreed at the Inquiry that the plans to be considered were those that were detailed within the SoCG. A supplementary SoCG was submitted at the Inquiry to provide an update on negotiations regarding conditions and a S106 agreement. An executed S106 agreement was submitted on the last day of the Inquiry.
5. In addition to the accompanied site visit on 11 October 2013, I visited the vicinity of the site the day before the Inquiry opened, on 20 September 2013 and on 10 October 2013 unaccompanied by any party.

Decision

6. The appeal is dismissed.

Main Issues

7. The main issues are the effect on the living conditions of the occupiers of adjacent residential properties in respect of daylight and sunlight and the effect on the character and appearance of the area.

Reasons

Living conditions

8. The building would comprise 5 defined blocks A to E. It would be located with its main frontage comprising blocks B to D facing onto Pentonville Road on the back of the footway. The side elevation of block D and block E would face Cynthia Street to the east. Block A and the side elevation of block B would face Rodney Street to the west. The building mass would frame the perimeter of the block, albeit that it would be set back some 1.6m from the footway in Cynthia Street.
9. The National Planning Policy Framework (the Framework) identifies as a core planning principle that planning should always seek a high quality of design and a good standard of amenity for all existing and future occupants of land and buildings.
10. The development plan includes the London Plan 2011 (LP), the Islington Core Strategy 2011 (CS), Islington's Local Plan Development Management Policies June 2013 (DMP), and Islington's Local Plan: Site Allocations June 2013 (SA).
11. LP policy 7.6 identifies that buildings should not cause unacceptable harm to the amenity of particularly residential buildings in respect of matters including privacy and overshadowing. Intrusive overlooking in Cynthia Street would be resolved by the use of opaque glazing to certain balconies.
12. SA site KC1 identifies as a design consideration and constraint that future uses on the site and design should respect the amenity of residential properties within the vicinity of the site, but it also advocates that frontages should be positioned along the site boundary.
13. DMP policy DM2.1 specifies that development should provide good levels of amenity. This includes consideration of overshadowing which should not unduly prejudice the operation of adjoining land. The text explains that this includes negative impacts on privacy, sunlight and daylight.
14. Proposals must ensure that adjoining buildings are protected from unacceptable overshadowing. It explains that the Building Research Establishment (BRE) provides guidance on site layout planning to achieve good sunlighting and daylighting (*Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice 2011*). It thus specifically endorses its use, but does not go further to identify if and when any alternative target values it contains might be applied.
15. BRE standards include as a general rule to minimise the impact to existing property. Vertical Sky Component (VSC), No Sky Line (NSL) (Daylight

Distribution) and Average Daylight Factor (ADF) methodology information have all been submitted by the appellant.

16. In respect of VSC, if with the new development in place it would be less than 27% and less than 0.8 times its former value then occupants of the existing building will notice the reduction in the amount of skylight. It may however be appropriate to use less than 27% in certain circumstances.
17. The NSL calculates the change in the no sky line between the existing and the proposed situations. If the area of an existing room which does not receive direct sunlight is reduced to less than 0.8 times its former value, then this will be noticeable to the occupants and more of the room will be poorly lit. Areas without direct daylight will appear dark and gloomy compared with the rest of the room.
18. The ADF is primarily used for calculating daylight provision in new rooms and therefore is not appropriate to calculate the loss of daylight. Average Probable Sunlight hours (APSH) seeks to identify if a dwelling will appear reasonably sunlit.
19. The properties where daylight and sunlight considerations would be most relevant would be Hill House on the opposite corner of Cynthia Street with Pentonville Road, Gower School to the rear in Cynthia Street, Rodney House at the rear facing Donegal Street and Paul Robeson House, on the opposite side of Pentonville Road.

Hill House

20. The rooms in Hill House facing Cynthia Street served by windows that would be opposite the appeal building are single aspect and the main windows for the properties. The frontage of the building would be sited only between some 11.06m and 14.2m away from Hill House. At present buildings on the appeal site are low rise and set back from Pentonville Road, and so there is open land on the corner.
21. It is the ground, first, second and third floor windows in Hill House that would be affected. 27 windows on ground, first, second and third floors facing the site would have a VSC of less than 27% and would suffer a loss in the amount of daylight that they receive. This would range from between 23% and 79%. To over a third of the windows the loss would be more than 50%. Of these 27 windows there are 7 that serve living room/kitchen/dining rooms and a further 4 that serve living rooms.
22. Although 16 are bedroom windows that would be less important, all of the windows are to habitable rooms. Where there are rear windows, those are small and obscure glazed and provide little additional daylight to the main parts of the dwellings.
23. Even if an allowance were to be made for the balconies, as suggested in BRE guidance paragraph 2.2.11, as of themselves they restrict light, losses would be between 25% and 41% at ground floor, with an associated NSL of 58% and 59%. Only once in the second floor rooms under this calculation would the proposed VSC amount to almost 27%. In addition, in 12 of the habitable rooms there would be significant losses to the areas of the rooms that would receive direct daylight, in several, in excess of 50%.

24. ADF is not recommended for calculating loss of daylight. However if it were to be used to assess the lighting levels, three living rooms on ground floor, five bedrooms on the first floor and two open plan living/ dining/ kitchen rooms on the second and third floors would be below the BS8206 Part 2 recommended minimum.
25. In all cases, the reduction in sunlight over the year in Hill House would exceed the 4% threshold in the BRE guidance. 15 rooms would suffer a loss of winter sunlight in excess of 50% over existing levels. 5 rooms would lose over 75% with 3 rooms on first floor only retaining a proposed winter ASPH of zero or 1%.
26. The reduction in sunlight received over the whole year would be as much as 77% at ground floor. This would be significantly in excess of the 20% threshold set out in the BRE guidance. Six living rooms would experience losses of total sunlight across the year of up to 77%. VSC are currently below 27% if balconies are not discounted. The degree of harm that would be caused by the appeal building would be substantial and would demonstrably harm living conditions.
27. The BRE guidance identifies in appendix F that there might be alternative targets for setting skylight and sunlight access, for example where an existing building has windows that are unusually close to the site boundary and are taking more than their fair share of light. Hill House might be argued to be such a building.
28. Nevertheless, no alternatives have been set by the Council for the appeal site, and there would be substantial harm caused in relation living conditions of some residents in Hill House. I also note that, although the Council has not sought to oppose the scheme on that basis, that the internal daylighting in the proposed scheme does not in all rooms meet minimum ADF standards where opposite Hill House.
29. The BRE guidance does acknowledge that its guidance should be applied flexibly in central locations. This is a central location. A higher degree of obstruction may also be unavoidable if new developments are to match the height and proportions of existing buildings.
30. Although in townscape terms the perimeter approach to design is promoted by policy, there is no specific provision to mirror the adjacent Hill House, and policy provision seeks to prevent harmful impacts to living conditions.
31. I note that there are schemes elsewhere in London that have, according to the appellant, been granted planning permission without adherence to the BRE numerical guidelines. Nevertheless, I have insufficient information about the direct circumstances of those buildings and neighbouring properties to be able to determine their comparability to the impact of the appeal scheme.
32. I cannot discount the possibility, although none are before me for consideration, that alternative schemes might come forward for this site that might be acceptable that would both be appropriate from a townscape perspective and would comply, or more closely follow the BRE guidance.

Paul Robeson House

33. Paul Robeson House comprises student accommodation on the opposite side of Pentonville Road to the appeal site. Because it is student accommodation, the BRE guidance is not strictly applicable. Nevertheless, DMP policy DM2.1 applies to all buildings and the BRE guidance still provides a useful methodology for assessment.
34. The development would result in a loss of daylight of up to 36% as measured by the VSC and up to 75% against the NSL to 46 bedrooms and kitchens at ground, first, second, third and fourth floors. 38 rooms would suffer a loss of daylight beyond the minimum recommended in the BRE document. In addition, a total of 28 rooms would see a reduction in NSL in excess of the BRE recommended levels. However, because this is student accommodation which would have a transient population and is not family accommodation, I consider that the effect on Paul Robeson House would not be unacceptable.
35. Because Paul Robeson House does not face within 90 degrees of due south, sunlight is not relevant.

The Gower School

36. Although one window in a classroom would be affected and would suffer a significant loss of daylight, because the room is also served by other windows, the room would remain adequately lit.

Rodney House

37. 12 windows at ground, first and second floor levels would suffer a loss of VSC in excess of 20% and would fail the test. All the rooms on the ground floor would also suffer from a reduction in daylight distribution of between 28% and 50%. 2 rooms at ground and first floor levels would experience a loss of direct sunlight in winter months in excess of the recommended maximum. There would also be losses for some rooms on lower ground and first floors.
38. Nevertheless, if the deep recesses were taken into account then it would produce a different result. All but one window would pass the guidance and that relates to a room with a second window. It also has to be seen within the context of the effect of the extant planning permission that could be built on the appeal site. Because of these matters, I consider therefore that the scheme would not have an unreasonable effect on the occupiers of Rodney House.
39. I conclude that the development would be harmful to the living conditions of the occupiers of Hill House in respect of daylight and sunlight which would be contrary to LP policy 7.6 and DMP policy 2.1.

Character and appearance

40. LP policy 7.6 and DMP policy DM2.1 set design criteria for planning decisions. Land levels rise significantly from Kings Cross to the Angel. There is a gentle slope through the appeal site so that there would be 1 to two storeys underground providing car storage, swimming pool, cinema room, gym and plant rooms. Above ground the building would vary in height from mainly 7 storeys to 10 storeys on Pentonville Road. It would be tallest in block B at 10 storeys high on the corner of Rodney Street with Pentonville Road.

41. In Rodney Street the building would reduce from 10 storeys to 7 storeys and then to 5 storeys in height. In Cynthia Street the building would reduce from 6 storeys with set back seventh floor to five storeys and then to 4 storeys high.
42. CS policy CS6 promotes a perimeter block approach and the aim is for new buildings to be sympathetic in scale and appearance and to be complementary to local identity. New development will need to be based on coherent street frontages and new buildings will need to fit into the existing context of facades. The development would follow that perimeter block approach which is also supported by the Islington Urban Design Guide.
43. It was agreed by the main parties at the Inquiry that the widest context was that along Pentonville Road between Kings Cross and the Angel, and close by it was in Pentonville Road, Joseph Grimaldi Park, Rodney Street, Cynthia Street and Penton Rise.
44. The area to the north of the site includes Rodney House, and a 10 storey block of flats, Prospect House, facing Donegal Street. Because of the substantial massing of buildings at the rear, although the building would be 10 storeys high on the corner of Pentonville Road with Rodney Street most of the building would be screened from much of the area to the rear of Pentonville Road and would not be a significant feature in that context. The connecting elevations in Rodney Street and Cynthia Street would relate well in terms of height, massing and rhythm of fenestration to existing buildings.
45. LP policy 7.7 advocates that tall buildings should be part of a plan led approach. DMP policy DM2.1 identifies that the only locations that may be suitable for tall buildings are set out in the Finsbury Local Plan, which does not include the appeal site. CS policy CS9 identifies that tall buildings above 30m high are *generally* inappropriate to Islington's medium to low level character.
46. Because the building would exceed 30m in height it would technically be a tall building. This is why the Greater London Authority was consulted on the planning application. Nevertheless, it would only exceed 30m because of flues on the roof. These flues would not be visible from any public vantage point. Because of the use of the word *generally* in the policy, it does allow for exceptions to the prescription against such buildings.
47. Regard is to be had also to the other design policies of the development plan and to the advice in English Heritage/Cabe's Guidance on Tall Buildings. There are buildings of substantial scale and massing nearby including 10 storey buildings between Weston Rise and Penton Rise. Directly opposite the site on Pentonville Road there are buildings that are 7 to 9 storeys high on the corner with Penton Rise.
48. Because of the close proximity of these buildings, although they are on lower land, and because the 10 storey part of the building would be a relatively small part of the overall building, the 10 storey part of the building would not in terms of its height look out of character. Furthermore, the massing of the building overall would respect other substantial blocks locally.
49. When viewed from Pentonville Road looking towards Kings Cross, from quite a distance away at Claremont Square when approaching towards the building itself, the backdrop to the site is the 18 storey Nido student housing development. This would be partially obscured by the building. Because that exists, the building would sit comfortably within this context.

50. When viewed in the other direction, on approach from Kings Cross, a large part of the building would be well screened for much of the year by trees in Joseph Grimaldi Park and by street trees and so the building would not be overly dominant in views. Additional street trees may also be planted. It is important also that the Council promoted an 8 or 9 storey building and that there is an extant planning permission for a substantial 7 storey building on the corner with Rodney Street that is a fallback.
51. The site allocation KC1 identifies that there is a need to maintain and enhance views up Penton Rise. Whilst the highest part of the development would be that lying opposite Penton Rise, which rises towards Pentonville Road, again there is a significant screening by street trees. This is not a protected or particularly important view, and the traffic flow is away from the junction. The vista for pedestrians is relatively narrow because of these trees and also because of the buildings on the corner of Penton Rise with Pentonville Road to the east.
52. There is no dispute that the buildings on the site at present are of little townscape value and their removal would be beneficial to townscape. The building would improve on the current hotch potch appearance of the site which comprises mainly the car rental building set behind car parking on Pentonville Road.
53. It would thus comply with that part of the KC1 allocation design considerations and constraints because with its interesting gridded well articulated fenestration patterns, deep window reveals and inset balconies and use of a brick, stone and bronze cladding materials, its design would improve the appearance of the area.
54. Pentonville Road is a straight wide thoroughfare which rises between Kings Cross and The Angel. This is a main route on which there is a variety of buildings of different types, heights, age and quality. There are no strategic views within this area that need to be protected. Local view 8 Pentonville Road to St Pancras Chambers and Station set out in DMP policy DM2.4 would not be obstructed.
55. Joseph Grimaldi Park lies on the opposite side of Rodney Street and contains Joseph Grimaldi's grave which is a grade II listed building. The park also includes an office building, No 154A, a modern building designed with a façade to replicate the church previously within the graveyard.
56. The park is a non-designated heritage asset. It is a relatively recent 20th century creation in its current form. There are 5 separate distinct areas within park. It is not a traditional square. DMP policy DM2.3 specifies that proposals that unjustifiably harm the significance of a non-designated heritage asset will generally not be permitted. Also CS policies CS9 and CS6F seek to protect and enhance Islington's built and historic environment. The site allocation KC1 identifies, amongst other matters, that the development should conserve and enhance the setting of the Joseph Grimaldi Park with 154a Pentonville Road.
57. The 10 storey high block B on the corner of Rodney Street would mark the corner. Although it is a taller element of the overall composition with a slightly different architectural expression that would add variety to the overall design, this would not cause it to appear separate from the overall composition or be

- so tall in comparison to the rest of the building or in relation to Rodney Street that it would be unsatisfactory within its context.
58. Because the building would frame the perimeter of the block, it would serve to reinforce the townscape. The building would integrate well, by reducing in height towards the north where it would abut a proposed building on adjacent land. It would be a similar height where it would be sited opposite Hill House in Cynthia Street. The fenestration pattern and articulation of the frontage in Cynthia Street would be sympathetic to the design of the adjacent and neighbouring buildings.
 59. The part of the building with the greatest dominance would be on the Pentonville Road frontage with those with lesser scale fronting the secondary frontages. This would reflect the hierarchy of streets and would increase the legibility and sense of order in the townscape. The building would provide a backdrop to the park, but because of the trees within the park would not be overly dominant in views from within it.
 60. The building would be viewed at a distance from lower land closer to Kings Cross, but trees in Joseph Grimaldi Park would provide much screening to it. Although the corner of the building would be higher than the rest of the property, it would not be so much taller as to look unrelated to the rest of the building.
 61. There would also be some surveillance from the upper floors across the park. From within the park the building would provide for better enclosure that would not be overbearing on its enjoyment because the 10 storey element is not for the full length of the Rodney Street elevation. Also, there is little to suggest that it harms the significance of the park as a non-designated heritage asset or the setting of the Joseph Grimaldi grave. Because the park has separate components and many trees, it is not distinguished by openness that would be harmed.
 62. Because the Park provides a separation from lower buildings to the west along Pentonville Road, taking into account the buildings on the south side of Pentonville Road, I consider that the wider setting of the site to the west would not be harmed.
 63. I agree with the Council that there is no particular need to mark the corner of Rodney Street with Pentonville Road because it is a small scale insignificant junction and the view up Penton Rise does not necessarily require to be terminated by such a building. Also its location half way between Kings Cross and The Angel does not warrant a landmark building. The Design Guide identifies that there may also be other ways of emphasising junctions without reliance on extra height.
 64. Nevertheless, I consider that the building would not be a particular landmark and whether an alternative scheme would be preferable is not a matter for me to consider. The 10 storey block would be well integrated with the remainder of the building, rather than appearing as a separate tower, and would not appear out of context in the light of my earlier observations.
 65. Although blocks C and D are not broken down into smaller vertical elements, this block would be well separated from buildings by Joseph Grimaldi Park and would relate well in height and architectural composition to Hill House to the east. The scheme would be a significant improvement to the character and

appearance of the area, would constitute a high quality design response that would have interesting articulation and would complement the character and appearance of the area.

66. Site allocation KC1, LP policy 7.7 and LP policy 7.4 all advocate active frontages. The underlying landform and topography would result in the need for a mezzanine floor for much of the commercial floorspace at level 0, fronting Pentonville Road. Choice of an appropriate material for internal mezzanine balustrading could ensure that there was human activity visible within the premises, quite close to the frontage windows in that area. The entrances to the residential parts of the scheme would not be so mean that they would appear squat within the overall scheme.
67. The car hire business would have some activity close to Pentonville Road and there would be entrances both on Pentonville Road and Rodney Street. There would be balconies on each of the outward facing elevations that would again create a positive relationship with street level activity. Although there would be a significant area of dead frontage in Rodney Street at floor level 0 this would be broken up by the vehicular entrance, the residential lobby and the car hire office would be on the corner where pedestrian activity would be most substantial. This has to be seen also within the context of being an improvement on what currently exists.
68. I conclude that the development would respect its context, would enhance the character and appearance of the area and would comply with the development plan in those respects.

Other matters

69. The executed S106 agreement dated 9 October 2013 includes provision for 22% affordable housing, for contributions towards a raft of infrastructure matters and public realm works, for local employment provisions and for controls on construction works. I do not need to discuss those matters further for the most part, in the light of my conclusions about the harm caused by the scheme in respect of the first main issue. The exception to this is where they provide a positive benefit of the scheme to be weighed in the balance.
70. The S106 agreement amongst other matters includes provision for affordable housing. CS policy CS12G requires 50% affordable housing, but the Framework identifies that market conditions over time should be taken into account.
71. The offer of 22% affordable housing, comprising 11x3 bed social rented units, 6x1 bed and 3x2 bed intermediate rental units is included in the S106 agreement. Viability information supplied by the appellant included the circumstances surrounding the site assembly, the costs of building the expanded car hire business and the difficulties associated in securing value for the expanded car hire business. On the basis of the viability information supplied by the appellant, the Council accepted a lower provision.
72. CS policy CS6 promotes office led mixed use development in Pentonville Road. The building would lie also within the LP Kings Cross Opportunity Area. The more recently adopted site allocation KC1 allocates the site for mixed use redevelopment including employment and residential uses. Any redevelopment should intensify the use of the land to provide employment uses. Furthermore there should be a net increase in office floorspace subject to viability.

73. Although the scheme is residential rather than employment led, it would provide for the transformation of an underused car rental business that would increase employment on the site from some 69 jobs to 121 jobs. The scheme was supported by a viability study. The Framework identifies that policies should avoid the long term protection of employment sites where there is no reasonable prospect of them being used for those purposes.
74. The S106 agreement would also make positive provisions for local employment both in the construction and in relation to the car hire business. This again would be a positive benefit of the proposal which needs to be taken into account in the overall planning balance. I acknowledge that the obligation provides positive benefits which weigh in favour of the proposal in respect of affordable housing and employment locally.
75. Although Islington is able to demonstrate a 5 yr housing land supply, there is a pressing need for housing in London. The scheme would provide 123 new homes including affordable homes. I acknowledge also that the development would be located within a highly sustainable location with a PTAL of 6b and that it could comply with energy efficiency criteria within the development plan.

Conclusions

76. There are substantial benefits of the scheme in respect of the character and appearance of the area and the positive provisions in respect of housing and employment creation. Nevertheless these do not outweigh the substantial harm that I have identified in respect of the effects on the living conditions of the occupiers of adjacent residential properties in respect of daylight and sunlight, for residents in Hill House. For the reasons given above, I conclude that the appeal should be dismissed.

Julia Gregory

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Russell Harris QC

He called

Andrew Beharell

Peter Stewart

Lance Harris

Jonathan Owen Davies

Murch

Pollard Thomas Edwards Architects

Peter Stewart Consultancy

Anstey Horne and Co

Savills

FOR THE APPELLANT:

Daniel Kolinsky

He called

Tina Garratt

Matthew Durling

Thomas Webster

Of Counsel

Conservation and Design Officer

Principal Planning Officer

Principal Planning Officer

INTERESTED PERSONS:

Lidija Danilovic

Local resident

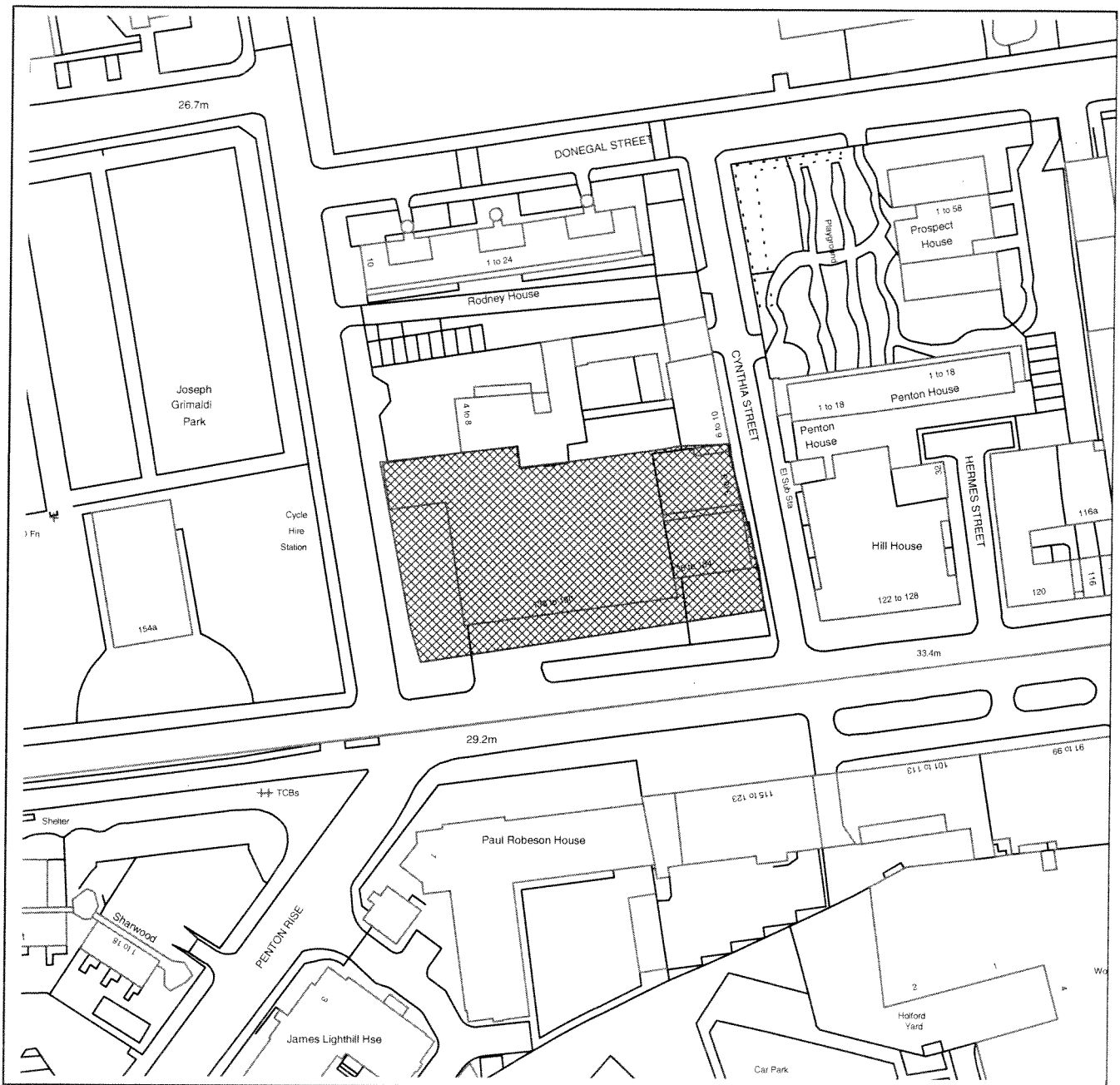
DOCUMENTS SUBMITTED AT THE INQUIRY

- 1 Appearances list for appellant
- 2 Supplementary Statement of Common Ground
- 3 Draft S106 agreement
- 4 Application plan PL-L01 Rev A
- 5 Brief Opening for the appellant
- 6 Opening Submissions on behalf of the London Borough of Islington
- 7 Rebuttal by Andrew Beharell to the proof of evidence of Tina Garratt
- 8 Annual Monitoring Report 2012
- 9 Islington Housing Trajectory
- 10 Note on discrepancies identified in respect of Anstey Horne Technical Assessment
- 11 Appendix 9 Heritage of DMP
- 12 Justification for early years needs south of Islington Borough from Tom Webster
- 13 Photographs of active frontage to duplex business unit (Diespeker Wharf)
- 14 Response from Sustainability Officer 18/10/12
- 15 London Plan policy 5.2 and 5.3 and 5.9
- 16 Islington Council Development Management Policies- Adoption 2013 Policy DM7.5
- 17 13 units that would have comfort cooling
- 18 S106 agreement dated 9 October 2013
- 19 Letter dated 16 September 2013 from Marples to the London Borough of Islington in connection with S106 agreement
- 20 Power of attorney for execution of documents on behalf of

- Mortgage Business PLC
- 21 Business Power of Attorney The Royal Bank of Scotland plc 14
September 2013
 - 22 Closing Submissions on behalf of the London Borough of Islington
 - 23 Appellant's closing submissions



ISLINGTON



DEVELOPMENT MANAGEMENT

PLANNING APPLICATION REF NO: P2014/1017/FUL

LOCATION: 130-154, 154A, PENTONVILLE ROAD, (INCLUDING, 5A CYNTHIA STREET, 3-5, CYNTHIA STREET, 2, RODNEY STREET), ISLINGTON, LONDON, N1 9JE

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Islington Council, LA086452

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PLANNING COMMITTEE REPORT

PLANNING COMMITTEE		
Date: 22 July 2014		NON-EXEMPT

Application number	P2013/4353/AOD
Application type	Approval of Details
Wards	Highbury West, Finsbury Park & Holloway
Listed building	No
Conservation area	No
Development Plan Context	<ul style="list-style-type: none"> - Queensland Road: Site Allocation HC5, Highbury Corner & Holloway Road Key Area; - Hornsey Road: Local Flood Risk Zone; - Sobell Centre: Nags Head & Upper Holloway Road Key Area, Local Flood Risk Zone; - Hornsey Street: Protected Vista – Alexandra Palace to St Paul’s Cathedral
Licensing Implications	No
Site Address	Emirates Stadium, Drayton Park, Islington, London, N5 1BU Coach Parking Locations: Queensland Road Hornsey Road Sobell Centre Hornsey Street Finsbury Park (LB Haringey)

Proposal	<p>Approval of details pursuant to condition AG16 (Arsenal event day coach parking locations) of planning permission ref: P061170.</p> <p>Condition AG16 of planning permission ref: P061170 states:</p> <p>'That during any major event, at least 40 coach parking spaces shall be made available for use within the stadium or at another location(s) outside the stadium previously agreed by the Council'</p> <p>The proposed parking locations in order of priority:</p> <p>Queensland Road (18 spaces) Hornsey Road (9 spaces) Sobell Centre (12 spaces) Hornsey Street (11 spaces) Finsbury Park (90+ spaces)</p> <p>The applicant is seeking a permanent permission.</p>
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Case Officer	Ben Dixon
Applicant	Arsenal Football Club (AFC)
Agent	Savills

1. RECOMMENDATION

The Committee is asked to resolve to **GRANT** permission for the approval of details on a temporary basis for a period of two football seasons up until the end of the 2018/19 season:

1. subject to the conditions set out in Appendix 1; and
2. conditional upon the prior completion of a Deed of Planning Obligation made under section 106 of the Town and Country Planning Act 1990 securing the heads of terms as set out in Appendix 1.

2. SITE PLAN - showing proposed coach parking locations (outlined)



3. SUMMARY

- 3.1 In summary, it is considered that subject to the associated amenity and highways impacts being appropriately mitigated by the controls set out in the LAMP, the proposed coach parking arrangements, with locations set out in the order of priority as proposed, represent the best option currently available, which would present the least harmful and most practical solution to the on-going issue of match day coach parking requirements at this current time (and in the medium term going forward).
- 3.2 As noted by the Planning Inspector in his appeal decision, given the current reliance on locations for coach parking that are not under the control of AFC and the possibility that circumstances may change, it is considered that it is appropriate to grant a 2 year temporary permission rather than a permanent permission for the coach parking arrangements as sought under this application.
- 3.3 A temporary permission would necessitate submission of a future application thereby allowing continuing up-to-date monitoring and review of associated amenity and highways impacts, so as to ensure the least harmful coach parking arrangement is able to be pursued. This approach would potentially allow for the possibility of other locations and different orders of priority of the current locations to be explored in the future.

4. SITE AND SURROUNDING

- 4.1 The proposed off-site coach parking locations for match days are as follows (in order of priority):

Queensland Road

- 4.2 Queensland Road is a cul-de-sac located to the south of the Emirates Stadium, accessed from the east side of Benwell Road. Queensland Road has been used as the first priority location for coach parking for all 8 football seasons since the Emirates Stadium opened in 2006. It is proposed to use both sides of Queensland Road to provide capacity to park up to 18 coaches on match days.
- 4.3 Large scale redevelopment on either side of Queensland Road forms part of the wider Arsenal regeneration programme. The six storey residential development on the south side of Queensland Road is completed and occupied. The predominantly residential (mixed-use) development on the north side of Queensland Road ranges from 10 storeys to 15 storeys. The north side development is part complete and partly still under construction, with the first residents having recently taken up occupancy in early 2014 and the development is due to be completed and fully occupied by the end of 2015. When completed the whole development will provide 729 residential properties.

Hornsey Road

- 4.4 Hornsey Road (A103) runs north from Holloway Road passing adjacent to the west side of the Emirates Stadium. This application relates to the section of Hornsey Road to the northwest of the Emirates Stadium, located between the railway bridge

and the cross-roads junction with Tollington Road (A503). It is proposed to use the east side of this section of Hornsey Road to provide capacity to park up to 9 coaches on match days.

- 4.5 This section of Hornsey Road is currently subject to match day parking restrictions to enable safe spectator movement in the carriageway prior to and immediately following matches. This section is also currently used by the Metropolitan Police Service (MPS) to park a limited number of their match day support vehicles.
- 4.6 To the east of the proposed coach parking is the Harvist Estate, comprising low rise and high rise blocks of flats. To the west are three storey residential terraces.

Sobell Centre

- 4.7 The Sobell Centre is a council owned leisure facility located approximately 500m to the northwest of the Emirates Stadium at the northeast corner of the cross-roads junction of Hornsey Road (A103) and Tollington Road (A503). The Sobell Centre comprises a large indoor sports complex across the centre of the site, with two recently constructed small-sided astro-turf football pitches to the southwest corner of the site and a large car park across the north side. The centre provides facilities for a multitude of sports and activities including: badminton, gym, group exercise classes, climbing, small sided football, ice skating, and squash. The main entrance to the building is on the south side, where there is a separate car park for disabled people. The Sobell Centre has been used for the parking of 12 (and previously up to 18) coaches on match days for previous football seasons. It is proposed to use the east side of the main car park to provide capacity to park up to 12 coaches on match days.
- 4.8 Adjacent to the east of the main car park is a two storey council owned office building. Adjacent to the north of the car park are three storey residential terraces at Thane Villas and Drummer Lodge, together with a small public park known as Kinloch Gardens.

Hornsey Street

- 4.9 Hornsey Street is a cul-de-sac with a 7m wide carriageway located to the southwest of Holloway Road (A1). To the southwestern end of the road is a mini-roundabout, which provides vehicular access to the Islington Waste Recycling Centre. Hornsey Street is located approximately 500m to the southwest of the Emirates Stadium and is outside the match day traffic restriction zone. The northwest side of Hornsey Street has previously been used for the parking of up to 13 coaches as the third / fourth priority location. It is proposed to use the northwest side of Hornsey Street to provide capacity to park up to 11 coaches on match days.
- 4.10 Large scale development on either side of Hornsey Street forms part of the wider Arsenal regeneration programme. The buildings on Hornsey Street are generally large, range up to 12 storeys in height, and comprise commercial uses at ground floor level with residential units on the upper floors.

Finsbury Park

- 4.11 Finsbury Park is a large public open space providing facilities for a wide variety of formal and informal sports and activities. Finsbury Park has been used for coach parking in exceptional circumstances in previous football seasons.
- 4.12 Finsbury Park is located just outside the borough within the London Borough of Haringey. Haringey Council has confirmed in writing to Arsenal Football Club (AFC) that it will continue to permit the use of Finsbury Park for coach parking in exceptional circumstances for the 2014/15 season and beyond.

5. PROPOSAL (IN DETAIL)

- 5.1 Arsenal Football Club (AFC) is seeking to secure a permanent permission for matchday coach parking locations for the 2014/15 football season and beyond, as required by condition AG16 attached to the Emirates Stadium planning permission (ref: P061170). Condition AG16 reads as follows:

“That during any major event, at least 40 coach parking spaces shall be made available within the stadium or at other location(s) outside the stadium previously agreed by Council.”

- 5.2 Since the opening of the Emirates Stadium in 2006, over the past 8 football seasons, AFC have operated match day coach parking under several temporary permissions. AFC are now seeking to secure a permanent permission for the designated coach parking locations as proposed under this application.
- 5.3 The proposed coach parking locations are set out below in order of priority of use:
- Queensland Road – Up to 18 coach parking spaces distributed on both the north and south sides of the road;
 - Hornsey Road – Up to 9 coach parking spaces on the east side of the road;
 - Sobell Centre – Up to 12 coach parking spaces within the east side of the north car park;
 - Hornsey Street – Up to 11 coach parking spaces on the north side of the road (only to be used for a maximum of 2 matches during any one season unless further required by the Metropolitan Police Service);
 - Finsbury Park – 90+ spaces along the kerbside of the park’s internal roads (only to be used in exceptional circumstances).
- 5.4 In terms of the order in which the proposed locations would be used, all coaches would be first directed to Queensland Road until it reaches its 18 coach capacity, at which point any additional coaches would then be directed to Hornsey Road. The Sobell Centre would then be used if Hornsey Road has reached its capacity of 9 coaches. If the 12 available spaces at the Sobell Centre are taken and further capacity is required, then Hornsey Street would be used to accommodate up to

another 11 coaches, with Finsbury Park providing further additional capacity in exceptional circumstances.

- 5.5 However, notwithstanding the above stated order of priority, the order in which the coach parking locations are used on any particular match day, may on occasion be subject to alterations by the Metropolitan Police Service (MPS) Match Day Commander (in consultation with the Council), as deemed necessary for public safety and security reasons.
- 5.6 In terms of the management of spectator coaches, AFC, in conjunction with the MPS, operate a spectator coach booking system for all groups intending to travel by coach to the Emirates Stadium on a match day. Coach operators are required to register beforehand with AFC in order to reserve a coach parking space at one of the designated sites. Coaches are required to arrive no later than two hours before the scheduled kick-off. Coaches that arrive late or without booking, will normally be turned away. However, this is at the discretion of the MPS Match Day Commander who in exceptional circumstances will allow late arriving or unregistered coaches to park in one of the designated coach parking locations when it is deemed to be in the interests of spectator and public safety.
- 5.7 There are four main differences between the current proposal and the previous temporary permission covering the previous 2 football seasons:
- i) A new on-street location is proposed on Hornsey Road to the northwest of the Emirates Stadium, which would be second in the order of priority of use, providing coach parking capacity for up to 9 coaches.
 - ii) The Sobell Centre would move from second in the order of priority of coach parking locations to third, with a predicted reduction in its use from previous seasons.
 - iii) The site on Drayton Park, which previously formed part of the coach parking locations, has been removed from the proposal, as it does not meet the operational requirements of the Police.
 - iv) The previous permissions for coach parking covering the past 8 football seasons have all been temporary. AFC are now seeking a permanent permission for the coach parking locations as proposed under this application.

Table 1: Frequency of use of coach parking locations – All home football matches

Location	Frequency							
	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15 <i>(predicted)</i>	Change from 2013/14
Queensland Rd	31	29	30	31	26	31	31	0
Sobell Centre	7	7	7	12	7	6	3	-3
Hornsey Street	1	1	0	0	0	0	2	+2
Drayton Park	1	0	0	0	0	0	n/a	0
Finsbury Park	1	0	3	2	2	3	3	0
Hornsey Road	n/a	n/a	n/a	n/a	n/a	9	14	+5

- 5.8 The proposed arrangements for coach parking would only cover football matches. Other (non-football) events may also fall into the major events category (defined in the Stadium S106 as an event attended by 10,000 spectators or more) but coach parking for these events is controlled by the Local Area Management Plan (LAMP) and is not covered by this application.
- 5.9 The original planning permission for the Stadium (ref: P011500) was subject to condition AG27 which limited the number of non-football major events to not more than 6 events in a 12 month period. Of these 6 major events, a maximum of 3 could be music concerts. Monitoring of coach numbers associated with past non-football major events that have occurred at the Stadium to date indicate that non-football major events are unlikely to result in demand for coach parking in excess of the proposed 18 coach capacity at Queensland Road. Therefore, only Queensland Road would be utilised for these events.

6. RELEVANT HISTORY:

- 6.1 In May 2002 planning permission (ref: P011500) was granted for AFC to erect a new 60,000 seat stadium – The Emirates Stadium. This permission included outline permission for the wider Arsenal regeneration scheme including the redevelopment of Queensland Road.
- 6.2 Attached to the planning permission ref: P011500 was condition AG16 which stipulated:
- "At least 40 coach parking spaces shall be made available for use within the stadium during any major event".*
- 6.3 The 40 coach parking spaces to be provided within the Stadium development were to be split with 24 spaces provided within the Stadium undercroft and at least 16 spaces provided below the Queensland Road part of the wider redevelopment proposals.
- 6.4 However, by the time the Stadium opened in 2006, the terrorist threat warning level in the UK had increased from the warning level at the time when the Stadium was originally designed and granted planning permission (2000 to 2002). Consequently, it was deemed necessary for the MPS to re-assess the potential terrorist threat levels related to the operation of the Stadium in the interests of public safety.
- 6.5 Whilst the 24 spaces within the Stadium undercroft were constructed when the Stadium was constructed, since 2005 (before the Stadium was opened), the MPS Counter Terrorism Security Advisors have consistently advised that spectator coaches should not be parked within the undercroft of the Stadium as was originally envisaged. At the same time, procedural delays in the Queensland Road development prevented the intended undercroft coach parking space in this part of the redevelopment scheme from being brought forward.

6.6 As a result of the advice provided by the MPS, preventing the use of undercroft parking at the Stadium, it was necessary to vary the wording of condition AG16. This was approved by the Council in March 2006 (ref: P052891). The variation of condition AG16 removed the requirement to provide coach parking in the Stadium undercroft by allowing the alternative of parking coaches at agreed locations near the Stadium. Condition AG16 was amended to read:

"That during a major event, at least 40 coach parking spaces shall be made available for use within the stadium or at other locations outside the stadium as previously agreed by the council."

6.7 Arrangements for coach parking for the first football season at the Emirates Stadium in 2006/07, in accordance with amended condition AG16, were approved by the Council in March 2006. The agreed coach parking locations were (in order of priority):

- Queensland Road (23 spaces);
- Sobell Centre (18 spaces);
- Hornsey Street (14 spaces);
- Drayton Park (9 spaces); and
- Finsbury Park (90+ spaces for exceptional use only).

6.8 Extensions to these temporary arrangements were subsequently agreed in June 2007 (ref: P071058) and June 2008 (ref: P080954) to cover the following 2007/08 and 2008/09 football seasons.

6.9 In July 2009 planning permission (ref: P082018) was granted for a revised detailed comprehensive redevelopment scheme for Queensland Road. The description of the approved development is:

'Demolition of existing buildings and redevelopment of the site, realignment of Queensland Road (which involves stopping up the existing road) and development of one new building to the north and one to the south. The building to the south would be up to six storeys high and provide 213 residential units and 345sqm of commercial space, with a mix of class A1 (shops), A2 (financial and professional services), A3 (restaurants and cafes), A4 (drinking establishments), B1 (business), D1 (non-residential) & D2 (leisure). The building to the north would incorporate five towers providing 10 to 15 floors of residential accommodation above a plinth of mainly commercial space. It would provide 516 residential units, 1,600sqm of sports centre for Arsenal Football Club and 1,330sqm of commercial space with a mix of class A1/A2/A3/A4/B1 as described above and 179 car parking spaces.'

6.10 A condition was attached to planning permission ref: P082018 to secure on-street coach parking provision on Queensland Road. Condition 65 states:

"...The revised detailed layout shall contain provision for 14 coach parking spaces along the entire length of both the north and southern sides of the realigned Queensland Road."

6.11 Three planning applications [ref: P011500(AG16a), P011500(AG16b) and P011500(AG16c)] seeking temporary permission for coach parking arrangements

for the 2009/10, 2010/11 and 2011/12 football seasons were submitted by AFC in November 2008 and April 2009. These applications were all refused by the Council in March and June 2009. The stated reason for refusal was:

REASON: The proposed coach parking locations are considered unacceptable due to their impact on the amenity of existing residents, there is also a lack of information provided as to other alternative sites that may have a lesser impact, and consequently the failure to propose a long-term solution. This is contrary to policies Env12, Env17, T55, and V7 of the Islington Unitary Development Plan (2002) and policies 3C.1, 3C.2, 3C.4 and 3C.24 of the London Plan (Consolidated with Alterations since 2004).

- 6.12 The refusal of these applications [ref: P011500(AG16a), P011500(AG16b) and P011500(AG16c)] was subsequently appealed by AFC. The appeals which were heard at a public inquiry were allowed by the Inspector in August 2009. The Inspector granted a three year temporary planning permission allowing coach parking to be provided in specific locations around the Stadium, in line with revised condition AG16, to cover football matches played until the end of the 2011/12 season. This was subject to the following condition:

“Coach parking at Hornsey Street and Drayton Park South shall be limited to not more than twice per year for each location unless increased usage is required for safety and/or security reasons by the Metropolitan Police Service in consultation with the London Borough of Islington.”

- 6.13 The coach parking locations approved by the Inspector for the 2009/10, 2010/11 and 2011/12 seasons were (in order of priority):
- Queensland Road (23 spaces prior to construction, 14 spaces during construction, 14 spaces post construction);
 - Sobell Centre (18 spaces);
 - Hornsey Street (11 spaces in rotation with Drayton Park to be determined by the Council in conjunction with the MPS);
 - Drayton Park (8 spaces in rotation with Hornsey Street to be determined by the Council in conjunction with the MPS); and
 - Finsbury Park (90+ spaces in exceptional circumstances).
- 6.14 The Inspector stated in his reasoning (para. 16 of appeal decision), *‘It may be highly desirable to all concerned to agree a long term solution to coach parking in association with use of the stadium. It may also be preferable that all or most of the provision should be off-street and controlled by Arsenal FC. Those are not however requirements of the amended condition. I must therefore make my decision on this appeal on the basis of the wording of the amended condition.’*
- 6.15 The Inspector stated (para. 19 of appeal decision) *‘Given the circumstances that have led to the current situation I consider the list of locations proposed in this appeal represents the optimal solution at the present time. Any permission would therefore need to be time limited in order to review the situation in the light of possible changes in circumstances and also in the light of on-going monitoring of impact.’*

- 6.16 The Inspector also stated (para. 22 of appeal decision) *'The appeal proposals even when subject to the above controls, do not represent a solution to the coach parking requirements of the Emirates Stadium that can be expected to result in the same or less impact on residential amenity as the original proposals to use the stadium undercroft and Queensland Road. I am however satisfied that the investigative exercise that led to this short term solution being proposed was comprehensive and represents the best that can be achieved at the moment. Unless locations can be found off-street that are controlled by Arsenal FC it is however likely that future proposals to satisfy the amended Condition AG16 will similarly need to be promoted as a relatively short-term measures.'*
- 6.17 In May 2012, the Planning Committee granted a temporary two year permission [ref: P052891(AG16)] to allow coach parking for the 2012/13 and 2013/14 football seasons. The agreed coach parking locations were as follows (in order of priority):
- Queensland Road (18 spaces)
 - Sobell Centre (12 spaces)
 - Hornsey Street (11 spaces in rotation with Drayton Park to be determined by the Council in conjunction with the MPS)
 - Drayton Park (8 spaces in rotation with Hornsey Street to be determined by the Council in conjunction with the MPS)
 - Finsbury Park (90+ spaces in exceptional circumstances)
- 6.18 The approved arrangements were subject to conditions ensuring the rotation of the use of Hornsey Street and Drayton Park on the occasions when their capacity / use was required, and limiting the use of Hornsey Street and Drayton Park to a maximum of twice per football season.
- 6.19 The S106 legal agreement attached to the Stadium permission (ref: P011500) secured a Stadium Management Plan (SMP) which contains agreed details for the control of the Stadium's operation. The SMP is an overarching document which covers all the public safety, crime prevention and local transport management issues (including monitoring and reducing the impact on the amenity of local residents) for all match days, major event days and non-event days.
- 6.20 The SMP includes a Local Area Management Plan (LAMP) which specifically deals with the management and control of coach parking and all traffic management controls in the area surrounding the Stadium, leading up to, during and following football matches and other major events. The LAMP includes a monitoring function and seeks to minimise adverse environmental impacts and nuisance for local residents and businesses, arising from the operation of Emirates Stadium and associated measures required to maintain public safety.
- 6.21 The measures, secured within the LAMP, to control and minimise the potential impacts of coach parking, include providing an adequate number of trained stewards at each coach parking location in order to ensure that coach parking takes place with minimum disruption. The stewards would provide direct management of coaches as they arrive to park and during the game (ensuring engines remain switched off), and management of spectators as they disembark and arrive back at the coaches ready to embark after the match. There is a

requirement that the SMP and LAMP are periodically updated. The process of updating these documents is currently underway with the updated documents due to be completed prior to the commencement of the upcoming 2014/15 football season.

7. CONSULTATION

Public Consultation

- 7.1 There is no statutory duty to consult residents on an approval of details applications such as this. However, it has been the practice to do so, as part of the consideration of coach parking arrangements for previous seasons, given the potential impact upon the amenity of local residents.
- 7.2 Letters were sent out on 29th November 2013 to approximately 5200 properties that surround the 5 proposed coach parking locations. Letters were also left at the front desk of the Sobell Centre. Site notices were displayed at each of the proposed coach parking locations on the 5th December 2013. A press notice was also published on the same date.
- 7.3 The standard length of the public consultation period for planning applications is normally 21 days. However, taking into account the fact that the consultation period fell shortly before Christmas, when people would be likely to be busier than normal, an extended public consultation period was provided running until 6th January 2014. This was done so as to provide ample time for interested parties to provide comments in response to the coach parking proposals. Residents who have moved into Queensland Road since January 2014 would not have been consulted on this application. However, notwithstanding this, it is the Council's practice to continue to consider representations received up until the date of a decision.
- 7.4 At the time of the writing of this report a total of 33 responses had been received from the public with regard to the application. 31 of the responses set out objections to the proposals and 2 responses provided comments but did not raise objections. Table 2 below provides details of the main location which each objection relates to:

Table 2 – Details of locations to which objections relate

Location	Number of Objections
General Objection	12
Hornsey Road	7
Queensland Road	6
Hornsey Street	5
Finsbury Park	1

7.5 The issues raised regarding the proposed coach parking arrangements are summarised below (with the paragraph that provides responses to each issue indicated within brackets):

7.6 General Objections

- All coaches should be parked under the stadium and not on the street as originally planned when the stadium was permitted (9.14-9.45);
- Coaches will cause increased traffic and congestion on match days (9.47, 9.58, 9.71, 9.84, 10.3);
- Coach parking will cause a reduction in parking spaces available / increase demand for parking spaces for residents and their guests (10.14);
- The proposal is detrimental to highway safety in the area (9.47, 9.58, 9.84, 9.71);
- The parking of coaches is not in-keeping with the character of the primarily residential area surrounding the stadium (10.14);
- Coach engines are left running while parked causing air and noise pollution (9.48); and
- A permanent permission would not allow the situation to be reviewed in light of experience and changing circumstances (10.16 – 10.17).

7.7 Queensland Road

- The proposal will result in reduced safety and security for residents of Queensland Road (9.59-9.64, 10.14);
- Spectators will loiter on Queensland Road (9.62);
- The proposal will cause increased levels of noise, anti-social behaviour and environmental degradation on Queensland Road (9.60-9.62, 9.64);
- Due to the narrow width of Queensland Road, parking coaches would result in a loss of amenity to residents due to reduced privacy and noise and disturbance (9.60-9.62, 9.64);
- The proposal would result in increased vehicular and pedestrian traffic on Queensland Road (9.58, 9.60-9.62, 9.64);
- The parking of 18 coaches would harm the character and appearance of Queensland Road (10.14);
- Queensland Road is becoming a densely populated residential street (9.59-9.64); and

- The Queensland Road development has not been completed, therefore there will be future residents that have not been consulted regarding coach parking (10.16-10.17).

7.8 Hornsey Road

- A large number of stewards / police would be required to prevent fans from entering the Harvist Estate (9.73-9.77);
- The proposal would cause increased levels of anti-social behaviour such as urination, hooliganism and vandalism in and adjacent to the Harvist Estate (9.73-9.77);
- The proposal would result in reduced safety for residents of the Harvist Estate (9.73-9.77);
- The proposal would result in reduced privacy for residents of the Harvist Estate (9.73-9.77);
- The proposal would result in increased noise from the fans alighting and boarding coaches, and coaches arriving and leaving including after 10pm for mid-week matches (9.73-9.77); and
- Coaches would be parked close to The Tollington public house where home fans drink before during and after the game, which could be a potential flash point for trouble if these are coaches for away fans (9.75).

7.9 Sobell Centre

- Arsenal coaches previously parked in the segregated coach parking area, however, this has now been developed to provide football pitches, therefore, the coaches would now have to be parked in the main customer car park (9.80, 9.82, 9.86-9.89);
- 12 coach parking spaces would result in the loss of almost half the customer car parking (54 of 123) spaces on match days (9.80, 9.82, 9.86-9.89);
- The reduced availability of parking will put people off from using the Sobell Centre on match days or at least force them to park elsewhere (9.80, 9.82, 9.86-9.89);
- The reduction in customer car parking is exacerbated due to fans and local residents (whose parking spaces on Hornsey Road have been suspended) taking up the remaining parking spaces (9.80, 9.82, 9.86-9.89);
- The loss of car parking spaces would result in a loss of income to the Sobell Centre as a result of reduced parking revenue and also from less people using the centre (9.89); and

- The proposal would result in increased problems with drug dealers and prostitutes using the Sobell Centre car park seeking business from fans arriving by coach (9.93).

7.10 A petition objecting to the proposal signed by 226 Sobell Centre users and local residents has also been received. The grounds of objection raised by the petition can be summarised as follows:

- The proposal to park coaches at the Sobell Centre and on Hornsey Road would be harmful to local residents and to the users of the Sobell Centre (9.65-9.93);
- The proposals would result in increased parking difficulty for local residents and Sobell Centre users (9.86-9.89).

7.11 Hornsey Street

- There is a high density of residents on Hornsey Street (9.95-9.97, 9.108-9.111);
- Hornsey Street is too narrow to accommodate coach parking (9.98-9.106);
- Hornsey Street is already used by large trucks servicing the waste recycling centre which struggle to pass each other even without coach parking (9.98-9.106);
- The proposal would cause increased noise and anti-social behaviour on Hornsey Street (9.107-9.111, 10.14);
- The parking of 11 coaches would harm the character and appearance of Hornsey Street (10.14); and
- Rollit Street is a short cut from Hornsey Street / Holloway Road, resulting in anti-social behaviour such as urinating, littering and threatening behaviour occurring on this street (10.14).

7.12 Finsbury Park

- Finsbury Park is a public open space which is a great resource for enjoyment by local residents and visitors. Parking coaches there would harm and detract from the quality of this resource (9.112-9.115).

External Consultees

7.13 Metropolitan Police Service (Designing Out Crime Officer): – has advised that this is being handled by the Arsenal Football Unit based at Islington Police Station.

- 7.14 Metropolitan Police Service (Match Day Commander):- supports the proposed coach parking arrangements.
- 7.15 Metropolitan Police Service (Counter Terrorism): - has advised that coaches should not be parked within the Stadium undercroft due to this posing an unacceptable terrorist threat.
- 7.16 Safety Advisory Group (SAG):- SAG is a multi-disciplinary group which includes representatives from the Police, London Fire Brigade, medical and London Ambulance Service, TfL and the Council) proposed coach parking arrangements were discussed at the Safety Advisory Group meeting held on 13th July 2014. SAG support the proposed coach parking arrangements for the reasons set out below:
- 7.17 The key safety issue in relation to coach parking is to be able to move visiting supporters (especially when high risk games are taking place) from their coaches into the stadium quickly and with as limited contact with home supporters as is possible. This then limits the opportunity for flash points and adverse impacts on local residents. The Queensland Road location is adjacent to the access ramp for away supporters and they can easily be moved from that location into the dedicated turnstiles for the away area. In all the stadium safety discussions, Queensland Road has always been envisaged to be the key coach parking location and has worked very well for all agencies. Hornsey Road is a new location that has been trialled during last season. The advantage it has over Sobell is the shorter distance to bring supporters from the stadium and the ability to drive coaches away immediately. It has been used for high risk games, especially European fixtures, and proved very successful with stewarding and policing used to ensure separation and no dispersal into residential areas. Overall, incidents relating to coach parking – including resident complaints - are very low and the SAG believes that this is because of the consideration that has been given to their location. The police are making their own representation on this application but the SAG was made aware that policing of football stadiums and when and where this takes place is subject to a number of legal cases across the country. At the moment, the guiding case has determined that they can only be paid and required to police within the footprint of the stadium. Coach parking at Arsenal is currently managed by a mixture of police and stewards and the further coach parking is moved from the stadium, the more vulnerable the continuation of a police presence is.
- 7.18 Transport for London (TfL): – have advised, it is accepted that adequate coach parking will need to be provided and managed within a reasonable walking distance to the stadium. However, there are concerns about the permanent approval of Hornsey Street for coach parking, due to the requirement for coaches to have to undertake a three-point turn on a mini-roundabout and turn onto the Transport for London Road Network (TLRN) when exiting Hornsey Street. However, no objection is raised to the temporary inclusion of Hornsey Street and if monitoring demonstrates that it is required as additional capacity then no objection would be raised to it being included as a permanent location.
- 7.19 London Borough of Haringey – have confirmed that they would support the use Finsbury Park for coach parking as required in exceptional circumstances.

7.20 London Borough of Hackney did not provide a response.

Internal Consultees

7.21 Spatial Planning and Transport (Transport Officer): – Note the advice of the Police Counter Terrorism Unit that coaches should not be parked in the Stadium undercroft. Subject to operation of coach parking at the proposed locations in accordance with the controls set out in the LAMP, and that on-going operational issues continue to be addressed as they arise, no transport objection is raised. The grant of this permission should not prejudice the continued work of the Club and the Council (and other key stakeholders) to secure more appropriate coach parking locations.

7.22 Licensing: - No objection.

7.23 Leisure Services:- Coach parking for Arsenal at the Sobell Centre has been maintained at 12 coach bays on matchdays. The council has developed the former school bus parking area to provide active football pitches that add value to the local leisure offer and increase the participation figures at the centre. This development restricts the flexibility that the centre previously had of offering up to 18 coach parking bays and this is now not possible. 12 coach parking bays are the maximum that the site can provide as more than this would affect public access to the centre. Any future proposals would need to ensure that this is factored in and the 12 bays should form the maximum ceiling of any future application. The primary business at the Sobell Centre has been increased and it is therefore imperative that centre users are not compromised by matchday parking arrangements.

7.24 Public Protection (Noise): – There have not been any registered noise complaints for some time relating to coach parking. The main previous issue has been due to the coaches leaving their engines idling. However, the parking of coaches seems to be appropriately managed by AFC and their stewards. Therefore, the Pollution Team has no objections provided the current management plan and stewarding remains in place.

Other Consultees

7.25 The application was presented to Members' Pre-application Forum on 17 October 2013.

8. RELEVANT POLICIES

8.1 Details of all relevant policies and guidance notes are attached as Appendix 2. This report considers the proposal against the NPPF and the following development plan documents.

National Guidance

- 8.2 The National Planning Policy Framework 2012 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for current and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

Development Plan

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

Designations

- 8.4 The proposed coach parking locations have the following designations under the London Plan 2011, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:

Queensland Road: Site Allocation HC5, Highbury Corner & Holloway Road Key Area;

Hornsey Road: Local Flood Risk Zone;

Sobell Centre: Nags Head & Upper Holloway Road Key Area, Local Flood Risk Zone;

Hornsey Street: Protected Vista – Alexandra Palace to St Paul’s Cathedral

Supplementary Planning Guidance (SPG) / Document (SPD)

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

9. ASSESSMENT

- 9.1 The main issues arising from this proposal relate to:

- Public Safety
- Residential Amenity
- Transportation

Background

- 9.2 When allowing a temporary permission for coach parking arrangements for 3 football seasons up until the end of the 2011/12 season, the Inspector stated (para. 16 of appeal decision) ‘*It may be highly desirable to all concerned to agree a long*

term solution to coach parking in association with use of the stadium. It may also be preferable that all or most of the provision should be off-street and controlled by Arsenal FC. Those are not however requirements of the amended condition (AG16). I must therefore make my decision on this appeal on the basis of the wording of the amended condition.'

- 9.3 It is necessary to consider the proposal for coach parking arrangements put forward under this current application on the basis of the requirements set out in the wording of amended condition AG16 which states:

"That during a major event, at least 40 coach parking spaces shall be made available for use within the stadium or at other locations outside the stadium as previously agreed by the council."

Coach Parking Demand

- 9.4 The number of spectator coaches attracted to each football match held at the Emirates Stadium has been recorded as part of the Stadium Monitoring Programme that is secured as part of the Stadium S106 legal agreement.
- 9.5 The number of times that each of the approved coach parking locations was used during the previous football seasons from 2006/07 to the most recent season 2013/14 is summarised in Table 3 below.

Table 3: Frequency of use of coach parking locations – All home football matches

Location	Frequency							
	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14
Queensland Rd	30	30	31	29	30	31	26	31
Sobell Centre	6	12	7	7	7	12	7	6
Hornsey Street	1	3	1	1	0	0	0	0
Drayton Park	0	1	1	0	0	0	0	0
Finsbury Park	0	0	1	0	3	2	2	3

- 9.6 The number of games played each season at the Emirates Stadium since it opened has been between 26 and 31. The demand for coach travel to the Emirates Stadium is dependent on a range of factors, including which opponents AFC are playing, the type of match (Premier League, FA / League Cup, European games) and the significance of the match (e.g. quarter final / semi-final of a knockout cup, or a league title / relegation decider). Consequently, the number of spectator coaches generated by football matches at the Emirates Stadium will vary from match to match and season to season.
- 9.7 Monitoring indicates that knock-out cup competitions and the UEFA Champions League fixtures generally attract the highest number of coaches carrying away fans, whereas for games involving other London teams, coach travel by away fans is typically low.

Table 4: Average number of coaches per match for past seasons

Season	Average Number of Coaches per Match
2008/09	21
2009/10	21
2010/11	19
2011/12	21
2012/13	18
2013/14	20

- 9.8 The average number of coaches per match at the Emirates Stadium has remained fairly constant over the past six seasons at approximately 20 coaches per match as illustrated by Table 4 above. Based on the relative consistency of the recorded figures, it is forecast that the number of coaches generated by matches played at the Emirates Stadium during future seasons will be broadly the same as those recorded during previous seasons.
- 9.9 The maximum number of coaches per game per season can exceed the capacity of 40 coaches as required to be provided by condition AG16. For example, during the 2011/12 football season for the FA Cup game where Arsenal played Aston Villa, there were a total of 78 coaches (72 coaches carrying away fans and 6 carrying home fans). The 40 coach capacity was exceeded 3 times in the 2011/12 season, once in the 2012/13 season, and once in the 2013/14 season.
- 9.10 The MPS has confirmed that, in the interests of minimising the risk of public disorder, it is considered necessary to segregate coaches carrying away supporters from coaches carrying home supporters for some fixtures. In the 2012/13 season, segregation was provided for two Premier League matches and all four Champions League games. In the 2013/14 season, segregation was provided for 6 Premier League games and one FA Cup game.
- 9.11 It is noted that (the rotated) third / fourth priority locations of Hornsey Street and Drayton Park were not used for coach parking at all during the past 4 seasons with sufficient coach parking capacity provided by the first and second priority locations of Queensland Road and the Sobell Centre, with Finsbury Park used to provide additional capacity on the two or three occasions per season when exceptionally large numbers of coaches were required to be accommodated.
- 9.12 AFC have advised that the new coach parking location at Hornsey Road that is proposed under this current application was used a total of 9 times during the previous 2013/14 football season as directed by the MPS Match Day Commander. While this site was not an approved coach parking location, it is within a match day road closure, it is included within the scope of the LAMP, and it is managed by both police officers and AFC stewards. While it is noted that this is not an ideal situation, the management of coach parking on a match by match basis is at the discretion of the MPS Match Day Commander. This current application is seeking to regularise the use of Hornsey Road as the second priority location for coach parking as requested by the MPS.

- 9.13 In summary, based on an analysis of the data for coach parking for past seasons at the Emirates Stadium, it is anticipated that there will continue to be a future requirement to maintain the existing coach parking supply for 40 coaches as required by condition AG16. It is anticipated that there will be occasional requirement for the provision of parking capacity for more than 40 coaches if AFC progress to later rounds of Cup competitions. However, it is noted that any future exceptional demand for coach parking capacity beyond 40 coaches, can comfortably be accommodated at Finsbury Park as has happened previously. This has been agreed in writing by Haringey Council.

Coach Parking in the Stadium Undercroft

- 9.14 When plans to develop the Emirates Stadium were initially conceived, it was originally intended that the Stadium undercroft would accommodate the parking of up to 24 coaches, with a further 16 spaces to be provided under the Queensland Road development, providing a total capacity to accommodate up to 40 coaches within the development. However, since 2005, prior to the Stadium becoming operational, the MPS Counter Terrorism Unit have provided consistent advice with regards to the potential terrorist threat associated with allowing spectator coaches to park under the Stadium. Consequently, in light of this advice, the Stadium undercroft has never been used for the parking of spectator coaches.
- 9.15 Furthermore, procedural delays in the Queensland Road development coupled with the security concerns raised by the MPS Counter Terrorism Unit also prevented the initially intended undercroft coach parking space in this part of the redevelopment scheme from being brought forward.
- 9.16 The originally envisaged undercroft coach parking within the Queensland Road development was not incorporated within the revised Queensland Road development that was approved by the Planning Committee in July 2009 under planning permission ref: P082018. Consequently, even if coaches were able to park within the Stadium undercroft this would only provide capacity for up to 24 coaches with on-street capacity for a further 16 coaches still necessary to meet the requirements of condition AG16. Also, this would not provide the possibility for segregation of coaches carrying home and away supporters, if the coaches were to enter the Stadium undercroft laden with spectators (as required by the MPS).
- 9.17 Following requests from Councillors and neighbouring residents, the feasibility and implications of parking coaches within the Stadium undercroft have been re-explored in detail by the Council in association with AFC, the MPS Match Day Commander and the MPS Counter Terrorism Unit.
- 9.18 Working closely with the MPS, AFC has produced a report which examines the feasibility and implications of potentially parking coaches under the Stadium. The report highlights that there are a significant number of logistical and management issues associated with potentially parking coaches within the Stadium undercroft that make this arrangement unworkable. The report concludes that, even setting aside the contention that the Stadium is not designed to accommodate public access from the basement level, it would be necessary to drop-off and pick-up spectators at locations on surrounding roads outside the Stadium (see further details set out in the paragraphs below). This would result in an increased number

of coach movements in the area around the Stadium with an associated increase in disruption to the local area, above that experienced as a result of coach parking arrangements for previous seasons or those proposed under this current application.

- 9.19 The paragraphs below discuss in detail the implications of potentially parking coaches within the Stadium undercroft and why this is not considered to be a practical or viable solution to the provision of match day coach parking (in the medium term).

Public Access from the Stadium Undercroft

- 9.20 The implications of allowing either coaches laden with spectators, or un-laden coaches, to enter the Stadium undercroft for parking have been investigated. As a starting point, it is important to note that the original Stadium planning permission (ref: P011500) and associated Environmental Impact Assessment assumed that coaches would drop spectators off outside the Stadium prior to the match and then pick them up again outside the Stadium after the match. It is therefore the case that it was originally envisaged that only un-laden coaches would enter the Stadium undercroft.
- 9.21 At no point in the Stadium design process was it the intention to allow general public access into and out of the spectator areas of the Stadium (other than for executive club and box levels) from the undercroft. This is borne out in the fact that of the 9 stair cores into the Stadium undercroft, only one is designed to incorporate a turnstile allowing controlled access for the limited number of people accessing the executive areas. The other 8 stair cores provide service access and are unrestricted by turnstiles as is a requirement of the Stadium's emergency access strategy as set out in the Stadium Safety Certificate. Those 8 stair cores are required to remain obstruction free, as in the event of an emergency, they would serve as one of the egress points which would allow the Stadium to be fully evacuated within 8 minutes as required by the Safety Certificate.
- 9.22 It is a requirement of the Stadium Safety Certificate that any members of the public entering the Stadium must go through a turnstile. For the limited number of people that access the executive areas of the Stadium via the undercroft, this therefore has to be via the single turnstile entrance, which only provides access to the executive areas and not to the rest of the spectating areas. If turnstiles were to be installed at the other stair cores, to allow increased capacity for public access from the undercroft, this would prevent the necessary evacuation times, as required by the Safety Certificate, from being met. These cores, insofar as access to the Stadium from the undercroft is concerned, can therefore not be brought into use as general public match day access or egress except in an emergency. Consequently, if coaches laden with spectators were to enter the undercroft, the spectators would need to be led back out of the undercroft onto Queensland Road and then round to the ground floor level turnstile entrances from the Stadium podium.

Arrival of Coaches, Security Searches & Scanning

- 9.23 The security protocol for the Stadium requires that all vehicles entering the Stadium undercroft need to be searched prior to entry. No cars are allowed to enter

the undercroft unless they have been pre-registered with associated security background checks having been undertaken. All cars are searched prior to being allowed to enter the undercroft and this takes approximately 5 minutes per car. It is necessary for commercial vehicles relating to TV broadcasting, catering and medical services to enter the undercroft area before each match. Again, no commercial vehicles are allowed into the undercroft unless the vehicle and occupants have been pre-registered and background checked. These vehicles are also searched prior to entry and are required to arrive at least 3 hours prior to the start of the match.

- 9.24 No large vehicles such as coaches are allowed to enter the undercroft unless they have been subject to a search of sufficient detail to mitigate any risk associated with a vehicle of that size. The MPS Counter Terrorism Search Team have advised that a search of a coach that is equivalent to that undertaken for each car (which takes 5 minutes per car) would take a team of 6 trained officers approximately 2 hours to complete for each coach.
- 9.25 As a comparison, during the London Olympics in 2012, searches of coaches by expertly trained military and police search teams took upwards of 16 minutes per coach. However, all coaches allowed to access Olympic venues were fully registered under the VAPP (Vehicle Accreditation and Parking Permitted) system operated by LOCOG (London Organising Committee of the Olympic & Paralympic Games) and had arrived from a designated 'clean area' such as the Athlete's Village or main Media Centre. The VAPP system has been specifically designed to provide registered vehicles with timely access through a checkpoint that other vehicles would not be allowed through. Any vehicles arriving at Olympic venues without the correct VAPP paperwork were turned away at a permit check point located at least 500m away from the venue.
- 9.26 Evidently, it would not be practically possible to stop and manually search up to 24 coaches prior to entry into the Stadium undercroft due to associated time and resource (number of trained officers and dogs required) constraints. Therefore, consideration has been given to the feasibility of potentially screening coaches using high tech scanning equipment.
- 9.27 The evolution of high energy scanning equipment in recent years has seen the ability for goods and materials to be searched rapidly and remotely. The use of X-ray scanning has enabled good quality images to be used to identify threats across a wide range of applications and for a range of purposes. In all situations the scanning equipment must be utilised by a specially trained operator and the threat or risk identified by a specialist team that are appropriately trained to know how to react to any situation that may occur.
- 9.28 Any threat that is identified as a result of the scan is invariably isolated in order to allow a manual search that can determine the appropriate action. The scan is not a search, it provides only an indication that there is an item of potential risk on board a vehicle. The risk must then be assessed and actioned by specialist trained personnel in an environment that removes risk from the public.
- 9.29 In order to undertake this search a specialist team needs to be established and operated according to appropriate accreditation and training. This is particularly

resource heavy and requires a dedicated team able to work in short shift patterns that reflect the intensity of the search role.

9.30 High energy scanning equipment cannot be used on occupied vehicles. (For HGVs a low energy, safe 'CabScan' approach is used that switches automatically to high energy to search trailers). In order to scan coaches with high energy, it is a safety requirement for passengers to be disembarked prior to the scan. The other option is to use a low energy scanning system.

9.31 The use of low energy scanning systems is much safer for individuals, and can operate to high levels of detail in modern equipment. However, it is important to note that the scan is not a search and therefore must be carried out in conjunction with a specialist trained search team to identify and react to any suspect images. Coaches cannot be searched with passengers onboard, therefore, in order for a coach to be searched it would be necessary for the passengers to disembark.

9.32 Consequently, no system exists that would enable spectator coaches to enter the Stadium undercroft direct, with no pre-search and with passengers remaining on board. In order to park coaches under the Stadium, whilst maintaining the safety and security of the Stadium building and fans the following would be required:

- The disembarkation of spectators from coaches at a location away from the Stadium screening area. Two segregated locations would be required for home and away fans.
- The establishment of a search / screening location, off of the public highway, which coaches would enter in advance of the Stadium undercroft (this was located 500m away from venues at the Olympics).
- The ability to bypass cars around coaches, due to the discrepancy in search times. This would require the provision of a minimum of two entrance lanes.
- The operation of a rejection lane for manual searches of coaches should suspect images be found on the scanning equipment. This would therefore mean the requirement of a third lane which leads back away from the Stadium.

9.33 In addition to the need to significantly redesign the Stadium entrance and surrounding roads to accommodate additional separate entry lanes, search areas and bypass lanes, the requirement to undertake searches on coaches prior to entrance into the Stadium undercroft would require significant amendments to the Stadium and local area operations. These operational changes would be necessary to maintain the safety of spectators and prevent significant increased impacts on local residents, businesses, and traffic flows on the surrounding highways. The changes to operational requirements that would be associated with parking coaches within the Stadium undercroft are described in detail in the paragraphs below.

9.34 At least two on street locations would need to be identified and agreed within close proximity to the Stadium where spectators travelling on coaches would be dropped off. Two locations are required in order to achieve appropriate segregation of home

and away fans. The drop off locations would ideally be sited in locations that are easily accessible from the strategic highway network and would need to be long enough to accommodate a number of coaches, as coaches carrying away fans have a tendency to travel together and arrive in groups of 3-4 coaches.

- 9.35 The coaches would need to arrive within a one hour window between two hours before kick off, when the Stadium opens to the public, and one hour before kick off, so as to avoid road closures and allow spectators sufficient time to comfortably get to their seats before the start of the game. Roads around the Stadium are closed, for the safety of spectators walking to the Stadium, one hour prior to kick off, so coaches would not be able to reach the Stadium after this time.
- 9.36 Prior to kick off, the roads surrounding the Stadium are congested. Therefore, coaches would need to arrive sufficiently early so as to avoid getting caught in the congestion and missing the short one hour window which would allow access to the Stadium and the scanning / searching area.
- 9.37 Each coach would need to wait at a drop off location for a minimum of 5 minutes to allow passengers to disembark. Each drop off location would need to be managed by stewards or police officers to prevent spectators from loitering in the area and to prevent anti-social behaviour and public disorder. The drop off locations would need to be on the left hand side of the carriageway (for the direction the coaches would arrive from), so as to avoid unloading spectators into the road. However, for coaches arriving from Europe, the locations would need to be on the right side of the carriageway. In either case, the drop off locations would be difficult to manage without a road closure, and would be likely to cause traffic congestion as a result of fans over spilling into the carriageway.
- 9.38 Once coaches have dropped off their passengers they would then be able to approach the designated screening area. As described above, the screening of coaches prior to entering the Stadium undercroft could be subject to an electronic scan with a subsequent manual search for any coaches which register suspect images during scanning. The length of time taken for each coach to pass through scanning and potential searches would be determined by the findings of the scan. It would only be possible to scan and search one coach at a time, therefore, coaches would need to queue to be scanned and searched. If a suspect image was registered by the scan, therefore requiring a further manual search, this would cause potential significant delays to the scanning of further coaches and the movement of coaches, cars and any other vehicles into the Stadium undercroft. Given the lack of available space on roads around the Stadium, coaches waiting to be scanned, would cause substantial congestion and would result in an inability to clear the highway prior to the commencement of road closures around the Stadium.
- 9.39 To summarise, the scanning of a vehicle whether electronically or manually, is undertaken to identify items of risk. The identification of these items following a scan requires manual investigation of that item by a team of specialists. To undertake this search, the vehicle should be isolated in order to avoid risk to the public. In an area of limited space such as the approach to the Stadium undercroft, this manual assessment would require the suspension of access to the undercroft

for all vehicles for the duration of the search. The impact of this operation would therefore be widespread and substantial.

Post Match Departure

- 9.40 Following the end of a match, the roads immediately surrounding the Stadium are heavily congested with fans and the exit from the Stadium car park is closed 15 minutes before the final whistle. Therefore, coaches parked within the Stadium undercroft would need to have left the Stadium and be at their passenger pick up locations prior to the final whistle. As an example, assuming 10 coaches were parked in the Stadium undercroft and that an average of 5 minutes manoeuvring time was allowed for each coach to clear the Stadium undercroft, then coaches would need to start departing at least 50 minutes before the final whistle (matches are generally last a minimum of 105 minutes).
- 9.41 Passenger pick up locations would need to be sufficiently large, so as to be able to accommodate all of the coaches that had parked within the Stadium undercroft at the same time. Therefore, they would need to provide the same level of coach parking capacity as has been provided for the past 8 football seasons and is proposed under this current application. In a similar manner to the drop off locations described above, it would be desirable that the pick-up locations would allow spectators to gather on the footway prior to boarding their coach as opposed to within the carriageway, which would impact on traffic flow and highway safety. Separate pick up locations would be required for European spectators' coaches unless the pick up locations were contained within a road closure area.
- 9.42 All spectators would need to be picked up from the location where they were dropped off prior to the match, otherwise, it would be likely to result in significant confusion for spectators trying to find their coach, thereby delaying the departure of spectators, providing increased likelihood of anti-social behaviour and public disorder in the areas around the Stadium.

Summary

- 9.43 The above paragraphs set out the various logistical and management issues that would be associated with the parking of coaches within the Stadium undercroft, taking into account the design of the Stadium, the requirements of the Stadium Safety Certificate, and the advice provided by the MPS Counter Terrorism Unit with respect to security requirements. Each one of these challenges, taken on their own, mean that the parking of coaches within the Stadium undercroft would result in significant negative impacts on highways and the amenity of local residents. Of particular note, is the fact that the Stadium is not designed to accommodate significant public access direct from the undercroft and could not simply be re-designed to allow this to happen, due to emergency evacuation requirements that prohibit the provision of further turnstile access from the undercroft. Consequently, it would be necessary to provide coach passenger drop off and pick up locations which would effectively replicate the issues caused by the agreed coach parking locations for the past 8 seasons and proposed under the current application. However, there would be added noise, disturbance and highways impacts associated with the additional coach movements, in the areas surrounding the

Stadium, which would increase negative impacts on neighbours and ultimately be counter productive.

- 9.44 It is considered that the issues, set out above, clearly illustrate that it is not at this current time (or in the medium term going forward) practically possible to provide coach parking within the Stadium undercroft, and it is unlikely that this situation will change in the near future. Further to these issues, it is also important to note that the advice provided by the MPS Counter Terrorism Security Unit. Their advice that spectator coaches should not be parked in the Stadium undercroft has remained consistent from 2005 until present. This position was further confirmed in a letter to the council in February 2012 and remains the same – “There has been no reduction in the threat levels since this was last reviewed and thus the recommendation is that there should be no coach parking under the stadium on a match day.”
- 9.45 Taking into account that it is not currently (or in the medium term going forward) practically possible to secure coach parking within the Stadium undercroft, it is necessary to ensure that appropriately controlled and managed coach parking is provided, in accordance with the MPS operational needs, at other locations outside the Stadium. The proposed coach parking locations for the 2014/15 season and beyond are individually discussed in the sections below.

Proposed Locations

- 9.46 The four main differences between the last two seasons coach parking arrangements and this application are as follows:
- Hornsey Road has been added as a new coach parking location to be used second in order of priority after Queensland Road;
 - The Sobell Centre has been moved from the second to the third priority location;
 - Drayton Park is no longer proposed as a coach parking location;
 - AFC are seeking a permanent permission for the proposed coach parking arrangements.
- 9.47 All locations, apart from the Sobell Centre, provide on-street coach parking. However, the sites have been selected with a view to allowing public safety to be maintained in accordance with the operational requirements of the MPS.
- 9.48 As required by the Local Area Management Plan (LAMP), AFC stewards would be present at all the designated coach parking locations that are required to be used for each match, from four hours before the scheduled start of the match to the start of the match, and from the end of the match until all coaches have departed. The AFC stewards would carry-out the following functions at each of the designated coach parking locations:
- Coordinate the parking of coaches;

- Assist with the manoeuvring of coaches;
- Record the number of coaches;
- Advise drivers to switch off engines and air-conditioning once coaches are parked;
- Direct spectators and drivers to portable toilets as required;
- Manage the behaviour of spectators and direct them quickly towards the Stadium or back onto their coach after the game;
- Remind coach drivers and passengers to be respectful of residents and their property and to conduct themselves appropriately;
- Provide general advice and assistance to coach drivers and spectators as required;
- Inform drivers and passengers that they must return to the coach as soon as reasonably practical following the end of the match;
- Advise drivers to only switch on engines immediately prior to departure; and
- Coordinate the departure of coaches.

9.49 The number of stewards to be deployed at each site for each match day, would be determined by operational requirements, for example: the number of coaches allocated to use the site on that match day, and whether the coaches are carrying home or away supporters.

9.50 The spectator coach parking locations proposed for the 2014/15 season and beyond (and their order of priority) are set out below in Table 5. However, it is necessary to note that the order of priority in which the sites are used would remain dynamic as determined by the operational requirements of the MPS based on the intelligence which they receive on a match-by-match basis.

Table 5 – Proposed coach parking sites for 2014/15 season and beyond

Order of Priority	Coach Parking Location	Capacity (No. of Coach Parking Bays)
1	Queensland Road	18
2	Hornsey Road	9
3	Sobell Centre	12
4	Hornsey Street	11 (not used more than twice per season)
5	Finsbury Park	90+ (only used in exceptional circumstances)

- 9.51 Details of the proposed arrangements at each proposed coach parking location and an assessment of the associated impacts at each location are set out in the sections below.

Queensland Road

- 9.52 Queensland Road, is a cul-de-sac with a single entrance from Benwell Road. The carriageway has been realigned as part of the Queensland Road redevelopment, which forms part of the wider Arsenal regeneration programme. Planning permission (ref: P082018) was granted for this phase of the development in July 2009. Development of the south side of Queensland Road has been completed and is occupied. The development of the north side of Queensland Road is well progressed and is partly occupied. The north side development is due to be fully completed ready for occupation by the end of 2015.
- 9.53 Queensland Road has been used as the first priority location for coach parking for all 8 football seasons since the Emirates Stadium opened in 2006, due to its convenient location immediately adjacent to the Stadium. Consequently, spectators carried by coaches parked at Queensland Road would have less than a 5 minute walk between their coach and the turnstile entrances to the Stadium accessed from the Stadium podium. Therefore, it is proposed that Queensland Road would continue to be used as the first priority location for coach parking, as requested by the MPS.
- 9.54 If Queensland Road was to continue to operate as the first choice location for coach parking, it is predicted that it would be used to provide coach parking for all football matches played at the Stadium. Based on the number of games in previous seasons, this is likely to be between 26 and 31 times per football season.
- 9.55 It is proposed that Queensland Road would provide parking capacity for a total of up to 18 coaches, utilising both sides of the carriageway, while maintaining the necessary access for emergency vehicles to access the Stadium and the Queensland Road development if so required.
- 9.56 Coaches entering Queensland Road would be directed by stewards to the coach turning head at the end of the road, where the coaches would be turned around to face the exit from Queensland Road onto Benwell Road for ease of departure. Once turned around, the coaches would be directed, via a carefully choreographed sequence of parking, into allocated bays that order parking, so as to ensure the most effective use of available space and to ensure operations are as efficient as possible.
- 9.57 The departure of coaches from Queensland Road would be determined by the MPS based on operational requirements at the time. However, this is likely to be within 30 minutes from the end of the match, within the period that road closures are still in place, but after spectator movement around the Stadium has dropped off from the post match peak.
- 9.58 Subject to appropriate management in line with the controls set out in the LAMP, it is considered that the continued use of Queensland Road (which is located within

a match day road closure) for match day coach parking would not have a significant detrimental effect on the operation of surrounding highways.

Impact on Residential Amenity

- 9.59 The redevelopment of Queensland Road is now partly occupied and moving rapidly towards completion. This development comprises high density residential blocks, which on completion will provide a total of 729 residential properties. Consequently, the continued use of Queensland Road for coach parking could potentially result in noise and disturbance for an increased number of neighbouring residents on match days.
- 9.60 However, when assessing the potential impacts of continuing to provide on-street coach parking on Queensland Road, on existing and future residents of Queensland Road, it is necessary to take into account the fact that the Stadium has been completed and in operation since 2006, and Queensland Road has been used to provide coach parking for all 8 football seasons that AFC have played at the Emirates Stadium. Therefore, it is considered reasonable to expect that anyone deciding to move to a residential property on Queensland Road, has when making that decision, been fully aware that they are choosing to live next to a 60,000 capacity football stadium, with all the noise and disturbance associated with the operation of the stadium (including coach parking). The principle of parking coaches on Queensland Road as the first priority location is well established, having operated on this basis for the past 8 football seasons.
- 9.61 Furthermore, the impact on residential amenity which coach parking would have, needs to be considered in the context of the overall level of match day noise and disturbance likely to be experienced by residents of properties located immediately adjacent to the Stadium.
- 9.62 As required by the LAMP, AFC stewards would marshal spectators disembarking and embarking coaches at Queensland Road, directing them to the Stadium or back onto their coaches. Stewards would also advise drivers to switch off their engines and air-conditioning once coaches are parked. These actions would minimise the potential for noise and disturbance associated with coach parking on Queensland Road in as far as is practically possible.
- 9.63 On match days, parking bays on Queensland Road (many of which are for blue badge holders) would be suspended and these spaces would be re-provided within the basement parking area that forms part of the Queensland Road north side development (and temporarily with the Stadium undercroft until the basement parking at Queensland Road is available). Therefore, there would be no significant reduction in car parking capacity as a result of the coach parking on Queensland Road.
- 9.64 Overall, taking into account that match day coach parking is well established on Queensland Road (having operated for 8 football seasons), and the high level of noise and disturbance which residents on Queensland Road would experience on match days anyway, regardless of coach parking (due to the influx of 60,000 football fans into the local area), it is considered that subject to the operation of coach parking in strict accordance with the controls required by the LAMP, this

would not result in unacceptable harm to the amenity, safety or security of local residents.

Hornsey Road

- 9.65 Hornsey Road (A103) runs north from Holloway Road passing adjacent to the west side of the Emirates Stadium. It is proposed to utilise a section of Hornsey Road to the northwest of the Emirates Stadium, located between the railway bridge and the cross-roads junction with Tollington Road to provide match day coach parking. It is proposed that the east side of this section of Hornsey Road would provide capacity to park up to 9 coaches.
- 9.66 This section of Hornsey Road is currently covered by the LAMP and is subject to match day parking restrictions to enable safe spectator movement in the carriageway prior to and immediately following matches. The suspension of on-street parking bays in this section of Hornsey Road has historically provided the MPS with a location to park a limited number of their match day support vehicles. However, the MPS have identified sufficient space beyond their operational requirements which can be used for the parking of match day spectator coaches.
- 9.67 This is the first time Hornsey Road has been proposed as a location for spectator coach parking. However, it is noted that this site was used a total of 9 times during the previous 2013/14 football season as directed by the MPS Match Day Commander. The management of coach parking on a match by match basis is at the discretion of the MPS Match Day Commander in the interests of public safety.
- 9.68 Hornsey Road is second in the order of priority for proposed coach parking locations as requested by the MPS. This location is favoured by the MPS, as it best enables them to control spectator movements between coaches and the Stadium, and allows the MPS to limit the interaction of spectators (arriving on coaches) with local residents, due to the close proximity to the Stadium entrances accessed from the surrounding podium. For this reason, the use of Hornsey Road is preferred by the MPS as the second priority over the Sobell Centre, which has been used as the second priority coach parking location for previous seasons.
- 9.69 Based on the data collected from previous seasons, it is predicted that if Hornsey Road was to be used as the second priority location for coach parking, it would be used approximately 14 times each season on average.
- 9.70 With regards the proposed parking layout, sufficient space would be provided between each coach to enable independent departure, although arrival sequences dictate that parking would occur first towards Tollington Road, then back towards the Stadium. Coaches would depart from Hornsey Road as soon as they are loaded with passengers and the on site stewards have determined that the levels of spectators in the adjoining carriageways have decreased to a level that is safe for the coaches to depart.
- 9.71 Subject to appropriate management in line with the controls set out in the LAMP, it is considered that the use of Hornsey Road (which is located within a match day road closure) for match day coach parking would not have a significant detrimental effect on the operation of surrounding highways.

Impact on Residential Amenity

- 9.72 To the east of the proposed coach parking location on Hornsey Road is the Harvist Estate, which comprises a mix of low rise and high rise blocks of flats. There are also three storey residential terraces along the west side of Hornsey Road. Objections have been received from residents of the Harvist Estate.
- 9.73 AFC currently provide 3 stewards on Hornsey Road to manage spectators in this area and this is proposed to continue. This equates to one steward per 3 coaches. The stewards would ensure that the coaches park in the allocated spaces and that engines and air-conditioning are turned off as soon as viable and remain off while the coaches are parked.
- 9.74 Stewards would ensure that spectators proceed directly to the Stadium once they have disembarked without loitering on Hornsey Road outside the Harvist Estate, and would prevent spectators from trying to enter the Harvist Estate for any reason both on arrival and departure.
- 9.75 The use of Hornsey Road was first trialled as a coach parking location for the Arsenal Vs Stoke City game in September 2013. The operation of the site before, during and after the game was closely monitored using cameras to allow an assessment of the associated impacts. The assessment of the camera observations undertaken concluded that there was no observable impact upon the Harvist Estate with all spectators observed as leaving their coach and walking immediately towards the Stadium. Similarly after the game, the stewards were seen to direct all the spectators back to their respective coaches with no observed impact upon the Harvist Estate or other neighbouring properties.
- 9.76 The residential blocks at the Harvist Estate which are closest to the proposed coach parking are set back approximately 18m from the carriageway on Hornsey Road and are orientated roughly perpendicular to Hornsey Road, presenting blank flank wall elevations towards the location where the coaches would be parked. The terraced residential properties located on the west side of Hornsey Road would be approximately 14m from the coaches parked on the opposite side of the road, and spectators would disembark the coaches on the far side from these properties. It is also necessary to note, that while Hornsey Road is a new coach parking location (proposed to be second in the list of priority of locations), the Sobell Centre has been used as the second priority coach parking location for the previous 8 football seasons with all spectators travelling between the coaches parked at the Sobell Centre and the Stadium being required to walk along Hornsey Road past the new proposed coach parking location.
- 9.77 In summary, it is considered likely that there would be an increased impact on the amenity of neighbouring residents, at the Harvist Estate and Hornsey Road, as a result of introduction of coach parking on Hornsey Road. However, taking into account the proximity of this location to the Stadium, and the existing unavoidable noise and disturbance caused by spectators travelling to and from the Stadium, along Hornsey Road on match days, it is not considered that the parking of coaches in this location would result in such additional harm to the amenity of neighbouring occupiers compared to previous football seasons, so as to be considered unacceptable.

Sobell Centre

- 9.78 The Sobell Centre is a large multi-purpose public sports centre located on the corner of Hornsey Road and Tollington Road approximately 500m to the northwest of the Emirates Stadium. The main car park at the Sobell Centre has been used as the second priority location for coach parking for the previous 8 football seasons since the opening of the Emirates Stadium in 2006. Initially the Sobell Centre provided capacity for the parking of up to 18 coaches, but this was reduced to 12 coaches following the creation of two small sided-football pitches on part of the car park.
- 9.79 It is proposed that the Sobell Centre would continue to provide capacity for parking up to 12 coaches, but would be moved to third priority location for coach parking behind Queensland Road and Hornsey Road as requested by the MPS.
- 9.80 The Sobell Centre has been used on average 8 times per season in past seasons with a minimum usage of 6 times and a maximum usage of 12 times. Based on the data collected from previous seasons, it is predicted that if the Sobell Centre was to be used as the third priority coach parking location, it would be used at least 3 times each season on average.
- 9.81 The proposed coaches would enter the Sobell Centre from Hornsey Road on the west side and depart onto Isledon Road on the east side. It is considered that the additional 12 vehicle trips at the junction where coaches would enter the highway network would have a minimal impact on the operation of the highway as any queuing would occur within the Sobell Centre car park and not on the highway network.
- 9.82 The proposed parking layout within the Sobell Centre car park has been proved by testing to be the most efficient method of parking coaches within the available space. The sequence of parking is such that arriving coaches would be parked immediately without having to wait for passengers to disembark from the previous coach. This would ensure that there is no undue delay prior to the coach being able to switch off its engine. Similarly, on departure, the coach parking layout means that coaches can depart from the Sobell Centre as quickly and safely as possible without having to wait for the egress route to be clear of other parked coaches.
- 9.83 Coaches would depart from the Sobell Centre as soon as they are loaded with passengers and the on site stewards have determined that the levels of spectators in the adjoining carriageways have decreased to a level that is safe for the coach to depart. It is expected that 100% of coaches would depart within an hour following the end of a match.
- 9.84 Subject to appropriate management in line with the controls set out in the LAMP, it is considered that the use of the Sobell Centre for match day coach parking would not have a significant detrimental effect on the operation of surrounding highways.
- 9.85 The proposed parking layout at the Sobell Centre has been assessed by London Fire and Emergency Planning Authority and they concluded that the arrangements would not obstruct fire tender access to the Sobell Centre.

- 9.86 The total capacity of the Sobell Centre car park is 120 car parking spaces. These are all available for general public usage except the 12 bays closest to the entrance of the centre which are designed as 'mother and child' bays. 12 match day coach parking bays are set out to the east side of the car park and these are regulated by flip down signs that allow for coach parking only at the discretion of the MPS. The layout of the coach parking within the Sobell Centre car park has been designed to accommodate the maximum number of coaches within the smallest possible space, in order to minimise the impact upon available car parking spaces for sports centre users. On match days when the Sobell Centre is used to provide capacity for coach parking, the number of car parking spaces available to the public is reduced to 75.
- 9.87 A car parking survey undertaken at the Sobell Centre, on several dates during February 2014, indicates that there is an underlying demand for car parking spaces by sports centre users and local residents / businesses of between 40 and 60 spaces during the day. However, this level of demand is obviously dependent upon whether sports events are being held at the centre, with weekend morning events for children appearing to attract a high level of parental support and associated parking demand. Consequently, it is considered that the retention of a supply of 75 publicly available parking spaces is sufficient to meet the demands of sports centre users, provided they are not taken up by spectators travelling to the Emirates Stadium.
- 9.88 The survey does indicate that on match days large numbers of the parking spaces are taken up by spectators travelling to the Emirates Stadium and on games where the Sobell Centre is not required for coach parking, the extra capacity is taken up by spectator demand, thereby significantly restricting the number of parking spaces available for sports centre users. However, as a sufficient number of car parking spaces are retained to meet the background demand on days when the Sobell Centre is used for coach parking, it is not the coach parking, but rather the use of the car park by spectator's cars which is more of an issue. This could simply be resolved by restricting access to the car park for spectators' cars on match days as part of the management of the Sobell Centre.
- 9.89 In summary, it is not considered that the reduction in publicly available car parking spaces, as a result of the use of part of the Sobell Centre car park for coach parking on a limited number of occasions (predicted to be approximately 3 occasions per football season), would unacceptably impact on Sobell Centre users, local residents or local businesses. Furthermore, there would be no loss of income to the Sobell centre as a result of coach parking as AFC would be charged for the use of the car park.

Impact on Residential Amenity

- 9.90 As stated by the Inspector in his appeal decision (para. 21), most of the dwellings in the vicinity of the Sobell Centre are either relatively remote from the parking spaces and those that are closest, present flank walls to the parking area.
- 9.91 Detailed arrangements for the management of spectator coaches at the Sobell Centre are set out in the LAMP (Local Area Management Plan) that forms part of the overarching Stadium Management Plan (SMP) for football matches held at the

Emirates Stadium. The MPS also have an operational plan, which they keep updated.

- 9.92 For previous seasons AFC have provided 4 on-site stewards to manage the arrival and departure of spectators from the Sobell Centre when it is booked to capacity. This equates to one steward for every 3 coaches. This would continue under the current proposals. The stewards present when the Sobell Centre is used, act to speed the movement of arriving spectators towards the Stadium, and the departure of coaches away from the site after the match, as well as to control the behaviour of spectators where required.
- 9.93 Match day coach parking is well established at the Sobell Centre, having operated for 8 football seasons. The current proposals would result in a significant reduction in the number of times this site would be used for coach parking thereby significantly reducing any impact on the amenity of neighbouring residents and the likelihood of anti-social behaviour compared to that experienced in previous seasons. Consequently, it is considered that subject to the operation of coach parking in strict accordance with the controls required by the LAMP, this would not result in unacceptable harm to the amenity of local residents.

Hornsey Street

- 9.94 Hornsey Street is a cul-de-sac with a 7m wide carriageway located to the southwest of Holloway Road (A1). To the southwestern end of the road is a mini-roundabout, which provides vehicular access to the Islington Waste Recycling Centre. Hornsey Street is located approximately 500m to the southwest of the Emirates Stadium and is outside the match day traffic restriction zone.
- 9.95 The northwest side of Hornsey Street was previously designated for the parking of up to 13 coaches and has been used as a third / fourth priority location for coach parking for the past 8 football seasons since the Emirates Stadium opened in 2006. It is proposed to continue to use the northwest side of Hornsey Street as the fourth priority coach parking location, providing capacity to park up to 11 coaches on match days. The use of Hornsey Street would be limited to a maximum of twice per football season, unless otherwise needed to meet the operational requirements of the MPS.
- 9.96 The MPS support the use of Hornsey Street for spectator coach parking for high risk matches when it is deemed necessary to have segregation of coaches carrying home and away supporters or when the first three priority sites have reached capacity. However, this is on the basis that Hornsey Street should only be used to park home supporter coaches, in order to minimise the risk of public disorder, due to the fact that Hornsey Street is further away from the Stadium than the first three priority locations, and requires spectators to cross the A1 Holloway Road. Spectators walking between coaches on Hornsey Street and the Stadium can safely cross Holloway Road using the signal controlled crossing facilities at the Holloway Road / Hornsey Street / Hornsey Road junction.
- 9.97 Hornsey Street has not been used for the past four football seasons and has been used a maximum of 3 times in any one past season. On average Hornsey Street has been used less than once per season. The use of Hornsey Street has been

restricted by condition for the last 5 football seasons to not more than twice per season. AFC have confirmed that they are willing to accept a condition which would continue to limit the use of Hornsey Street to a maximum of two times per football season unless otherwise required by the MPS (Condition 2). Based on analysis of the data for past seasons it is predicted that Hornsey Street would be used twice for each season going forward.

- 9.98 Traffic flows along Hornsey Street are relatively light. Nonetheless, a high proportion of the traffic on Hornsey Street comprises refuse vehicles and other trucks associated with the operation of the Islington Waste & Recycling Centre (WRC) which is located at the far (west) end of Hornsey Street.
- 9.99 The busiest periods of operation for the WRC are weekday mornings and to a lesser degree weekend mornings. These times, therefore, do not coincide with times when matches are played at the Emirates Stadium. Spectator coach parking on Hornsey Road has not resulted in significant disruption to traffic on Hornsey Street on the occasions when this has taken place during previous football seasons.
- 9.100 Information provided by London Waste showed that approximately 6 articulated lorry movements associated with the WRC occur during the weekend and the last vehicle normally leaves Hornsey Street at 2pm. There is a small chance that arriving coaches on weekend matches may coincide with these lorry movements. However, to mitigate this scenario, a passing bay, which can accommodate the largest articulated lorry using Hornsey Street, has been provided to ensure two-way vehicle flow of large vehicles is maintained.
- 9.101 Access to Hornsey Street for spectator coaches is directly from Holloway Road which is part of the Transport for London Road Network (TLRN). On arrival, coaches would be directed towards the west end of Hornsey Street where they would make a U-turn around the mini-roundabout and park along the north side of the carriageway. This would allow passengers to disembark onto the footway and ensure coaches are facing the correct direction ready for a quick departure after the match.
- 9.102 The mini-roundabout at the west end of Hornsey Street has a diameter of 15m which is insufficient for 12m long coaches to turn around in one movement. Therefore, coaches are required to make a three-point turn at the mini-roundabout. It is noted that TfL have raised some concerns regarding the requirement for coaches to do a three-point turn at the mini-roundabout and the impact this would have on highway safety. However, the mini-roundabout is not part of the TLRN, and taking into account the proposed limited use of Hornsey Street (not more than twice per football season), the Council's Transport Officer has raised no objection to its use as third priority coach parking location.
- 9.103 The Holloway Road / Hornsey Street junction is controlled by signals with separate filter lanes for vehicles turning left and those either turning right or heading straight. It is not envisaged that there would be coaches queuing to leave Hornsey Street after the match and it is considered that the additional vehicle trips are minimal and would not have a material impact on the Holloway Road / Hornsey Street junction

and traffic flow on the surrounding streets. It is expected that all coaches parked on Hornsey Street would depart within an hour from the end of the match.

- 9.104 On the occasions when Hornsey Street is required for spectator coach parking it would be necessary to suspend approximately 30 on-street parking bays. Therefore, when Hornsey Street is considered likely to be required for match day coach parking, the MPS would notify the Council of the requirement to suspend the parking bays, at least 14 days in advance of the match. Plates would be attached to parking bay suspension signs on Hornsey Street indicating the date of the next match and the requirement to suspend the bays, at least 10 days prior to the match where possible. One day before the match is due to take place, special signs would be revealed clearly indicating the suspension of parking bays on Hornsey Street. Cones would be placed along the relevant sections of Hornsey Street to reinforce no waiting and loading restrictions during the morning of the match day.
- 9.105 In instances where the full 11 coach capacity is not required, the layout of the coach parking would be rearranged to minimise the impact on servicing of ground floor commercial uses and the number of car parking spaces available on Hornsey Street.
- 9.106 Given the fact that Hornsey Street would only be used for the parking of coaches up to twice per football season (unless further needed as a result of MPS operational requirements), subject to appropriate management in line with the controls set out in the LAMP, it is considered that the proposal would not have an unacceptable impact on parking or the safe operation of the highway.

Impact on Residential Amenity

- 9.107 Large scale development on either side of Hornsey Street forms part of the wider 'Arsenal on the Move' regeneration programme. The buildings on Hornsey Street are generally large, range up to 12 storeys in height, and comprise commercial uses at ground floor level with residential units on the upper floors.
- 9.108 It is noted that residential properties on Hornsey Street are generally located on the upper floors of buildings with commercial uses at ground floor level, therefore, this would significantly reduce the impact on the residential amenity compared to a situation where there were ground floor residential units with a direct facing relationship with parked coaches.
- 9.109 It is noted that there are several properties on Hornsey Street where prior approval has recently been granted for the conversion of ground floor commercial properties to residential use under permitted development rights. However, when assessing the potential impacts of continuing to include Hornsey Street, as an on-street coach parking location, on residents of new ground floor level residential units on Hornsey Street (created under permitted development), it is necessary to take into account the fact that Hornsey Street has been included within the list of coach parking locations for all 8 previous football seasons that AFC have played at the Emirates Stadium. Therefore, the principle of parking coaches on Hornsey Street is well established and the impact on residents would not increase from that of previous seasons.

- 9.110 The LAMP sets out the strategy and details with regards the management of coach parking on Hornsey Street. For previous seasons AFC have provided up to 4 on-site stewards to manage the arrival and departure of coaches and spectators from Hornsey Street, when it is booked to capacity. This approximately equates to one steward for every 3 coaches. This would continue under the current proposals. The stewards present when Hornsey Street is used, act to speed the safe movement of arriving spectators towards the Stadium, and the departure of coaches away from the site after the match, as well as to control the behaviour of spectators where required.
- 9.111 Given the fact that Hornsey Street would only be used for the parking of coaches up to twice per football season (unless further needed as a result of MPS operational requirements) and would only be used to park coaches carrying home supporters, subject to appropriate management in line with the controls set out in the LAMP, it is considered that the proposal would not have an unacceptable impact on the amenity of local residents.

Finsbury Park

- 9.112 Finsbury Park is a large public open space providing facilities for a wide variety of formal and informal sports and activities. Finsbury Park is located just outside the borough within the London Borough of Haringey. The park has been used for all previous 8 football seasons to provide additional coach parking capacity in exceptional circumstances and it is proposed that this would continue for the 2014/15 season and beyond.
- 9.113 On the infrequent occasions when Finsbury Park is required for spectator coach parking, AFC will contact Haringey Council Parks Department to make arrangements for the use of the Park. Haringey Council have agreed in writing that this is acceptable.
- 9.114 AFC have confirmed that they are willing to accept a condition limiting the use of Finsbury Park to exceptional circumstances only, as has happened for 8 previous football seasons played at the Emirates Stadium (Condition 3).

Impact on Residential Amenity

- 9.115 Finsbury Park has been used for the parking of coaches on exceptional circumstances, not numbering more than 3 times per season for the past 8 football seasons. It is considered that the continuation of this situation would not result in significant harm to the amenity of local residents.

Planning Obligations, Community Infrastructure Levy and local finance considerations

- 9.116 Approval of coach parking arrangements for the approaching 2014/15 and 2015/16 football seasons is subject to the applicant entering into a S106 legal agreement to cover the following matters:
- Operation of the coach parking scheme to cover football (soccer) matches for the 2014/15 and 2015/16 seasons;

- Restrictions to the use of the Hornsey Street parking location to not more than twice per football season unless required by the MPS;
- The coach parking arrangements to form part of the updated Local Area Management Plan and Monitoring Programme and also acknowledged in the Stadium Travel Plan;
- Traffic Management Order – The costs of preparation and implementation of any Traffic Management Order (if needed) to be covered by AFC;
- Maintenance works for the Sobell Centre car park - The costs of any maintenance works or repair to the car park (if needed) to be covered by AFC;
- Match day signage; and
- The scheme of coach parking locations and the practical mechanics of their operation on match days

9.117 This would replicate the requirements of the legal agreement which was entered into for the preceding seasons and which was before the Inspector at the public inquiry planning appeal in July 2009.

10. SUMMARY AND CONCLUSION

- 10.1 The current temporary two year permission for coach parking in relation to football matches at the Emirates Stadium expires at the end of the 2013/14 season. Therefore, agreement of coach parking arrangements for the up coming 2014/15 season and beyond is necessary.
- 10.2 The Inspector stated in his reasoning (para. 16 of the appeal decision), *'It may be highly desirable to all concerned to agree a long term solution to coach parking in association with use of the stadium. It may also be preferable that all or most of the provision should be off-street and controlled by Arsenal FC. Those are not however requirements of the amended condition.'*
- 10.3 It is considered there is a need to be pragmatic in deciding how best to deal with a situation which is not ideal but which needs to be carefully managed. It is important to understand that if an agreement on coach parking arrangements cannot be reached prior to the commencement of the rapidly approaching 2014/15 football season, this will not prevent coaches carrying football supporters from arriving at the Emirates Stadium and surrounding roads on match days. In a scenario where there is no agreement on coach parking locations, the MPS would handle the coaches as they see fit, in line with their operational requirements so as to maintain public safety and prevent public disorder.
- 10.4 It is apparent from the volume and content of objections received from local residents (as a result of public consultation) that despite implementation of the

mitigation measures promoted by the LAMP, operation of coach parking arrangements over previous seasons have been detrimental to residential amenity, particularly in terms of noise and disturbance and visual impact. However, provided the switching off of coach engines and the disembarkation and embarkation of spectators is strictly controlled at each location by stewards, it is considered that these impacts could be significantly mitigated. Being realistic, it is clear that it would not be possible to eliminate these impacts, but the impacts associated with coach parking, need to be assessed in light of the existing unavoidable noise and disturbance that occurs in the local area surrounding the Stadium on match days as a result of the influx of 60,000 spectators travelling to and from the Stadium.

- 10.5 Based on data collected over past seasons, it is anticipated that there will continue to be a requirement to provide capacity for parking a minimum of 40 spectator coaches to accommodate demand generated by matches played at the Emirates Stadium, with the occasional requirement for greater capacity if AFC progress through the rounds of cup competitions. However, it should be noted that any future exceptional coach parking demand can be accommodated at Finsbury Park as confirmed by Haringey Council.
- 10.6 The predicted frequency of use of each coach parking location is set out below in Table 6. However, it is necessary to note that the actual priority of use of these sites would be determined by the MPS on a match to match basis and therefore these numbers are only indicative.

Table 6 – Frequency of use of designated coach parking locations – all home matches

Location	Frequency of Use		
	2013/14	Predicted 2014/15	Difference
Queensland Road	31	31	0
Hornsey Road	9	14	+5
Sobell Centre	6	3	-3
Hornsey Street	0	2	+2

- 10.7 Queensland Road has been successfully used to park coaches for the past 8 football seasons since the Emirates Stadium opened in 2006. It would continue to accommodate the parking of up to 18 coaches on all match days following the completion of the on-going developments.
- 10.8 Hornsey Road, due to its proximity to the Stadium, offers the best option for coach parking after Queensland Road, in terms of meeting the operational preferences of the MPS, with regards their key aim of maintaining public safety and minimising opportunities for public disorder. This location was trialled for the match where Arsenal played Stoke City in September 2013. Observations of the operation and management of the coach parking on Hornsey Road for this match indicate that the

proposed level of stewarding on Hornsey Road would be sufficient to efficiently manage coach parking and effectively deter anti-social behaviour in the area, thereby minimising the potential impact upon residents of the Harvist Estate and other neighbouring properties.

- 10.9 The Sobell Centre has been successfully used to park coaches for the past 8 football seasons since the Emirates Stadium opened in 2006. It would continue to operate as a location providing capacity for the parking of up to 12 coaches on match days, but would be moved down from second priority to third priority location. If utilised as the third choice location, it is predicted that use of the Sobell Centre would be significantly reduced from the average of 8 times per football season recorded over previous seasons to just 3 times per season on average.
- 10.10 Hornsey Street has been an agreed coach parking location for the past 8 football seasons since the Emirates Stadium opened in 2006, although it has not been used for the past four seasons. Nevertheless, Hornsey Street has been successfully used for the parking of coaches in previous seasons and would continue as the fourth priority location with an expected usage of up to but no more than 2 times per season, to be restricted by condition.
- 10.11 Finsbury Park would continue to provide additional coach parking capacity in exceptional circumstances as has happened for the past 8 football seasons.
- 10.12 The proposed arrangements would continue to facilitate transport to the Stadium by means other than car-based transport, which accords with the reason why condition AG16 was imposed. The impact upon traffic flows and the displacement of parking as a result of the proposal would be limited to temporary periods on match days and is considered to represent the least harmful solution currently available. Having regard to the characteristics of each location, there are no significant safety concerns identified by consultees. This includes the consideration of pedestrian flows between the coach parking locations and the Stadium, which would be under controlled conditions provided by stewarding as specified in the LAMP. Overall, the proposal including the coach parking locations, numbers of parking spaces, the access and egress for coaches to and from these locations in the highway network, as well as pedestrian movements to and from the Stadium are considered to be a workable solution that could be accommodated within the highway network on match days.
- 10.13 Full and detailed arrangements for the management of spectator coach parking are set out in the LAMP (attached as Appendix 3), which is currently being updated prior to the commencement of the upcoming 2014/15 football season as required by the Stadium S106. It is essential that the mitigation measures, including stewarding of spectators and management of the impacts of coach parking, as set out in the LAMP, are maintained along with full monitoring of impacts.
- 10.14 The issues raised by objectors (increased traffic; traffic movements; temporary loss of residential parking; the volume of spectator crowds and pedestrian safety; noise and general disturbance from spectators and coaches; pollution from coach engines left running; litter; dirt and antisocial behaviour) are mitigated as far as is possible by the LAMP which is a requirement in the S106 legal agreement for the

Emirates Stadium. These and other amenity impacts raised by objectors are temporary and for a limited number of times during the football season.

- 10.15 In summary, it is considered that subject to the associated amenity and highways impacts being appropriately mitigated by the controls set out in the LAMP, the proposed coach parking arrangements, with locations set out in the order of priority as proposed, represent the best option currently available, which would present the least harmful and most practical solution to the on-going issue of match day coach parking requirements at this current time (and in the medium term going forward).
- 10.16 As noted by the Planning Inspector in his appeal decision, given the current reliance on locations for coach parking that are not under the control of AFC and the fact that circumstances will change (including the introduction of new residential occupiers at Queensland Road as the on-going development is finished and occupied), it is considered that it is appropriate to grant a temporary rather than permanent permission for the coach parking arrangements as sought under this application.
- 10.17 A temporary permission would necessitate submission of a future application thereby allowing continuing up-to-date monitoring and review of associated amenity and highways impacts, so as to ensure the least harmful coach parking arrangement is able to be pursued. This approach would potentially allow for the possibility of other locations and different orders of priority of the current locations to be explored in the future.
- 10.18 In light of the above, it is concluded that subject to conditions restricting the use of Hornsey Street to no more than two uses per football season and limiting the use of the locations to the next two football seasons, and subject also to the mitigation measures required by the S106 Agreement, the proposal would comply with the relevant policies within the Islington Development Plan (as set out in Appendix 2) and the NPPF. Therefore, it is considered that the proposals would represent the best available solution to satisfy the requirements of condition AG16 during the next five football seasons up until the end of the 2018/19 season.
- 10.19 The conclusion that the proposed coach parking arrangements are considered to be acceptable is a decision made on balance, taking fully into account the advice provided by the MPS Counter Terrorism Unit, who have made it clear that the parking of coaches within the Stadium undercroft remains unacceptable on public safety grounds for the current time and the medium term going forward. This conclusion also takes into account the unacceptable additional highways impacts of the necessary security and safety measures associated with the parking of coaches within the undercroft in a scenario where this would be allowed by the MPS Counter Terrorism Unit subject to appropriate searching of coaches.

Conclusion

- 10.20 It is recommended that planning permission be granted on a 2 year temporary basis subject to conditions and S106 legal agreement heads of terms as set out in Appendix 1 - RECOMMENDATIONS.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

That approval of details be granted for coach parking arrangements in relation to condition AG16 of planning permission ref: P061170, for a temporary period of 1 football season (2014/15) to cover all home football (soccer) matches, subject to the prior completion of a Deed of Planning Obligation made under section 106 of the Town and Country Planning Act 1990 between the Council and all persons with an interest in the land (including mortgagees) in order to secure the following planning obligations to the satisfaction of the Head of Law and Public Services and the Service Director, Planning and Development / Head of Service – Development Management or, in their absence, the Deputy Head of Service:

1. Operation of the coach parking scheme to cover football (soccer) matches for the next 2 football seasons – 2014/15 & 2015/16;
2. Restrictions to the use of the Hornsey Street parking location to not more than twice per year unless required by the MPS;
3. The coach parking arrangements to form part of the updated LAMP and Monitoring Programme and also acknowledged in the Stadium Travel Plan;
4. Traffic Management Order – The costs preparation and implementation of any Traffic management Order (if needed) to be covered by Arsenal Football Club;
5. Maintenance works for the Sobell Centre car park - The costs of any maintenance works or repair to the car park (if needed) to be covered by AFC;
6. Match day signage; and
7. The scheme of coach parking locations and the practical mechanics of their operation on match days

That, should the **Section 106** Deed of Planning Obligation not be completed within 13 weeks / 16 weeks (for EIA development) from the date when the application was made valid, the Service Director, Planning and Development / Head of Service – Development Management or, in their absence, the Deputy Head of Service may refuse the application on the grounds that the proposed development, in the absence of a Deed of Planning Obligation is not acceptable in planning terms.

ALTERNATIVELY should this application be refused (including refusals on the direction of The Secretary of State or The Mayor) and appealed to the Secretary of State, the Service Director, Planning and Development / Head of Service – Development Management or, in their absence, the Deputy Head of Service be authorised to enter into a Deed of Planning Obligation under section 106 of the Town and Country Planning Act 1990 to secure the heads of terms as set out in this report to Committee.

RECOMMENDATION B

That the grant of planning permission be subject to **conditions** to secure the following:

List of Conditions:

1	<p>Approval of coach parking locations only for a 2 year temporary period</p> <p>CONDITION: Unless otherwise approved in writing by the Local Planning Authority under condition AG16 of P011500 (as amended by P052891), use of the locations for coach parking hereby permitted shall be discontinued on or before the end of the 2015/16 football (soccer) season.</p> <p>REASON: In order that the amenity and highways impacts associated with the operation of the approved coach parking arrangements can be monitored and reviewed with a view to ensuring that the optimum coach parking solution is achieved going forward.</p>
2	<p>Restriction on use of Hornsey Street</p> <p>CONDITION: Coach parking at Hornsey Street shall be limited to not more than twice per football season, unless increased usage is required by the Metropolitan Police Service, in consultation with the London Borough of Islington, for safety and/or security reasons.</p> <p>REASON: In order to balance the requirements to provide adequate match day coach parking capacity, to maintain public safety, to maintain residential amenity, and to minimise highways impacts.</p>
3	<p>Restriction on use of Finsbury Park</p> <p>CONDITION: Coach parking at Finsbury Park shall be limited to exceptional circumstances only.</p> <p>REASON: In order to balance the requirements to provide adequate match day coach parking capacity, to maintain public safety, to maintain residential amenity, and to minimise highways impacts.</p>
4	<p>Order of Priority</p> <p>CONDITION: The coach parking locations hereby agreed shall be used in the approved order of priority as set out below unless a different order of priority is required by the Metropolitan Police Service, in consultation with the London Borough of Islington, for safety and/or security reasons.</p> <p>1 - Queensland Road (18 spaces) 2 - Hornsey Road (9 spaces) 3 - Sobell Centre (12 spaces) 4 - Hornsey Street (11 spaces) 5 - Finsbury Park (90+ spaces only to be used in exceptional circumstances)</p> <p>REASON: In order to balance the requirements to provide adequate match day coach parking capacity, to maintain public safety, to maintain residential amenity,</p>

	and to minimise highways impacts.
5	Approved drawings and documents
	<p>CONDITION: The development hereby approved shall be carried out in strict accordance with the following approved documents:</p> <p>Emirates Stadium Coach Parking Arrangements – 2014-15 Season Onwards by Steer Davies Gleave dated October 2013</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p>

List of Informatives:

1	S106
	<p>SECTION 106 AGREEMENT</p> <p>You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.</p>

APPENDIX 2: RELEVANT POLICIES

This appendix lists all relevant development plan policies and guidance notes pertinent to the determination of this planning application.

1 National Guidance

The National Planning Policy Framework 2012 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

2. Development Plan

The Development Plan is comprised of the London Plan 2011, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The following policies of the Development Plan are considered relevant to this application:

A) The London Plan 2011 - Spatial Development Strategy for Greater London

Policy 6.1 Strategic approach	Policy 7.1 Building London's neighbourhoods and communities
Policy 6.2 Providing public transport capacity and safeguarding land for transport	Policy 7.2 An inclusive environment
Policy 6.3 Assessing effects of development on transport capacity	Policy 7.3 Designing out crime
Policy 6.10 Walking	Policy 7.5 Public realm
Policy 6.11 Smoothing traffic flow and tackling congestion	Policy 7.13 Safety, security and resilience to emergency
	Policy 7.14 Improving air quality
	Policy 7.15 Reducing noise and enhancing soundscapes
	Policy 8.1 Implementation
	Policy 8.2 Planning obligations

B) Islington Core Strategy 2011

Policy CS2 (Finsbury Park)
Policy CS3 (Nag's Head and Upper Holloway Road)
Policy CS8 (Enhancing Islington's Character)
Policy CS18 (Delivery and infrastructure)

C) Development Management Policies June 2013

DM2.1 Design

DM6.1 Healthy development

DM8.1 Movement hierarchy

DM8.2 Managing transport impacts

DM8.3 Public transport

DM8.4 Walking and cycling

DM8.5 Vehicle parking

DM8.6 Delivery and servicing for new developments

DM9.1 Infrastructure

DM9.2 Planning obligations

DM9.3 Implementation

D) Site Allocations June 2013

Site Allocation HC5

5. Designations

The site has the following designations under the London Plan 2011, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:

- Queensland Road: Site Allocation HC5, Highbury Corner & Holloway Road Key Area;
- Hornsey Road: Local Flood Risk Zone;
- Sobell Centre: Nags Head & Upper Holloway Road Key Area, Local Flood Risk Zone;
- Hornsey Street: Protected Vista – Alexandra Palace to St Paul's Cathedral

7. Supplementary Planning Guidance (SPG) / Document (SPD)

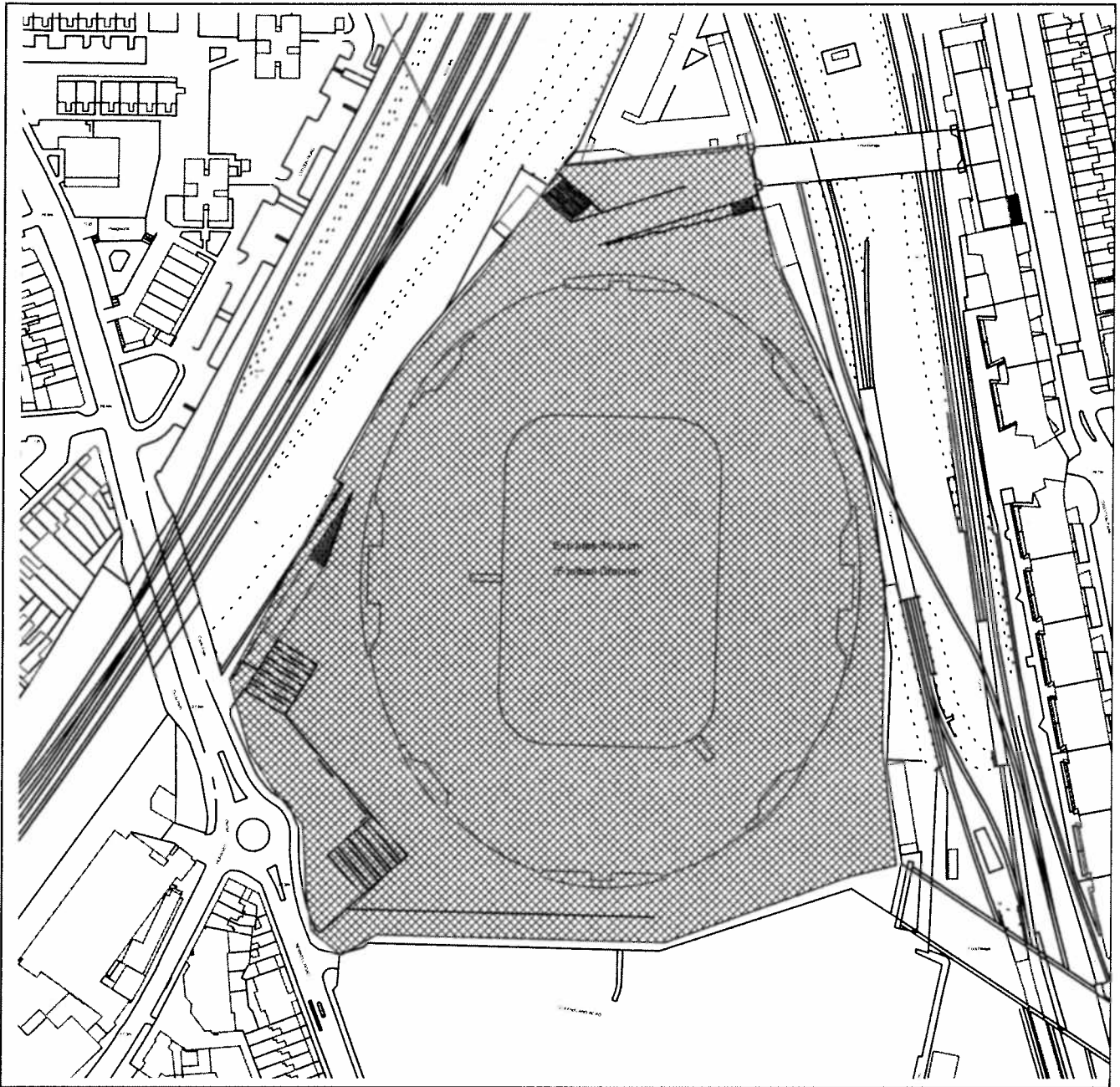
The following SPGs and/or SPDs are relevant:

Islington Local Plan

- Planning Obligations and S106



ISLINGTON



DEVELOPMENT MANAGEMENT

PLANNING APPLICATION REF NO: P2013/4353/AOD

LOCATION: EMIRATES STADIUM, DRAYTON PARK, ISLINGTON, LONDON, N5 1BU, , (COACH PARKING LOCATIONS: QUEENSLAND ROAD, HORNSEY ROAD, SOBELL CENTRE, HORNSEY STREET...

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Islington Council, LA086452

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PLANNING COMMITTEE REPORT

Development Management Service
 Planning and Development Division
 Environment and Regeneration
 Department
 PO Box 333
 222 Upper Street
 LONDON N1 1YA

PLANNING COMMITTEE		
Date:	22 nd July 2014	NON-EXEMPT

Application number	P2013/3257/FUL
Application type	Full Planning Application
Ward	Bunhill & Clerkenwell
Listed building	Grade II listed vaults lie beneath the site. The listed Whitbread Brewery lies immediately to the south of the subject site.
Conservation area	Within 50 metres of St Luke's & Chiswell Street Conservation Areas
Development Plan Context	CS7: Bunhill and Clerkenwell Key Area Site Allocation BC31 & partly within B32 Within Employment Priority Area (General and partially within offices) Archaeological Priority Area Central Activities Zone (CAZ) Central London Special Policy Area City Fringe Opportunity Area Finsbury Local Plan Policy BC8 Lamb's Passage Development Brief 2006
Licensing Implications	Restaurant / café use (A3 use class) sought for lower basement and upper basement vaults
Site Address	Shire House Whitbread Centre [including Car Park & Service Yard], 11 Lamb's Passage, London EC1Y 8TE.
Proposal	Comprehensive redevelopment of the site including the demolition of existing works building and re-development of the existing surface level car park, along with the conversion and alterations to the

	<p>existing Grade II listed underground vaults to provide a mixed use development comprising of a part 4, part 8 storey building providing 38 residential units (19 affordable, 19 market rate) (Class C3), a 61 bedroom hotel (Class C1), office floor-space (Class B1a), restaurant (Class A3), retail (Class A1) and gym (Class D1), along with the creation of new public realm, associated landscaping and alterations to the existing access arrangements. [Listed Building consent ref: P2013/3297 also submitted]</p>
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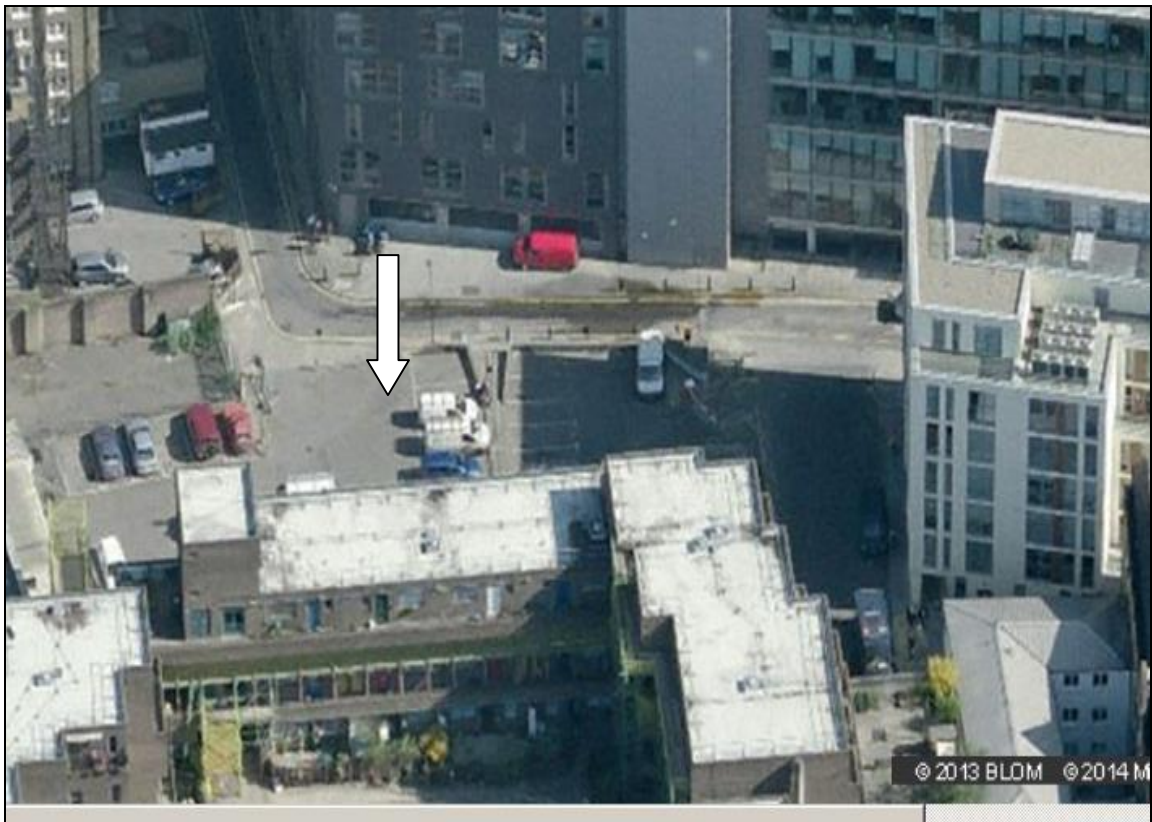
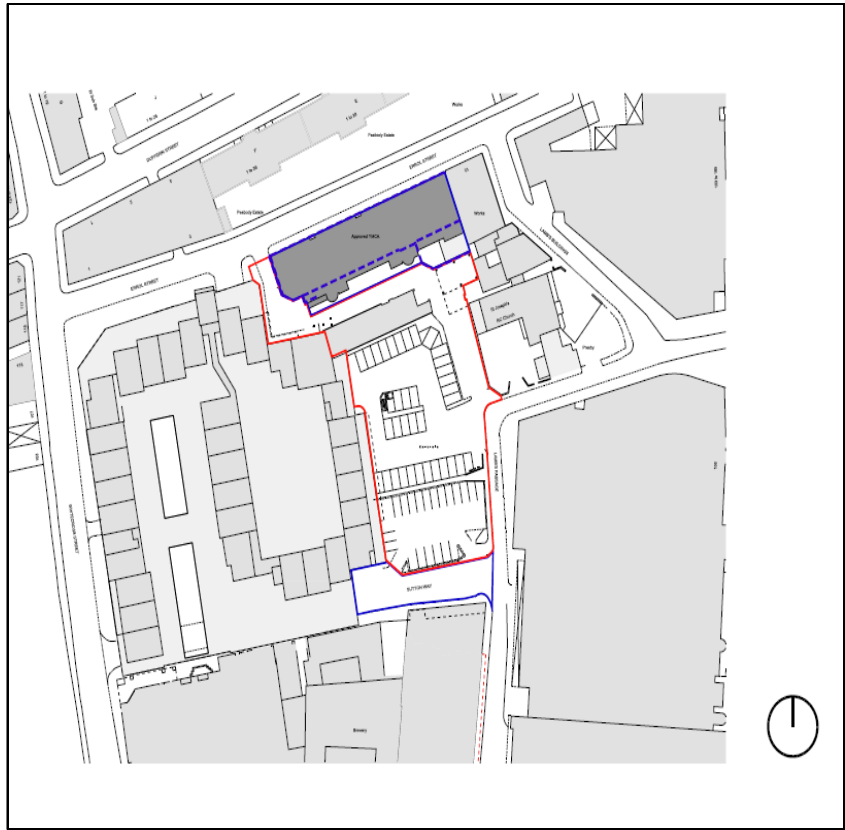
Case Officer	Paul Conboy
Applicant	London City Shopping Centre Ltd & Lamb's Passage Real Estate
Agent	Barton Willmore - Mr Justin Kenworthy

1. RECOMMENDATION

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

1. the conditions set out in Appendix 1; and
2. conditional upon the prior completion of a Deed of Planning Obligation made under section 106 of the Town and Country Planning Act 1990 securing the heads of terms as set out in Appendix 1.

SITE PLAN (site outlined in red)



View of site eastwards from London City Shopping Centre towards Lamb's Passage.



View northwards into the site towards the rear of the YMCA building.

PHOTOS OF SITE/STREET



View of the application site and Shire House viewed from Lamb's Passage near the junction with Bunhill Row.



View of the rear of Shire House facing onto the application site from Lamb's Passage.



View of the front and rear of 1 Lamb's Passage taken from carriageway along Sutton Way.



View of adjoining buildings facing the application site with Lamb's Passage to the left and Sutton Way to the right.



View of the application site from Lamb's Passage just past bend in the road.



Internal view of existing grade II listed vaults.



Internal view of existing grade II listed vaults at upper basement level.

1.0 SUMMARY

- 1.1 Redevelopment of the site is welcomed in principle, and the application has been considered with regard to the National Planning Policy Framework and its presumption in favour of sustainable development.
- 1.2 The proposal is considered acceptable in terms of the principle of redevelopment, the proposed mix of land uses, design and conservation, inclusive design, the quality of the residential accommodation, highways and transportation, sustainability and energy subject to conditions and the suggested Section 106 agreement heads of terms which would be secured before a decision notice is issued for this application, in the event of support by members.
- 1.3 The existing site and buildings contained above ground level are not considered to have any merit in conservation or design terms. The proposal would provide a high quality design and appearance to the main elevations of both the commercial and residential aspects of the scheme and would fit into its immediate context in terms of building heights and layout. Additionally the proposal would not be detrimental to the long term viability and integrity of the grade II statutorily listed vaults beneath the site or the nearby grade II listed Whitbread Brewery. The proposed building including the pedestrian link through the site to Errol Street and other public realm improvements are considered to significantly enhance the character and appearance of the surrounding area and are very much welcomed and supported. The proposal is therefore considered acceptable in conservation and design terms.
- 1.4 The proposed development would deliver a mix of uses including 38 residential units, 50% of which would be affordable housing, with all of those units being social rent tenure. This offer is supported by a financial viability assessment, subject to reduced s106 infrastructure contributions (giving strategic priority to affordable housing delivery). This is particularly welcomed and, coupled with the other benefits of this scheme, the proposal delivers substantial benefits.
- 1.5 Consideration has been given to the proposals siting, scale and layout and it is considered that the impacts of the proposed development on the amenity levels of adjoining properties in this case are finely balanced. The proposed development would have material adverse impacts in several cases in terms of loss of daylight and sunlight to adjoining properties. Bearing in mind the central urban location, site specifics and relationships of adjoining buildings windows arrangements facing the site, it is considered that on balance the resulting development would not have such a material adverse impact on nearby residential amenity (i.e. daylight and sunlight, overlooking, increased sense of enclosure and loss of privacy) to the extent considered sufficient to outweigh the substantial benefits contained within the proposed development, and to justify refusal of the application.
- 1.6 The proposal provides for inclusive and accessible access for all within the development. The hotel would achieve BREEAM 'Excellent' and the proposed residential units would meet Code for Sustainable Homes Level 4. The sustainability credentials of the proposed development as a whole are extremely good and above the policy requirements for major developments. The development would be car-free and would provide for an acceptable level of on-site cycle parking and would have adequate servicing facilities for the hotel and commercial uses. The scheme is not considered to adversely impact on the existing surrounding street

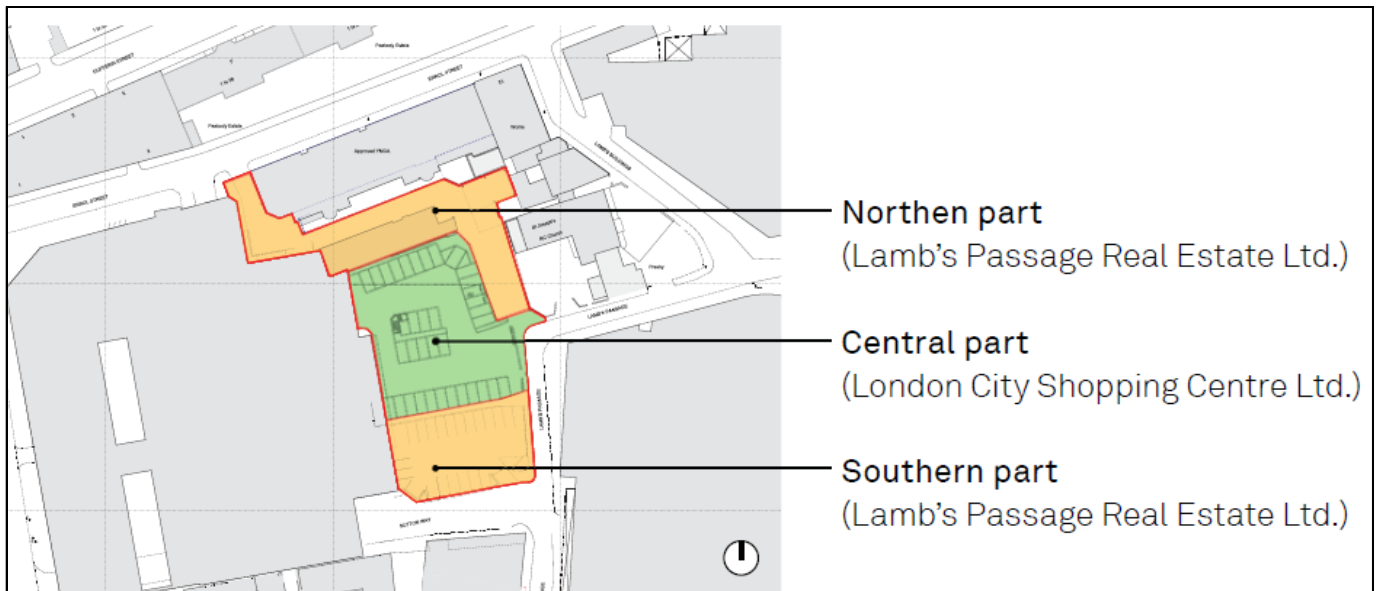
network subject to conditions and the suggested heads of terms as set out within Appendix 1.

2.0 SITE DESCRIPTION

- 2.1 The site, which measures 0.2567 hectares above ground level, is located on the western side of Lamb's Passage and comprises a low grade car park connected to the Whitbread Centre and a derelict three storey 'works' building along its northern boundary. The site area with the inclusion of the space taken up by the extensive series of underground vaults that are situated both directly below and beyond the surface level site boundary, measures 0.5101 hectares).
- 2.2 The vaults beneath the site are at lower basement and upper basement levels and extend below the adjacent Waitrose demise and London City Shopping Centre (which in effect is also below Shire House). These vaults historically formed part of the Grade II listed Whitbread Brewery building located to the south of the application site and remain intact, together with rail tracks for moving barrels and much of the original brick work. Given their attachment to and location within the historic curtilage of Whitbread Brewery, these vaults are subject to the grade II listing.
- 2.3 The application site contains a redundant building to the north of the site known as 'the works' building (adjacent to the YMCA building) with the remainder of the site currently being used as a car parking area. The southern half of the remaining site is used as a car park with additional car parking provided for adjacent flats in Shire House in the northern half of the site. Beyond Sutton Way is the recently constructed seven storey building of 1 Lamb's Passage, which is a residential development comprising of one and two bedroom private residential apartments and studios.
- 2.4 Access through to Errol Street to the north is currently obstructed by an entirely blank rear elevation of 'the works' building and the soon to be redeveloped London City YMCA.
- 2.5 The application site is not located within a designated conservation area but adjoins two conservations areas notably, the St Luke's Conservation Area to the north/north east of the site and Chiswell Street Conservation Area to the south.

Site ownership:

- 2.6 The southern half of the car park is owned by Lamb's Passage Real Estate Ltd, whilst the northern half is owned by London City Shopping Centre Ltd. The northern half of the car park has been leased to the London Borough of Islington and provides car parking for existing residents of the adjacent flats and the Whitbread Centre. To the north of the car park is a derelict works building, also owned by Lamb's Passage Real Estate.



SURROUNDINGS

- 2.7 At the north-east corner of the application site is the rear of a Victorian building on an L-shape footprint belonging to St Joseph's Roman Catholic Church. On the eastern side of Lamb's Passage and directly opposite the application site are the three 6-8 storey components of the City University's CASS Business School building and 3 Lamb's Passage.
- 2.8 To the west is the rear of Shire House, which forms part of the Whitbread Centre and is a dark brick 1960s building between 4-5 storeys in height. The building comprises a brick façade on stilts (i.e. plus the equivalent of two storeys below), with retail uses on the ground floor and residential properties above. The residential flats on the rear (east facing elevation) of Shire House benefit from balconies, windows and verandas that overlook the application site.
- 2.9 Shire House provides social housing for Council tenants, although a number of the properties have now been privately acquired through use of the 'Right to Buy' scheme.
- 2.10 The application site is located within a highly accessible location close to the Barbican and central London generally. The site is located along a narrow road known as Lamb's Passage with the site being enclosed on all sides by built form varying in height from 6 to 8 storeys with hostel, residential, educational and commercial uses within the road. There are a variety of building designs and finishes to buildings in the immediate locality with the modern CASS college building, modern 1 Lamb's Passage and more traditional yet visually distinctive finishes to St Josephs RC Church Building and Shire House itself. St Joseph's RC Church is located within the adjacent St Luke's Conservation Area.
- 2.11 In terms of accessibility, the site is well connected to public transport with Barbican, Moorgate, Old Street and Liverpool Street overground and underground stations and various bus routes all within a short walking distance. A Barclays Cycle Hire docking station is also located nearby along Bunhill Row. Vehicular access is provided by Lamb's Passage, which is a one-way street that links Chiswell Street (south) (B100) with Bunhill Row (B144). As a result, the application site has a Public

Transport Accessibility Level (PTAL) of 6b (with 1 being the lowest and 6b being the highest).

3.0 PROPOSAL (in Detail)

- 3.1 The demolition of the existing 'works building' and re-development of the existing surface level car park, along with the conversion of the existing grade II statutorily listed underground vaults to provide a mixed use development comprising of buildings of varying heights including part 2, 4, 5, 6, 7 and 8 storey buildings providing 38 residential units (19 affordable, 19 private (Class C3), a 61 bedroom hotel (Class C1), office floorspace (Class B1a), restaurant (Class A3), retail (Class A1) and gym (Class D1); along with the creation of new public realm, associated landscaping and alterations to the existing access arrangements to the site.
- 3.2 The entire proposal can be broken down into the following areas to be created in the development:
- 38 residential apartments measuring 3,641sqm (GIA) comprised of 19 market units and 19 affordable (social rent) tenure units (Class C3);
 - 61 bedroom hotel (Class C1) measuring 3,148 sq metres (GIA);
 - Offices (Class B1) measuring 422 sq metres (GIA);
 - Restaurant (Class A3) measuring 1,923 sq metres;
 - Retail (Class A1) measuring 80 sq metres (GIA);
 - Gym (Class D1) measuring 263 sq metres (GIA);
 - Refurbish, alter and change the use of the existing underground vaults on site to part restaurant, part gym and part B1 office space;
 - Creation of a new area of public realm, associated landscaping and alterations to existing access arrangements, following the demolition of the existing Works building measuring 1250 sq metres in total.
- 3.3 The proposed development seeks to create an inverted C shaped building footprint with frontages onto Lamb's Passage and Sutton Way creating two distinct residential blocks to the north and south of the site with a 61 bedroom hotel with office spaces, gym, and restaurant proposed centrally within the application site.



Diagram showing varied proposed building heights of the proposed building.

- 3.4 The affordable housing residential block is proposed to be located in the northern section of the site with frontages onto the proposed new public open space within the centre of the site. This element of the proposal would rise to a height of 5 to 6 storeys as annotated on the diagram above. The proposed lower and upper basement and ground floor section of the building is also proposed to create an office (B1a use class) commercial unit accessed from the proposed new public open space. The affordable housing block would accommodate 19 units (8 x 1 beds and 11 x 2 beds) for exclusively social rented accommodation with 2 wheelchair units proposed. The residential entrance to the affordable housing block would be accessed from the proposed public open space and pedestrian cut through. The affordable housing block contains one lift and one fire fighting lift access, with refuse storage facilities, bike storage facilities and a small substation all located at ground floor level.
- 3.5 The central portion of the proposed new development (containing the hotel) is proposed at 5 storeys in height on its main elevation fronting onto Lamb's Passage dropping to 4 storeys behind. This section of the development would utilise the two basement levels to create a lower basement level gym associated with the hotel and the creation of a 254 cover restaurant using the existing (proposed to be refurbished) vaults at lower basement and upper basement levels. The ground floor would comprise of the hotel lobby, restaurant entrance, hotel offices and ancillary spaces. The proposed restaurant is intended to be occupied by Marco Pierre White restaurateurs. The proposed hotel is proposed to be a 4 star Hotel operated under a franchise by Indigo Ltd. The proposed restaurant could be accessed by guests of the hotel internally or publicly accessible through sliding doors from the public

pavement. The upper floors of the hotel would provide 61 bedrooms with a consistent room layout with oriel windows to the rear elevation and small protruding windows to the front to safeguard the amenity of adjoining occupiers.

3.6 The final section of the development would involve the creation of the larger building in the southern section of the site fronting onto Sutton Way and Lamb's Passage. This building would rise to a maximum height of 8 storeys while dropping to part 7, part 6 and 2 storeys in height as it approaches the existing built form of Shire House towards the west. At upper basement level the plans propose the creation of a small gym area which would have its own separate entrance at ground floor level fronting onto Sutton Way. At ground floor level the development also proposes a gallery retail unit fronting onto both Sutton Way and Lamb's Passage. The proposed private residential mix would create 19 self contained units (10 x 2 beds & 9 x 1 beds). This proposed private residential block would be served by two lifts with refuse, mobility scooter storage and a disabled car parking space located at ground floor level.

3.7 The current proposal has been reduced in its overall height, floor space and massing during the course of the application. The table below shows the changes that have been made as the application has progressed to address officers concerns. The proposed hotel has been reduced in size by 41% removing 40 bedrooms since the original submission. The height of the proposed hotel and central section of the development has been reduced by three floors during the course of the application in order to address officer's design and amenity concerns.

3.8 The tables below offer a useful overview of the proposed floorspaces to be created and how they have been reduced during the course of considering this application.

Table 4.1 Schedule of accommodation			
Hotel	Floorspace (GIA) and guestrooms	Total GIA	% of total
Lower Basement	455 sqm and no guestrooms	4,627 sqm 3,148 sqm and 101-61 guestrooms	38.9% 30%
Upper Basement	170 sqm and no guestrooms		
Ground Floor	407-377 sqm and no guestrooms		
First Floor	638-608 sqm and 18 guestrooms		
Second Floor	638-608 sqm and 19-18 guestrooms		
Third Floor	638-608 sqm and 19-18 guestrooms		
Fourth Floor	559-319 sqm and 16-7 guestrooms		
Fifth Floor	487 sqm and 13 guestrooms		
Sixth Floor	320 sqm and 8 guestrooms		
Seventh Floor	300 sqm and 8 guestrooms		
Roof	15-12 sqm and no guestrooms		
Offices	Floorspace (GIA)		
Lower Basement	1,223-1,236 sqm	1,396 1,422 sqm	11.7% 13.6%
Upper Basement	46-47 sqm		
Ground Floor	127-139 sqm		
Restaurant	Floorspace (GIA)		
Lower Basement	406 sqm	1,910 1,923 sqm	16.1% 18.4%
Upper Basement	1,512-1,517 sqm		

Retail	Floorspace (GIA)		
Ground Floor	80 sqm	80 sqm	0.7% 0.8%
Gym	Floorspace (GIA)		
Upper Basement	271 233 sqm	201 263 sqm	2.5% 2.5%
Ground Floor	30 sqm		
Market Residential	Total no. of apartments – 19		
1 bed 2P (52-62 sqm)	9 (including 2 wheelchair accessible units)	1,973 sqm	16.6% 18.8%
2 bed 3P (73 sqm)	6		
2 bed 4P (67-146 sqm)	4		
Affordable Residential	Total no. of apartments – 16 19		
1 bed 2P (51 50-63 sqm)	6 8 (including 1 wheelchair accessible unit)	1,609 1,668 sqm	13.5% 15.9%
2 bed 3P (61-68 sqm)	5 10 (including 1 wheelchair accessible unit)		
2 bed 4P (70 72 sqm)	5 1 (including 1 wheelchair accessible unit)		
Total GIA		11,904 10,477 sqm	100%

- 3.9 Planning permission is sought for the change of use of the existing grade II statutorily listed vaults on the site for restaurant uses, gym facilities, office space and associated areas with minor physical alterations. The uses are considered within this application, however the majority of the proposed physical alterations to these vault areas do not require planning permission but do require listed building consent and are considered within the associated listed building consent report (ref: P2013/3297).
- 3.10 The proposed residential blocks would be finished in red brick or multi stock brickwork with vertical brick recesses to define the bays of the block, to help create a vertical emphasis to the building and front balcony areas. The affordable housing block is proposed to rise to a height of 6 storeys dropping to 5 storeys to the rear, with the private housing block proposed to rise to a height of 8 storeys before dropping to part 7, part 6 storeys and then 2 storeys adjacent to the western elevation of Shire House. The main finishing materials would be handmade red brick and corten steel elements to the main facades.
- 3.11 The proposed hotel would rise to a height of 5 storeys before dropping to 4 storeys to the rear with extensive green roofs proposed. The main elevations would be finished in handmade red/brown brick, copper cladding with light beige limestone window reveals proposed. The main elevation proposes oriel windows with copper shrouds. The ground floor of the hotel and private residential block would provide open and active glazed frontages including an open pedestrian cut through allowing access from Lamb's Passage through to Errol Street via the proposed new public realm and landscaped area.



CGI IMAGE: View of proposed redevelopment looking from Lamb's Passage.



CGI IMAGE: View of proposed redevelopment looking from Sutton Way (with 1 Lamb's Passage removed).

4.0 RELEVANT HISTORY:

Planning Applications

4.1 The following previous planning applications relating to the application site are considered particularly relevant to the application:

- **P060839** – *Listed building consent application for the erection of a 4-storey office building (B1a) with basement to provide 1617sqm of B1 floorspace, including demolition of the basement area.* The application was withdrawn by the applicant.
- **P060838** – *Listed building consent application for the erection of a 4-storey office building with basement to provide 1617sqm of B1 floorspace, including the demolition of the basement.* The application was appealed for non-determination.

The Council's statement of case provided four reasons for refusal, namely the unacceptable loss of the grade II listed vaults, the design and impact on townscape, the impact on residential amenity and the risk posed to the security of pedestrians and future occupiers. The appeal was withdrawn by the appellant.

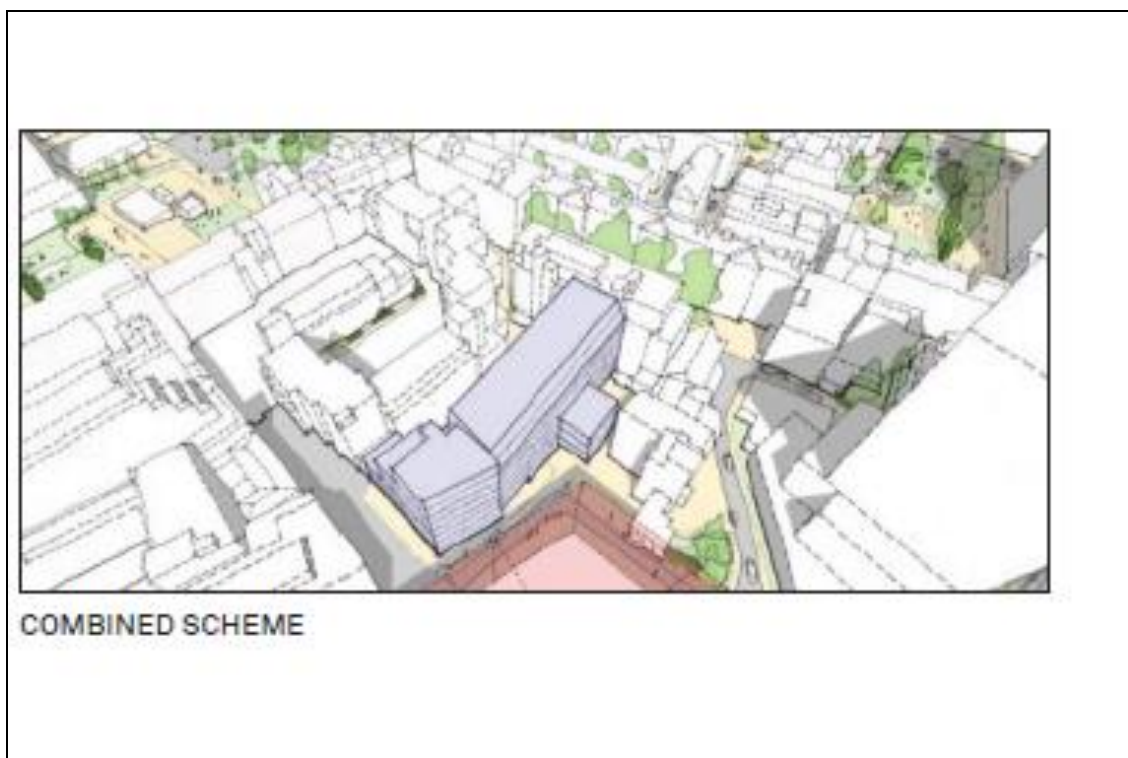
- **P060460** – *Planning application for the erection of a 4-storey office building with basement to provide 1617sqm of B1 floorspace.* The application was withdrawn.
- **P060458** – *Planning application for the erection of a 4-storey office building (B1a) with basement, to provide 1617sqm of B1 floorspace.* The application was appealed for non-determination. The Council's statement of case provided four reasons for refusal, namely the unacceptable loss of the grade II listed vaults, the design and impact on townscape, the impact on residential amenity and the risk posed to the security of pedestrians and future occupiers. The appeal was withdrawn by the appellant.
- **1 Lamb's Passage** - planning permission (ref. P052334) was granted on 9th October 2006 for the redevelopment of 1 Lamb's Passage to provide a seven storey building accommodating 87 residential units and 564 sqm of office floorspace. This development has now been completed.
- **YMCA, Errol Street** - planning permission (ref. 2012/0637/FUL) was granted on 7th May 2014 for the demolition of the existing YMCA building and the redevelopment of the site to provide a seven storey building with a new hostel facility with associated facilities and commercial uses.

Pre-application Advice:

4.2 The proposals were discussed at pre-application stage, where the general townscape response was advised as being of a high quality design, but it was requested that townscape view assessments be provided to accompany the planning application. Key issues identified through that process included:

- The importance of achieving a balance of uses across the site.
- The importance of creating a legible and attractive public space to any redevelopment encouraging the provision of a pedestrian link from Lamb's Passage to Errol Street.
- Encouragement of the redevelopment of the entire site to create an integrated design and comprehensive redevelopment.
- Transport considerations in relation to the redevelopment of the site must be carefully considered
- The Council will seek policy compliant housing and affordable provision from any redevelopment of the site.
- The importance of considering and designing a development which maximises the quantum of development on the site while safeguarding the nearby residential uses surrounding the site. Detailed sunlight/daylight reports would need to be submitted to inform any design and final submission.

- 4.3 Members Pre-Application Forum: Plans for the site went to the Members' Forum on the 24th June 2013 and following reductions to the development on a second occasion on the 13th January 2014 (at application stage). The second presentation of the application outlined the reduced scheme which is the current proposal before members for decision as detailed within this committee report.
- 4.4 Design Review Panel: During the pre application process the proposals were presented to the Design Review Panel on the 14 May 2013. It is important to note that the panel's comments were on the previous larger scheme than the scheme currently proposed. The image below shows a view of the overall design and massing considered by DRP in May 2013.



DRP Massing submissions CGI's

- 4.5 **Panel's observations**
- The panel commended the concept of urban repair and the principle of integrating the two adjoining sites in order to provide a more holistic response to the surrounding context. The panel also welcomed the intention of bringing the listed underground vaults back into use. However, the panel had concerns in relation to a range of aspects of the proposed scheme, in particular in relation to the proposed site layout, massing, resulting architectural expression, potential impact on listed vaults and servicing strategy.
 - Although panel members were very supportive of the concept of refurbishment and use of the historic underground vaults, they were concerned that there was a lack of understanding of the true impact that the scheme would have on the fabric and stability of the vaults. The panel felt that an accurate survey of the vaults was necessary and should be part of the background material to inform the development of the scheme.

- The DRP panel recommended a survey be undertaken as part of any future application.
- **Officer's response:** Detailed evidence has been provided as part of the submitted application regarding the existing vaults. The council's Design and Conservation Officer is satisfied with the details provided and raises no objections to the proposed alterations and refurbishment of the existing listed vaults. Additionally English Heritage raised no objections subject to conditions being imposed on the associated Listed Building Consent, should approval be given.
- Panel members were particularly concerned about the impact on the setting of the listed Whitbread Brewery and the view from Chiswell Street, which could potentially require a reduction in height to avoid the proposed scheme looming over the listed building from that view. The Panel also felt that proposal drawings should be integrated with the surrounding context in particular the existing Cherry Tree Walk clearly showing access issues, and the recently approved YMCA scheme with particular attention to the corner active uses and landscaping at the rear.
- **Officer's response:** The panel considered a scheme which was 8 storeys across the whole site. However the current scheme proposes a dropping in height to 4 and 5 storeys in the centre of the site. Views of the site have been provided showing the proposals in context with Cherry Tree Walk with View 1 illustrating the view from Chiswell Street. The buildings would not loom over the listed building from that view nor would it have a harmful impact on the setting of the grade II listed Whitbread Brewery.
- Concerns were raised in relation to the proposed public route through the site in particular in relation to the lack of legibility, the impact of servicing, safety and impact on privacy. Panel members were not convinced that this space would work due to the impact that servicing requirements would have on this space/route, raising concerns over the number of servicing points. They were of the opinion that servicing should be rationalised in particular to minimise impact on the proposed public realm. It was felt that the servicing strategy would be dependant upon a very tight management scheme, whereas they were of the opinion that preferably the design should resolve that. Furthermore, the panel thought that the route lacked legibility particularly from Lamb's Passage where the opening to the route was not thought to be sufficiently evident. These concerns are further supported by the problematic introduction of ground floor residential units. The panel felt that a clear understanding of the boundary conditions was necessary to illustrate the relationship of surrounding existing buildings/sites to this new public space. The panel was also of the opinion that this new route may be detrimental to the existing Cherry Tree Walk shopping centre and that the scheme should actually be better integrated to encourage footfall to that existing route.
- **Officer's response:** The proposed public realm and open space has been improved as a result of the reduction in overall height and massing of the proposals. The proposed public realm is considered to be more open and the submitted landscaping plans and revised design of the entrance to the

proposed public space is considered to ensure its legibility is improved. It is considered that the glazed frontages to the main entrance of the proposed hotel and restaurant, along with the glazed retail corner unit, would further improve legibility and ensure that pedestrians recognise and use this new public space as a pedestrian through route and open space.

- Although generally positive about the private residential block, the panel expressed reservations about the proposed entrance in particular due to the lack of clarity which is further exacerbated by the low access to the public realm/route. It was also felt that there was a lack of interaction to Sutton Way.
- **Officer's response:** The proposal now includes glazed frontages onto Sutton Way and Lamb's Passage with proposed gym and a gallery (retail) use. These uses are considered to increase the active frontage at ground floor level along Sutton Way and Lamb's Passage. There is a balance to be struck to ensure that the residential units on the upper floors have the required facilities at ground floor level whilst ensuring ease of access to the proposed public realm. Overall the proposal is considered to have addressed both needs satisfactorily bearing in mind the physical constraints of the site.
- Panel members highlighted that there should be clarity of approach in how the buildings express themselves architecturally and this is one aspect of the scheme which needed to be addressed. Panel members were concerned about the shared roof to the hotel and affordable element of the scheme. Firstly, as the private housing element was particularly differentiated in design terms, the panel questioned why the hotel would not follow this approach of diversity especially in the context of the area. Secondly, it was felt that the proportions and form of the shared roof creates an excessive scale and that the "mansard" form does not reflect the typology of the area. There were also concerns with the proposed height of 8 storeys across the site. The panel felt that the proposed linear block running north south would potentially have a detrimental impact on Cherry Tree Walk and the YMCA scheme.
- **Officer's response:** The proposal has been reduced in height by 3 to 4 storeys over the central section (proposed hotel section) of the site to address these concerns. These reductions have ensured that each element of the proposal reads as a distinct component within one unified redevelopment of the site. This approach is considered to be visually appropriate and is considered to directly address the concerns raised by DRP panel members outlined above.

Summary

- The panel welcomed the design intentions of urban repair on this site and the intention of considering the two sites in different ownership as part of an integrated scheme. The principle of reusing the historic vaults was welcomed. The panel was also happy to be able to be involved in the design process at such an early stage. However, it was felt that further work was required in the development of the scheme with concerns being raised particularly in relation to the quality of the public realm/route, the architectural

expression and integration of the different elements of the scheme and the lack of understanding of the true impact on the fabric of the listed vaults. The panels conclusion was that these could be better resolved if there was a relaxation of the rigorous delineation between sites ownership and their architectural responses even further. This would allow the redistribution of the massing, uses and geometry in the service of legibility of access and impact on surroundings.

- **Officer's response:** It is important to note that the overall design, scale, massing and height have been substantially changed and reduced since the application was presented to DRP members. The proposed changes since then are considered to have addressed the panel's concerns.

5.0 CONSULTATION

Public Consultation

- 5.1 Letters were sent to 964 occupants adjoining and nearby properties along Errol Street, Dufferin Street, Whitecross Street, Sutton Way, Chiswell Street and Lamb's Passage on the 18th of October 2013. A site notice and press advert was displayed on the 24th October 2013. The public consultation of the application therefore expired on the 14th of November 2013.

Following revisions and reduction to the scheme a second round of consultation was carried out by the council which involved the reconsultation of all residents as before and new site and press notices were displayed on the 25th February 2013 with the consultation period ending on the 20th March 2014. However it is the Council's practice to continue to consider representations made up until the date of a decision.

- 5.2 At the time of the writing of this report a total of 34 letters of objection and one petition with 21 signatures had been received from the public with regard to the application. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):

Land-use and principle of the development concerns:

- Loss of existing car parking spaces for residents (para 9.3)
- Proposal does not accord with Planning Brief for Lamb's Passage. (para 9.15 to 9.18)
- Over concentration of hotel and hostel uses within the locality. (para 9.4 to 9.10)

Design, scale and character and appearance of the surrounding area

- Inappropriate scale, intensity and location for a hotel. (para 10.1 to 10.17)
- Inappropriate design, scale and height of the proposed development. (para 10.4 to 10.23)
- Over dense and overdevelopment of the site. (See paragraphs 11.1 to 11.2)
- Pedestrian link not open enough or really a green space. (para 16.6 to 16.10)

Transport and highways:

- Servicing and delivery concerns in relation to the proposed development. (para 21.1 to 21.12)
- Concerns regarding increased traffic and movement of people in relation to the use of the hotel and proposed restaurant on site. (Section 21)
- Emergency services and access to the site. (Section 21)
- Transport concerns re. congestion, lack of car parking and conflicts with car traffic and pedestrian users. (para 21.1 to 21.15)

Residential Amenity concerns:

- Creation of restaurant, gym, office space, hotel and drinking establishment's impact on noise generation and residents amenity levels. (para)
- Concerns over potential loss of daylight, sunlight, overlooking, loss of privacy, dominance and increased sense of enclosure (para 15.1 to 15.53)
- Noise issues resulting from creation and use of the pedestrian route through the site. (para 13.50)
- Concerns over potential reduced access to Shire House for refuse collection. (para 16.11)
- Noise and disruption during the construction period of the development. (para 15.53)
- Safety and security concerns around the site (para 15.9)

- Emily Thornberry MP also wrote to the council to reiterate some residents concerns regarding the potential adverse impacts of the development on amenity levels.

- Non material planning consideration concerns raised:
 - Loss of an open view into the site from adjoining residents.
 - Right of light concerns (Not a material planning consideration)

External Consultee

- 5.3 **English Heritage (Greater London Archaeology Advisory Service)** responded on the 5th February 2014 stating that the following condition should be attached to any grant of permission:
- 5.4 Condition: No works authorised by this consent shall take place until the applicant has implemented a programme of building recording and analysis by a person or body approved by the Council as local planning authority. This programme shall be in accordance with a written scheme which has been submitted by the applicant and approved by the local planning authority advised by English Heritage. **(Condition 28)**
- 5.5 **Metropolitan Police (Crime Prevention:** No objections received except to recommend Secured by Design physical security standards for the proposed development.

- 5.6 **London Fire and Emergency Planning Authority:** The response raised no objections to the proposed development while noting that there are fire hydrants located within 30 metres of the site.
- 5.7 **City Of London Corporation:** Raised no objections to the proposed development.
- 5.8 **Thames Water** advised that there are a number of public sewers crossing or close to the application site. The response advised conditions and informatives which should be attached to any grant of permission, concerning the submission of a pilling method statement and other related requirements. These suggested conditions and informatives are attached at the end of this report (give reference numbers).
- 5.9 **Transport for London:** Encouraged the borough to secure one additional parking bay for use by blue badge holders within 50 metres of the entrance of the hotel. Welcome cycle parking provision and request a construction logistics plan is submitted prior to commencement of the development.

Internal Consultees

- 5.10 **Design and conservation officer:** has had extensive input to the design development of the scheme. The Officer welcomes the overall design and appearance of the development, subject to details of finishes and final ground floor elevations to be secured by condition.
- 5.11 **Policy Officer:** notes the benefits of a mixed use redevelopment of the site and welcomes the plans to bring the existing vaults back into use. Noted adopted BC8 'Achieving a balanced mix of uses' and adopted policies DM 4.11 and Site Allocation 31 allow a more flexible approach to what uses are considered appropriate on the site. Hotel use is considered to be a useful economic and employment generating use and coupled with other proposed uses residential, gym and restaurant, the officer considers the development to accord with policy.
- 5.12 **Housing Officer** raises no objections and notes and welcomes the provision of social rented units only for which there is a strong demand for within the Borough.
- 5.13 **Tree Preservation / Landscape Officer:** is satisfied that the landscaping plans are of a good standard bearing in mind the physical constraints of the site (underground vaults). Recommends further conditions to secure the details.
- 5.14 **Spatial Planning and Transport (Transport Officer)** No overall objections subject to provision of travel plan, detailed delivery and servicing plan and amendments to footways as proposed within the application.
- 5.15 **Access Officer:** No overall objection to the proposal. Notes good accessibility levels of both private and affordable housing blocks and good lift access and level thresholds to the proposed hotel and restaurant area. Initial concerns regarding accessibility and legibility of the pedestrian cut through and public realm area but these have been addressed with amended plans.
- 5.16 **Street Environment Division** provided no response.

- 5.17 **Energy Conservation Officer:** Welcomes strongly the 'Beyond Green' commitments and the total proposed CO2 emission savings of over 53% and connection to the nearby Citigen District Energy Network. This commitment is well above the council's policy standards and is very much welcomed. The remaining CO2 emissions have been offset as secured via the S106 agreement.
- 5.18 **Sustainability Officer** provided detailed comments in response to the application proposals. Welcomes extensive green roof details, proposed, SUDS measures and recommends further conditions to secure these features and possible grey /rainwater harvesting measures.
- 5.19 **Public Protection Division (Air Quality)** reiterated that the whole of Islington remains an Air Quality Management Area (AQMA). The increase in traffic to the site is likely to cause congestion on local streets which would increase pollutant concentrations in this area. Subject to construction controls it is considered that the air quality levels can be managed to an acceptable degree.
- 5.20 **Public Protection Division (Noise Team)** the Noise Officer requested a number of planning conditions be imposed to ensure that the proposals protect existing residential amenity and secure high quality design and high quality new accommodation, guarded against noise from plant (including emergency plant), road noise etc. Additionally conditions relating to construction management, sound insulation and mitigation measures for the proposed residential units, delivery and servicing details and operation hours of the proposed uses on site.
- 5.21 **Public Protection Division (Land Contamination)** an initial Phase 1 desktop study has been submitted and conditions are recommended to mitigate against pollution.

6.0 RELEVANT POLICIES

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

National Guidance

- 6.1 The National Planning Policy Framework 2012 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

Development Plan

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

Lamb's Passage Planning Brief 2006

- 6.3 The Lamb's Passage Planning Brief was adopted in February 2006. The council has however issued a specific site allocation detailing the key parameters and objectives for any redevelopment of the site as part of Islington's Development Plan contained within the Finsbury Local Plan 2013. (Please briefly summarise the site allocation rather than cutting and pasting it into the document below – also repeated below).

Designations

- 6.4 The site has the following designations under the London Plan 2011, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:

Islington Local Plan

CS7: Bunhill and Clerkenwell Key Area
Site Allocation BC31 & B32
Within Employment Priority Area
(General and offices)
Local Plan Policy BC8
Lamb's Passage Development Brief
2006
Archaeological Priority Area

London Plan

Central Activities Zone
Archaeological Priority Area
Central London Special Policy Area
City Fringe Opportunity Area Finsbury

Site Allocation BC 31 & BC32

- 6.5 The application site has been specifically identified within the councils adopted Site Allocations documents as a site where a suitable redevelopment would be welcomed subject to the final detailed planning considerations. The key allocation for the site seeks to secure the redevelopment to provide a mixed use development including small justification scale business uses and residential uses, alongside open space provision. The table below outlines clearly the allocation and justification for the application site in this case which is an important material planning consideration.

Site Allocation BC31 & BC32

Address, location, postcode	Car park at 11 Shire House, Whitbread Centre, Lamb's Passage, EC1Y 8TE
Ownership	Lamb's Passage Real Estate Ltd (southern half of the site). Northern half is owned by freeholder, with LB Islington lease until 2126
Approximate size of Site	2,850m ²
Current/previous use	Car park
How was the site identified and relevant planning history	Subject of planning application P060460; withdrawn by applicant in November 2006. A Development Brief for the site was prepared in 2006. Site identified in the Bunhill and Clerkenwell Urban Design Study (site 60)
Allocation and justification	<p>Redevelopment to provide a mixed use development including small scale business uses and residential uses, alongside open space.</p> <p>This is an accessible site close to the boundary of the City of London, with the opportunity to improve the frontage to Lamb's Passage, support the retail offer of the area and increased access to small-scale business floorspace in this important location within the CAZ.</p>

Design considerations and constraints	<p>Development will need to be compatible with and respect the surrounding residential area and should conserve and enhance the character of St. Luke's and Chiswell Street Conservation Areas.</p> <p>The site falls within an area of deficiency in access to nature.</p> <p>The site lies within the designated City Fringe Opportunity Area.</p> <p>There are vaults under the southern part of the site. Any development will require a complete and proper survey. Proposals should respect and, if possible, make use of the vaults.</p> <p>Thames Water has indicated that there may be issues with water supply capability associated with this site. As such applicants must demonstrate early engagement has been undertaken with Thames Water and that appropriate measures have been agreed to mitigate any potential problems associated with water supply.</p> <p>The site lies within 90 metres of the Citigen Decentralised Energy network.</p>
Estimated timescale	2012 to 2016

Supplementary Planning Guidance (SPG) / Document (SPD)

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

7.0 ENVIRONMENTAL IMPACT ASSESSMENT

7.1 EIA screening/scoping is not required. The proposal is not considered to fall within the regulations requiring an EIA in this case.

8.0 ASSESSMENT

The main issues arising from this proposal relate to:

- Principle/Land Use
- Design, conservation and heritage issues including archaeology
- Density
- Accessibility
- Quality of accommodation
- Adjoining residential amenity
- Housing Mix
- Affordable Housing and Financial Viability
- Energy and Sustainability
- Transportation and Highways
- Planning Obligations and CIL

9.0 LAND USE

9.1 Policies in the NPPF, London Plan, and Islington's Core Strategy, Development Management Policies, Finsbury Local Plan (including the Site Allocation) and Lamb's Passage Planning brief are relevant to the land uses proposed at this site. The site is within the Central Activities Zone, the City Fringe Opportunity Area and the site is located within an Employment Priority Area (General) with a small southern section of the site within an Employment Priority Area (offices).

9.2 London Plan (2011): The application site is located within the Central Activities Zone (CAZ). Policy 2.11 seeks to ensure that proposals to increase office floorspace include a mix of uses including housing and (policy 2.12) work to protect and enhance predominantly residential neighbourhoods within CAZ, but ensuring that housing does not compromise CAZ strategic functions in the zone.

Loss of car park

9.3 The existing site is a private (with some elements of paid) car parking facility and with some residents of the adjacent Shire House using spaces. The council has a lease on the northern part of the existing car park. Core Strategy policy 10 part H and DM policy 8.5 seek to promote car free developments. The council welcomes the reduction of car parking in favour of more sustainable transport modes particularly in highly accessible areas as is the case here. Some residents concerns, regarding the loss of their car parking spaces if the development were to proceed are noted. However the parking is leased by the council and could reasonably be changed at any point or discontinued once the lease is up. It is also

considered that the significant benefits of the proposed development in terms of design, varied land uses, economic benefits and affordable housing provision outweigh any adverse impacts in terms of the limited loss of car parking spaces. However, the proposal does not include any plans to re provide any lost car parking spaces which would be removed to enable the site to be developed.

Proposed uses

- 9.4 It is important to note that the majority of the site is allocated in the Finsbury Local Plan under **Site BC 31**. This allocates the site for:

'Redevelopment to provide a mixed use development including small scale business uses and residential uses, alongside open space.

This is an accessible site close to the boundary of the City of London, with the opportunity to improve the frontage to Lamb's Passage, support the retail offer of the area and increase access to small-scale business floorspace in this important location within the CAZ.'

- 9.5 The amended proposal seeks to create a 61 bedroom hotel, 38 residential units in two distinct blocks, a gym, B1(a) office space, a gallery (retail use), and a proposed restaurant use within the existing vaults of the site. By its very nature, this proposal would create a mixed and varied redevelopment of the site which the site allocation seeks to achieve. It is considered that in terms of land use types and quantities that a fair and appropriate balance has been achieved bearing in mind the constraints of the site.
- 9.6 The proposed development includes a modest sized hotel which is considered to be proportionate in scale to the immediate locality (which is not located on a main thoroughfare or highly trafficked route). The development includes well located residential blocks with a private block facing Sutton Way and an affordable block proposed towards the north of the site.
- 9.7 It is important to note that the possibility of the development of the site as a hotel was raised as an issue at the public hearings for the examination of the Finsbury Local Plan and the Development Management Policies. The outcome of the hearing discussion agreed amendments to Policy BC8 'Achieving a balanced mix of uses', part B and Policy DM4.11 'Hotel and visitor accommodation' part A2 to specifically reference the City Fringe Opportunity Area as a location where visitor accommodation may be appropriate, and amended the text of Site BC31 to allow a more flexible approach to what uses would be considered appropriate on the site.
- 9.8 Therefore in principle a hotel use is considered acceptable on this site. However the proposal needs to satisfy the criteria set out in Policy DM4.11 part B to be acceptable.

Policy DM4.11 part B. Proposals for new hotel and visitor accommodation (including ancillary hotel and visitor accommodation) will only be supported where they:

- i) *contribute to the balance and mix of uses in the immediate locality;*

The proposal is considered to be a compatible use and would add to the mix of uses in the locality.

ii) support the area's primary retail/business/cultural role and do not compromise economic function/growth;

The proposed hotel would add to the economic function of the area creating jobs within the hotel and offering rooms for visitors to stay while they spend time and money in the area and the London economy generally.

iii) do not result in adverse impacts on residential amenity, including cumulative impacts;

The proposed hotel section of the proposal has been reduced in height from 8 storeys to 5 and 4 storeys. Submitted sunlight/daylight analysis assessments have shown material adverse impacts of the development on adjoining residents to differing degrees. However with respect of Lamb's Passage, those rooms retain more than 50% No Sky Line levels which is considered to be critical. On balance, it is considered that the impacts of the development on adjoining residential amenity are not so severe to warrant the refusal of the proposal on this basis. *(Please see amenity section for further details)*

iv) have excellent access to a range of public transport modes;

The site is highly accessible by a variety of public transport modes and has a PTAL rating of 6b which is very high.

v) provide appropriate arrangements for pick up / drop off, service delivery vehicles and coaches, appropriate to the size of the hotel or visitor accommodation;

The arrangements are considered to be acceptable (Please see transport sections paragraphs for more detail)

vi) incorporate ancillary facilities which are open for public use and create employment opportunities for local residents, such as restaurants, gyms and conference facilities (where appropriate);

The proposed development includes a public open space and pedestrian cut through, a gym which can be used by the public (for a fee) and the proposed uses would provide good opportunities for employment for local residents. A restaurant is proposed within the scheme which can function independently of the proposed hotel and would offer further employment opportunities as a result.

vii) are inclusive, providing at least 10% of all hotel rooms to wheelchair accessible standards (the 10% wheelchair accessible standard rooms must be fully fitted from occupation); and

The proposed development would provide at least 10% of all the proposed hotel rooms to wheelchair accessible standards. (6 rooms overall)

viii) provide an adequate standard of amenity for occupants.

The proposal creates a good standard of amenity for occupants overall.

- 9.9 Active ground floor uses have been incorporated into the scheme to activate the frontages along Sutton Way and Lamb's Passage which at present are open and uninviting and offer little to the character and appearance of the area. The proposed development also creates an open space and pedestrian cut through from Lamb's Passage to Errol Street which would be actively surveilled by the proposed hotel and residential uses. This space would be finished with seating, paving and attractive landscaping features all of which are considered to significantly improve the visual amenity of the area whilst offering an attractive pedestrian route through the area and a substantially more attractive and visually pleasing walkway and entrance into Shire House.

Hotel Summary

- 9.10 The Islington Development Management Plan Policies document 2013 includes policy DM4.11 (Hotels and Visitor Accommodation) which states that hotels are generally appropriate within the CAZ, as long as it is within the designated City Fringe Opportunity Area or within close proximity to national railway hubs. The proposed development is within the CAZ and the City Fringe Opportunity Area, along with being within walking distance of Barbican Underground Station and Moorgate Underground/National Rail Station. It is considered that the proposed hotel use would contribute to the balance and mix of uses within the immediate locality, would support the primary business function of the area, and would have excellent access to a range of public transport modes. It is not considered that the creation of a hotel in this location would lead to an over intensification of hotel uses in the surrounding area. The surrounding area is mixed use in nature with residential, commercial and employment uses dominating the immediate surroundings of the site.
- 9.11 Concerns have been raised regarding the appropriateness of the proposed restaurant and gym uses in this location. Policy DM 4.4 Promoting Islington's Town Centres part B set out the following criteria for assessing the proposed restaurant and gym uses:

Applications for such uses within the Central Activities Zone must demonstrate that:

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

- 9.12 It is noted that the site is not located within a main town centre but is located within the CAZ and is located within a very central location nonetheless. The proposed gym facility (263 sq metres) and gallery uses (80 sq metres) are considered to be reasonably small in overall floorspace and are not considered by reason of their size likely to have any undue or material adverse affect on the vitality and viability of other similar uses within the area and adjacent Town Centres.
- 9.13 It is accepted that the proposed restaurant is relatively large (1,918 sqm) but its size is largely determined by the fact that it would occupy the currently disused historic

vaults. Site allocation BC31 seeks to bring the vaults back into use while not undermining the architectural integrity of these features. As it stands the existing vaults serve no practical purpose and are not readily viewable or visitable by members of the public. The vaults are also suffering from poor maintenance and damage and are in need of significant refurbishment and repair to maintain them into the future. The proposed restaurant use offers minimal alterations to facilitate the refurbishment, and opening up of these vaults to accommodate the restaurant use. It is considered reasonable that the economic costs of opening up, refurbishing and tidying up the existing vaults would require a large restaurant area to make this aspect of the development viable. It is considered also that the underground location of the restaurant and entrance doors away from adjoining resident's windows, near the hotel entrance would minimise potential noise disturbance to adjoining occupiers.

- 9.14 The proposed restaurant use is particularly welcome in design and conservation terms. The use would open up the existing vaults to a productive use which members of the public/guests would be able to visit and experience the vaults as part of a dining experience. The proposed use would ensure the long term viability and maintenance of these attractive historical features which is not the case at present.

Concerns have been raised by residents that the development does not accord with the Lamb's Passage Planning Brief produced in 2006 particularly in relation to the overall scale, height and quantum of development of the proposal before members. The Planning Brief detailed a lower height and footprint development within the application site. The brief outlined proposed building heights varying from 2 to 4 storeys. Therefore residents have raised concerns regarding the proposed height and overall scale of the proposed development before members and feel this is contrary to the Planning Brief in this case. It is important to note that this planning brief is a material planning consideration in assessment of this proposal. The Planning Brief for this site was published in February 2006. In summary, the brief seeks to secure a residential-led, mixed use scheme to a low scale level.

Key Planning Objectives:

- The provision of high quality, sustainably designed architecture which repairs the urban fabric and contributes to the quality of the streetscape as well as respecting the light, privacy and outlook of neighbouring properties;
- To provide a pedestrian-friendly environment with building frontages that engage with the space and provide natural surveillance and an attractive new area of open space available for the public;
- To achieve a high quality mixed-use development;
- To achieve car-free new development. Therefore, existing on-site car parking spaces for residents of Shire House should not be re-let when existing tenants give up their space.
- To achieve development which is compatible with the surrounding residential area and adjacent Conservation Areas.

Key Planning Issues:

- New development to be car-free;
- New development to respect and, if possible, re-use existing underground vaults.

Land uses: The site should be developed with a high quality mixed-use development giving preference to residential to increase surveillance out of business hours.

- 9.15 The brief also outlined potential building heights for any new redevelopment ranging from two storey terrace houses to four storey residential blocks.
- 9.16 In terms of the brief it is considered that the key planning objectives and key planning issues have been addressed within the proposed development plans apart from the indicative building forms and heights. These details were indicative and accurate at the time the brief was published. The brief was and is intended to influence the possible redevelopment of the site and should not be read as one prescriptive document which precludes other potentially acceptable redevelopments of the site.
- 9.17 It is important to note that since the adoption of the planning brief the council has adopted significantly more detailed Core Strategy Policies, Development Management Policies, Site Allocations and the Finsbury Local Plan. Additionally the London Plan and the NPPF 2012 has been adopted. Therefore the policy background at national, regional and local levels has substantially changed since the planning brief was produced in 2006. These policies form part of the council's Development Plan and should be given considerable and full weight in determining the merits of any submitted planning application. Therefore the council must consider the details of the Lamb's Passage Planning Brief but must also consider the more up to date policies in assessing the merits of the case. In this respect, the council considers that the planning brief has some weight but that significant weight should be attached to the Core Strategy, Finsbury Local Plan and Development Management Policies.

Housing land-use

- 9.18 London Plan Policies 3.4 and 3.5 encourage increasing housing supply by developing suitable sites for high quality residential accommodation mixed by size and tenure. Policies 3.9 and 3.11 encourage residential developments that foster mixed and balanced communities while Islington planning policies require the maximum provision of affordable housing to be provided on new housing sites. The application proposes 38 residential units in two separate blocks. The proposed units would be 50% affordable and exclusively reserved for social rented provision with a Registered Social Landlord secured (Affinity Sutton). This level of provision and tenure type is very much welcomed addressing significant housing need within the borough. The financial viability details have been assessed and illustrate that this level of affordable housing is deliverable.
- 9.19 The creation of a pedestrian cut through and open space towards the west of the site would significantly improve the permeability and functioning of the area. The provision of new landscaped public realm is welcomed and accords with the goals of the site allocation BC31.

Retail Unit/Gallery Unit

- 9.20 The creation of a small retail/gallery space at ground floor level within the private residential block is welcomed. The unit would create the potential for increased

active frontage to the development and Lambs Passage / Sutton Way as well as offer the opportunity for a small retail outlet or art space.

- 9.21 Summary: The land use policies and site allocation for this site advocate the creation of a mixed use redevelopment of the site. The proposed mix of uses are appropriately located in terms of providing active frontages to streets and locating residential uses to quieter or higher up positions. The publicly accessible open spaces are well located and designed and would significantly improve the visual amenity of the site and surrounding area, increasing the permeability of the site and functioning of the area. The residential elements of the scheme deliver valuable and much needed social rented accommodation tenure types which viability assessment results have demonstrated can be delivered.
- 9.22 The office provision is appropriately located and designed and contributes towards local and strategic employment targets for this area. The proposed hotel use and creation of a restaurant within the existing vaults beneath the site allow the opportunity for the proposed built form to significantly improve the character and appearance of the site, while opening up and refurbishing the existing vaults to be viewed and appreciated by the public who visit the proposed restaurant.

10.0 Design, Conservation and Heritage Considerations (including Archaeology)

Policy Context

- 10.1 The NPPF (at paragraph 56) states that good design is a key aspect of sustainable development and is indivisible from good planning. Paragraph 63 states that, in determining applications, great weight should be given to outstanding designs which help raise the standard of design more generally in the area. Further relevant design policies are included in the London Plan, Islington's Core Strategy, Development Management Policies and the Finsbury Local Plan. Relevant guidance is provided in English Heritage/CABE's Guidance on Tall Buildings (2007) and the Islington Urban Design Guide (2006).
- 10.2 Development Management Policies, Policy DM2.1 (Design), DM2.2 (Inclusive Design) and DM2.3 (Heritage) are particularly relevant to this application. Key requirements are listed under policy DM2.1 relating to the need for development proposals to be: durable and adaptable; safe and inclusive, efficiently use the site; improve the quality, clarity and sense of spaces around or between buildings; clear distinction between public and private spaces; improve movement through areas and repair fragmented urban form; respect and respond positively to existing buildings, the streetscape and the wider context including wider architectural language and character, surrounding heritage assets, create a positive sense of place, provide a good level of amenity, not unduly prejudice the operation of adjoining land, consider landscape holistically.
- 10.3 Policy DM2.3Bi states that new developments within Islington's conservation areas and their settings are required to be of high quality contextual design so that they conserve or enhance the significance of conservation areas. Harm to the significance of a conservation area will not be permitted unless there is a clear and convincing justification. Substantial harm will be strongly resisted.

- 10.4 London Plan policy 7.6 states that architecture should make a positive contribution to a coherent public realm, streetscape and wider cityscape. It goes on to set out criteria against which planning applications should be assessed, stating that buildings should be of the highest architectural quality, should be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm, and should comprise details that complement, not necessarily replicate, the local character. The policy (7.6) states that architecture should incorporate the highest quality materials and design appropriate to its context. It adds that buildings should use materials that complement – but not necessarily replicate – the local architectural character.
- 10.5 Included in the 6 detailed objectives set out in Chapter 1 of the London Plan is the Mayor’s intention to ensure London is a city that delights the senses and takes care over its buildings and streets, having the best of modern architecture.
- 10.6 Core Strategy policy CS7 (part I) refers to the need for major development proposals in Bunhill and Clerkenwell to be of exceptional design quality. Policy CS9 states that high quality architecture and urban design are key to enhancing and protecting Islington’s built environment, making it safer and more inclusive. The policy goes on to state that new buildings should be sympathetic in appearance to the local identity, should be based on coherent street frontages, and should fit into the existing context of facades. Finally, part G of policy CS9 notes that high quality contemporary design can respond to relevant challenges as well as traditional architecture, and that innovative design is welcomed.

Materials

- 10.7 The applicant has proposed a muted palette of materials so as to keep some consistency throughout the site, all of which are of the highest quality. The predominant material proposed to be used is handmade red brick. The colour, type and use of brick would vary according to the specific context and design of each building. The bricks would be in the traditional buff, red and brown colours, reflective of material studies undertaken for the surrounding context. A variety of secondary materials is proposed for each building to help create distinct characters with an overall consistent plan for materials. Other materials proposed are corten cladding, light beige window reveals, oriel windows and railings/balustrades for the proposed terraces. The choice of finishing materials is considered to be of a high quality and would complement the local vernacular which has a variety of stock brick finishes, render, dark bricks and more red brick finishes within Shire House itself. The proposed materials are considered to be acceptable bearing in mind the local context and subject to the final selection of materials via the suggested planning condition (**condition 3**).

Design, scale massing and character and appearance of the area.

- 10.8 The proposed development has sought to create a new building which complements and reflects the prevailing building heights of the area while acknowledging the tight physical constraints of the site and attempting to address the key objectives of the site allocation and Lamb’s Passage Planning Brief. The development has had to balance a series of competing objectives to create a well designed and financially viable comprehensive redevelopment of the site.

- 10.9 The scheme has had extensive officer input and design evaluation during the pre-application and application process. It is considered that the overall design and massing of the development is acceptable in this location. The prevailing height of buildings around the site ranges from 7 storeys within the recently approved YMCA building to 7 storeys with a recessed 8th floor at 1 Lamb's Passage. The design of each individual housing block and hotel in the central section are considered to be visually attractive and would read as separate yet unified buildings within the scheme. The proposed development would renovate and improve the footpaths around the site with active frontages created at ground floor level around the site involving the hotel area, pedestrian cut through and the gallery area and gym to the private residential block.
- 10.10 The development is considered to significantly improve the visual amenity of the area, increase surveillance along Lamb's Passage and Sutton Way while also creating a valuable landscaped public space for use by the public. These are significant improvements over the existing situation on the site which offers a poor visual appearance and is considered to harm the character and appearance of the area on the whole.
- 10.11 The development is considered to offer a contextual yet modern redevelopment of the site which respects the site constraints by reducing the massing and height of the proposed development to directly respond to its often constrained relationship with its neighbours. The development is not readily viewable from Chiswell Street nor further views from surrounding roads along Errol Street, Whitecross Street and Bunhill Row (something gone wrong here). Where the development can be seen from these views it is not considered to be an over-dominant proposal and sits well within its context.
- 10.12 The proposed development is not considered to be excessive in overall scale, massing or height in townscape terms and is not considered to have any adverse or material impact on the setting of the nearby Grade II listed Whitbread Brewery site.
- 10.13 The merits of the proposals, concerning alterations to the existing Grade II listed vaults beneath the application site are considered in the separate listed building application (ref: P2013/3297). The proposed alterations are considered to be minor in nature and necessary to achieve the opening up of the existing vaults. The proposed opening up and refurbishing of the existing vaults is considered to be a very important public benefit of the proposed scheme and therefore the changes proposed at this level are considered to be acceptable in their entirety. Conditions 3 & 4 will seek approval for the final elevation of the pedestrian cut through and selection of the highest possible quality finishing materials for the development.

Setting of Nearby Listed Buildings

- 10.14 Section 66 of the Town and Country Planning (Listed Buildings and Conservation Area) Act 1990 requires Local Planning Authorities considering proposals that affect a listed building or its setting to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 10.15 Section 12 of the NPPF sets out tests and what weight should be given to relevant considerations when considering development proposals that may impact upon

designated and undesignated heritage assets. Relevant local policies include CS9 in the Core Strategy and Development Management Policy DM2.3, and Islington's Conservation Area Design Guidance is relevant to impacts upon the conservation areas adjacent or close to the site.

- 10.16 Paragraph 128 of the NPPF requires applicants to describe the significance of any heritage asset affected by a development, including any contribution made by their setting. In addition, the NPPF requires the applicant to provide proportionate information on heritage assets affected by the proposals and an assessment of the impact of the proposed development on the significance of the heritage asset.
- 10.17 Criterion D of Policy 7.8 (Heritage Assets and Archaeology) of the London Plan seeks to safeguard heritage assets. The policy encourages development that (i) identifies, values, conserves, restores, re-uses and incorporates heritage assets, where appropriate, and (ii) that conserves heritage assets and their setting. Criterion C(iii) of Policy DM2.3 (Heritage) of the Council's Development Management DPD requires that new developments within the setting of a listed building to be of a good quality contextual design. Development within the setting of a listed building which harms its significance will not be permitted unless there is a clear and convincing justification for doing so.
- 10.18 The Grade II listed Whitbread Brewery – North Side Yard building is located directly south of the application site and forms one of the surviving buildings of the Whitbread Brewery, built in 1870, it replaced an earlier set of buildings dating to the 1770s. The building is a U-shape with a long narrow courtyard accessed off Chiswell Street. Opposite is the southern side of the Whitbread Brewery that is also grade II listed and includes eight separately listed structures (bridge link over courtyard, Porter Tun Room, Sugar Room, Entrance Wing and Partner's House etc). In addition, Nos. 42 and Nos.43-46 Chiswell Street are Grade II listed and have historical and architectural interest as late 18th and early 19th century town houses with formal front elevations. They have group value and provide an appropriate setting for the North Yard building.
- 10.19 To the east of the application site is Bunhill Fields, a large conservation area that includes a large number of listed buildings. The application site is only visible from the western edge of this conservation area, from Bunhill Row, which includes the Grade II listed 21-29 Bunhill Row. Built in 1830-31, the houses in this terrace provide a rare historic streetscape among modern buildings surrounding them and face west, towards the application site which is glimpsed in views toward St Joseph's Church. Views of the application site from these neighbouring listed buildings are limited. Where views can be afforded of the application site, the attractive and high quality design of the proposed building ensures that there would be an enhancement to the setting of the nearby listed buildings.
- 10.20 The council's Design and Conservation officer supports the overall design, scale and finish of the proposed development while noting two principal elements of the design at ground floor level which require further consideration and revision to the design to ensure a fully sensitive scheme is achieved, namely:
- The proposed brickwork 'pillar' at the entrance to the new pedestrian route off Lamb's Passage appears awkward and a barrier to movement. Whilst this may be

a requirement for structural purposes and aids in anchoring the building, it also appears awkward and obstructive to pedestrian access. (**Condition 4**)

- The rooftop plant is still overly large. A “notwithstanding” condition should be attached requiring full details of the final rooftop plant details. This will enable the final acceptable design to be secured with further discussions. (**condition 6**)



CGI IMAGE: View of the proposal (hotel) looking from Lamb's Passage.



CGI IMAGE: View of proposed redevelopment looking from Lamb's Passage.



CGI IMAGE: View of proposed redevelopment looking from Chiswell Street

Conclusions relating to design and the setting of designated heritage assets

10.21 In relation to design, the proposed development is considered to offer a high quality and contextual redevelopment of the site. The overall design of the proposed development has moved on significantly from its consideration by the Design Review Panel with the overall appearance and massing of the development having substantially changed and reduced as a result of these comments.

10.22 The council's Design and Conservation officer notes the following:

"The site is currently occupied by a car park and 20th century building of no significance – there is no objection to the demolition of this building or the redevelopment of the site. The overall design, bulk and massing have been improved over a long period, both at pre-application stage and since the initial application was submitted. As a result, overall the scheme would offer a positive enhancement to the street and area."

10.23 It is considered that the proposed design now responds well to its surrounding context and would form an attractively designed, well proportioned building when seen in its immediate and wider urban context. The proposed development would significantly enhance the character and appearance of the surrounding area while having no discernible adverse impacts on the setting of nearby listed buildings. Subject to final conditions regarding the final facing materials, the final ground floor entrance details to the pedestrian cut through and also roof plant details, it is considered that the proposed development would accord with CS Policy 9, DM policies 2.1, 2.3, the NPPF 2012, Site allocation BC 31 and Islington's Urban Design Guidance 2006.

Archaeology:

10.24 The application site is located within a designated Archaeological Priority Area (APA). English Heritage GLASS have assessed the application and raise no objections to the proposed redevelopment subject to the imposition of conditions which will seek approval of a 'Written scheme of Investigation' and should the scheme be supported and permission be granted (**condition 28**).

11.0 Density

- 11.1 The application site is located in what would be considered a 'central' location, as defined at Table 3.2 of the London Plan. Combined with the Application Site's high PTAL rating of 6b and the ratio of habitable rooms to numbers of residential units, a density range of 650 - 1,100 hr/ha and 215-405 u/ha is specified by the London Plan. The proposed development falls comfortably within the density thresholds specified by the London Plan as being appropriate for a central location with a density of 664 habitable rooms per hectare.
- 11.2 Concerns have been raised from local resident's regarding the density of the proposed development. However, the density level of the proposed development is within acceptable parameters and is supported, subject to S106 contributions and measures to help mitigate the impacts of the new occupants of the development on the surrounding area.

Table 4.2 : Residential Density Calculation for Mixed Use Development (Above Ground Only)	
Gross Site Area	0.2567 ha including underground vaults that extend beyond above ground red line
Net Site Area	0.114 ha 0.146 ha
Residential GIA	3,387 sqm (41.4%) 3,641 sqm (56.8%)
Non-Residential GIA	4,239 sqm (55.6%) 2,772 sqm (43.2%)
Number of dwellings	35 38
Dwelling mix (unit)	1 bed: 15 17
	2 bed: 20 21
Number of Habitable Rooms	90 97
Density ⁴	35/0.114ha = 307 u/ha; 90/0.114ha = 789 hr/ha 38/0.146ha = 260 u/ha; 97/0.146ha = 664 hr/ha

12.0 Quality of Resulting Hotel/Restaurant Accommodation

- 12.1 The proposed hotel accommodation is generally considered to be of an acceptable overall layout and provides for all necessary ancillary spaces to ensure the correct functionality of the hotel for its end purpose. All of the proposed hotel rooms have good access to natural light, outlook and natural ventilation.
- 12.2 The proposed restaurant use would form an attractive amenity for hotel occupiers and the general public who choose to dine there. The refurbishment and opening up of the existing vaults would form a significant improvement and allow the hidden architectural features to be considerably more accessible to the general public than is the case at present. The hotel and restaurant uses have very good access to toilet facilities and have good accessibility levels and would create an inclusive and inviting environment for all users and patrons of the site.

13.0 Accessibility

- 13.1 Paragraph 57 of the NPPF notes the importance of planning positively for the achievement of inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. London Plan policy 7.2 requires all new development to achieve the highest standards of accessible and inclusive design, and refers to the Mayor's Accessible London SPG. Core Strategy policy CS12 (part H) requires all new housing to comply with "flexible homes" standard (as set out in Islington's Accessible Housing SPD), with at least 10% wheelchair housing provided as part of all new developments.
- 13.2 Development Management Policy DM2.2 requires all developments to demonstrate that they:
- i) provide for ease of and versatility in use;
 - ii) deliver safe, legible and logical environments;
 - iii) produce places and spaces that are convenient and enjoyable to use for everyone; and
 - iv) bring together the design and management of a development from the outset and over its lifetime.

Commercial and residential spaces

- 13.3 The applicants have designed 10% of the hotel bedrooms (6 rooms in total) to be fully wheelchair accessible. The hotel would provide level threshold access to all the proposed areas in the building. The residential units propose 4 wheelchair units and offer good internal layouts in the remaining units. Final compliance and creation of appropriate lifetime/accessible homes wheelchair units, scooter stores and accessible layouts throughout the entire development will be secured by conditions **(conditions 9 & 23)**.
- 13.4 There is an allocated taxi drop off area in front of the hotel entrance and distances between the entrances to both the residential and commercial aspects of the scheme are considered to be acceptable bearing in mind the constraints of the site. **(Condition 12)**.
- 13.5 The development includes the provision of 4 disabled parking spaces for use by the residential blocks. The legibility and sight lines have been improved for the proposed new public realm with paving and level ground levels which should ensure it is a fully accessible and inclusive space for all users. **(Condition 40)**.
- 13.6 The agreed S106 also seeks to create 8 disabled parking spaces in the locality of the site which should further increase the accessibility of the site enabling disabled patrons/guests of the hotel, gym or restaurant to park locally. Subject to the S106 and the imposition of further detailed conditions securing the final layout and accessibility of the hotel rooms, commercial uses and residential units and securing the inclusive design aspects of the public realm and allocated disabled parking on site it is considered that the development as a whole offers an inclusive development and is welcomed in policy terms.

14.0 Open spaces and Landscaping

Open spaces

- 14.1 Core Strategy policy CS7 ‘Bunhill and Clerkenwell’ states that major development proposals will be required to improve the public realm, provide ample private / semi private and public open space, and incorporate space for nature. Policy CS15 states that biodiversity will be protected and enhanced across the borough E) and that a greener borough will be created by (F) maximising opportunities for planting, green roofs, green corridors.
- 14.2 With the above in mind, it is considered that the proposals maximise the provision of open space whilst still securing a quantum of development that provides for an efficient use of the site. A further condition (no 34) would ensure that the final approved landscaping and access routes within the site are secured to a high standard prior to the implementation of the scheme.



View of proposed pedestrian cut through and new public realm.

Landscaping

- 14.3 The proposed landscaping plan includes paved areas with soft landscaped borders and planters, seating benches and green borders. The design of the space is considered to be functional yet visually attractive and offers the potential for a well used and actively surveilled area of public open space which is much needed in the surrounding densely built up urban context. Given constraints due to vaults below ground, this level of proposed greenery is considered to be acceptable. The S106 secures that this space is to be kept open and accessible at all times.

15.0 Neighbouring Amenity

- 15.1 The Development Plan contains policies which seek to appropriately safeguard the amenities of residential occupiers when considering new development. London Plan policy 7.6 identifies that buildings should not cause unacceptable harm to the amenity of in particular, residential buildings in respect of matters including privacy and overshadowing. Policy DM2.1 of the Development Management Policies Document 2013 identifies that satisfactory consideration shall be given to noise and the impact of disturbance, vibration, as well as overshadowing, overlooking, privacy, direct sunlight and daylight receipt, over-dominance, sense of enclosure and outlook.
- 15.2 Overlooking / privacy & loss of Outlook: Policy DM2.1 identifies that 'to protect privacy for residential developments and existing residential properties, there should be a minimum distance of 18 meters between windows of habitable rooms. This does not apply across the public highway, overlooking across a public highway does not constitute an unacceptable loss of privacy'.
- 15.3 It is accepted that the site is currently open in character and has no substantial built form on it at present. Therefore, it is accepted that adjoining properties to the site are accustomed to open views onto this space which the development will inevitably affect to a material degree. To the north of the site the flank elevation of the proposed affordable housing block would face the existing rear boundary of the YMCA site from a distance of 2 metres. When compared to the approved YMCA replacement building, the flank elevation of the proposed affordable block would be located 3 metres away at the closest point and 6 metres to the main rear façade of the replacement (YMCA) building. Recently approved plans granted permission for a new 7 storey building here with rear windows facing the application site. It is important to note that these windows serve hostel accommodation, the occupants of which are transient by their nature and as such the windows are not afforded the same degree of protection as conventional residential units. It is considered that the proposed built form here would have a noticeable impact on the outlook from these rear rooms. However it is not considered that this impact would be so severe in itself to justify the refusal of the application on this basis. The flank elevation of the proposed affordable block has no windows which would ensure there would be no loss of privacy or overlooking to these hostel rooms in this case (or vice versa).
- 15.4 RC Church Buildings & Presbytery: The eastern elevation of the affordable housing block has projecting balconies which face the carriageway and the rear elevations of St Joseph's Church and Presbytery. The distances involved vary from 7 to 12 metres. The hotel's main front façade windows that face these adjoining buildings vary from 7 to 19 metres. It is important to note that these distances are across a delivery bay and the rear rooms of the RC Church serve as community spaces and ancillary residential spaces and not purpose built residential accommodation. It is considered that bearing in mind these specifics, the proposed development would not result in unacceptable incidences of overlooking and privacy issues in this case. Once more the overall height of the proposed buildings has been designed specifically to ensure that the development maintains at an appropriate human scale, and it is not considered that the outlook would be materially adversely affected in this particular relationship.

- 15.5 CASS Business School & 3 Lamb's Passage: The development, where it is opposite this existing building, is across a carriageway. The CASS building & 3 Lamb's Passage are not in residential use. Therefore the impact here in terms of outlook and any concerns regarding overlooking or loss of privacy is not considered to be unacceptable.
- 15.6 1 Lamb's Passage and the rear of Sundial Court: It is acknowledged that the proposed built form is largest close to the junction with Lamb's Passage and Sutton Way, opposite 1 Lamb's Passage. The building drops away as you move westwards towards Shire House dropping from 8 to 6 storeys to finally 2 storeys. The proposed positioning of the front balconies to the private block have attempted to be as sensitive as possible and moved away from the habitable room windows to the main elevation of 1 Lamb's Passage, Sundial Court and Shire House to minimise loss of privacy and overlooking concerns. The proposed private block once more would be located across a public carriageway therefore the impacts are acceptable. The separation distances range between just less than 12 metres at the shortest point and 14 metres from rear windows of Sundial Court to the proposed block. The larger 6 storey section of the proposed block is located 7.5 metres away from the rear window/balcony area of units within Shire House. The section of the building has a shallow footprint measuring 7 metres in depth which is considered to limit its impact on the adjacent upper floor windows within Shire House allowing light to filter either side of the proposed built form. A condition is imposed to ensure that all west elevation (small) windows are obscured glazed and restricted opening (**condition 5**).
- 15.7 Bearing in mind the urban context and the central London location it is not unusual for reasonably small distances between new and existing buildings as part of the wider inner London urban grain. In this case it is acknowledged that the proposed built form at 8 storeys in height would affect the main outlook from residences in Sundial Court, rear of Shire House and 1 Lamb's Passage. The loss of outlook in particular to Shire House and 1 Lamb's Passage would be harmful but it is considered appropriate in townscape terms and when considering the overall benefits of the scheme, is on-balance considered to be acceptable.
- 15.8 Rear of Shire House: The upper floor levels of Shire House are occupied by living rooms and bedrooms, with several rear balconies in existence. Once again the proposed built form for the entire development, but in particular the private residential block and the hotel itself, would change the outlook from these existing windows. However it is important to note that the rear elevation windows of the hotel include oriel windows which lessen the potential for loss of privacy and overlooking, by directing views at oblique angles. The distances involved vary from 14 to 15 metres. The rear of the private residential block has no habitable room windows facing Shire House and the affordable block overlooks stairwells and blank walls of Shire House so no amenity issues would be apparent here. Overall it is considered that this revised scheme has substantially lessened the height and massing of the proposed development, coupled with the proposed distances between Shire House and the proposed development and the final window designs and treatments, means that the proposed development would not unacceptably harm the amenity enjoyed by these residents in terms of loss of outlook, loss of privacy or increased overlooking in relation to the proposed hotel and proposed affordable housing block. The private block would have a material adverse impact on the outlook from the upper floor west facing rear windows of Shire House and the front and side

elevations of 1 Lamb's Passage, however it is considered that this must be balanced against the benefits within this scheme.

- 15.9 Emergency Access and safety and security: Concerns have been raised from residents regarding potential safety and security concerns and emergency access to the proposed development. It is important to note that the London Fire Brigade and the Met Police raised no objections to the development. The site's accessibility would be significantly increased with a pedestrian cut through and public realm which would be actively surveilled by the hotel and adjoining residential uses. With appropriate lightning and CCTV systems this would further increase the security of the site. A condition is proposed to ensure these details are secured. (Condition 10). The proposed changes to the drop off points and footpaths around the site would make the movement of traffic easier in the immediate area. There is adequate access to fire hydrants surrounding the site and access into the site generally to enable emergency services to access the site in an efficient and safe manner.
- 15.10 Daylight and Sunlight: The application site is in close proximity to a number of adjoining properties. Residential amenity comprises a range of issues which include daylight, sunlight, overlooking and overshadowing impacts. These issues are addressed in detail in below. The Development Plan contains adopted policies that seek to safeguard the amenity of adjoining residential occupiers including Development Management Policy DM 2.1.
- 15.11 DM Policy 2.1 requires new developments to provide a good level of amenity including consideration of noise and the impact of disturbance, hours of operation, vibration, pollution, fumes between and within developments, overshadowing, overlooking, privacy, direct sunlight and daylight, over-dominance, sense of enclosure and outlook. Further, London Plan Policy 7.6 requires large scale buildings in residential environments to pay particular attention to privacy, amenity and overshadowing.
- 15.12 The application has been submitted with a sunlight and daylight assessment. The assessment is carried out with reference to the 2011 Building Research Establishment (BRE) guidelines which are accepted as the relevant guidance. The supporting text to Policy DM2.1 identifies that the BRE 'provides guidance on sunlight layout planning to achieve good sun lighting and day lighting'. The applicant has also provided an addendum to their Daylight and Sunlight report to address some of the complexities which this site and the neighbouring properties face. The document concludes that the daylight position in respect of the neighbouring building of Shire House is complex, and a more flexible application of the BRE guidance would allow for the type of situation experienced on the application site. The applicant argues that the BRE analysis as presented is consistent with an urban context such as this, where the existing buildings have enjoyed an uncommon situation with there being an undeveloped site adjacent within a very central London location
- 15.13 The proposed development has been significantly altered during the application process in order to reduce the impact on daylight/sunlight and outlook of the adjacent premises at Shire House, reducing the central building (hotel) height from six storeys to part four, part five. In addition, an increased setback (4 storeys) to the rear of the proposed development at its closest point to Shire House has been

introduced. An updated Daylight and Sunlight Report was produced by the applicant, and it is this report and addendum documentation that is being considered here.

15.14 A number of the representations raised concerns and objections to the scheme in relation to the impact of the proposed development on sunlight and daylight provision to neighbouring residential units during both rounds of consultation for this application.

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

The Vertical Sky Component (VSC) as measured at the centre point of a window is greater than 27%; or

The VSC is not reduced by greater than 20% of its original value. (Skylight);

A second test called the No Sky Line (NSL) is used to establish the distribution of daylight within a room. It also looks at the penetration of light within the room and can offer a more detailed view of how light enters a room than the VSC method of analysis. No Sky Line (NSL) can also be referred to as Daylight Distribution. Both terms refer to this same second BRE Guidelines test.

The NSL method provides results which determine how much of the room, at working plane height (0.85 metres above floor) can see some view of the sky. The area of the working plane in a room which can receive direct skylight should not be reduced to less than 0.8 times its former value.

Neither VSC nor the NSL methods of assessment calculate any actual measure of light. The quantity and quality of light within any room can constantly change as the sky outside changes in terms of brightness and sunlight. The only way to calculate the actual level of light is to use a light meter.

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

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

15.17 Where these guidelines are exceeded then sunlighting and/or daylighting may be adversely affected. The BRE guidelines provide numerical guidelines, the document though emphasises that advice given here is not mandatory and the guide should not be seen as an instrument of planning policy, these (numerical guidelines) are to be interpreted flexibly since natural lighting is only one of many factors in site layout design. In special circumstances the developer or planning authority may wish to use different target values. For example, in a historic city centre, or in an area with modern high rise buildings, a higher degree of obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings.

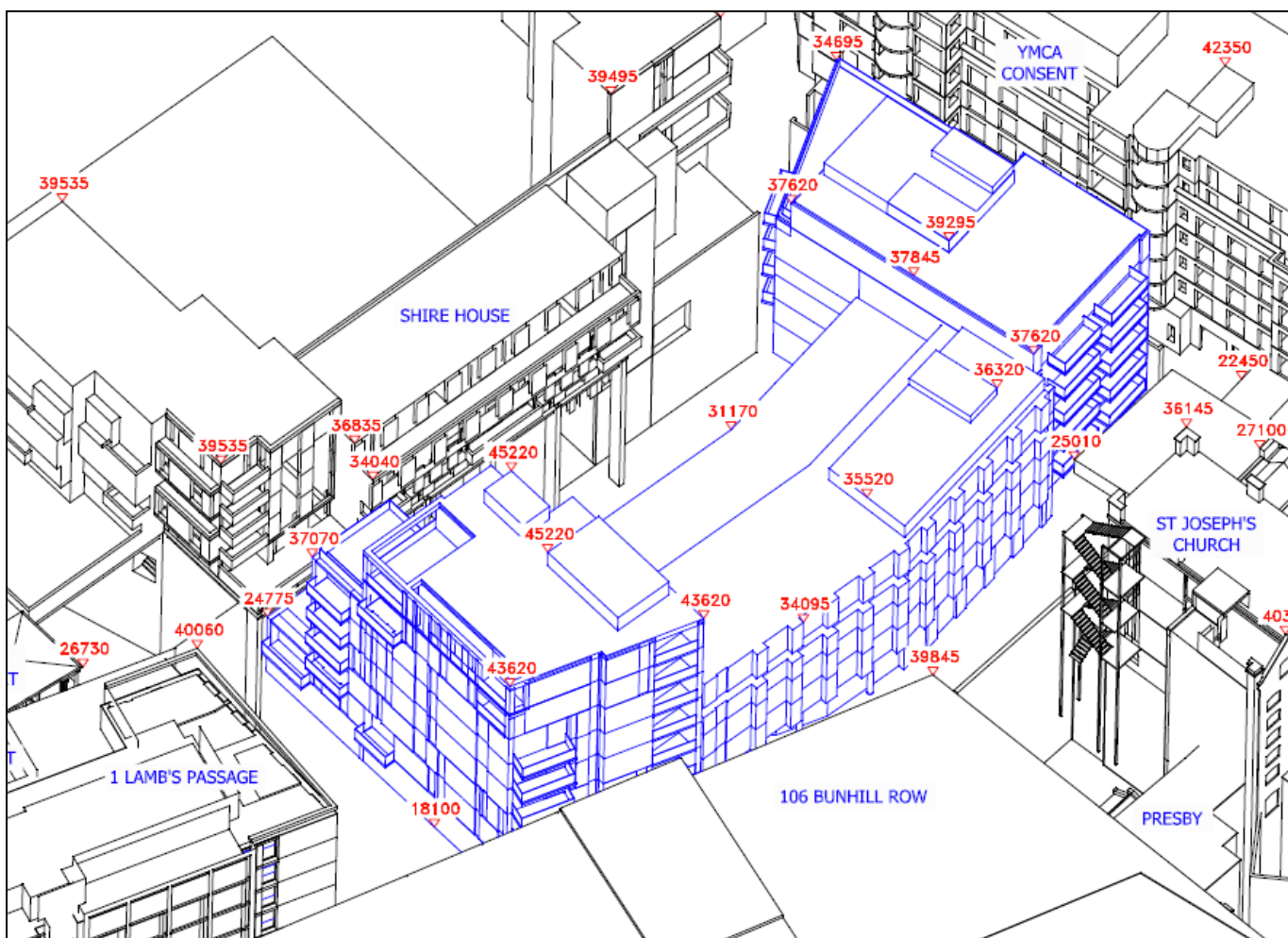
- 15.18 The application site is located within an extremely accessible central London location (PTAL 6a), where the potential of sites and density should, according to policy, be maximised where possible. Urban design considerations are also important when applying the guidance quoted above.
- 15.19 There are general points which need to be considered in terms of the application of BRE Guidelines (in particular) to any redevelopment of this site:
- It is important to recognise that a property that has daylight and sunlight levels which are below those set out in the BRE Guidelines does not mean that the property is unfit for use as residential accommodation, indeed many properties in built up areas have daylight and sunlight levels well below BRE Guidelines.
 - The BRE state that their Guidelines need to be used flexibly and that in built urban areas, different levels of daylight and sunlight may well be acceptable and may need to be accepted if new development is to make the best use of undeveloped land.
 - This site is unique in many respects. There is existing residential accommodation very close to its own site boundary with habitable windows looking directly out across the boundary. The BRE warns that where such situations exist, higher levels of obstruction may be unavoidable as the adjoining property takes an unfair share of light from the site.
 - Some of the surrounding properties, notably Shire House, have substantial overhangs and in some cases, double overhangs, which mean the windows beneath these are significantly restricted in their current ability to enjoy day light as this is blocked by the overhangs of Shire House itself. This means that they are mostly entirely dependent upon low level daylight across this site.
- 15.20 The applicant has sought to show two different scenarios of development to illustrate the potential impacts of the redevelopment of the site on sunlight and daylight levels to adjoining properties habitable room windows. The first scenario assesses the sunlight/daylight impacts of the proposed development against the existing situation on site. The second situation compares a notional redevelopment of the site to include a unified building height of circa 8 storeys around the majority of the site compared to the proposed massing of the scheme. The second scenario results show that the creation of a similar scaled and height development (8 storeys) at this site would result in severe sunlight/daylight losses to adjoining residents and would not be feasible. However limited weight is given to this 8 storey suggested notional scenario as it is considered to be a somewhat obvious result. Any redevelopment of a central urban site needs to carefully consider any possible proposals overall design and scale impacts take into full account the surrounding existing built form to ensure that any material adverse impacts on adjoining amenity levels are within acceptable levels and where there are transgressions these are outweighed by substantial public benefits.
- 15.21 Any substantial urban redevelopment which seeks to address the townscape deficiencies of the site, while creating a financially viable scheme allowing the

underground vaults to be brought back into use, is likely to result in material adverse losses of sunlight and daylight to adjoining properties.

15.22 The council must assess the magnitude and therefore the acceptability or not of any proposed reductions to adjoining resident's daylight and sunlight levels based on the evidence and analysis presented. The assessment within this report focusses on the results of the first scenario submitted by the applicant, which is to assess the proposed developments impact on daylight/sunlight levels on adjoining properties in relation to the BRE Guidelines.

15.23 Residential and other nearby mixed uses within the following properties have been tested for the purposes of sunlight and daylight impacts as a result of the proposed development.

- a. Shire House;
- b. 1 Lamb's Passage;
- c. Sundial Court and the rear of Sundial Court;
- d. The YMCA (as approved building);
- e. St Josephs Church; and
- f. Presbytery (to St Josephs Church).



Indicative massing of proposed development in relation to adjoining property windows.

Shire House

15.24 Shire House is a 4 storey residential building (sitting above a 5m loading and servicing bay which serves the commercial uses at ground floor level of the London City Shopping Centre) to the west of the application site. The BRE assessment demonstrates that the residential windows and rooms within this building experience losses of daylight in excess of the BRE guidelines to the (in effect) actual second, third, fourth and fifth floor windows / rooms serving the residential block on the east facing elevation of the building.

Daylight

15.25 The results for the proposed scheme show that of the 77 relevant windows assessed for Vertical Sky Component (**VSC**), 39 windows achieve the BRE recommended VSC level in this scenario (i.e. retain greater than 27% VSC post development). Of the remaining 38 windows (serving 28 rooms), 23 contain losses varying from 21% to 50% VSC with the remainder having higher than 50% losses of VSC. The worst losses are experienced by those units located at the (above the servicing bay) lowest floor level, with the daylight losses reducing as you move up the floors. It is important to note however that in many cases the existing VSC figures for the windows are already very low in percentage terms therefore the reductions in some parts appear disproportionately high because of the low existing situation. In terms of No Sky Line (**NSL**), of the 47 rooms assessed, 37 rooms achieve the BRE recommended NSL level. The impacts to the remaining 10 rooms range from 20.6% to 42.4%. Existing recessed balconies and overhangs have reduced in many cases the existing VSC levels to these rear facing residential units.

Window Room	Use (According to Approved Plans for Development)	VSC losses >20%	Daylight Distribution losses > 20%
R1/12 W3/12	Bed	95.31	
R2/12 W4/12	LKD	57.61	42.4
R2/12 W5/12	LKD	80.90	34.2
R3/12 W6/12	Bed	65.42	
R4/12 W7/12	Living	49.74	20.6
R5/12 W8/12	Bed	49.67	17.8
R6/12 W9/12	Living	55.75	31.5

R7/12 W10/12	Bed	54.61	27.7
R8/12 W11/12	Living	29.98	
R9/12 W12/12	Bed	32.20	
R10/12 W13/12	Living	55.63	32.3
R12/12 W15/12	Unknown	73.62	24.4
R1/13 W3/13	Bed	84.32	
R2/13 W4/13	LKD	8.74	
R2/13 W5/13	LKD	37.59	29.2
R2/13 W6/13	LKD	45.38	29.2
R3/13 W7/13	Kitchen	63.08	28.7
R3/13 W8/13	Kitchen	60.50	28.7
R4/13 W9/13	LKD	90.11	
R4/13 W10/13	LKD	42.07	
R4/13 W11/13	LKD	36.68	
R5/13 W12/13	Living	33.05	
R5/13 W13/13	Living	29.81	
R5/13 W14/13	Living	19.38	
R6/13 W15/13	Kitchen	35.64	
R6/13 W16/13	Kitchen	38.17	
R7/13 W17/13	Kitchen	35.62	
R7/13 W18/13	Kitchen	30.21	
R8/13 W19/13	Living	73.46	
R9/13 W24/13	Living	37.35	
R10/13 W25/13	Kitchen	23.52	
R10/13 W26/13	Kitchen	34.45	
R1/14 W3/14	Bed	71.62	
R2/14 W5/14	LKD	26.06	
R2/14 W6/14	LKD	31.32	
R3/14 W7/14	Bed	36.35	20.6
R4/14 W8/14	Living	27.22	
R5/14 W9/14	Bed	21.57	
R12/14 W16/14	Unknown	47.88	

R1/15 W2/15 R1/15 W3/15	Bed Bed	Complies 54.63	
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15.26 It is important to note that in windows affected above with a proposed reduction of 50% VSC or more it is due to them having extremely low existing VSC levels which has impacted upon the percentage losses as a result of the proposed development. It is likely that the reductions caused (when based on the existing low VSC level) would not be as noticeable in reality as the headline reduction figure would suggest. Also in 8 cases the room affected is served by two windows and generally as a result of this, the daylight distribution levels remain higher than the VSC results would suggest. This helps to ensure an overall satisfactory access to daylight is maintained. It is also important to note that the existing balconies and overhangs have in many cases resulted in the existing low VSC levels experienced by residents living within the affected units of Shire House.

Sunlight

15.27 The sunlight Annual Probable Sunlight Hours (APSH) results demonstrate that, of the 11 windows assessed, 9 windows achieve the BRE recommended APSH level for both annual and winter with impacts beyond the guidelines to 2 windows. These two windows serve a living/dining room (APSH loss of 100%) and a living room (APSH loss of 46.7%) within two separate residential units. Whilst this would obviously be noticeable, both rooms would maintain acceptable daylight distribution levels which are considered to mitigate the proposed impact overall.

Conclusion

15.28 It is important to note that in the case of Shire House in over 14 situations where there is loss of daylight to residential windows, there is mitigating circumstances which need to be considered including extremely low existing VSC values ranging from 1 to 3% and in many cases the room with the relevant VSC window loss has a secondary window allowing better daylight into the same room of the unit. Bearing in mind the existing situations and the dynamics of the site, it is considered that the proposed development, on balance results in a material loss of daylight to 38 windows facing the site from Shire House with 15 windows experiencing losses of over 50% their former values in terms of VSC. Bearing in mind the NSL (Daylight Distribution) results that maintain in the majority of cases complying DD, but in 9 cases losses between 20.6% and 42.2% it is considered that on balance the proposed development would not have such a material adverse impact on these residential amenity levels to warrant refusal of the application on this basis.

1 Lamb's Passage

15.29 The analysis shows that, of the 52 windows assessed for VSC, 21 windows achieve the BRE recommended VSC level. Of the 31 windows that would fail, those losses would range from 20.73% - 100%. However, where impacts occur significantly in excess of the recommended VSC level, these are to windows that generally have low existing VSC levels. In respect of NSL, of the 31 rooms assessed, 17 rooms

achieve the recommended NSL level following the completion of the proposed development. The impacts to the remaining 11 rooms range from 23.3% - 100%, however 8 of these rooms experience impacts ranging from 23.3% - 47.2% with therefore 3 rooms experiencing greater than 50% loss of NSL. Given the lack of information with respect of use of these rooms, it is assumed that all these rooms are living rooms, having a higher demand for lighting than other rooms.

Window / Room	Use (According to Approved Plans for Development)	VSC losses >20%	Daylight Distribution losses > 20%
R1/600 W1/600	Unknown	100	100
R2/600 W2/600	Unknown	97.74	89.9
R1/601 W3/601	Unknown	52.05	31.3
R2/601 W4/601	Unknown	56.83	
R2/601 W5/601	Unknown	57.08	
R3/602 W6/602	Unknown	52.75	47.2
R4/602 W7/602	Unknown	51.04	
R4/602 W8/602	Unknown	49.90	53.2
R4/602 W9/602	Unknown	48.38	
R5/602 W10/602	Unknown	45.63	37.0
R1/603 W3/603	Unknown	40.19	
R3/603 W6/603	Unknown	45.46	37.3
R4/603 W7/603	Unknown	43.66	
R4/603 W8/603	Unknown	41.91	44.4
R4/603 W9/603	Unknown	40.24	
R5/603 W10/603	Unknown	37.23	23.3
R1/604 W03/604	Unknown	32.96	23.3
R2/604 W04/604	Unknown	35.94	
R2/604 W05/604	Unknown	36.26	
R3/604 W06/604	Unknown	37.28	
R4/604 W07/604	Unknown	34.92	27.6
R5/604 W10/604	Unknown	27.78	
R1/605 W03/605	Unknown	24.89	

R2/605 W04/605	Unknown	27.00	
R2/605 W05/605	Unknown	27.24	
R3/605 W06/605	Unknown	27.76	
R4/605 W07/605	Unknown	25.10	
R4/605 W08/605	Unknown	22.37	
R4/605 W09/605	Bed	20.73	

Sunlight

15.30 The sunlight results demonstrate 100% compliance in respect of the APSH levels, due to the application site being located due north of 1 Lamb's Passage.

Conclusion

15.31 It is noted that the exact room layouts of 1 Lamb's Passage have not been detailed within the submitted information. The council has considered the results in a worst case scenario taking each identified room as a habitable space (living room) in this case. The reductions proposed are considered to be significant but not overly high bearing in mind the open nature of the site which has resulted in uncommonly high existing VSC and daylight levels. Unlike Shire House, 1 Lamb's Passage has no front over sailing balconies or projections which reduce these units access to daylight. It is considered that the redevelopment of the site will inevitably change the daylight levels experienced by these units over the existing situation on site. However and on-balance the proposed impacts in terms of VSC and daylight distribution reductions are considered to be acceptable in this case when weighed against the significant benefits brought forward on this underdeveloped central London site.

Rear of Sundial Court

Daylight

15.32 The VSC results demonstrate that, of the 15 windows assessed, 2 windows achieve the recommended VSC level. In terms of the remaining 13 windows, the losses to a number of these windows are not significantly in excess of the BRE guidelines. Furthermore, a number of the windows experience existing low VSC levels. As such, whilst the actual impact to these windows (and light received by the room sitting behind) is not significant, it appears disproportionately high in percentage terms. The NSL results show that, of the five (6)5 rooms assessed, three (3) rooms achieve the recommended NSL level. There is an impact to two (2) rooms beyond the BRE guideline level being 29.6% and 48% respectively. Recent appeal decisions state that maintaining 50% NSL could be considered an absolute maximum, these impacts therefore are great but acceptable, in the context of the benefits that would be brought forward on this underdeveloped central London site.

Window / Room	Use (According to Approved Plans for Development)	VSC losses >20%	Daylight Distribution losses > 20%
R1/50 W4/50	Unknown	37.67	48
R1/50 W5/50	Unknown	31.01	
R1/50 W6/50	Unknown	34.03	
R2/50 W1/50	Unknown	36.7	
R2/50 W2/50	Unknown	31.01	
R2/50 W3/50	Unknown	87.88	
R1/51 W3/51	Unknown	30.37	29.6
R1/51 W4/51	Unknown	23.62	
R1/51 W5/51	Unknown	26.75	
R2/51 W1/51	Unknown	23.90	
R2/51 W2/51	Unknown	25.48	
R1/52 W3/52	Unknown	25.13	
R1/52 W4/52	Unknown	21.46	
R1/52 W5/52	Unknown	21.79	

Sunlight

15.33 This property is not relevant for sunlight analysis as it is not within 90 degrees of due south of the development site.

Conclusion

15.34 Overall the daylight/sunlight implications of the proposed development are considered to have an acceptable impact on the existing daylight/sunlight levels to be acceptable in relation to the rear of Sundial Court.

Sundial Court

Daylight

15.35 The results demonstrate that, of the 13 windows assessed, 12 windows achieve the BRE recommended level following the completion of the proposed development. There is a minor impact to 1 window within this property. Whilst the impact to this window is in excess of the BRE guidelines, it is just in excess of the guidelines (25.29%) and is considered acceptable. The NSL results demonstrate that this property is 100% compliant following the completion of the proposed development.

Sunlight

15.36 This property is not relevant for sunlight analysis as it is not within 90 degrees of due south of the development site.

Conclusion

- 15.37 Overall the daylight/sunlight implications of the proposed development are considered to have an acceptable impact on the existing daylight/sunlight levels in relation to Sundial Court.

The Presbytery

Daylight

- 15.38 The results demonstrate that in respect of VSC, none of the assessed windows achieve the BRE recommended VSC level following the completion of the proposed development. In respect of NSL, the results demonstrate that none of the relevant rooms achieve the BRE recommended NSL level.

Sunlight

- 15.39 The sunlight results demonstrate that none of the relevant windows achieve the BRE recommended APSH level.

Conclusion

- 15.40 On the face of it, the impacts of the proposed development on the Presbytery are significant. However the building is a low rise building (2 storeys in height) and serves as ancillary residential accommodation. The low rise nature of the building and its existing few very small and rear facing windows (particularly at rear first floor level) are disproportionately affected by the development as the smaller the window the less able a room is able to be well lit. Bearing in mind these existing physical attributes, the proposed daylight/sunlight impacts of the proposed development on this property are considered to be acceptable.

St Joseph's Church

Daylight

- 15.41 St Joseph's Church is used for non residential purposes. Therefore none of the windows within this building are considered to be 'habitable' and whilst assessment has been undertaken, the need for day lighting and sun lighting is less than the need for residential, habitable rooms. Of the 52 windows assessed for VSC in this property, 36 windows achieve the BRE recommended VSC level following the completion of the proposed development. The remaining 16 windows experience impacts beyond the BRE guidelines. Eight of the affected windows experience VSC reductions that range from 20% - 32% with the remaining eight experiencing losses in the range of 34.8% – 64.3% In respect of NSL, the results demonstrate that, of the 19 rooms assessed, 15 rooms achieve the BRE recommended NSL level. There are impacts beyond the BRE to the remaining 4 rooms from 24.9% to 46.7%.

Sunlight

15.42 The ASPH analysis demonstrates that, of the 43 windows assessed, 40 windows achieve the guideline APSP levels (both summer and winter scenarios) in this scenario ranging from 60% to 75% APSP overall.

Conclusion

15.43 The proposed results show digression of varying scales to 16 windows. Overall, considering the use of this building it is considered that the impacts in terms of loss of daylight to these windows are acceptable.

The YMCA (as consented)

Daylight

15.44 In terms of the YMCA building, the assessments only examined the semi-permanent residential elements of that proposal. It is important to note that the consented scheme contains residential accommodation which would be occupied on a more semi-permanent basis as opposed to the majority of the building which is in just transitory hostel use. Section 2.2.2 of the BRE Guidelines state that they are intended principally for habitable residential accommodation. Given the transitory nature of hostel accommodation, it is not considered to have the same requirement for good daylighting and sunlight levels. This was recently supported in an appeal decision for 154 Pentonville Road by the Planning Inspectorate.

Window / Room	Use (According to Approved Plans for Development)	VSC losses >20%	Daylight Distribution losses > 20%
R1/1401 W1/1401	Bedroom	29.57	24.7
R2/1401 W2/1401	Living	29.36	
R3/1401 W3/1401	Bedroom	32.82	
R4/1401 W4/1401	LKD	37.05	
R5/1401 W5/1401	Bedroom	43.79	
R1/1402 W1/1402	Bedroom	23.23	
R2/1402 W2/1402	Living	23.31	
R3/1402 W3/1402	Bedroom	27.75	
R4/1402 W4/1402	Bedroom	21.08	
R5/1402 W5/1402	LKD	43.49	

R3/1403 W3/1403	LKD	21.08	
R4/1403 W4/1403	Bedroom	26.97	20.3
R5/1403 W5/1403	LKD	38.37	
R5/1404 W5/1404	Bedroom	26.84	

Daylight

15.45 The VSC results demonstrate that of the 30 windows assessed, 16 windows achieve the BRE recommended level with impacts occurring to the remaining 14 windows beyond the BRE guidelines. However, for a total 9 of these windows these impacts are not significantly in excess of the BRE recommended levels with impacts ranging from 21% - 30%. In respect of NSL, of the 26 rooms assessed, 24 rooms achieve the BRE recommended NSL level following the completion of the proposed development.

Sunlight

15.46 The sunlight results demonstrate that, of the 26 windows assessed, 24 windows achieve the BRE recommended APSH level with impacts beyond the BRE to the remaining 2 windows. While 18 of these 24 windows experience reasonably large reductions in sunlight hours the majority of the windows would maintain 4% or higher winter APSH so therefore pass the standards as set out within BRE Guidance.

Conclusion

15.47 Bearing in mind the hostel use and transient occupants of the site, the loss of daylight and sunlight to this property is acceptable in this case.

15.48 In evaluating these matters and breaches on VSC and NSL it is necessary to note that the BRE guidelines places understandably greater emphasis on the protection of living rooms, dining rooms and kitchens identifying that bedrooms should also be analysed, although they are less important.

15.49 It is also important to recognise when assessing failures in VSC and NSL levels to consider the magnitude or scale of the failure. Failure of loss of daylight levels ranging from 20% - 30% can be considered to be relatively lesser/minor infringements, particularly in this central London location.

15.50 Evaluation Daylight Impact The results of the sunlight/daylight report have been carefully considered by officers as part of the assessment and weighing up of the merits of the proposed development.

15.51 In several cases the results have identified daylight losses greater than 20% of the existing levels however the BRE guidance does state that in central locations the guidance should be applied flexibly to secure appropriate townscape design. The development is not significantly taller or out of character with surrounding perimeter buildings. There is a balance to be struck in creating an attractively designed and

financially viable redevelopment of the site and listed vaults while safeguarding adjoining residential daylight /sunlight levels to an acceptable degree.

Summary – Sunlight and Daylight:

- 15.52 It is noted any further reductions in the scale, massing and height of the development would render the redevelopment of the site (in this way) unviable and would therefore not deliver a substantial amount of affordable housing, public realm improvements nor enhance the character and appearance of the area, whilst bringing the vaults back into use. Having regard to the comprehensive redevelopment proposed and the benefits cited above making best or optimum use of a very central London location, it is considered that on balance, the proposed adverse impacts of the development in terms of loss of daylight and to a lesser degree sunlight, are acceptable within this central London location. A refusal of the application on sunlight/daylight issues would restrict a comprehensive redevelopment of this site and it is considered that the reductions proposed as detailed within the submitted daylight/sunlight report are acceptable and justified by evidence when considered against the existing context of the site, the existing window arrangements and VSC levels within the adjoining buildings surrounding the site and the very open, undeveloped nature of this site, rare in central London.
- 15.53 *Noise & pollution:* The council's noise officer notes the potential commercial activities associated with the restaurant use and hotel deliveries and servicing have the potential to cause noise disturbances in the area. The officer recommends conditions be attached to control noise levels from any plant or equipment needed for the restaurant use (**condition 21 & 22**), controls on noise and operating hours for the restaurant, delivery and servicing hours condition for a hotel use (condition 30) and noise and sound insulation conditions for the proposed new residential aspects of the scheme (**condition 20 & 21**). A condition would also be attached ensuring updated noise mitigation measures to be enacted within the development. Subject to these detailed conditions the officer is satisfied with the proposed development in this case.
- 15.54 *Construction:* The scale of the project and its close proximity to existing residential and commercial properties is likely to lead to disruption during the construction period. A condition (**condition 25**) is suggested to monitor and manage this period during construction. The applicant has also agreed to comply with Islington's Code for Construction Practice which is secured within the suggested S106 heads of terms.

16.0 Quality of Resulting Residential Accommodation

- 16.1 Islington Core Strategy policy CS12 identifies that to help achieve a good quality of life the residential space and design standards will be significantly increased from their current levels. Islington's Development Management Policies will set out these in detail. The Islington Development Management Policies DM3.4 sets out the detail of these housing standards. It should be noted that particular care and attention was given to the design and layout of residential units at the pre-application stage, and the quality of accommodation proposed within this scheme is considered to be particularly high quality.

- 16.2 Unit Sizes All of the proposed residential units comply with the minimum unit sizes as expressed within this policy. The submitted sections of all of the residential units show attainment of the minimum floor to ceiling height of 2.6 metres.
- 16.3 Policy DM3.4 part D sets out that *'new residential units are required to provide dual aspect accommodation, unless exceptional circumstances can be demonstrated'*. The policy then goes on to state that *'for sites where dual aspect dwellings are demonstrated to be impossible or unfavourable, the design must demonstrate how a good level of natural ventilation and daylight will be provided for each habitable room'*. All of the proposed residential units have very good access to outlook, sunlight and daylight levels and natural ventilation, all residential units are dual aspect which is also welcomed.
- 16.4 Amenity Space Policy DM3.5 of the Development Management Policies Document 2013 within part A identifies that *'all new residential development will be required to provide good quality private outdoor space in the form of gardens, balconies, roof terraces and/or glazed ventilated winter gardens'*. The policy in part C then goes on to state that the minimum requirement for private outdoor space is 5sqm on upper floors for 1-2 person dwellings. For each additional occupant, an extra 1sqm is required on upper floors. A minimum amount of 30sqm is required for family housing (which is three bedroom residential units and above).
- 16.5 There are no larger family dwellings proposed within the scheme which is considered to be acceptable bearing in mind the constraints of the site and the need to safeguard as much as possible the amenity levels of nearby residents. The proposed mix of units has focussed on the provision of 1 and 2 bed units. All of the proposed units have access to an acceptable sized external amenity space for the size of the residential unit proposed.

Amenity Space Provision & Children's Play Space

- 16.6 London Plan 2011 Policy 3.6 (Children and Young People's Play and Informal Recreation Facilities) requires that proposals that include housing make provision for play and informal recreation, based on the expected child population generated by the scheme and an assessment of future needs. The Mayor's SPG 'Providing for Children and Young People's Play and Informal Recreation' sets out guidance to assist in this process. The guidance sets a benchmark of 10 sqm of usable child playspace to be provided per child with under fives child playspace provided within 100m of homes (doorstep play); playspaces of 6 to 11 year olds within 400m of homes; and playspace for 12+ year old within 800m of homes. This is carried forward in London Plan Policy 3.6.
- 16.7 Core Strategy Policy CS16 (Play Space) also requires provision of play for new developments, including housing. The Council's Development Management DPD, DM3.6 (Play Space) seeks 5 sqm of private/informal play space per child. This should be provided on-site and exceptions will only be accepted in particular circumstances. The Council sets out as part of its Planning Obligations SPD (November 2013), the approach to be taken in calculating the child yield for a particular development. This is based upon the Mayor's SPG 'Providing for Children and Young People's Play and Informal Recreation'.

- 16.8 Applying the above guidance and more onerous Mayoral play space standards, the child yield total 13 children, including 9 children aged 0-4, 3 children aged 5 to 11 and 1 child aged 12 to 16. This equates to an overall play space provision of 130 sqm. When broken down according to age group, the following play space requirements can be derived:
- 9 x 0-4 year olds = 90 sqm of doorstep playable space;
 - 3 x 5-11 year olds = 30 sqm of local playable space; and
 - 1 x 12-16 year olds = 10 sqm of youth space.
- 16.9 A new area of public realm is to be created as part of the proposed development. measuring 1,250 sq metres in size, which would be attractively landscaped and offer interactive amenity and play space for local residents and the public to enjoy. As part of the public realm improvements, a new pedestrian route linking Lamb's Passage to Errol Street would be created.
- 16.10 In light of the constrained nature of the application site, the landscaping strategy prepared as part of this application has incorporated 'play on the way' features within the new public realm improvements that would provide opportunities for play for occupants of the development. The 'play on the way' features come together to form an informal 'play zone', which would total approximately 290 sqm and would be situated within 100m of all the proposed residential properties on site. The provision of multi-functional, informal play spaces as part of the landscaping for the public realm would significantly exceed the amount of play space required and is welcomed and secured by condition. (**condition 34 & 39**).
- 16.11 Refuse: Dedicated refuse and recycling facilities/chambers are proposed for the residential uses and the commercial spaces. The location and capacity, including management of these facilities have been developed in consultation with the Council's Street Environment department. It is considered that all differing uses have adequate refuse facilities and appropriate management secured by **condition 26**. It is not considered that the proposed development would have any adverse impact on the existing refuse facilities and collection methods for Shire House in this case.

17.0 Dwelling Mix

- 17.1 Part E of policy CS12 of the Islington Core Strategy requires a range of unit sizes within each housing proposal to meet the needs in the borough, including maximising the proportion of family accommodation in both affordable and market housing.
- 17.2 The Development Management Policies (2013) policy DM3.1 A). states that all sites should provide a good mix of housing sizes and B) the housing mix required on all residential developments will be based on Islington's Local Housing Needs Assessment, (or any updated assessment prepared by or on behalf of the council). The current Housing Needs Assessment seeks the housing size mix (by habitable rooms) that is indicated alongside the proposed mix table below.

Proposal:

- 17.3 This planning application proposes a total of 38 residential units of which 19 would be for market sale and 19 units would be affordable units for exclusively social

rented tenure. The affordable housing block would be located adjacent to the YMCA building to the north of the site.

- 17.4 The amendments to the scheme have increased the affordable housing offer from the originally proposed 16 units to the current 19 units. The current proposal is set out below, with a comparison to the housing needs of the borough. The scheme proposes a total of 38 residential units with an overall mix as outlined in the table below.

Dwelling Type	Social Rent (No. / % HR)	Policy DM3.1 Target Mix	Private (No. / %)	Policy DM3.1 Target Mix
One Bedroom (2 person)	8 / 42%	0%	9 / 48%	10%
Two Bedroom (4 person)	11/58%	20%	10 / 52%	75%
Three Bedroom (5/6 person)	None	30%	None	15%
TOTAL	19		19	

- 17.5 There is an identified strong demand for 2 bed units within the market tenure and a strong demand for larger units (3 and 4 beds) within the social rented tenure within the borough. It is noted that the proposed social rented units are geared towards the provision of smaller units where there is a policy drive and need for larger family units more generally within the borough.
- 17.6 It is considered however that the constraints of the site and relationship of the proposed buildings to adjoining properties have exerted limitations on the proposed scale, massing and height of both residential blocks in this case. The need to create a development which safeguards adjoining residential amenity levels to an acceptable degree while creating fully accessible and well laid out units has influenced the size, number and mix of the proposed units in this case. Bearing in mind these constraints it is considered that the site cannot support a significant number of family units with necessary amenity spaces.
- 17.7 It is important to note that while the proposed provision does not provide any large family units for social rented tenure, the proposed development as a whole offers a valuable provision of 50% affordable housing comprising completely of social rented tenure. The units would be in demand once completed and the applicants have an RP (Affinity Sutton Housing) who are ready to purchase the affordable units as proposed. Therefore it is considered that the proposed development offers a valuable and much needed social rented affordable housing provision and good quality market housing which is welcomed. In this particular case the housing mix is considered to be acceptable and appropriate.

18.0 Affordable Housing and Financial Viability

- 18.1 Paragraph 47 of the NPPF states that, to boost significantly the supply of housing, local planning authorities should use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area. Paragraph 173 states that to ensure viability, “*the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable*”.
- 18.2 London Plan (2011) policy 3.12 states that the “*maximum reasonable amount of affordable housing should be sought when negotiating on individual private residential and mixed use schemes. It adds that negotiations on sites should take account of their individual circumstances including development viability, the availability of public subsidy, the implications of phased development including provisions for re-appraising the viability of schemes prior to implementation (‘contingent obligations’), and other scheme requirements*”.
- 18.3 Core Strategy (2011) policy CS12 (part G) states that Islington will meet its housing challenge, to provide more affordable homes by:
- requiring that 50% of additional housing to be built in the borough over the plan period should be affordable.
 - requiring all sites capable of delivering 10 or more units gross to provide affordable homes on-site. Schemes below this threshold will be required to provide financial contribution towards affordable housing provision elsewhere in the borough.
 - seeking the maximum reasonable amount of affordable housing, especially Social Rented housing, from private residential and mixed-use schemes, taking account of the overall borough-wide strategic target of 50% provision.
 - delivering an affordable housing tenure split of 70% social housing and 30% intermediate housing.
- 18.4 Islington Planning Obligations SPD (Nov 2013) provides guidance as to how the Local Planning Authority will consider viability assessments. Whilst this was adopted after the receipt of this application it is relevant at the time of decision making and in any event informed the approach taken through consideration of this scheme.
- 18.5 **Formal Affordable Housing Offer:** The development proposes 19 units out of the total 38 as affordable housing all within the social rented tenure. The affordable housing offer was revised during the course of the application and increased from 16 units as originally submitted to 19 units as now proposed. The proposed affordable housing provision represents a 50% provision as a total of the proposed units and just over 50.55% by habitable rooms.

Assessment of Financial Viability:

- 18.6 BPS Chartered Surveyors: The Council appointed BPS Chartered Surveyors to undertake a review of financial viability for this scheme. The assessment sought to determine the deliverability and viability of the proposed scheme.
- 18.7 An initial draft viability response was prepared by BPS and sent to the applicant on the 13th of May 2014. This requested a response to various questions that BPS had after reviewing the applicant's information; particularly in relation to the existing land use of the site, land values, comparable sales values for residential units in the area, revenue streams for the proposed hotel, gym and restaurant uses on the site and more detailed information regarding the proposed hotel use, proposed target market and operators in this case.
- 18.8 The applicant met with the case officer and BPS in late May 2014 to discuss the areas requiring further information to be provided. Further details were provided by the applicant and BPS sent through their addendum viability report on the 10th June 2014 (see Appendix 3).
- 18.9 Given the detailed and comprehensive way that the report deals with financial viability it is not attempted to summarise the report within this section of the report, it is recommended that the BPS report be reviewed in full (Appendix 3).
- 18.10 The key results of the final BPS viability assessment show that the proposed redevelopment of the site with 50% affordable housing provision (all social rented tenure) is deliverable and viable while creating a small surplus in which to provide a £106 financial contribution. The review by BPS concluded that the scheme would not be viable if the applicant were to pay the full amount of £106 contributions related to the development. However BPS concluded that subject to a reduction of the £106 contributions, the economics of the development would be viable and the scheme deliverable at this moment in time. See the planning obligations section of this report for more details.

Conclusions

- 18.11 The original BPS report and addendum BPS report clearly indicates that the private residential sales, retail, gym, office and commercial revenue have been increased by the applicant, in line with BPS's initial assessment dated 13 May 2014. The key monetary figures, assumptions, land values and Gross Development Values have been agreed and BPS has confirmed that provided the identified surplus (£180,000) is made available towards £106 contributions that the proposed scheme is unable to viably deliver either more affordable housing or further financial contributions.
- 18.12 The council has assessed the details carefully and proposes a reduction in the £106 contributions sought in this case in order to ensure that the scheme remains viable and deliverable, yet still mitigates the impact of additional site occupants. Additionally, a viability review mechanism should be built into any agreed £106 which would enable the outstanding contributions to be reviewed if the development has not begun within 12 months of the grant of permission. This would ensure that the scheme is delivered without delay while also allowing the council to assess the scheme against the prevailing market in 12 months time if required to, with a view to securing full mitigation of the impacts on the local infrastructure from this development. This is considered to be a fair and pragmatic approach to the delivery

of the development on this particular site in this case, giving considerable weight to the 50% affordable housing delivery, which is a strategic priority for London. The suggested wording is within the draft S106 heads of terms contained within Appendix 1 of this report.

19.0 Sustainability

- 19.1 The NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development, and policies relevant to sustainability are throughout the NPPF. Further planning policies relevant to sustainability are set out in chapter 5 of the London Plan, Core Strategy policy CS10 and chapter 7 of the Development Management Policies. Islington's Environmental Design SPD is also relevant.
- 19.2 The applicant's Sustainability Statement states that:
- BREEAM "Excellent" is possible to be achieved for the hotel, office and flexible retail units. (**Condition 15**)
 - Code for Sustainable Homes level 4 (November 2010 version) would be achieved for all residential units; (**Condition 14**)
 - Flood risk and sustainable urban drainage systems introduction of permeable areas as green / brown roofs, landscaped areas and permeable paving as well as attenuated surface water runoff;
 - Other measures – relating to operational sustainability, materials selection, sustainable transport, site waste and recycling – would be promoted.
- 19.3 Water Use demand: With regard to water use, at paragraph 5.3.3 of the Sustainability Statement the applicant acknowledges Islington's requirement (set out at part C of Core Strategy policy CS10) for residential schemes to achieve a water efficiency target of 95 litres per person per day or fewer. This is shown to be achievable through the incorporation of a greywater recycling plant room as well as rainwater harvesting plant room for irrigation purposes. The applicant proposes that the combination of these recycling and use of water efficient appliances would enable this target to be met. Further conditions are suggested to achieve this aim. (**Conditions 16, 17, 18, 35 & 36**)
- 19.4 Green Roofs: The proposed plans show extensive coverage of green roofs and PV panels on the developments main roofs which are welcomed. These features are secured via conditions. (**Condition 16**)
- 19.5 Sustainable Urban Drainage: Given Islington's highly urbanised character, with few permeable surfaces, it has a high risk of surface water flooding that is likely to increase through intensification and higher levels of rainfall (as a result of climate change). The applicant proposes the use of green roofs, permeable paving and soft landscaping.
- 19.6 London Plan Policy 5.13 (Sustainable Drainage) states that developments should utilise Sustainable Urban Drainage Systems (SUDS), unless there are practical reasons for not doing so and that surface water run-off is managed as close to its source as possible. Policy DM6.6 (Flood Prevention) of the Development Management DPD requires applications for major developments that create new floorspace that is likely to result in an intensification of water use are required to

include details to demonstrate that SUDS have been incorporated and meet the design standards listed under the policy.

- 19.7 In order to ensure that the proposed development adheres to this policy, Curtins Consulting have prepared a Drainage Strategy, which addresses management of surface water flows from the development, the incorporation of SUDS features where appropriate and reduce peak run-off rates and overall volumetric run-off. Space planning for attenuation structures and the protection of basement areas against flooding has also been included. Curtins Consulting has updated the Drainage Strategy to account for the effect of the amendments to the scheme and respond to the comments made by the Council's Sustainability Officer on 25 November 2013. The revised report now sets out measures for greywater re-use and addresses the feasibility of rainwater harvesting. The benefits in reducing peak surface water run-off rates arising from the inclusion of green roof areas and new areas of soft landscaping as part of the scheme are also outlined.
- 19.8 SUDS Summary: The proposal has a number of SUDS features which are welcomed. It is considered that further details can be secured via condition to ensure that the SUDS credentials of the proposed new build here are maximised to their full potential ahead of the implementation of the development on site (condition 17). It is considered that based on the current information and scheme design, the proposals adequately address London Plan (2011) policies: 5.3 and 5.13, Core Strategy (2011) policy CS10E, Development Management Policies (2013) Policy DM6.6 'Flood Prevention' and the Environmental Design SPD (2013).
- 19.9 Green Performance Plan: An initial draft GPP was submitted with the application albeit lacking the required details for full assessment. A further heads of term for the S106 will also require the submission of a GPP after two years of the development to monitor the efficiency of the development as a whole.

20.0 Energy Efficiency and Renewable Energy

- 20.1 The National Planning Policy Framework notes that planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, states that local planning authorities should adopt proactive strategies to mitigate and adapt to climate change, and states that to support the move to a low carbon future, local planning authorities should plan for new development in locations and ways which reduce greenhouse gas emissions (paragraphs 93 to 95).
- 20.2 Chapter 5 of the London Plan (2011) sets out the Mayor of London's policies for addressing climate change. These include policy 5.1, which sets out a target of reducing London's carbon dioxide emissions by 60% (below 1990 levels) by 2025, and policy 5.2, which sets out the following energy hierarchy for minimising carbon dioxide emissions:
- Be lean: use less energy.
 - Be clean: supply energy efficiently.
 - Be green: use renewable energy.
- 20.3 No changes to policies 5.1 and 5.2 (to ensure consistency with the NPPF) were included in the Mayor of London's Revised Early Minor Alterations to the London Plan, published in June 2012.

- 20.4 Islington's Core Strategy policy CS10 (part A) states that all major development should achieve an on-site reduction in total (regulated and unregulated) carbon dioxide emissions of at least 40% in comparison with total emissions from a building which complies with the Building Regulations 2006, unless it can be demonstrated that such provision is not feasible. Paragraph 7.18 in Islington's Development Management Policies (and paragraph 2.0.6 of Islington's Environmental Design SPD) details an equivalent reduction (or "proxy") of 30% in comparison with total emissions from a building which complies with the Building Regulations 2010.
- 20.5 Part A of Development Management Policy DM7.1 states that development proposals are required to integrate best practice sustainable design standards (as set out in the Environmental Design SPD), during design, construction and operation of the development.
- 20.6 Policy DM7.5 in Islington's Development Management Policies states that developments are required to demonstrate how the proposed design has maximised incorporation of passive design measures, and goes on to set out a sequential cooling hierarchy. Part B of the policy states that measures at the highest priority level of the cooling hierarchy shall be utilised to the fullest extent possible before the next level is utilised. It adds that "*use of technologies from lower levels of the hierarchy shall not be supported unless evidence is provided to demonstrate that technologies from higher levels of the hierarchy cannot deliver sufficient heat control*".

Be Clean (District energy and Combined Heat and Power (CHP))

- 20.7 The applicant has followed the London Plan's energy hierarchy in terms of reporting CO2 reductions based on regulated and unregulated emissions, as set out in their submitted 'Energy Statement.
- 20.8 In summary, the documentation refers to achieving 53.9% savings on regulated emissions (relative to the Part L, Building Regulations, 2010). London Plan policy 5.2 refers to 40% regulated CO2 emissions savings against Part L, 2010 Building Regulations up until 2016 and zero carbon beyond that date. At the present time therefore, the proposals achieve and significantly exceed London Plan policy 5.2 compliance requirements.
- 20.9 The applicant has embraced the comprehensive reduction of total CO2 emissions from the proposed development to achieve a very high reduction in total emissions as a result which is very much welcomed by the council.

Be Lean (Passive design and energy efficiency target)

- 20.10 The Energy Strategy states that the development would use less energy 'being lean' through the use of energy efficient fabric and building services, utilising best practice. All dwellings have been designed to minimise the need for mechanical cooling. Mechanical ventilation is proposed for the residential units due to local noise issues. The mechanical ventilation system will include heat recovery (MVHR) in order to achieve ventilation in the most energy efficient way. Windows will remain openable to achieve passive cooling in the summer.

- 20.11 London Plan policy 5.5 sets out an expectation that 25% of heat and power used in London will be generated through the use of localised decentralised energy systems by 2025, and states that boroughs should require developers to prioritise connection to existing or planned decentralised energy networks where feasible. Policy 5.6 goes on to state that development proposals should evaluate the feasibility of Combined Heat and Power (CHP) systems, and sets out the following hierarchy for major developments to accord with when energy systems are selected:
- Connection to existing heating or cooling networks.
 - Site-wide CHP network.
 - Communal heating and cooling.
- 20.12 Part C of London Plan policy 5.6 states that, where future network opportunities are identified, proposals should be designed to connect to these networks. Islington's Core Strategy, under policy CS10, states that all development will be required to contribute to the development of decentralised energy networks, including by connecting to such networks where these exist within the proximity of the development. The carbon saving requirement set out in policy CS10 increases to 50% (in comparison with a building compliant with the Building Regulations 2006) where connection to a Decentralised Energy Network (DEN) is possible.
- 20.13 Policy DM7.3 in Islington's Development Management Policies states that all major developments are required to be designed to be able to connect to a decentralised energy network.
- 20.14 The development is located approximately 100 metres from the Citigen network and 550 metres from the chilled water network. The proposal includes plans to connect to the Citigen Heat Network but not the Citigen Cooling network due to its prohibitive costs. The connection to the heating network is welcomed by the council's energy officer in this case. The connection to Citigen is secured via S106. The connection to Citigen Heating would result in savings total CO₂ emission savings of 24.5%.

Be Green (Renewable Energy)

- 20.15 In terms of 'being green', the applicants preferred renewables approach is to install 118.8 m² of photovoltaic panels with a rated output of 22.6 kWp system for the residential component which would reduce the regulated CO₂ emissions of the development by a further 3.6%.

Beyond Green

- 20.16 The applicants intend to go beyond the requirements of the London Plan and Islington's DM policies in terms of sustainability and energy savings. The applicants have detailed how these savings would be achieved through the following areas.

Office, retail and hotel uses:

- Green lease agreements that address energy use in operation
- Time clock controls for offices.
- Installation of efficient appliances.
- Requirements for long term monitoring
- Energy saver key card switches for hotel guest rooms.

20.17 Residential proposed measures:

- Provision of energy efficient white goods to all private dwellings
- Provision of internal drying lines, to encourage the reduction of electricity consumed through the use of tumble dryers.
- Use of energy efficient internal and external light fittings

Unregulated emissions

20.18 With both regulated and unregulated emissions taken into account, the proposed development as currently designed would achieve an excellent 53.9% CO₂ reduction relative to a scheme that complies with the Building Regulations 2010 (the policy proxy seeks a 30% reduction).

Carbon offsetting

20.19 Core Strategy policy CS10 (part A) states that the council will promote zero carbon development by requiring financial contributions to offset developments' remaining carbon dioxide emissions (after emissions are minimised on site). Implementation of the carbon dioxide offsetting element of policy CS10 began upon the adoption of Islington's Environmental Design SPD. This document, at page 13, states that after minimising carbon dioxide emissions on-site, financial contributions to offset all remaining emissions will be required (down to a target of zero carbon). For all major developments the financial contribution shall be calculated based on an established price per tonne of carbon dioxide for Islington. The price per annual tonne of carbon is currently set at £920, based on analysis of the costs and carbon savings of retrofit measures suitable for properties in Islington.

20.20 It is important to note that the submitted details within this application offer impressive sustainability and CO₂ savings over the 2010 building regs policy requirement. The development proposes to achieve a 53% reduction in CO₂ emissions. Bearing in mind the financial viability conclusions for this development, half the standard the CO₂ offset financial contribution is secured, being £186,254. The full mitigation amount of £372,508 would be sought if the viability review mechanism is triggered and shows the payment of the full amount is possible. This contribution has been secured via S106.

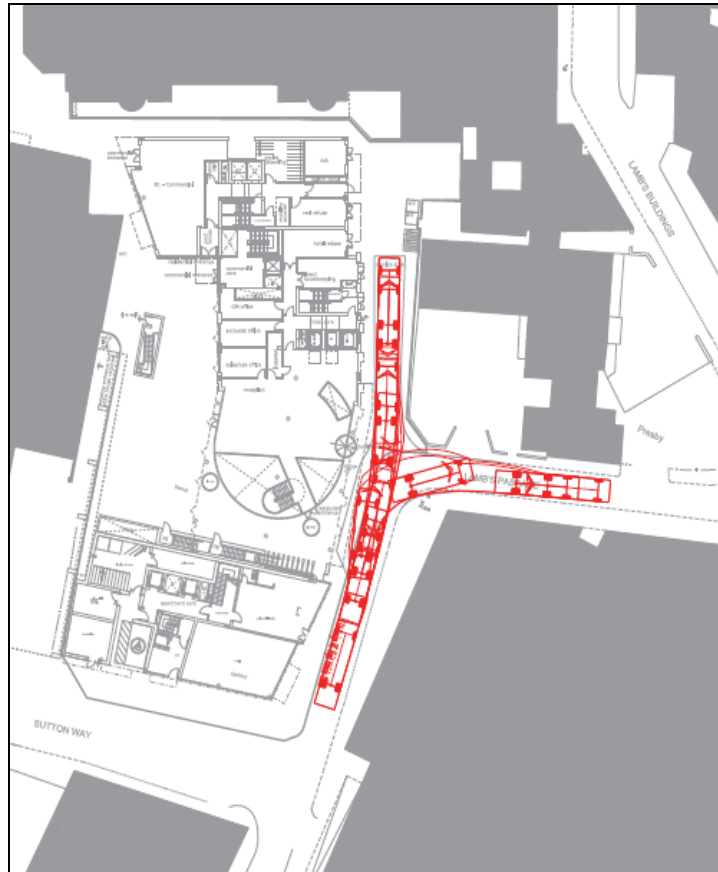
20.21 Conclusions on Energy: The proposed development offers a substantial reduction in the total CO₂ emissions produced. The applicant has embraced a wide raft of best practice methods and has gone beyond the minimum sustainability and energy requirements as set out by Islington's Local Policies and the London Plan. (**Conditions 11 & 13**).

21.0 Highways and Transportation.

Servicing, deliveries and refuse collection

21.1 Development Management Policy DM8.6(A) (Delivery and servicing for new developments) requires that provision for delivery and servicing should be provided off-street, and it must be demonstrated that vehicles can enter and exit the site in forward gear and that delivery and servicing bays be strictly controlled, clearly signed and only used for the specific agreed purpose. Policy DM8.4 (F) states that it

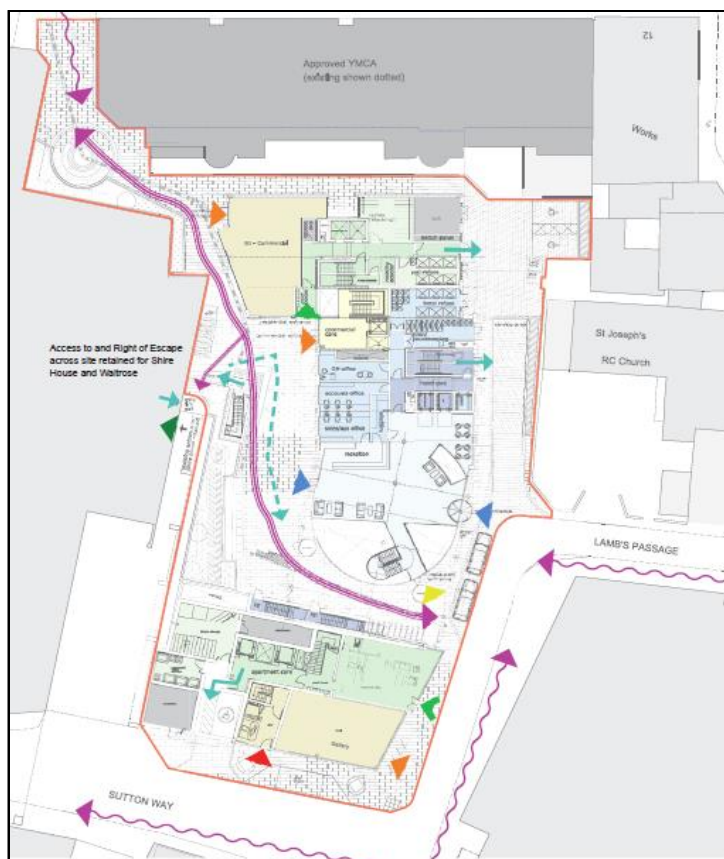
must be demonstrated that there are no road safety conflicts between pedestrians, cyclists and vehicles entering, parking and servicing a development.



Large service refuse vehicle swept path analysis image



21.2 Pedestrian access: The footway running along Lamb's Passage is proposed to be widened to take account of comments raised in the original transport observations. The footway would be wide enough for a pedestrian and wheelchair to pass along the footway at the same time. This arrangement is welcome and in line with officers advice. Furthermore, the footway is clearly delineated from the carriageway and the proposed drop-off bay. This would reduce potential road safety conflicts between pedestrians and vehicles using the drop-off bay (**details secured by condition 12**).



Pedestrian routes through the proposed site and surrounding roads.

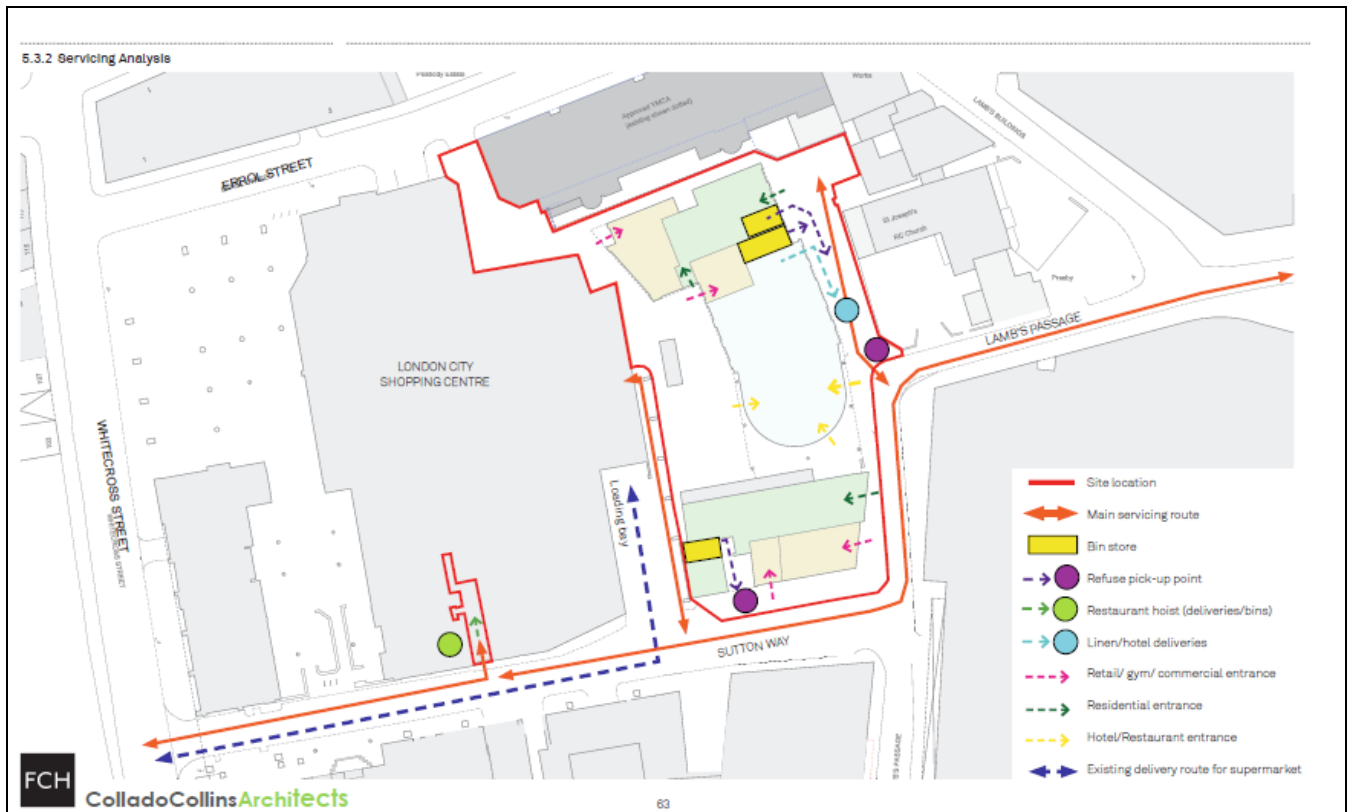
21.3 The applicant has proposed that servicing vehicles would access the service yard from the new vehicular access off Lamb's Passage. The applicant's updated swept path analysis (29 April 2014) demonstrates that all vehicles would enter the service yard in forward gear and exit in reverse gear into the drop-off, before exiting the drop-off bay in forward gear. There are a few exceptions where larger vehicles would slightly overhang onto the carriageway when they reverse into the carriageway (approximately two vehicles per day). It is important to note that if no flexibility was shown the site would be undevelopable because of the servicing constraint.

21.4 This arrangement would be fully in line with Development Management Policy DM 8.5. Alternatively, if vehicles are only able to exit in reverse gear, then the following has been agreed with the applicant to help minimise the risk to pedestrian safety:

- Drop-off bay: all vehicles must reverse out of the servicing yard into the drop-off bay. Vehicles should not directly reverse into the carriageway nor should they reverse into the pedestrian footway that would run alongside the drop-off bay.

- Banksman: a qualified banksman must be in place at all times during a reversing service vehicle manoeuvre. The banksman will supervise the reversing of all vehicles out of the servicing yard into the drop off bay.
 - Detailed design: the detailed design and adoption of the drop-off bay and footway must be agreed via a Section 38 Agreement. This should be secured by way of a planning condition. (**condition 12**)
- 21.5 The applicant has also proposed a new pedestrian route and public realm running through the site between Lamb's Passage and Errol Street. This is welcome and in line with Core Strategy Policy CS10 and Development Management Policy DM 8.2, because it will help to maximise walking opportunities through the area and create a new public space within the site.
- 21.6 Vehicle Access: The applicant proposes to close the two existing vehicular accesses to the site from Sutton Way and Lamb's Passage. Currently, there is a two-way access from Lamb's Passage and separate ingress and egress from Sutton Way. This access would be replaced with a new vehicular access on Lamb's Passage (adjacent to a new drop-off bay that would serve the development). Vehicles servicing the hotel, restaurant, residential and gym uses would be able to access the new service yard via this access
- 21.7 Wheelchair users (living in the affordable housing units) will use the new Lamb's Passage access to the wheelchair parking bays (located behind the service yard). The applicant has recognised that the needs, routes and preferences of wheelchair users, using these parking bays, must be prioritised. This will be reflected in the Servicing and Delivery Management Plan, which would require approval by the council prior to implementation of the scheme (**condition 12**).
- 21.8 To help ease vehicle manoeuvring for large vehicles, the applicant proposes minor alterations to the inside bend of Lamb's Passage. The alterations would relocate the existing bollards along the kerb edge, remove a one-way sign and ensure the modified footway is at least 2 metres wide. The applicant recognises that the proposed works would be subject to detailed design and these should be agreed through a S278 Agreement.
- 21.9 Servicing, deliveries and refuse collection: Using information from the potential occupier, the Transport Assessment estimates that the hotel and restaurant would generate 35 servicing/delivery events per week. On average 5 per day. To address concerns of residents and protect their amenity condition restricts servicing hours to Monday – Saturday 08:00 to 19:00; and Sundays and Public Holidays: Not at all. (**condition 29**)
- 21.10 A detailed servicing and delivery management plan will be required to be submitted for approval to the council prior to the implementation of the development. The plan should contain estimated dwell times and vehicle types. The operation of the development should adhere to these arrangements or face enforcement action. Waste from affordable housing will be collected from Lamb's Passage. Waste from market residential housing will be collected from Sutton Way.

- 21.11 In line with Development Management Policy DM 8.5 Part B (Vehicle Parking), this would be a car free development. There would be 4 wheelchair accessible parking bays for the 4 wheelchair residential units. Each of these bays would be located within close proximity of the residential entrances to the buildings. This is welcome and in line with Islington's Accessible Housing' Supplementary Planning Document (SPD). They would all meet standard size criteria for wheelchair parking bays and are secured by **condition 12**.
- 21.12 The applicant has stated that they would pay a contribution towards 8 publicly accessible wheelchair parking bays. It is welcomed that the applicant accepts a contribution should be paid towards the designation of wheelchair parking bays. For those travelling by taxi to the development, they would be able to use the new drop-off/collection layby on Lamb's Passage outside the hotel. The design of the proposed layby has been altered to ensure it is level with carriageway and separated from the footway by a kerb.
- 21.13 On Site Cycle Parking: The applicant proposes to create a range of cycle parking to serve the proposed development. Both the quantum and proposed quality of the cycle parking is welcome and in line with Development Management Policy DM 8.4 (Walking and Cycling) Part C. A total of 85 cycle parking spaces are proposed as part of the overall development. This would comprise 60 spaces for the residential apartments, 5 for the hotel, 9 for the restaurant and 11 for the offices. The cycle storage areas for the residential uses would be securely located inside the respective parts of the building. The cycle parking spaces serving the hotel, offices and restaurant (25 spaces in total) would be publically accessible, located within the newly created public realm. These parking spaces would be shared by cyclists using the respective uses.
- 21.14 Transport impact of development: The Transport Assessment has projected the number of trips that the proposed development may generate. This has been based on TRAVL. The proposed development is not expected to lead to significant pressures on local transport infrastructure. Over 80% of trips to the development are likely to be by foot, cycle or by public transport. As the development is car free, it is unlikely that there would be many trips by cars (with the exception of blue badge holders).
- 21.15 Construction Logistics Plan: The applicant has agreed to submit a Construction Logistics Plan which is secured secured by condition. Additionally the S106 would secure compliance within the Construction Practice.



Access points to the proposed development.

22.0 Contaminated Land and Air Quality

Contaminated Land

22.1 The NPPF indicates that where a site is affected by contamination, responsibility for securing safe development rests with the developer and / or landowner. London Plan policy 5.21 (Contaminated Land) states that appropriate measures should be undertaken to ensure that development on previously contaminated land does not activate or spread contamination.

22.2 Policy DM6.1 (Healthy Development) of the Council's Development Management DPD requires adequate treatment of any contaminated land before development can commence. A contaminated land Desk Study Report prepared by Geo-Environmental Services Ltd accompanied the application. The Preliminary Risk Assessment and the Conceptual Site Model carried out as part of the Desk Study Report for the application site have identified several potential pollutant linkages. The council's land contamination officer is satisfied with the details provided subject to **condition 32** requiring any contamination measures necessary is attached to any grant of permission.

Air Quality

22.3 London Plan policy 7.14 is relevant to air quality. Development Management Policy DM6.1E states that developments in locations of poor air quality should be designed to mitigate the impact of poor air quality to within acceptable limits, and that where adequate mitigation is not provided and/or is not practical planning permission may be refused. Part F states that developments should not cause significant harm to air quality cumulatively or individually. Where modeling suggests that significant harm would be caused this shall be fully addressed through appropriate mitigation.

- 22.4 The applicant has submitted a detailed Air Quality Assessment which states that the proposed development is considered to be a Medium Risk Site overall for demolition pollution and trackout and a high risk site for earthworks and general construction activities. It is considered that through good practice and the implementation of suitable mitigation measures, the effect of dust and PM10 releases can be reduced to acceptable levels during what is a reasonably short overall construction period. Subject to appropriate conditions (**conditions 25 & 37**) and through compliance with the code of construction practice, the residual effects of the construction phase on air quality is considered to be acceptable in this case.
- 23.0 Planning Obligations, Community Infrastructure Levy and local finance considerations.**
- 23.1 Mayoral CIL: To help implement the London Plan, policies 6.5 and 8.3, the Mayoral CIL came into effect on 1st April 2012. The proposed development would be the subject of Mayoral CIL payment, charged at £50sqm based on GIA. The fee is estimated at £442,425 and was accounted for in the applicant's viability appraisal.
- 23.2 Crossrail: This site is within the area where section 106 contributions for Crossrail will be sought in accordance with London Plan policy 6.5 and the associated Supplementary Planning Guidance (SPG) *'Use of planning obligations in the funding of Crossrail and the Mayoral Community Infrastructure Levy'*, April 2013. In paragraph 4.20 of the SPG, it can be seen that in these situations, the Mayor's CIL charge (but not the boroughs') will be treated as a credit towards the section 106 crossrail liability. The practical effect of this will be that only the larger of the two amounts will normally be sought. Given the conclusion of the BPS viability assessment report that limited "surplus" is available making payment of full S106 contributions unviable, the Cross rail amounts sought is reduced to the same amount as the Majoral CIL. Should after viability review additional surpluses be found the difference would be secured.
- 23.3 Planning Obligations: The applicant agreed to pay a reduced package of financial heads of terms that are listed below. Those obligations have been calculated based on the adopted Planning Obligations SPD (2013) or in the case of the play space and education contributions, based on the GLA child yield figures. The heads of terms are proposed to include a 12 month review mechanism put in place to ensure the proposed development is delivered without delay and bearing in mind the findings of the viability assessment which shows the scheme is unable to be delivered with the full S106 contributions being sought at the present time. Those contributions or obligations are considered necessary, relevant and appropriate in scale and kind to the proposed development and to make the development proposals acceptable in planning terms and policy compliant.
- 23.4 Local employment and training opportunities: The proposal has secured a S106 contribution of £35,352 towards employment and training for local residents which is welcomed. The S106 will also secure the creation of 9 work placements during the construction phase of the development for a period of 13 weeks. If these placements prove unfeasible the applicants have agreed to pay a contribution of £45,000 in lieu.
- 23.5 However, given the strategic importance of securing the maximum amount of affordable housing to address critical housing need within the borough, it is the view

of officers that the 50% affordable housing (all social rented tenure) offer which can be delivered on site should be given greater weight than the financial contributions in this case (subject to an appropriate viability review mechanism).

24.0 Summary and Conclusions

- 24.1 A full summary of the proposals is located at paragraphs 3.1 – 3.12 of this report, however in brief summary, the proposals are for the delivery of a mixed use redevelopment with a hotel, commercial uses and a significant number of both affordable and private housing, all of which are supported by planning policy. The overall design, scale, massing and appearance of the proposed redevelopment positively responds to the architectural character of the surrounding street scene subject to conditions ensuring a high quality design.
- 24.2 It is accepted that the proposed development would significantly change adjoining residents' outlook and their experience of the existing open site. It is acknowledged that the proposed development would have considerable adverse impacts on some adjoining residents' daylight and sunlight levels to their windows. The council has assessed this impact very carefully. Bearing in mind the specifics of the site, the impacts of the development on the amenity levels of adjoining occupiers in this case are finely balanced in terms of actual losses of daylight and sunlight to several habitable room windows (and associated rooms) to adjoining properties, particularly in relation to 1 Lamb's Passage, The Presbytery, Sundial Court and the western elevation of Shire House.
- 24.3 The development as a whole offers significant and substantial public benefits in terms of urban design, townscape goals and the provision of a high quality development with substantial affordable housing, exceptionally well performing CO2 emissions reductions strategy, employment generating uses and public realm improvements.
- 24.4 The amenity for future occupiers and neighbours would be affected adversely to a material degree; the transport infrastructure is capable of accommodating the proposal in this highly accessible location; efficient, renewable and sustainable measures are proposed as part of the development. In the final balance of the assessment of the case, the proposed development is considered to be acceptable and recommended for approval subject to appropriately worded conditions and S106 obligations and contributions to mitigate against its impact.

Conclusion

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

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

That planning permission be granted subject to the prior completion of a Deed of Planning Obligation made under section 106 of the Town and Country Planning Act 1990 between the Council and all persons with an interest in the land (including mortgagees) in order to secure the following planning obligations to the satisfaction of the Head of Law and Public Services and the Service Director, Planning and Development / Head of Service – Development Management or, in their absence, the Deputy Head of Service:

- On-site provision of 50% social rented affordable housing (19 units: 8 x 1 beds, 11 x 2 beds).
- Pre-implementation financial viability review of the scheme for the purpose of ascertaining if the full financial contributions / mitigation amounts can be achieved, as a result of improvements in private sales values, hotel and commercial revenues if the development has not substantially commenced within 12 months of any grant of permission or any 6 month break in the implementation of the development that may lapse once the development has begun.
- A contribution towards Crossrail of £442,425 (reduced from £571,378) with the amount paid in relation to Mayoral CIL being discounted directly off this amount. (Viability review mechanism seeking to achieve full mitigation amount of £571,378).
- A contribution of £250,000 (reduced from £348,711) towards transport and public realm improvements within the vicinity of the site. (Viability review mechanism seeking to achieve full mitigation amount of £348,711)
- A contribution of £110,000 (reduced from £197,383) towards public open space improvement works within the vicinity of this site. (Viability review mechanism seeking to achieve full mitigation amount of £197,383)
- A contribution of £20,000 (reduced from £37,700) towards children and young people's play and informal recreation facilities within the vicinity of the site. (Viability review mechanism seeking to achieve full mitigation amount of £37,700)
- A contribution of £50,000 (reduced from £77,923) towards sport and recreation facilities within the vicinity of the site (Viability review mechanism seeking to achieve full mitigation amount of £77,923)
- A contribution of £22,000 (reduced from £45,009) towards community facilities within the vicinity of the site (Viability review mechanism seeking to achieve full mitigation amount of £45,009)
- Payment of a commuted sum of £35,352 towards employment and training for local residents.
- A CO2 offset contribution of £186,254, reduced from £372,508). (Viability review mechanism seeking to achieve full mitigation amount of £372,508)

- The repair and re-instatement of the footways and highways adjoining the development. The cost is to be confirmed by LBI Highways, paid for by the applicant and the work carried out by LBI Highways. Condition surveys may be required.
- Compliance with the Code of Employment and Training.
- Facilitation of 9 work placements during the construction phase of the development, lasting a minimum of 13 weeks, or a fee of £45,000 to be paid to LBI (£5,000 per placement not provided). Developer / contractor to pay wages (must meet national minimum wage). London Borough of Islington Construction Works Team to recruit for and monitor placements.
- Compliance with the Code of Local Procurement.
- Compliance with the Code of Construction Practice, including a monitoring fee of £10,538 and submission of a site-specific response document to the Code of Construction Practice for the approval of LBI Public Protection, which shall be submitted prior to any works commencing on site.
- The provision of 8 accessible parking bays or a contribution of £16,000 towards bays or other accessible transport initiatives.
- Removal of eligibility for residents' parking permits (additional units only).
- Connection to a Citigen Heating Network.
- Submission of a Green Performance Plan
- Submission of a draft framework Travel Plan with the planning application, of a draft full Travel Plan for Council approval prior to occupation, and of a full Travel Plan for Council approval 6 months from first occupation of the development or phase (provision of travel plan required subject to thresholds shown in Table 7.1 of the Planning Obligations SPD).
- Owner/developer to meet the costs of the delivery of the new development and its impact on the public highway. To include all associated construction, signage, demarcation, S38 works involving adoption of widened footway and drop off bay, S278 agreement, monitoring, any necessary amendments to Traffic Management Orders (estimated at £2,000 per Traffic Order) and administration costs.
- Site management plan to be submitted for the Council's approval, specifying arrangements for maintenance, servicing, security, fire safety, coach parking facilities and liaison with local residents. To be made available to residents on request and to be drafted before implementation.
- The approved Public Accessible Space shall be maintained as an open unrestricted space at all times subject to closure only for essential maintenance.
- Council's legal fees in preparing the S106 and officer's fees for the preparation, monitoring and implementation of the S106.

All payments to the Council are to be index linked from the date of Committee and are due upon implementation of the planning permission.

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That, should the Section 106 Deed of Planning Obligation not be completed within 13 weeks from the date when the application was made presented to the Planning Committee, the Service Director, Planning and Development / Head of Service – Development Management or, in their absence, the Deputy Head of Service may refuse the application on the grounds that the proposed development, in the absence of a Deed of Planning Obligation is not acceptable in planning terms.

ALTERNATIVELY should this application be refused (including refusals on the direction of The Secretary of State or The Mayor) and appealed to the Secretary of State, the Service Director, Planning and Development / Head of Service – Development Management or, in their absence, the Deputy Head of Service be authorised to enter into a Deed of Planning Obligation under section 106 of the Town and Country Planning Act 1990 to secure to the heads of terms as set out in this report to Committee.

RECOMMENDATION B

That the grant of planning permission be subject to conditions to secure the following:

List of Conditions:

1	Commencement
	<p>CONDITION: The development hereby permitted shall begin no later than the of 3 years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	Approved plans list
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved drawings and information:</p> <p>Design and Access Statement Rev D dated January 2014, Design and Access Statement Addendum 3D Visuals dated May 2014, Design and Access Statement Addendum dated May 2014, Daylight and Sunlight Report by Gordon Ingram and Associates dated January 2014, sunlight/daylight window locations drawings ref 4749-45/REV A, 4749-47/REV A, 4749-49/REV A & 4749-56/REV A, Updated covering letter from GIA consultants dated 11TH April 2014, Planning and Regeneration Statement dated January 2014, Amended Air Quality Statement by WSP Environmental dated January 2014, Structural Strategy by Curtins Consulting dated January 2014, Transport Assessment and Travel Plan Template by SCP dated January 2014, Energy Statement by XCO2 Energy dated January 2014, Sustainability Statement by XCO2 Energy dated January 2014, Noise and Vibration Assessment by WSP Acoustics dated January 2014, Drainage Strategy Report by Curtins dated January 2014, Archaeological and built Heritage Assessment by Heritage Collective dated January 2014, Noise and Vibration Assessment by WSP Acoustics dated January 2014, Contaminated Land Desk Study Report by Go-Environmental Services Ltd dated August 2013, Covering letter from Geo-Environmental dated 8th January 2014, Public Realm Strategy by BMD dated May 2014 including drawing numbers BMD/197/DRG/002E- BMD/197/DRG/005E inclusive, Statement of Community Engagement by Hardhat dated January 2014, Letter from Barton Willmore Dated 2June 2014.</p> <p>Drawingnumbers:SCP/13814/ATR44,SCP/13814/ATR45,SCP/13814/ATR46, SCP/13814/ATR47,SCP/13814/ATR48,Site location plan numbered Li56-183-02-01-001/REV A, Proposed site plan numbered Li56-183-02-02-001/REV C, Li56-183-02-03-001/REV G, Li56-183-02-03-002/REV G, Li56-183-02-03-003/REV I, Li56-183-02-03-004/REV F, Li56-183-02-03-005/REV F, Li56-183-02-03-006/REV F, Li56-183-02-03-007/REV E, Li56-183-02-03-008/REV G, Li56-183-02-03-009/REV E, Li56-183-02-03-010/REV E, Li56-183-02-03-011/REV E, Li56-183-02-03-012/REV A, Li56-183-02-04-001/REV C, Li 56-183-02-04-002/REV C, Li56-183-02-05-001/REV D, Li56-183-02-05-002/REV D, Li56-183-02-05-003/REV D, Li56-183-02-05-004/REV F, Li56-183-02-05-005/REV D, Li56-183-02-91-001, Li56-183-02-91-002, Li56-183-02-91-003,</p>

	<p>Li56-183-02-91-004, Li56-183-02-91-005, Li56-183-02-91-006, Li56-183-02-91-007, Li56-183-02-91-008, Li56-183-02-91-009, Li56-183-02-91-010 & Li56-183-02-03-012/REV A.</p> <p>REASON: For the avoidance of doubt and in the interests of proper planning.</p>
3	Materials and Samples
	<p>CONDITION: Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on the relevant buildings as hereby approved. The details and samples shall include:</p> <ul style="list-style-type: none"> a) solid brickwork (including brick panels and mortar courses); b) corten steel d) window treatments (including frame sections and reveals); e) roofing materials; f) balustrading treatment (including sections); g) any other materials to be used. <p>The development shall be carried out strictly in accordance with the details and samples so approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In the interests of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
4	Additional elevational details
	<p>CONDITION: Full details of the design and treatment (including colour schemes and finishes) of all ground floor (and first floor where appropriate) elevations shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing.</p> <p>Details shall all be shown in context and to a scale of 1:50 with 1:10 details or larger where necessary and include the following (but not be limited to):</p> <ul style="list-style-type: none"> a. window and door frames; b. fascias; c. glazing types; d. elevational and threshold treatments; e. balcony details; f. louvers. g. brickwork pillar at entrance to new pedestrian route off Lamb's Passage. <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure that the Authority may be satisfied with the access arrangements and the street level external appearance / interface of the buildings.</p>

5	Obscure glazing and restricted opening
	<p>CONDITION: Notwithstanding the plans hereby the approved western elevation windows on the private residential block shall prior to the first occupation of those dwelling(s) be altered/treated (to include obscure glazing and restricted opening methods) to prevent the overlooking of neighbouring habitable room windows</p> <p>The details of how the windows shall be altered/treated to prevent overlooking shall be submitted to and approved in writing by the Local Planning Authority prior to the windows being installed.</p> <p>The agreed alteration/treatment shall be provided/installed prior first occupation of the development hereby approved and the development shall be carried out strictly in accordance with the details so approved and maintained as such thereafter.</p> <p>REASON: To prevent the undue overlooking of neighbouring habitable room windows.</p>
6	Roof Level Structures
	<p>CONDITION: Notwithstanding the drawings hereby approved, updated details of the proposed roof-top structures/enclosures demonstrating a reduction in their prominence shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The details shall include the location, height above roof level, specifications and cladding and shall relate to:</p> <p>a) roof-top plant; b) ancillary enclosures/structure; and c) lift overrun</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter</p> <p>REASON: In the interests of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
7	Public art details
	<p>CONDITION: Further details of the proposed 'art' shall be submitted to and approved in writing by the Local Planning Authority prior to practical completion of the development hereby approved. The details shall confirm the size, design, materials, colour scheme and means of attachment.</p> <p>The 'art' shall be installed in accordance with the details so approved and maintained as such permanently thereafter.</p> <p>If at any point the 'art wall' is considered to form an advertisement as defined under section 336 of the Town and Country Planning Act 1990 (as amended) and the Town and Country Planning (Control of Advertisements) Regulations 2007 you are advised that a separate application of Advertisement Consent will be required.</p>

	<p>REASON: To ensure that the Authority may be satisfied with the external appearance of the building.</p>
8	<p>No obscure glazing</p>
	<p>CONDITION: The window glass of all ground floor commercial units shall not be painted, tinted or otherwise obscured and no furniture or fixings which may obscure visibility above a height of 1.4m above finished floor level shall be placed within 2.0m of the inside of the window glass.</p> <p>REASON: In the interest of securing passive surveillance of the street, an appropriate street frontage appearance and preventing the creation of dead/inactive frontages.</p>
9	<p>Flexible Homes- Details</p>
	<p>CONDITION: Notwithstanding the plans hereby approved, the residential units shall be constructed to the standards for flexible homes in Islington ('Accessible Housing in Islington' SPD) and incorporating all Lifetime Homes Standards. Amended plans / details confirming that these standards have been met shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The details shall include:</p> <ul style="list-style-type: none"> • Plans (and if necessary elevations) to scale 1:50; and • An accommodation schedule documenting, in relation to each dwelling, how Islington's standards for flexible homes criteria and lifetime homes standards have been met. <p>The development shall be constructed strictly in accordance with the details so approved.</p> <p>REASON: To secure the provision of flexible, visitable and adaptable homes appropriate to diverse and changing needs</p>
10	<p>Security and General Lighting</p>
	<p>CONDITION: Details of any external general or security lighting (including full specification of all luminaries, lamps and support structures), and the location and design of any CCTV camera equipment shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on the site.</p> <p>The CCTV and lighting shall be installed and operational prior to the first occupation of the development hereby approved and maintained as such permanently thereafter.</p> <p>REASON: In the interest of protecting neighbouring and future residential amenity and existing and future habitats from undue light-spill.</p>

11	Energy Reduction-compliance
	<p>CONDITION: The energy efficiency measures/features and renewable energy technology(s) including:</p> <ul style="list-style-type: none"> • Connection to Citigen Heating Network • 118.8 m2 of photovoltaic panels on the developments main roofs • Beyond green measures as outlined within the approved energy strategy <p>which shall provide for no less than 53% on-site total CO₂ reduction as compared to the 2010 Building Regulations as detailed within the 'Energy Strategy' shall be installed and operational prior to the first occupation of the development.</p> <p>REASON: In the interest of sustainable development and to ensure that the Local Planning Authority may be satisfied that CO₂ emission reduction targets by energy efficient measures/features and renewable energy are met.</p>
12	Vehicular Facilities & Servicing and Delivery Management Plan
	<p>CONDITION: Detailed design of the proposed servicing area, including the provision of an on-street taxi/drop off bay, and the associated changes to the public highway along Lamb's Passage, shall be submitted to and approved by the Local Planning Authority prior to superstructure works commencing on site.</p> <p>A Delivery and Servicing Management Plan shall be submitted to and agreed in writing by the Council prior to the first use of the respective part of the approved development.</p> <p>Details confirming the following shall be submitted:</p> <ul style="list-style-type: none"> • Taxi/Drop-off bay: all vehicles must reverse out of the servicing area into the drop-off bay. Vehicles should not directly reverse into the carriageway nor should they reverse into the pedestrian footway that would run alongside the drop-off bay. • Banksman: a qualified banksman must be in place at all times during a reversing service vehicle manoeuvre. The banksman will supervise the reversing of all vehicles out of the servicing area into the drop off bay. <p>The development shall not be occupied unless and until the servicing area for loading/unloading, turning, parking and vehicular access have been constructed, made available for their intended use and appropriately line-marked and/or signed.</p> <p>REASON: The vehicle facilities are considered to form an essential element of the development, without which the scheme would have a harmful impact on both residential amenity and the free-flow and safety of traffic and the public highways.</p>
13	Green Procurement
	<p>CONDITION: No development shall take place unless and until a Green Procurement Plan has been submitted to and approved in writing by the Local</p>

	<p>Planning Authority. The Green Procurement Plan shall demonstrate how the procurement of materials for the development would promote sustainability: use of low impact, sustainably sourced, reused and recycled materials, including reuse of demolition waste.</p> <p>The development shall be constructed strictly in accordance with the Green Procurement Plan so approved.</p> <p>REASON: To ensure sustainable procurement of materials which minimises the negative environmental impacts of construction.</p>
14	Code for sustainable homes
	<p>CONDITION: The residential units hereby approved shall achieve a Code of Sustainable Homes rating of no less than 'Level 4'.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development</p>
15	BREEAM (Compliance)
	<p>CONDITION: The Hotel portion of the development shall achieve a BREEAM New Construction 2011 rating of no less than 'Excellent'. The office space refurbishment shall achieve a BREEAM Office 2008 rating of no less than 'Excellent'. The retail space refurbishment shall achieve a BREEAM Retail 2008 rating of no less than 'Excellent'</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development.</p>
16	Green and Brown Roofs (Compliance)
	<p>CONDITION: The biodiversity (green/brown) roof(s) shall be:</p> <ul style="list-style-type: none"> a) biodiversity based with extensive substrate base (depth 80-150mm); b) laid out in accordance with plan 3326/P13 Rev A hereby approved; and c) planted/seeded with a mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum). <p>The biodiversity (green/brown) roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.</p> <p>The biodiversity roof(s) shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
17	Sustainable Urban Drainage System (SUDS)
	<p>CONDITION: Details of a drainage strategy for a sustainable urban drainage system shall be submitted to and approved in writing by the Local Planning</p>

	<p>Authority prior to any superstructure works commencing on site. The details shall be based on an assessment of the potential for disposing of surface water by means of appropriate sustainable drainage systems and be designed to maximise water quality, amenity and biodiversity benefits.</p> <p>The submitted details shall include the scheme's peak runoff rate and storage volume and demonstrate how the scheme will aim to achieve a greenfield run off rate (8L/sec/ha) and at minimum achieve a post development run off rate of 50L/ha/sec. The drainage system shall be installed/operational prior to the first occupation of the development.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure that sustainable management of water.</p>
18	Rainwater and Greywater Recycling
	<p>CONDITION: Details of the rainwater and greywater recycling system shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing onsite.</p> <p>The details shall demonstrate the maximum level of recycled water that can feasibly be provided to the development.</p> <p>The rainwater and greywater recycling system shall be carried out strictly in accordance with the details so approved, installed and operational prior to the first occupation of the building to which they form and shall be maintained as such thereafter.</p> <p>REASON: To ensure the sustainable management and use of water, and to minimise impacts on water infrastructure, potential for surface level flooding.</p>
19	Bird and Bat Boxes
	<p>CONDITION: Details of no less than 4 (total) bird and bat nesting boxes / bricks shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The details shall include the exact location, specification and design of the habitats.</p> <p>The nesting boxes / bricks shall be provided strictly in accordance with the details so approved, installed prior to the first occupation of the building to which they form part or the first use of the space in which they are contained and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
20	Plant Noise and Fixed Plant
	<p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level $L_{Aeq,Tf}$ arising from the proposed plant, measured or predicted at 1m from the façade of the nearest</p>

	<p>noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level $L_{AF90,T}$.</p> <p>The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 1997</p> <p>REASON: To ensure that the development does not have an undue adverse impact on nearby residential amenity or business operations.</p>
21	Noise Level from Premises
	<p>CONDITION: Noise emitted from any part of the premises through the operation of the use shall not increase the current background levels, measured as an $L_{A90,1hour}$ day and $L_{A90,5minute}$ night at one metre from the nearest noise sensitive facade.</p> <p>REASON: In order to protect residential amenity.</p>
22	Residential noise levels protection measures
	<p>CONDITION: A scheme for sound insulation and noise control measures shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The sound insulation and noise control measures shall achieve the following internal noise targets (in line with BS 8233:2014):</p> <p>Bedrooms (23.00-07.00 hrs) 30 dB $L_{Aeq,8hour}$, and 45 dB L_{Amax} (fast) Living Rooms (07.00-23.00 hrs) 35 dB $L_{Aeq,16hour}$, Dining rooms (07.00 –23.00 hrs) 40 dB $L_{Aeq,16hour}$</p> <p>The sound insulation and noise control measures shall be carried out strictly in accordance with the details so approved, shall be implemented prior to the first occupation of the development hereby approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority</p> <p>REASON: In order to protect residential amenity.</p>
23	Lifts
	<p>CONDITION: All lifts serving the hotel accommodation hereby approved shall be installed and operational prior to the first occupation of the office floorspace hereby approved.</p> <p>REASON: To ensure that inclusive and accessible routes are provided throughout the office floorspace at all floors and also accessible routes through the site are provided to ensure no one is excluded from full use and enjoyment of the site.</p>
24	Retail Opening Hours
	<p>CONDITION: The lower and upper basement floor restaurant (A3 use class) hereby approved shall not operate except between the hours of:</p>

	<p>Monday to Thursday 08:00 and 23:00 Fridays and Saturdays 08:00 and 24:00 Sundays and Public Holidays 08:00 and 22:00</p> <p>REASON: To ensure that the operation of the retail units do not unduly impact on residential amenity.</p>
25	<p>Construction Management Plan and Construction Logistics Plan</p> <p>CONDITION: No development shall take place unless and until a Construction Management Plan (CMP) and Construction Logistics Plan (CLP) have been submitted to and approved in writing by the Local Planning Authority following consultation with Transport for London.</p> <p>The CMP and CLP shall contain the Draft Construction Management Plan as submitted as part of the application hereby approved, while also providing the following additional information:</p> <ol style="list-style-type: none"> 1. identification of construction vehicle routes; 2. how construction related traffic would turn into and exit the site 3. details of banksmen to be used during construction works 4. the parking of vehicles of site operatives and visitors; 5. loading and unloading of plant and materials; 6. storage of plant and materials used in constructing the development; 7. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; 8. wheel washing facilities; 9. measures to control the emission of dust and dirt during construction; 10. a scheme for recycling/disposing of waste resulting from demolition and construction works. <p>The development shall be carried out strictly in accordance with the approved CMP and CLP throughout the construction period.</p> <p>REASON: In order to secure highway safety and free flow of traffic.</p>
26	<p>Recycling/refuse storage provision and management</p> <p>CONDITION: Full details of refuse/recycling storage locations, dimensions, collection arrangements and management for both the commercial and residential elements of the scheme shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of superstructure works.</p> <p>The approved details shall be installed prior to the first occupation of the development and collection and management practices be carried out in accordance with the details so approved permanently thereafter.</p> <p>REASON: To secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are adhered to.</p>

27	No External Piping
	<p>CONDITION: Other than any pipes shown on the plans hereby approved, no additional plumbing, down pipes, rainwater pipes or foul pipes shall be located/fixed to any elevation(s) of the buildings hereby approved.</p> <p>Should additional pipes be considered necessary the details of those shall be submitted to and approved in writing by the Local Planning Authority prior to installation of any such pipe.</p> <p>REASON: The Local Planning Authority considers that such plumbing and pipes would detract from the appearance of the building.</p>
28	Archaeology
	<p>CONDITION: No works authorised by this consent shall take place until the applicant has implemented a programme of building recording and analysis by a person or body approved by the council as the local planning authority.</p> <p>This programme shall be in accordance with a written scheme which has been submitted by the applicant and approved by the local planning authority advised by English Heritage</p> <p>REASON: Built heritage assets of archaeological interest may survive on the site. The Local Planning Authority (in conjunction with English Heritage) wishes to secure the protection of archaeological assets if they are discovered</p>
29	Servicing Arrangements - Compliance
	<p>CONDITION: All service vehicle deliveries / collections / visits to and from the development hereby approved must not take place outside hours of: Monday – Saturday 08:00 to 19:00; and Sundays and Public Holidays: Not at all</p> <p>REASON: To ensure that resulting servicing arrangements do not adversely impact on existing and future residential amenity.</p>
30	Hotel & Restaurant Management Plan
	<p>CONDITION: A Hotel & Restaurant Management Plan shall be submitted to and approved by the Local Planning Authority prior to the hotel and restaurant use first commencing. The management plan shall address both separate uses and contain details of:</p> <ul style="list-style-type: none"> • Door policy; • Servicing and delivery times/arrangements; • Bottling out and waste management noise and times; • Control of noise from any designated smoking areas; • Control of noise from amplified music within the building; • Close down policy with gradual lowering of music volume and increasing of lighting; • Visitor Accommodation Operation; • An enforcement strategy for dealing with any breaches of the scheme; • Coach parking arrangements; and • Any other relevant operation of the site.

	<p>REASON: To ensure that the resulting arrangements do not adversely impact on existing and future residential amenity, safety and security of the surrounding area.</p>
<p>31</p>	<p>Details of Flues</p>
	<p>CONDITION: Details of proposed flues / extraction systems for the restaurant/retail units at ground floor level hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on the unit to which they relate.</p> <p>The filter systems of the approved flue / extraction units shall be regularly maintained and cleaned; and any filters and parts requiring cleaning or replacement shall be easily accessible.</p> <p>The flues/extraction systems shall be carried out strictly in accordance with the details so approved, installed and operational prior to the first occupation of the commercial units to which they relate and maintained as such thereafter.</p> <p>REASON: In the interest of protecting future residential amenity and the appearance of the resulting building(s).</p>
<p>32</p>	<p>Contaminated Land</p>
	<p>CONDITION: Prior to the commencement of development the following assessment in response to the NPPF and in accordance with CLR11 and BS10175:2011 shall be submitted to and approved in writing by the Local Planning Authority</p> <p>A) A programme of any necessary remedial land contamination remediation works arising from the land contamination investigation.</p> <p>Following the agreement to details relating to point a); details of the following works shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site:</p> <p>The development shall be carried out strictly in accordance with the investigation and any scheme of remedial works so approved and no change therefrom shall take place without the prior written approval of the Local Planning Authority.</p> <p>b) Following completion of any necessary measures identified in the approved remediation scheme a verification report, that demonstrates the effectiveness of the remediation carried out, must be produced which is subject to the approval in writing of the Local Planning Authority in accordance with part a)."</p> <p>The development shall be carried out strictly in accordance with the land contamination investigation and any resulting scheme of remedial land contamination works so approved, any necessary remediation shall be carried out prior to the first occupation of the development, and shall be maintained as such thereafter.</p>

	REASON: Given the history of the site the land may be contaminated, investigation and potential remediation is necessary to safeguard the health and safety of future occupants.
33	Cycle Parking (Details)
	<p>CONDITION: Details of the bicycle storage area, which shall be covered and secure and provide for no less than 65 cycle spaces shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing onsite; and the approved storage shall be provided/erected prior to the first occupation of the buildings hereby approved.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport.</p>
34	Landscaping Details
	<p>CONDITION: A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The landscaping scheme shall include the following details:</p> <ol style="list-style-type: none"> 1) an updated Access Statement detailing routes through the landscape and the facilities it provides (including provision of landings along the ramped pathways); 2) a biodiversity statement detailing how the landscaping scheme maximises biodiversity; 3) detailed calculations setting out the substrate depth necessary to accommodate the planting proposed within the courtyard; including provision for storage of water for irrigation purposes; 4) existing and proposed underground services and their relationship to both hard and soft landscaping; 5) proposed trees: their location, species and size; 6) soft plantings: including grass and turf areas, shrub and herbaceous areas; 7) topographical survey: including proposed earthworks, proposed ground finishes, proposed top soiling with both conserved and imported topsoil(s), levels, proposed drainage and fall in drain types; 8) enclosures: including types, dimensions and treatments of walls, fences, screen walls, barriers, rails, retaining walls and hedges; 9) hard landscaping: including ground surfaces, kerbs, edges, ridge and flexible pavings, unit paving, furniture, steps and if applicable synthetic surfaces; and 10) any other landscaping feature(s) forming part of the scheme. <p>All landscaping in accordance with the approved scheme shall be completed / planted during the first planting season following practical completion of the development hereby approved. The landscaping and planting shall have a two year maintenance / watering provision following planting and any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of completion of the development shall be replaced</p>

	<p>with the same species or an approved alternative to the satisfaction of the Local Planning Authority within the next planting season.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p>
35	Water usage and reduction targets
	<p>CONDITION: The residential development shall strive to reach a 95 litre / person / day of water use rate.</p> <p>REASON: In the interests of securing developments that minimise their impact on water resources.</p>
36	Reuse materials target
	<p>CONDITION: In accordance with the approved plans 10% of materials used in the construction of the development are to be derived from re-used or recycled content.</p> <p>REASON: In the interests of environmental sustainability and sustainable development.</p>
37	Construction Environment Plan
	<p>Condition: A Construction Environmental Management Plan assessing the environmental impacts (including (but not limited to) noise, air quality including dust, smoke and odour, vibration and TV reception) of the development shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site. The report shall assess impacts during the construction phase of the development on nearby residents and other occupiers together with means of mitigating any identified impacts. The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In order to safeguard the amenity levels of adjoining occupiers.</p>
38	Submission of a Piling Method Statement (Thames Water)
	<p>Condition: No impact piling shall take place until a piling method statement(detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to sub surface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water.</p> <p>Any piling must be undertaken in accordance with the terms of the approved piling method statement.</p> <p>REASON: In order to safeguard the drainage system and public sewers adjacent/underneath the site.</p>

39	Playspace- Compliance
	<p>CONDITION: The playspace spaces shown on drawing nos. BMD/197/DRG/001K, BMD/197/DRG/002E, BMD/197/DRG/003 E, BMD/197/DRG/004 E & BMD/197/DRG/005 E hereby approved shall be provided prior to the first occupation of the residential and hotel buildings.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing the provision of an acceptable public realm and associated playspace provision.</p>
40	Wheelchair accessible parking – Compliance
	<p>CONDITION: The disabled parking spaces shown on drawing no Li56-183-02-03-003/REV I hereby approved shall be provided prior to the first occupation of the residential and hotel buildings and the disabled parking bays shall be appropriately line-marked and thereafter kept available for the parking of vehicles at all times.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing the provision of an appropriate number and standard of disabled parking spaces.</p>

List of Informatives:

1	S106
	<p>Informative: SECTION 106 AGREEMENT</p> <p>You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.</p>
2	Superstructure
	<p>Informative: DEFINITION OF 'SUPERSTRUCTURE' AND 'PRACTICAL COMPLETION' A number of conditions attached to this permission have the time restrictions 'prior to superstructure works commencing on site' and/or 'following practical completion'. The council considers the definition of 'superstructure' as having its normal or dictionary meaning, which is: the part of a building above its foundations. The council considers the definition of 'practical completion' to be: when the work reaches a state of readiness for use or occupation even though there may be outstanding works/matters to be carried out.</p>
3	Community Infrastructure Levy (CIL) (Granting Consent)
	<p>Informative: Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the Mayor of London's Community Infrastructure Levy (CIL). This would be calculated in accordance with the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at cil@islington.gov.uk. The Council would then issue a Liability</p>

	<p>Notice setting out the amount of CIL that is payable.</p> <p>Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed. The above forms can be found on the planning portal at: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</p> <p>Pre-Commencement Conditions:</p> <p>These conditions are important from a CIL liability perspective as a scheme would not become CIL liable until all of these unidentified pre-commencement conditions have been discharged.</p>
4	Sustainable Sourcing of Materials
	<p>Informative: Materials procured for the development should be selected to be sustainably sourced and otherwise minimise their environmental impact, including through maximisation of recycled content, use of local suppliers and by reference to the BRE's Green Guide Specification.</p>
5	Thames Water 1
	<p>Informative: Surface water drainage: Thames water recommends the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on site or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.</p>
6	Thames Water 2
	<p>Informative: There are public sewers crossing or close to the development site. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of or would come within 3 metres of a public sewer. THAMES Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings.</p>
7	Thames Water 3
	<p>Informative: Thames Water will aim to provide customers with a minimum pressure of 10m (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Water Pipes. The developer should take account of this minimum pressure in the design of the proposed development.</p>
8	Roller Shutters
	<p>Informative: The scheme hereby approved does not suggest the installation of external roller shutters to any entrances or ground floor glazed shopfronts. The applicant is advised that the council would consider the installation of external roller shutters to be a material alteration to the scheme and therefore constitute development. Should external roller shutters be proposed a new planning</p>

	application must be submitted for the council's formal consideration.
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APPENDIX 2: RELEVANT POLICIES

This appendix lists all relevant development plan policies and guidance notes pertinent to the determination of this planning application.

National Guidance

The National Planning Policy Framework 2012 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

Development Plan

The Development Plan is comprised of the London Plan 2011, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The following policies of the Development Plan are considered relevant to this application:

A) The London Plan 2011 - Spatial Development Strategy for Greater London

1 Context and strategy	5 London's response to climate change
Policy 1.1 Delivering the strategic vision and objectives for London	Policy 5.1 Climate change mitigation
	Policy 5.2 Minimising carbon dioxide emissions
2 London's places	Policy 5.3 Sustainable design and construction
Policy 2.1 London in its global, European and United Kingdom context	Policy 5.4 Retrofitting
Policy 2.2 London and the wider metropolitan area	Policy 5.5 Decentralised energy networks
Policy 2.3 Growth areas and co-ordination corridors	Policy 5.6 Decentralised energy in development proposals
Policy 2.5 Sub-regions	Policy 5.7 Renewable energy
Policy 2.9 Inner London	Policy 5.8 Innovative energy technologies
Policy 2.10 Central Activities Zone – strategic priorities	Policy 5.9 Overheating and cooling
Policy 2.11 Central Activities Zone – strategic functions	Policy 5.10 Urban greening
Policy 2.12 Central Activities Zone – predominantly local activities	Policy 5.11 Green roofs and development site environs
Policy 2.13 Opportunity areas and intensification areas	Policy 5.12 Flood risk management
Policy 2.18 Green infrastructure: the network of open and green spaces	Policy 5.13 Sustainable drainage
	Policy 5.14 Water quality and wastewater infrastructure
	Policy 5.15 Water use and supplies
	Policy 5.16 Waste self-sufficiency
	Policy 5.17 Waste capacity
	Policy 5.18 Construction, excavation and demolition waste
3 London's people	Policy 5.19 Hazardous waste
Policy 3.1 Ensuring equal life chances for all	Policy 5.20 Aggregates
Policy 3.2 Improving health and addressing health inequalities	Policy 5.21 Contaminated land
Policy 3.3 Increasing housing supply	Policy 5.22 Hazardous substances and installations
Policy 3.4 Optimising housing potential	

- Policy 3.5 Quality and design of housing developments
 - Policy 3.6 Children and young people's play and informal recreation facilities
 - Policy 3.7 Large residential developments
 - Policy 3.8 Housing choice
 - Policy 3.9 Mixed and balanced communities
 - Policy 3.10 Definition of affordable housing
 - Policy 3.11 Affordable housing targets
 - Policy 3.12 Negotiating affordable housing on individual private residential and mixed use schemes
 - Policy 3.13 Affordable housing thresholds
 - Policy 3.14 Existing housing
 - Policy 3.15 Coordination of housing development and investment
 - Policy 3.16 Protection and enhancement of social infrastructure
 - Policy 3.17 Health and social care facilities
 - Policy 3.19 Sports facilities
- 4 London's economy
- Policy 4.1 Developing London's economy
 - Policy 4.2 Offices
 - Policy 4.3 Mixed use development and offices
 - Policy 4.6 Support for and enhancement of arts, culture, sport and entertainment provision
 - Policy 4.7 Retail and town centre development
 - Policy 4.8 Supporting a successful and diverse retail sector
 - Policy 4.9 Small shops
 - Policy 4.10 New and emerging economic sectors
 - Policy 4.11 Encouraging a connected economy
 - Policy 4.12 Improving opportunities for all
- 6 London's transport
- Policy 6.1 Strategic approach
 - Policy 6.2 Providing public transport capacity and safeguarding land for transport
 - Policy 6.3 Assessing effects of development on transport capacity
 - Policy 6.4 Enhancing London's transport connectivity
 - Policy 6.5 Funding Crossrail and other strategically important transport infrastructure
 - Policy 6.7 Better streets and surface transport
 - Policy 6.8 Coaches
 - Policy 6.9 Cycling
 - Policy 6.10 Walking
 - Policy 6.11 Smoothing traffic flow and tackling congestion
 - Policy 6.12 Road network capacity
 - Policy 6.13 Parking
- 7 London's living places and spaces
- Policy 7.1 Building London's neighbourhoods and communities
 - Policy 7.2 An inclusive environment
 - Policy 7.3 Designing out crime
 - Policy 7.4 Local character
 - Policy 7.5 Public realm
 - Policy 7.6 Architecture
 - Policy 7.8 Heritage assets and archaeology
 - Policy 7.9 Heritage-led regeneration
 - Policy 7.13 Safety, security and resilience to emergency
 - Policy 7.14 Improving air quality
 - Policy 7.15 Reducing noise and enhancing soundscapes
 - Policy 7.18 Protecting local open space and addressing local deficiency
 - Policy 7.19 Biodiversity and access to nature
 - Policy 7.20 Geological conservation
 - Policy 7.21 Trees and woodlands
 - Policy 7.22 Land for food
- 8 Implementation, monitoring and review
- Policy 8.1 Implementation
 - Policy 8.2 Planning obligations
 - Policy 8.3 Community infrastructure levy
 - Policy 8.4 Monitoring and review for London

B) Islington Core Strategy 2011

Spatial Strategy

Policy CS7 (Bunhill and Clerkenwell)
Policy CS8 (Enhancing Islington's Character)

Strategic Policies

Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment)
Policy CS10 (Sustainable Design)
Policy CS11 (Waste)
Policy CS12 (Meeting the Housing Challenge)

Policy CS13 (Employment Spaces)

Policy CS14 (Retail and Services)

Policy CS15 (Open Space and Green Infrastructure)

Policy CS16 (Play Space)

Policy CS17 (Sports and Recreation Provision)

Infrastructure and Implementation

Policy CS18 (Delivery and Infrastructure)

Policy CS19 (Health Impact Assessments)

Policy CS20 (Partnership Working)

C) Development Management Policies June 2013

Design and Heritage

DM2.1 Design
DM2.2 Inclusive Design
DM2.3 Heritage

Employment

DM5.1 New business floorspace
DM5.2 Loss of existing business floorspace
DM5.4 Size and affordability of workspace

Housing

DM3.1 Mix of housing sizes
DM3.2 Existing housing
DM3.4 Housing standards
DM3.5 Private outdoor space
DM3.6 Play space
DM3.7 Noise and vibration (residential uses)

Health and open space

DM6.1 Healthy development
DM6.2 New and improved public open space
DM6.3 Protecting open space
DM6.4 Sport and recreation
DM6.5 Landscaping, trees and biodiversity

Shops, culture and services

DM4.2 Entertainment and the night-time economy
DM4.3 Location and concentration of uses
DM4.4 Promoting Islington's Town Centres
DM4.6 Local shopping Areas
DM4.7 Dispersed shops
DM4.8 Shopfronts
DM4.9 Markets and specialist shopping areas
DM4.12 Social and strategic infrastructure and cultural facilities

Energy and Environmental Standards

DM7.1 Sustainable design and construction statements
DM7.3 Decentralised energy networks
DM7.4 Sustainable design standards
DM7.5 Heating and cooling

Transport

DM8.1 Movement hierarchy
DM8.2 Managing transport impacts
DM8.3 Public transport
DM8.4 Walking and cycling
DM8.5 Vehicle parking
DM8.6 Delivery and servicing for new developments

Infrastructure

D) Finsbury Local Plan June 2013

BC8 Achieving a balanced mix of uses Site Allocation BC31 & BC32
BC10 Implementation

E) Lambs Passage Planning Brief 2006

A Planning Brief for this site was adopted in 2006. This SPD is detailed in its aims and objectives, being summarised in key parts of this report as part of the assessment of the proposals.

In summary, the SPD seeks to secure a residential-led, mixed use scheme that:

Key Planning Objectives:

- The provision of high quality, sustainably designed architecture which repairs the urban fabric and contributes to the quality of the streetscape as well as respecting the light, privacy and outlook of neighbouring properties;
- To provide a pedestrian-friendly environment with building frontages that engage with the space and provide natural surveillance and an attractive new area of open space available for the public;
- To achieve a high quality mixed-use development;
- To achieve car-free new development. Therefore, existing on-site car parking spaces for residents of Shire House should not be re-let when existing tenants gave up their space.
- To achieve development which is compatible with the surrounding residential area and adjacent Conservation Areas.

Key Planning Issues:

New development to be car-free;

New development to respect and, if possible, re-use existing underground vaults.

Land uses: The site should be developed with a high quality mixed-use development giving preference to residential to increase surveillance in out of business hours:

Scheme Design

Site layout and massing: Due to the blank rear elevation of the three-storey structure opposite the YMCA, there is no active north elevation to the space at all. Therefore, it is proposed to improve the setting by redeveloping the north and west sides of the space. The built context would allow a replacement block for the existing structure with blank elevation at the rear of the YMCA building (north side) and a two-storey development to abut the stilts on the east side of the Whitbread Centre (west side).

New two-storey terrace of houses (Block A, west side) Along the east façade of the Whitbread Centre is scope for a terrace as long as it remains below sill level of the existing second floor windows. However, there would need to be a gap for an access route to the

existing residential entrance to the Whitbread Centre, just opposite the eastern arm of Lamb's Passage.

New four-storey residential block (Block B, north side) There is scope for a four-storey structure along the southern boundary of the YMCA, spanning from the Whitbread Centre to the western boundary wall of St Joseph's Roman Catholic Church. Windows would be on the south (front) elevation and north (rear) elevation, but not on the east (side) elevation due to overlooking issues.

Streetscape: The high number of entrances would lead to a wide spread of pedestrian access routes and increase surveillance and activity all over the place. The area currently occupied by car parking should be evenly paved. This space should be reserved for pedestrians.

The site has the following designations under the London Plan 2011, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:

- Central London Special Policy Area
- Central Activities Zone (CAZ)
- Archaeological Priority Area
- Site Allocation BC31 & B32
- Within Employment Priority Area (General and partially within offices)
- CS7 Bunhill and Clerkenwell Special Policy Area
- City Fringe Opportunity Area Finsbury Local Plan Policy BC8
- Lamb's Passage Development Brief 2006

Supplementary Planning Guidance (SPG) / Document (SPD)

The following SPGs and/or SPDs are relevant:

Islington Local Plan

Environmental Design
Accessible Housing in Islington
Conservation Area Design Guidelines
Inclusive Landscape Design
Planning Obligations and S106
Urban Design Guide

London Plan

Accessible London: Achieving an Inclusive Environment
Housing
Sustainable Design & Construction
Providing for Children and Young Peoples Play and Informal Recreation
Planning for Equality and Diversity in London

Appendix 3 Redacted Viability Assessment Results.

Land to the East of Shire House, Lamb's Passage,
London EC1Y 8TE
P2013/3257/FUL
Addendum 10 June 2014



Introduction

- 1.1 BPS Chartered Surveyors was initially appointed by the London Borough of Islington to review a viability submission provided by Upside London Limited (ULL) on behalf of London City Shopping Centre Ltd & Lamb's Passage Real Estate. The application is in respect of the demolition of existing works building and redevelopment of the site to provide a mixed use scheme including a building of up to 8 storeys in height, and conversion of existing underground vaults, to provide 38 residential units (19 market units and 19 affordable), a 61 bedroom hotel, office, restaurant, retail and gym uses, along with the creation of a new area of public realm, associated landscaping and alterations to existing access arrangements.
- 1.2 The applicant originally proposed 50% affordable housing (100% social rented) but no Section 106 contributions due to viability concerns. According to the original viability submission, the proposed scheme produced a residual land value of £2,508,000. When compared to the value of the site in its existing use, £5,724,000, it appeared that a deficit of - £3,216,000 was generated. It was on this basis the applicant argued that a Section 106 obligation of £1,323,994 could not be delivered.
- 1.3 Our review of viability report, dated 13 May 2014, highlighted various concerns regarding the valuation assumptions in respect of the hotel, private residential and additional commercial uses taken by the applicant and ULL. Based on our research we were of the view that the proposed scheme could probably generate sufficient viability to meet the proposed Section 106 contributions, although it was stressed that this would be largely dependent on enhanced hotel revenue above the levels indicated by the applicant.
- 1.4 Subsequent to our report we have received the following additional information:
 - Email from Paul Bartrop to ULL (dated 6 June 2014)
 - Updated development appraisal (dated 9 June 2014)
 - Lambs Passage Note produced by Sanguine
 - Market Profile of Location produced by Paul Bartrop
- 1.5 The applicant maintains a 50% affordable housing offer (100% social rented) but now identifies a surplus of £181,011 which may be made available towards S106 contributions. The updated development appraisal now produces a residual land value of £5,905,011 compared to the value of the site in its existing use of £5,724,000.

- 1.6 The purpose of this addendum report is to examine the amended assumptions on which this surplus has been derived.

Recommendations and Conclusions

- 1.7 It can be seen from our addendum report that private residential sales, retail, gym, office and additional commercial revenue have increased in line with our recommendations as set out in our report 13 May 2014. This equates to approximately £3,500,000 of additional revenue.
- 1.8 We originally reported that we had received insufficient evidence to support and justify the applicant's proposed value of £ for hotel and restaurant revenue. Additional information has now been received to support an increased value of £ This equates to an additional £2,157,150. On balance and after more detailed consideration of the market positioning of the proposed hotel we accept the revised valuation assumptions.
- 1.9 We confirm that provided the identified surplus is made available towards S106 contributions we are now satisfied that the proposed scheme is unable to viably deliver either more affordable housing or further financial contributions.

Gross Development Value Residential Values (Private)

- 1.10 ULL had originally applied a blended residential sales value of £ sq ft (£ sq m) to the subject scheme generating an approximate total of £.
- 1.11 Our research indicated that the following range of unit values could be achieved at the subject site:

Type	Range	Mid-Point
One beds	£430,000 - £850,000	£640,000
Two beds	£850,000 - £1,000,000	£925,000

- 1.12 Adopting mid-point values generated a blended rate of £ sq ft (£ sq m). This produced an additional £2,529,978 over ULL's original proposals.
- 1.13 ULL has now applied our suggested blended residential sales value of £ sq ft (£ sq m) producing a total revenue of £ . We are therefore satisfied with this revised valuation assumption.

Residential Values (Affordable)

- 1.14 According to the original viability submission, the applicant had received an offer from a Registered Provider for £ . On request, we were provided with an email copy of an affordable housing offer from Affinity Solution dated 21 January 2014.

- 1.15 ULL's own modelling generated a total £ and therefore suggested that the RP's offer was slightly in excess of the figures that could normally be expected.
- 1.16 Our own modelling suggested that the affordable housing offer received from Affinity Solution probably reflected a degree of internal subsidy or an assumption about securing grant. For the purposes of our review, we accepted the Affinity offer.

Gym Revenue

- 1.17 The original appraisal adopted a rental value of £ sq ft (£ sq m), capitalised at an % yield generating a capital value of £ . Our research suggested rental values could support a rate of £ sq ft (£ sq m). Adopting a higher rental value increased the capital value by £318,488 to £ .
- 1.18 The revised appraisal has accepted our proposed revenue levels. We are therefore satisfied with this revised assumption.

Retail Revenue

- 1.19 The proposed 861 sq ft (80 sq m) unit was originally estimated by ULL to let at a rental of £ sq ft (£ sq m). According to the viability submission, the rental value has been capitalised at a yield of % which should have generated a capital value of £ but a figure of £ was included in the submission.
- 1.20 Our research of retail transactions from 2013 and 2014 showed a range of values between £29 sq ft and £59 sq ft (£309 sq m and £637 sq m) for units between 362 sq ft and 911 sq ft (34 sq m and 85 sq m) in size. The average rental value was £ sq ft (£ sq m). Adopting a rental value of £ sq ft (£ sq ft) capitalised at % generated a capital value of £. [an additional £337,7000]
- 1.21 A lump sum of £ has now been adopted within the updated appraisal in line with our suggestions.

Office Revenue

- 1.22 The former appraisal applied a rental value of £ sq ft (£ sq m) to an area of 1,033 sq ft (£96 sq m). This had been capitalised at a yield of %, generating a capital value of £ .
- 1.23 We undertook our own market research in order to form a view as to appropriate office rental values and capitalisation rates. Office units ranging between 598 sq ft and 1,870 sq ft (56 sq m and £174 sq m) let during 2013 within the locality showed an average achieved rental value of £33 sq ft (£355 sq ft). According to the Estates Gazette¹, office rental values for the city fringe reached £31.49 sq ft (£339 sq m) in Q1 2013. This has increased to £40.00 sq ft (£431 sq m) for Q1 2014. Whilst there was no directly relevant comparable evidence available, we considered it reasonable to assume a rental value of £ sq ft (£ sq m). Adopting this rental value increased capital value from £ to £ based on ULL's proposed yield of % a difference of approx. £86,000.

¹ EGi (2014) London Offices Market Analysis Q1:2014

- 1.24 ULL's yield evidence comprised one achieved sale in 2012 for a unit in Richmond, showing a yield of 5.45%. ULL previously stated that a yield of % is recommended for the subject site unless it is considered appropriate to adjust the yield due to differences in location.
- 1.25 Applying a yield of % to our proposed rent of £ sq ft (£ sq m) generated a capital value of £ .
- 1.26 The updated development now adopts a capital value of £ and we are therefore satisfied with the valuation assumptions taken.

Other Commercial Revenue

- 1.27 A total area of 12,971 sq ft (1,205 sq m) had been entered within the former appraisal as achieving a rental value of £ sq ft (£ sq m). A capitalisation rate of % had been applied.
- 1.28 According to the viability submission, the area is situated within the lower basement and related access core. ULL is of the view that its location will generate only limited occupier and investor interest, thereby reducing rental and capital values. We agreed with this view. The viability submission mentions that a film production studio could be suitable for the accommodation.
- 1.29 Whilst there is no direct evidence indicating an appropriate value for this space we proposed a yield of % should be applied to the rental value of £ sq ft (£ sq m) as being reflective of a lower range capitalisation basis. Assuming the accommodation could be used for retail use, a yield of % is supported by Savills'² forecasts for secondary retail accommodation. A capital value of £ was generated using this figure and has now been adopted by ULL. [An increase of £247,000]

Hotel and Restaurant Revenue

- 1.30 The former appraisal adopted a capital value of £ for the 61 bed, four-star hotel. The anticipated hotel value was an area of much debate between the applicant's advisors and ourselves. BPS and the applicant's hotel advisor, Paul Bartrop from Hotel Real Estate subsequently met on 6 June 2014.
- 1.31 Our earlier report indicated that we were of the view a boutique style hotel could be feasible at the subject site. According to Paul Bartrop, the location and appearance of the development would not encourage such a development as few of these hotels are currently under development and would prefer both premium locations and select buildings of historic or heritage importance. We accept this point. Paul Also makes the point that radically different costs would need to be adopted to construct a boutique hotel and much larger room sizes which significantly decrease the number of proposed rooms resulting in an hotel of questionable size and viability.

² Savills (2014) Outlook for capital and rental value growth [Online]. Accessed from http://www.savills.co.uk/research_articles/173521/173768-0

- 1.32 We have been informed that the developers, Sanguine Hospitality, wish to operate the hotel under an Indigo franchise from the Intercontinental Hotel Group. It is anticipated that the brand will help attract existing customers. Sanguine Hospitality has produced a market profile for the area. Research sourced from CBRE indicates the standard midweek room rates concerning 13 competitors range between £171.00 and £190.00, and £349.00 and £369.00. These particular rates represent Montcalm London City and the Crowne Plaza respectively.
- 1.33 The developer anticipates that a period of three years will be required to increase average room rate and occupancy rate to a stabilisation point. After this three year period it is expected that the hotel could generate an average room rate of £ at % occupancy rate.
- 1.34 The restaurant due to be located within the underground vaults will deliver approximately 245 covers. The developer anticipates that the restaurant will be delivered as a 'Marcos New York Italian' restaurant. It is anticipated that revenue from the restaurant is not dependent upon the scale of the hotel operation.
- 1.35 In terms of capitalisation rates, the hotel will be held on a long lease, run on a franchise and operated independently. Thus, Paul Bartrop, is of the view that a yield of % will be appropriate to reflect the risk involved, compared to an asset held on a more traditional FRI leasehold. An email exchange between Paul Bartrop and ULL highlights comparable evidence. Selected comparable evidence indicates yields could range between % and %. We note, however, that these comparables could be regarded as slightly historic as deal dates range from 2010.
- 1.36 The updated appraisal now adopts a total capital value of £ for hotel and restaurant. This is an increase of £2,157,150 from the original development appraisal, which adopted a total capital value of £ .
- 1.37 We appreciate that the applicant has sought advice from a hotel specialist who has provided information and evidence to better explain the proposed market positioning of the hotel and why a boutique offer would be unlikely to be viable. The involvement of a known hotel brand does significantly enhance the viability of the proposed development and in consideration of the additional information on this point we are now satisfied that the proposed enhanced value is a realistic assessment of the site's potential.

Section 106 Financial Contributions

- 1.38 The scheme now identifies a small surplus from its previous position in deficit, it has been indicated to us that the applicant may be willing to provide this surplus as a contribution towards the required Section 106 obligations of £1,696,502, subject to further discussions at officer level.

Appendix 4 Formal DRP response following appearance of a development at this site at DRP on the 14th May 2013.

CONFIDENTIAL



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FAO Justin Kenworthy
Barton Willmore
7 Soho Square
London
W1D 3QB

Our ref: **DRP/005**

Date: 4 June 2013

Dear Mr Kenworthy,

ISLINGTON DESIGN REVIEW PANEL

RE: Car park site at 11 Shire House, Whitbread Centre, Lamb's Passage EC1Y

Thank you for coming to Islington's Design Review meeting on 14 May 2013. The Design Review Panel provides expert impartial design advice following the 10 key principles of design review established by Design Council/CABE.

Review Process

The scheme was reviewed by Dominic Papa (Chair), Alec Forshaw, Martin Pearson, Paul Reynolds, Sarah Featherstone and Simon Foxell on Tuesday 14 May 2013 including a site visit by the panel members followed by architect's presentation, question and answers session and deliberations at the Islington Town Hall, Upper Street. The views expressed below are a reflection of the Panel's discussions as an independent advisory body to the council.

Panel's observations

- The Panel commended the concept of urban repair and the principle of integrating the two adjoining sites in order to provide a more holistic response to the surrounding context. The panel also welcomed the intention of bringing the listed underground vaults back into use. However, the Panel had concerns in relation to a range of aspects of the proposed scheme, in particular in relation to the proposed site layout, massing, resulting architectural expression, potential impact on listed vaults and servicing strategy. Each of these points will be expanded below.
- Although panel members were very supportive of the concept of refurbishment and use of the historic underground vaults, they were concerned that there was a lack of understanding of the true impact that the scheme would have on the fabric and stability of the vaults. The Panel was concerned that plans were not shown and that future presentations would need to show plans of the vault level and the intended transformation clearly. The Panel felt that an accurate survey of the vaults was necessary and should be part of the background material to inform the development of the scheme.
- Panel members stressed the importance of understanding the impact on nearby heritage assets and how the scheme would be integrated to the surrounding context. Therefore, it was highlighted that a more thorough townscape assessment would be necessary and

should inform the design process to ensure a high quality contextual scheme can be achieved. Panel members were particularly concerned about the impact on the setting of the listed Whitbread Brewery and the view from Chiswell Street, which could potentially require a reduction in height to avoid the proposed scheme looming over the listed building from that view. The Panel also felt that proposal drawings should be integrated with the surrounding context in particular the existing Cherry Tree Walk clearly showing access issues, and the recently approved YMCA scheme with particular attention to the corner active uses and landscaping at the rear.

- Concerns were raised in relation to the proposed public route through the site in particular in relation to the lack of legibility, the impact of servicing, safety and impact on privacy. Panel members were not convinced that this space would work due to the impact which servicing requirements would have on this space/route raising concerns over the number of servicing points. They were of the opinion that servicing should be rationalised in particular to minimise impact on the proposed public realm. It was felt that the servicing strategy would be dependant upon a very tight management scheme, whereas they were of the opinion that preferably the design should resolve that. Furthermore, the Panel thought that the route lacked legibility particularly from Lamb's Passage where the opening to the route was not thought to be sufficiently evident. These Concerns are further supported by the problematic introduction of ground floor residential units. The Panel felt that a clear understanding of the boundary conditions was necessary to illustrate the relationship of surrounding existing buildings/sites to this new public space. The Panel was also of the opinion that this new route may be detrimental to the existing shopping centre to Cherry Tree Walk and that the scheme should actually be better integrated to encourage footfall to that existing route.
- Although generally positive about the private residential block, the Panel expressed reservations about the proposed entrance in particular due to the lack of clarity which is further exacerbated by the low access to the public realm/route. It was also felt that there was a lack of interaction to Sutton Way. Much needed transparency would be achieved by reorganising the lobby area and the servicing area of the residential block
- Panel members highlighted that there should be a clarity of approach in how the buildings express themselves architecturally and this is one aspect of the scheme which needs to be addressed. Panel members were concerned about the shared roof to the hotel and affordable element of the scheme. Firstly, as the private housing element was particularly differentiated the panel questioned why would the hotel not follow this approach of diversity especially in the context of the area. Secondly, it was felt that the proportions and form of the shared roof creates an excessive scale and that the "mansard" form does not reflect the typology of the area. There were also concerns to the proposed height of 8 storey across the site. The Panel felt that the proposed linear block running north south would potentially have a detrimental impact on Cherry Tree Walk and the YMCA scheme.

Summary

The Panel welcomed the design intentions of urban repair on this site and the intention of considering the two sites in different ownership as part of an integrated scheme. The principle of

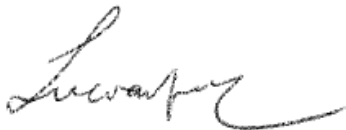
reusing the historic vaults was welcomed. The Panel was also happy to be able to be involved in the design process at such an early stage. However, it was felt that further work was required in the development of the scheme with concerns being raised particularly in relation to the quality of the public realm/route, the architectural expression and integration of the different elements of the scheme and the lack of understanding of the true impact on the fabric of the listed vaults. The panels conclusion was that these could be better resolved if there was a relaxation of the rigorous delineation between sites ownership and their architectural responses even further. This would allow the redistribution of the massing, uses and geometry in the service of legibility of access and impact on surroundings. The panel recommended a period of reflection by the two teams to study further alternatives with a view to another panel meeting as soon as possible. The Panel would welcome seeing the scheme at a second review, and would encourage more detailed information to be brought forward in addition to the submitted information such as detailed elevations, sections, survey of the historic vaults and a more thorough townscape assessment.

Thank you for consulting Islington's Design Review Panel. If there is any point that requires clarification please do not hesitate to contact me and I will be happy to seek further advice from the Panel.

Confidentiality

Please note that since the scheme is at pre-application stage, the advice contained in this letter is provided in confidence. However, should this scheme become the subject of a planning application, the views expressed in this letter may become public and will be taken into account by the council in the assessment of the proposal and determination of the application.

Yours sincerely,

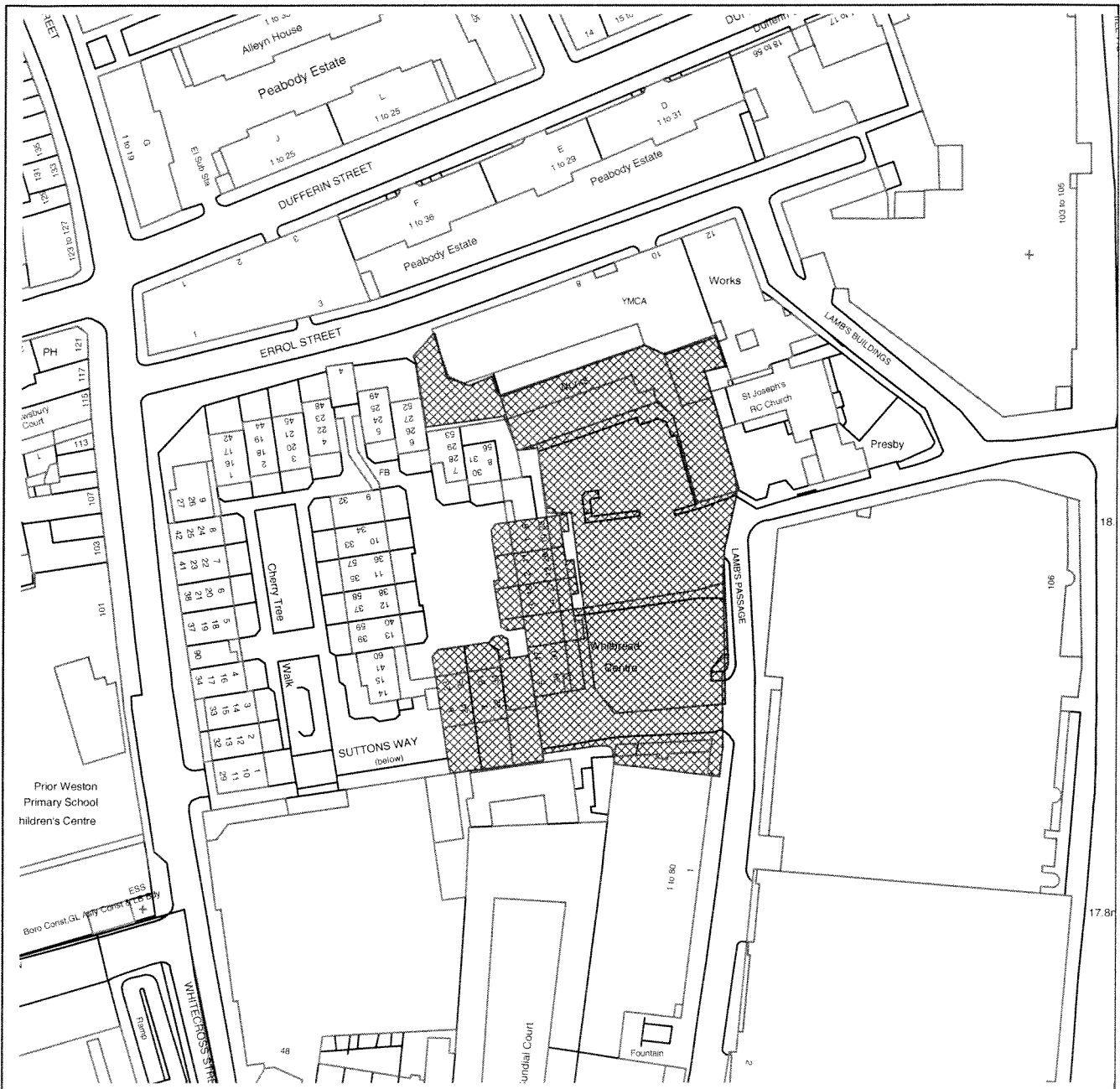
A handwritten signature in black ink, appearing to read 'Luciana Grave', with a stylized flourish at the end.

Luciana Grave
Design Review Panel Coordinator/
Design & Conservation Team Manager

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ISLINGTON



DEVELOPMENT MANAGEMENT

PLANNING APPLICATION REF NO: P2013/3257/FUL

LOCATION: SHIRE HOUSE WHITBREAD CENTRE [INCLUDING
CAR PARK & SERVICE YARD], 11 LAMB'S PASSAGE, LONDON EC1Y
8TE

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PLANNING COMMITTEE REPORT

Development Management Service
 Planning and Development Division
 Environment and Regeneration
 Department
 PO Box 333
 222 Upper Street
 LONDON N1 1YA

PLANNING COMMITTEE		AGENDA ITEM NO:
Date:	22 July 2014	NON-EXEMPT

Application number	P2013/3297
Application type	Listed Building Consent
Ward	Bunhill & Clerkenwell
Listed building	Grade II
Conservation area	Within 50 metres of St Luke's & Chiswell Street Conservation Areas.
Development Plan Context	Grade II listed vaults lie beneath the site. The listed Whitbread Brewery lies immediately to the south of the subject site.
Site Address	Shire House Whitbread Centre [including Car Park & Service Yard], 11 Lamb's Passage, London EC1Y 8TE
Proposal	The conversion and alterations to the existing grade II listed underground vaults to provide a mixed use development comprising of a part 4, part 8 storey building providing 38 residential units (19 affordable, 19 market rate) (Class C3), a 61 bedroom hotel (Class C1), office floor-space (Class B1a), restaurant (Class A3), retail (Class A1) and gym (Class D1), along with the creation of new public realm, associated landscaping and alterations to the existing access arrangements. (Full planning permission ref: P2013/3257 also submitted)

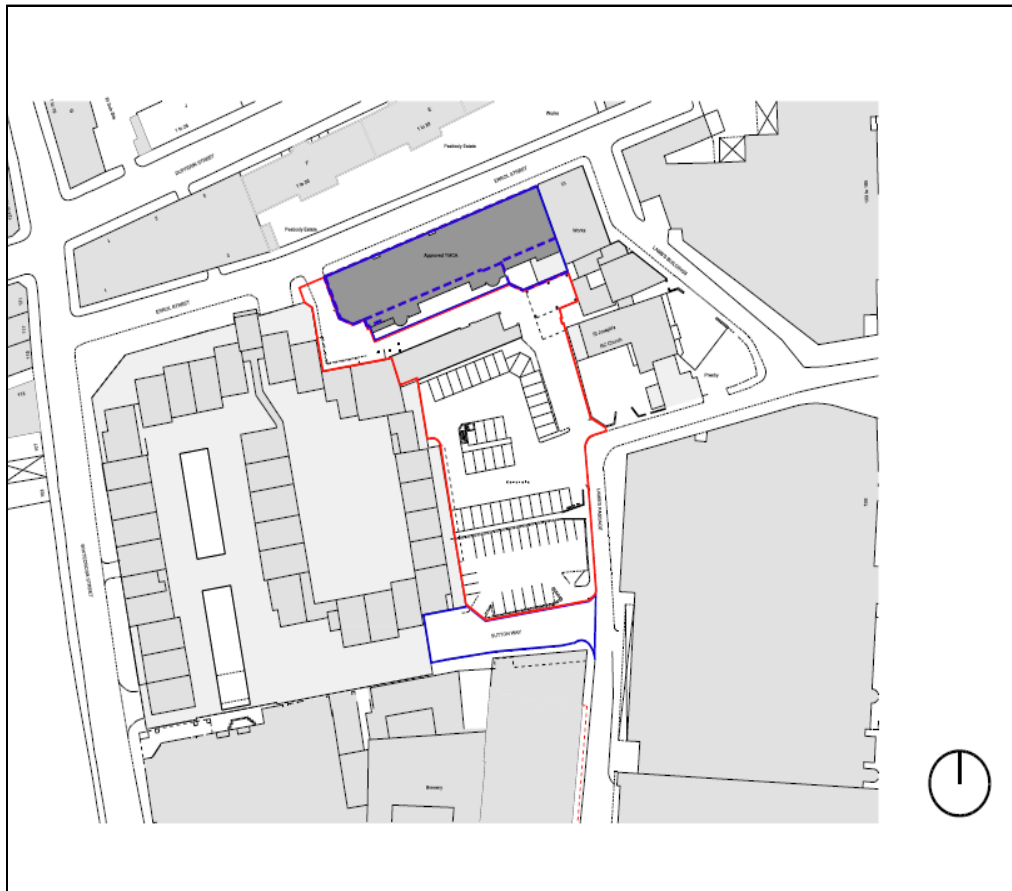
Case Officer	Paul Conboy
Applicant	London City Shopping Centre Ltd & Lamb's Passage Real Estate
Agent	Barton Willmore - Mr Justin Kenworthy

RECOMMENDATION

The Committee is asked to resolve to GRANT listed building consent:

1. Subject to the conditions set out in Appendix 1; and
2. Subject to members resolving to grant planning permission for the related planning application ref P2013/3257/FUL.

SITE PLAN (site outlined in red)



1.0 SUMMARY

- 1.1 The site includes the Grade II listed Whitbread Brewery vaults which are beneath the car park. The site is in close proximity and within the setting of the Grade II listed Whitbread Brewery buildings, in close proximity to St. Luke's and Chiswell Street Conservation areas and also within the Moorfields Archaeological Priority Area. The site is additionally within the setting of No.12 Errol Street which is a non-designated heritage asset.
- 1.2 The site is currently occupied by a surface level car park and a 20th century building of no architectural or historic significance – there is no objection to the demolition of this building or the redevelopment of the site in principal.
- 1.3 The basement cellars are proposed to be converted to a restaurant, forming part of the hotel and accessed from its southern end. The rest of the basement cellars would be used as ancillary space for the southern residential block.(gymnasium)
- 1.4 There would be some harm caused to the underground vaults as a result of their conversion into usable spaces, including a loss of historic fabric, and the subdivision and masking of historic fabric as a result of damp proofing. The 'Archaeological and Built Heritage Assessment' submitted with the application is very comprehensive and fully justifies the proposed interventions into the fabric,

which have been reduced as far as possible to avoid harming the character and interest of the spaces.

- 1.5 As well as the historic fabric and the internal spaces, there are other elements within the vaults which are considered to be of significance and should be retained wherever possible. These include the painted posters on the walls, which provide an indication of the variety of the beers being produced by the Whitbread Company, the surviving elements such as the tram and barrel tracks running within the floors of the vaulted areas and some of the machinery remnants all of which add to the historical and archaeological interest. Subject to conditions the proposals are supported and acceptable.

2.0 SITE AND SURROUNDINGS

- 2.1 The application site and its surroundings are described in the report for the accompanying application for planning permission (ref: P2013/3257/FUL)

3.0 PROPOSAL (in Detail)

- 3.1 The applicant seeks listed building consent for the conversion and alterations to the existing Grade II statutorily listed underground vaults at lower and upper basement level to enable these spaces to be used for restaurant uses, ancillary spaces, gym, plant and machinery spaces.

- 3.2 The following interventions are proposed:

- I. Demolition of walls and some jack arches in the north-east corner to provide a new staircase and lightwell into cellars to create a welcoming entrance to the restaurant: The fabric of this area has been altered historically and is less sensitive to change. The lightwell and stairs have been orientated in respect of the existing basement footprint. Internal finishes are proposed to demonstrate the transition between new and historic. Downstands and nibs will be retained to indicate where the walls would have been. Tiled jack arches will be preserved to the south of the staircase.
- II. Demolition of parts of walls to provide access from the east side to the west side of cellar. This will enable the full area of the basement to be used. This level of intervention has been kept to a minimum and the majority of the spaces are to be retained and enhanced through a new use.
- III. Insertion of foundations/piles through the existing structure to support the hotel above; Just as the foundations of the Shire House development have been inserted into the historic fabric so too will the proposed buildings foundations be located within the walls of the cellars. The ground floor layout and structural design for the buildings has been specifically redesigned to account for the layout of the basement so that the piles do not fall within the centre of the spaces but retain the character and proportions of the long vaults.
- IV. Insertion of partitions to split the restaurant demise from the private residential demise. The partitions are necessary for the development to be implemented but can be carried out in a sensitive manner to ensure the fabric of the structure is preserved. Any partitions will be removable and will not require demolition of any fabric.

- V. Lowering of the floor level to provide adequate headroom and relaying of some of the metal tracks. In order to use the vaulted spaces for the proposed restaurant it is necessary to dig out the existing floor levels.
- VI. Removal of infill bricks around piles to create views through the area. This will enhance the appearance of the spaces and provide a better understanding of the interaction between and scale of the vaulted areas, enhancing heritage significance.
- VII. Damp proofing to the lower half of the walls with the upper parts being left as exposed brick where possible. Damp proofing the lower part of the walls will enable the spaces to be usable without compromising the experience of being in a brick vault.
- VIII. Division of the 20th century concrete area on the western side of the cellars to provide kitchen and bathrooms.
- IX. Removal of a modern staircase to split the lower basement from the basement level. Removing this staircase will enable the entire basement vaulted area to be read as one historic entity with the sub-basement level an entirely separate space, as it would have been originally.
- X. Insertion of piles of the building above, the piles have been designed to sit as close to the existing walls or within them so as to maintain the spatial qualities of the vaults.
- XI. Insertion of new stair core and lift to west of double height jack arch cellars.
- XII. Use of the double height areas as a gym which will require minimum intervention.

4.0 RELEVANT HISTORY

Planning Applications

- 4.1 The following previous planning applications relating to the application site are considered particularly relevant to the current pre-application proposal:
- **2013/ 3257/FUL** – *Associated planning application for the demolition of existing works building and re-development of the existing surface level car park, along with the conversion of existing Grade II listed underground vaults to provide a mixed use development comprising of a part 5, part 8 storey building providing 35 residential units (Class C3), a 101 bedroom hotel (Class C1), office floor-space (Class B1a), restaurant (Class A3), retail (Class A1) and gym (Class D1), along with the creation of new public realm, associated landscaping and alterations to the existing access arrangements.*
 - **P060839** – *Listed building consent application for the erection of a 4-storey office building (B1a) with basement to provide 1617sqm of B1 floorspace, including demolition of the basement area.* The application was withdrawn by the applicant.
 - **P060838** – *Listed building consent application for the erection of a 4-storey office building with basement to provide 1617sqm of B1 floorspace, including the demolition of the basement.* The application was appealed for non-determination. The Council's statement of case provided four reasons for refusal, namely the unacceptable loss of the grade II listed vaults, the design and impact on townscape,

the impact on residential amenity and the risk posed to the security of pedestrians and future occupiers. The appeal was withdrawn by the appellant.

- **P060460** – *Planning application for the erection of a 4-storey office building with basement to provide 1617sqm of B1 floorspace.* The application was withdrawn.
- **P060458** – *Planning application for the erection of a 4-storey office building (B1a) with basement, to provide 1617sqm of B1 floorspace.* The application was appealed for non-determination. The Council's statement of case provided four reasons for refusal, namely the unacceptable loss of the grade II listed vaults, the design and impact on townscape, the impact on residential amenity and the risk posed to the security of pedestrians and future occupiers. The appeal was withdrawn by the appellant.
- **1 Lamb's Passage** - planning permission (ref. P052334) was granted on 9th October 2006 for the redevelopment of 1 Lamb's Passage to provide a seven storey building accommodating 87 residential units and 564 sqm of office floorspace. This development has now been completed.
- **YMCA, Errol Street** – decision issued 7th May 2014, the Council granted planning permission (ref. 2012/0637/FUL) for the demolition of the existing YMCA building and the redevelopment of the site to provide a seven storey building with a new hostel facility with associated facilities and commercial uses.

5.0 CONSULTATION

- 5.1 Letters were sent to 964 occupants adjoining and nearby properties along Errol Street, Dufferin Street, Whitecross Street, Sutton Way, Chiswell Street and Lamb's Passage on the 18th of October 2013. A site notice and press advert was displayed on the 24th October 2013. The public consultation of the application therefore expired on the 14th of November 2013. Following revisions and reduction to the scheme a second round of consultation was carried out by the council which involved the reconsultation of all residents as before and new site and press notice displayed on the 25th February 2013 with the consultation period ending on the 20th March 2014. However it is the Council's practice to continue to consider representations made up until the date of a decision.
- 5.2 At the time of the writing of this report a total of 34 letters objection and one petition with 21 signatures have been received from the public with regard to the application. The issues raised have been summarised and detailed within the accompanying full planning application ref P2013/3257. In relation to listed building issues concerns were raised that the development will have adverse impact on the listed vaults. (See paragraphs 7.3 to 7.6).7.6)

External Consultee

- 5.3 **English Heritage (Greater London Archaeology Advisory Service)** responded on the 5th February 2014 stating that the following condition should be attached to any grant of permission:

Condition: No works authorised by this consent shall take place until the applicant has implemented a programme of building recording and analysis by a person or

body approved by the Council as local planning authority. This programme shall be in accordance with a written scheme which has been submitted by the applicant and approved by the local planning authority advised by English Heritage. (Please see condition 28 as attached to planning application ref P2013/3257).

Internal Consultees

- 5.4 The Design and Conservation Team Manager raised no objections to the proposed alterations and interventions to the listed vaults subject to detailed conditions being attached.

6.0 RELEVANT POLICIES

- 6.1 Details of all relevant policies are attached in Appendix 2.

7.0 ASSESSMENT

Principle of Development

- 7.1 The redevelopment and alterations to the existing underground listed vaults would bring back into productive use these architecturally significant yet redundant features. The proposed use would ensure that the existing vaults are comprehensively renovated and maintained to create a use which would facilitate the enjoyment of these unique historical spaces of the site, providing an opportunity to bring these spaces back into commercial use and allowing public access to the sites.

Land Use

- 7.2 The proposed uses of the existing vaults for restaurant, gym, office and related spaces are considered appropriate to its history and character. These uses will create the opportunity for patrons of the uses to visit and experience this historical space which is not the case at present.

Proposed works and potential harm to the below ground vaults

- 7.3 The basement cellars would be converted to a restaurant, forming part of the hotel and accessed from its southern end. The rest of the basement cellars would be used as ancillary space for the southern residential block.
- 7.4 There would be less than substantial harm caused to the underground vaults as a result of their conversion into usable spaces, including loss of historic fabric, subdivision and masking of historic fabric as a result of damp proofing. The 'Archaeological and Built Heritage Assessment' submitted with the application is very comprehensive and fully justifies the proposed interventions into the fabric, which have been reduced as far as possible to avoid harming the character and interest of the spaces.
- 7.5 As well as the historic fabric and the internal spaces, there are other elements within the vaults which are considered to be of significance and should be retained wherever possible. These include the painted posters on the walls, which provide

an indication of the variety of the beers being produced by the Whitbread Company, the surviving elements such as the tram and barrel tracks running within the floors of the vaulted areas and some of the machinery remnants all of which add to the historical and archaeological interest.

- 7.6 Concerns raised by objectors regarding the potential to damage the integrity of the existing vaults have been considered fully. The evidence provided and the proposals generally are considered to refurbish and bring the vaults back into productive use which will ensure their long term viability and use into the future. Various conditions to ensure the protection of the historic fabric, overall character and significant remnants will be attached to the listed building consent. Therefore the proposal is considered to cause less than substantial harm to the fabric of the existing vaults with substantial public benefits being secured as a result of the proposal.

National Planning Policy Framework

- 7.7 The proposal is considered to be compliant with the NPPF's planning policies regarding conserving and enhancing the historic environment (section 12) and in particular paragraph 134.

8.0 SUMMARY AND CONCLUSION

Summary

- 8.1 The proposed conversion, alterations and refurbishment of the existing listed vaults beneath the application site are welcome in principle, with substantial public benefits to be gained. Subject to appropriate conditions there is clear architectural and public benefits which weigh positively in favour of granting listed building consent, and which help to outweigh the minimal harm that the proposed works would cause. The proposal would comply with policies 7.6, 7.8 and 7.9 of the London Plan (2011), policies CS7, CS8, CS9 of the Islington Core Strategy 2011, policy DM2.3 of the Development Management Policies (2013).
- 8.2 Conditions relating to specific aspects of the proposed works to the listed building are recommended.
- 8.3 Given the proposed development's level of compliance with planning policies (including those of the NPPF and the London Plan), as a result of the public benefits of opening up access and beneficial use of the vaults it is recommended that listed building consent be granted.

Conclusion

- 8.4 It is recommended that listed building consent be granted subject to conditions as set out in Appendix 1 - RECOMMENDATIONS.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

That the Committee resolve to GRANT listed building consent subject to the Council's resolution to approve the accompanying application for planning permission (ref: P2013/3257/FUL).

RECOMMENDATION B

That the grant of listed building consent be subject to conditions to secure the following:

List of Conditions:

1	Commencement
	<p>CONDITION: The works hereby permitted shall be begun not later than three years from the date of this consent.</p> <p>REASON: To comply with the provisions of Section 18(1)(a) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	Approved plans list
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved drawings and information:</p> <p>Design and Access Statement Rev D dated January 2014, Design and Access Statement Addendum 3D Visuals dated May 2014, Design and Access Statement Addendum dated May 2014, Daylight and Sunlight Report by Gordon Ingram and Associates dated January 2014, sunlight/daylight window locations drawings ref 4749-45/REV A, 4749-47/REV A, 4749-49/REV A & 4749-56/REV A, Updated covering letter from GIA consultants dated 11TH April 2014, Planning and Regeneration Statement dated January 2014, Amended Air Quality Statement by WSP Environmental dated January 2014, Structural Strategy by Curtins Consulting dated January 2014, Transport Assessment and Travel Plan Template by SCP dated January 2014, Energy Statement by XCO2 Energy dated January 2014, Sustainability Statement by XCO2 Energy dated January 2014, Noise and Vibration Assessment by WSP Acoustics dated January 2014, Drainage Strategy Report by Curtins dated January 2014, Archaeological and built Heritage Assessment by Heritage Collective dated January 2014, Noise and Vibration Assessment by WSP Acoustics dated January 2014, Contaminated Land Desk Study Report by Go-Environmental Services Ltd dated August 2013, Covering letter from Geo-Environmental dated 8th January 2014, Public Realm Strategy by BMD dated May 2014 including drawing numbers BMD/197/DRG/002E- BMD/197/DRG/005E inclusive, Statement of Community Engagement by Hardhat dated January 2014, Letter from Barton Willmore Dated 2 June 2014</p>

	<p>Drawingnumbers:SCP/13814/ATR44,SCP/13814/ATR45,SCP/13814/ATR46, SCP/13814/ATR47,SCP/13814/ATR48,Site location plan numbered Li56-183-02-01-001/REV A, Proposed site plan numbered Li56-183-02-02-001/REV C, Li56-183-02-03-001/REV G, Li56-183-02-03-002/REV G, Li56-183-02-03-003/REV I, Li56-183-02-03-004/REV F, Li56-183-02-03-005/REV F, Li56-183-02-03-006/REV F, Li56-183-02-03-007/REV E, Li56-183-02-03-008/REV G, Li56-183-02-03-009/REV E, Li56-183-02-03-010/REV E, Li56-183-02-03-011/REV E, Li56-183-02-03-012/REV A, Li56-183-02-04-001/REV C, Li 56-183-02-04-002/REV C, Li56-183-02-05-001/REV D, Li56-183-02-05-002/REV D, Li56-183-02-05-003/REV D, Li56-183-02-05-004/REV F, Li56-183-02-05-005/REV D, Li56-183-02-91-001, Li56-183-02-91-002, Li56-183-02-91-003, Li56-183-02-91-004, Li56-183-02-91-005, Li56-183-02-91-006,Li56-183-02-91-007,Li56-183-02-91-008,Li56-183-02-91-009, Li56-183-02-91-010 & Li56-183-02-03-012/REV A.</p> <p>REASON: For the avoidance of doubt and in the interests of proper planning.</p>
3	Details to match-Listed buildings
	<p>CONDITION: All new external and internal works and finishes and works of making good to the retained fabric shall match the existing adjacent work with regard to the methods used and to material, colour, texture and profile. All such works and finishes shall be maintained as such thereafter.</p> <p>REASON: In order to safeguard the special architectural or historic interest of the heritage asset.</p>
4	Details of vaults excavation
	<p>CONDITION: Notwithstanding the plans hereby approved, full details of the excavation proposed within the vaults in relation to increasing floor to ceiling heights shall be submitted to and approved in writing by the LPA prior to the commencement of any works on the vaults (including piling and foundations of the approved buildings above).</p> <p>The development shall be carried out strictly in accordance with the details so approved, shall be maintained as such thereafter.</p> <p>REASON: In order to safeguard the special architectural or historic interest of the heritage asset.</p>
5	No removal of historic fabric
	<p>CONDITION: Notwithstanding the plans hereby approved, no historic fabric including wall posters, historic machinery or tracks or any other historic artefact shall be removed or repaired prior to full details detailing their protection, recording, repair or relocation have been submitted and approved by the Council.</p> <p>The development shall be carried out strictly in accordance with the details so approved, shall be maintained as such thereafter.</p>

	REASON: In order to safeguard the special architectural or historic interest of the heritage asset.
6	Details of final fixtures and fittings
	<p>CONDITION: Notwithstanding the plans hereby approved, full details and detailed drawings of the proposed treatment of all historic fabric, fixtures and fittings including damp proofing measures, within the vaults shall be submitted to the LPA, prior to the commencement of any works on the vaults (including piling and foundations of the approved buildings above).</p> <p>These shall include, but are not limited to:</p> <ul style="list-style-type: none"> • Any staircases at below ground level • Light fittings (including cabling) • Ductwork (including trunking locations) • Flooring <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In order to safeguard the special architectural or historic interest of the heritage asset.</p>
7	Details of kitchen ventilation/extraction
	<p>CONDITION: Details of kitchen ventilation/extraction and intake and related plant for any A3 and gym uses within the listed vaults shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure that the resulting appearance and construction of the development is of a high standard and to ensure the significance of the listed building is not harmed.</p>

APPENDIX 2 – RELEVANT POLICIES

This appendix lists all relevant development plan policies and guidance notes pertinent to the determination of this planning application.

1 National Guidance

The National Planning Policy Framework 2012 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

2 Development Plan

The Development Plan is comprised of the London Plan 2011, Islington's Core Strategy 2011, Islington's Development Management Policies 2013, the Finsbury Local Plan 2013 and Islington's Site Allocations 2013. The following policies of the Development Plan are considered relevant to this application:

A) **The London Plan 2011 – Spatial Development Strategy for Greater London**

7 London's living places and spaces
Policy 7.6 Architecture

Policy 7.8 Heritage assets and archaeology
Policy 7.9 Heritage-led regeneration

B) **Islington Core Strategy 2011**

Spatial Strategy
Policy CS7 (Bunhill and Clerkenwell)
Policy CS8 (Enhancing Islington's Character)

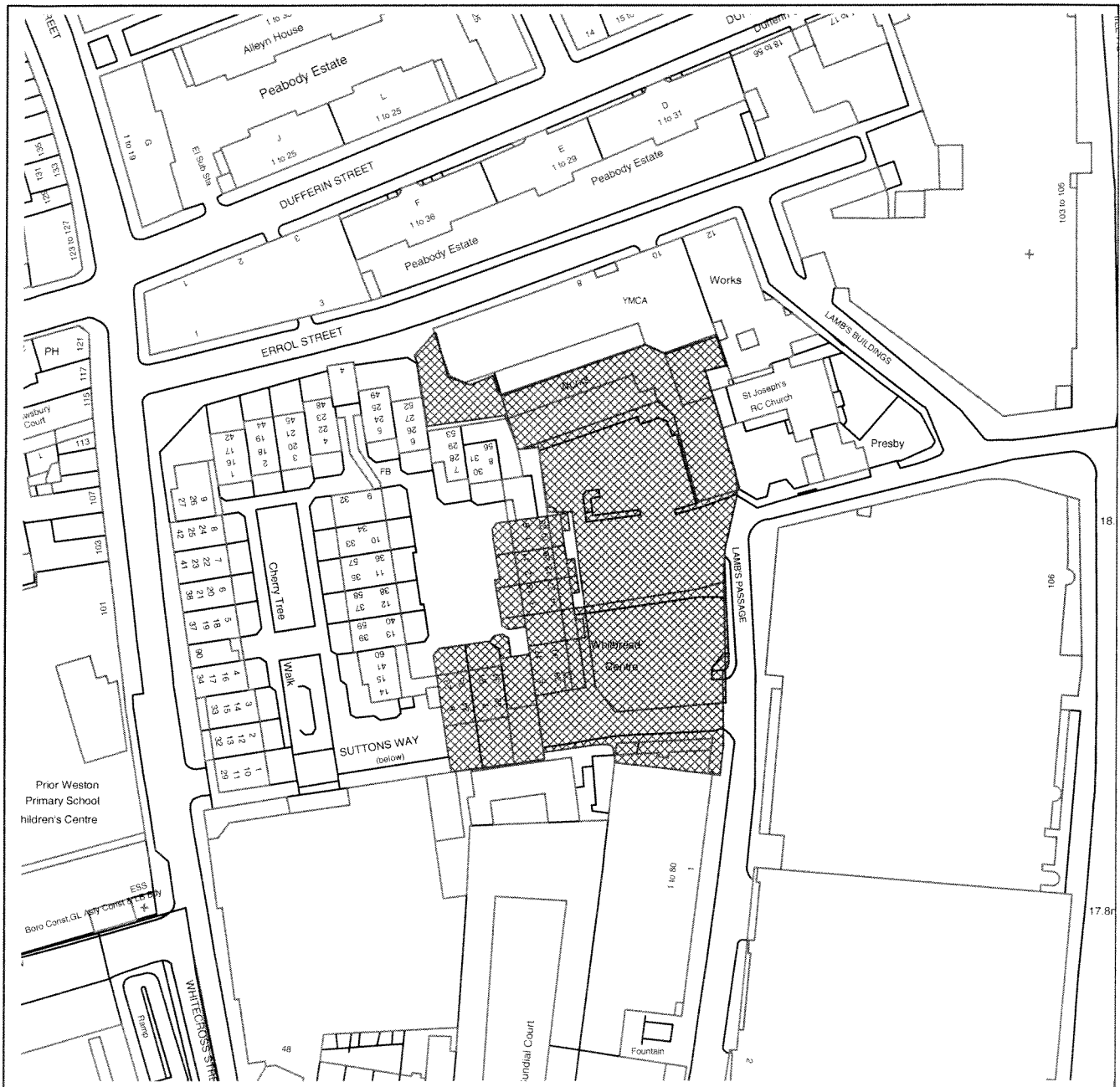
Strategic Policies
Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment)

C) **Islington's Development Management Policies June 2013**

Design and Heritage
DM2.1 Design
DM2.3 Heritage



ISLINGTON



DEVELOPMENT MANAGEMENT

PLANNING APPLICATION REF NO: P2013/3257/FUL

LOCATION: SHIRE HOUSE WHITBREAD CENTRE [INCLUDING
CAR PARK & SERVICE YARD], 11 LAMB'S PASSAGE, LONDON EC1Y
8TE

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