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AGENDA FOR THE PLANNING COMMITTEE

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Members of Planning Committee are summoned to a meeting, which will be held in the Council Chamber, Town Hall, Upper Street, N1 2UD on **16 December 2014 at 7.30 pm.**

**John Lynch**  
**Head of Democratic Services**

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Despatched : 8 December 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](mailto: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

Wards


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

Substitute Members

Councillor Convery  
Councillor Comer-Schwartz  
Councillor O'Sullivan  
Councillor A Perry  
Councillor Poole  
Councillor Smith  
Councillor Spall  
Councillor Ward  
Councillor Wayne  
Councillor Williamson

- Caledonian;  
- Junction;  
- Finsbury Park;  
- St Peter's;  
- St Mary's;  
- Holloway;  
- Hillrise;  
- Holloway;  
- Canonbury;  
- Tollington;

Quorum: 3 councillors



**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 - 4

**B. Consideration of Planning Applications** **Page**

1. 351 Caledonian Road and Gifford Street Railway Embankment, London, N1 1DW 7 - 90

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|----|---|--------------|
| 2. | 37-47 Wharf Road, London, N1 7RJ          | 91 - 180     |
| 3. | 96-100 Clerkenwell Road, London, EC1M 5RJ | 181 -<br>272 |

**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, 20 January 2015

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

**[www.democracy.islington.gov.uk](http://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](mailto:enquiriesplanning@islington.gov.uk).**

London Borough of Islington

## Planning Committee - 11 November 2014

Minutes of the meeting of the Planning Committee held at Council Chamber, Town Hall, Upper Street, N1 2UD on 11 November 2014 at 7.30 pm.

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

### Councillor Robert Khan in the Chair

**44**           **INTRODUCTIONS (Item A1)**

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

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

Apologies were received from Councillors Nicholls and Picknell.

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

Councillor Alice Perry for Councillor Nicholls.

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

Councillor Poyser declared a personal interest in B3 as he was a member of the Archway Town Centre Management Group and was involved with the Better Archway Forum. He would not take part in the consideration of this item.

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

The order of business would be B2, B1 and B3.

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

**RESOLVED:**

That the minutes of the meeting held on 20 October 2014 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

**50**           **130-154, 154A, PENTONVILLE ROAD, (INCLUDING 5A CYNTHIA STREET, 3-5, CYNTHIA STREET, 2, RODNEY STREET), N1 9JE (Item B1)**

Comprehensive redevelopment of the site to provide for a mixed use development consisting of 3,879sqm (GIA) of a Car Hire Facility (sui generis use class) comprising offices and 150 parking spaces and 873sqm (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 and refuse storage. The building would consist of the following storey heights: - Rodney Street; part 5 and part 7 storeys; - corner of Rodney Street and Pentonville Road; 10 storeys: - Pentonville Road; part 5, part 6 and part 7 storeys with setback floors at 8th and 6th floor levels; and Cynthia Street: 4 storeys with a set back 5th.

(Planning application number: P2014/1017/FUL)

In the discussion the following points were made:

## Planning Committee - 11 November 2014

- The planning officer advised that although the committee refused planning permission at its meeting on 22 July 2014, there was concern that the proposed reasons for refusal were not matters pursued by the council when it made its decision on an earlier application for the site. In the interests of keeping decisions consistent the application had been resubmitted to committee for consideration.
- At appeal, the inspector considered affordable housing/viability and the employment offer and both were found to be reasonable. Although the inspector refused planning permission for amenity issues, the committee discussed amenity at the Planning Committee meeting on 22 July and considered it to be acceptable.
- The Section 106 heads of terms had been updated.

### **RESOLVED:**

That planning permission be granted subject to conditions and informatives as set out in the case officer's report for 22 July Planning Committee 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 updated heads of terms as set out in sub-section 5.0 of the case officer's report for 11 November Planning Committee and 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.

51

### **16 BARNSBURY SQUARE, LONDON, N1 1JL (Item B2)**

Section 73 application (minor material amendment) to vary condition 28 (approved planning permission P061428 (appeal reference number APP/V5570/A/07/2027087/NWF) 17/01/08 for the 'Demolition of existing building and the erection of a part two, part three storey building with a "garden level" and basement level below ground to provide 587sqm of business use and 10 residential units, together with restoration works to make good the north facing flank wall and rear northwest corner of Mountfort House'.

The minor material amendments are: (A) Reconfiguration of lower basement level and garden level B1 floorspace and parking area layouts, (B) Reconfiguration of residential layouts; (C) Enlargement of second floor level terrace and erection of privacy screen, (D) Installation of garden level extract louvers; (E) Revised landscape proposal; (F) Reconfiguration and addition of rooflights; (G) Installation of roof access and maintenance balustrades, (H) Relocation of rooftop PV panels and flue, (I) Enclosure of second floor level east apartment terrace and other minor external alterations.

(Planning application number: P2013/2831/S73)

The planning officer advised that Condition 27 should be amended to include the relevant drawing numbers and to read as follows:

Condition: The following mechanisms and additions shall be fixed shut and remain in perpetuity:

- all outer translucent screens to the courtyard elevation and roof terrace
- the translucent glass within the apartment glazing as detailed in drawing numbers P-3160 Rev. P2 and P-3150 Rev P2
- all high level panels and louvres shown on the north elevation.

REASON: in the interests of protection the privacy of neighbouring occupiers.

In the discussion the following points were made:

- The screening of the photovoltaic panels was discussed.
- There would be a marginal increase in the size of the second floor roof terraces.
- The B1 space would be more usable as a result of changes to the servicing arrangements, cycle storage, refuse storage and circulation space and consideration had been given to the marketability of space and whether one or two units would be

the most appropriate for the market. The B1 space was at basement and garden levels.

- Objectors had raised concern about insufficient detail in the drawings. The case officer stated that the drawings had been sufficient for the inspector to make a decision and planning officers had collaborated with the architects in relation to the drawings.
- The legal officer advised that the committee's powers in relation to a Section 73 application were to consider only the conditions subject to which planning permission should be granted. Whatever decision was reached on conditions, the permission being varied should be left intact. It was noted that if the committee refused the application, the previously approved scheme would stand.
- The number of affordable housing units would remain the same as in the previously approved permission.

**RESOLVED:**

That planning permission be granted subject to conditions and informatives as detailed in the case officer's report with the amendment to condition 27 as detailed above and the completion of a Deed of Variation to the existing legal agreement of Deed of Planning Obligation made under Section 106 of the Town and County Planning Act 1990 securing the heads of terms as set out in the case officer's report.

**52 HILL HOUSE, 17 HIGHGATE HILL, LONDON, N19 (Item B3)**

Recladding of existing building, creation of new residential entrance in eastern façade, erection of a ground floor front extension and reconfiguration of existing retail floorspace, installation of new shop fronts, erection of wind canopies and external landscaping.

Councillor Poyser, who had earlier declared an interest in this item, did not take part in the consideration of the application.

**RESOLVED:**

That planning permission be granted subject to conditions and informatives as detailed in the case officer's report.

**53 130-154, 154A PENTONVILLE ROAD (INCLUDING 5A CYNTHIA STREET, 3-5 CYNTHIA STREET, 2 RODNEY STREET), ISLINGTON, LONDON, N1 9JE (Item E1)**

**RESOLVED:**

That the report be noted.

The meeting ended at 8.55 pm

**CHAIR**

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## Schedule of Planning Applications

PLANNING COMMITTEE - Tuesday 16 December, 2014

### COMMITTEE AGENDA

1 351 Caledonian Road & Gifford Street Railway Embankment, London N1 1DW

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2 37-47 Wharf Road, London, N1 7RJ

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3 96 - 100 Clerkenwell Road London EC1M 5RJ

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1 351 Caledonian Road & Gifford Street Railway Embankment, London N1 1DW

Ward: Caledonian

**Proposed Development:** Demolition of existing vacant two storey warehouse building. Redevelopment of site to provide 156 residential units, through erection of a four storey linear building (with five storey element to west end) adjacent to railway line; erection of five detached blocks (one x six-storey, three x five-storey and one x four-storey buildings); erection of part one, part three storey building to Caledonian Road frontage - including a 41sqm A1/A2/A3 commercial unit at ground floor level; together with creation of an access road into the site from Caledonian Road, provision of wheelchair accessible car parking, comprehensive landscaping including provision of pedestrian access from Carnoustie Drive, and associated ancillary development. (This proposal constitutes a departure from the development plan. This application may affect the character and appearance of a conservation area.) RECONSULTATION: Amendments have been made to the Environmental Statement submitted as part of this application (addendum documents submitted).

**Application Number:** P2014/0609/FUL

**Application Type:** Full Planning Application

**Case Officer:** Benjamin Dixon

**Name of Applicant:** Ms Sophie Hoskin

**Recommendation:**

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2 37-47 Wharf Road, London, N1 7RJ

Ward: St. Peters

**Proposed Development:** Demolition of existing buildings and residential redevelopment of the site to provide 98 dwellings (18x 1-bedroom, 50x 2-bedroom, 24x 3-bedroom and 6x 4-bedroom units) in a part 2-, part 8-storey building, together with cycle parking and amenity spaces.

**Application Number:** P2014/2131/FUL

**Application Type:** Full Planning Application

**Case Officer:** Victor Grayson

**Name of Applicant:** Family Mosaic

**Recommendation:**

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3 96 - 100 Clerkenwell Road London EC1M 5RJ

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**Ward:** Clerkenwell

**Proposed Development:** Demolition of all existing structures onsite (forecourt shop, canopy and pumps) and the erection of a 8 storey building plus basement levels comprising of a 212 bedroom hotel (Class C1), 5 self contained residential units (facing onto and entrances onto St John's Square comprising of 4 x 3 beds & 1x 2 bed), the creation of 93 sq metres of office /workshop space (Class B1), 410 sq metres of flexible commercial floorspace (Retail A1 use & Restaurant A3 uses) with a new pedestrian access from Clerkenwell Road to St John's Square, cycle storage provision, landscaping and associated alterations. (Reconsultation following a further series of related amendments to the scheme including:

- 1 Reduction in the roof level floor to the front and rear .
- 2 Revised elevational design to the proposed Clerkenwell Road frontage.
- 3 Omission of protruding balconies to proposed residential units facing St John's Square. and elevational changes.
- 4 Widening and amendments to the proposed pedestrian cut through from Clerkenwell Road to St John's Square. 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:** P2014/0373/FUL

**Application Type:** Full Planning Application

**Case Officer:** Paul Conboy

**Name of Applicant:** 100 clerkenwell Ltd

**Recommendation:**

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### PLANNING COMMITTEE REPORT

<b>PLANNING COMMITTEE</b>		
<b>Date:</b>	16 <sup>th</sup> December 2014	<b>NON-EXEMPT</b>

Application number	P2014/0609/FUL
Application type	Full Planning Application
Ward	Caledonian
Listed building	None
Conservation area	Barnsbury (part of the site)
Development Plan Context	<ul style="list-style-type: none"> <li>- Copenhagen Junction SINC - Borough Grade 1</li> <li>- Site Allocation KC5</li> <li>- Gifford Street Embankment &amp; 351 Caledonian Rd - Planning Brief</li> <li>- Barnsbury Conservation Area</li> <li>- Local View from Archway Road to St. Paul's Cathedral (LV4)</li> <li>- Local View from Archway Bridge to St. Paul's Cathedral (LV5)</li> <li>- Channel Tunnel Railway Safeguarding Area (RS3)</li> <li>- Kings Cross Special Policy Area</li> </ul>
Licensing Implications	None
Site Address	351 Caledonian Road & Gifford Street Railway Embankment, London N1 1DW
Proposal	Demolition of existing vacant two storey warehouse building. Redevelopment of site to provide 156 residential units, through erection of a four storey linear building (with five storey element to west end) adjacent to railway line; erection of five detached blocks (one x six-storey, three x five-storey and one x four-storey buildings); erection of part one, part three storey building to Caledonian Road frontage - including a 41sqm A1/A2/A3 commercial unit at ground floor level; together with creation of an access road into the site from Caledonian Road, provision of wheelchair accessible car parking,

	comprehensive landscaping including provision of pedestrian access from Carnoustie Drive, and associated ancillary development. (This proposal constitutes a departure from the development plan).
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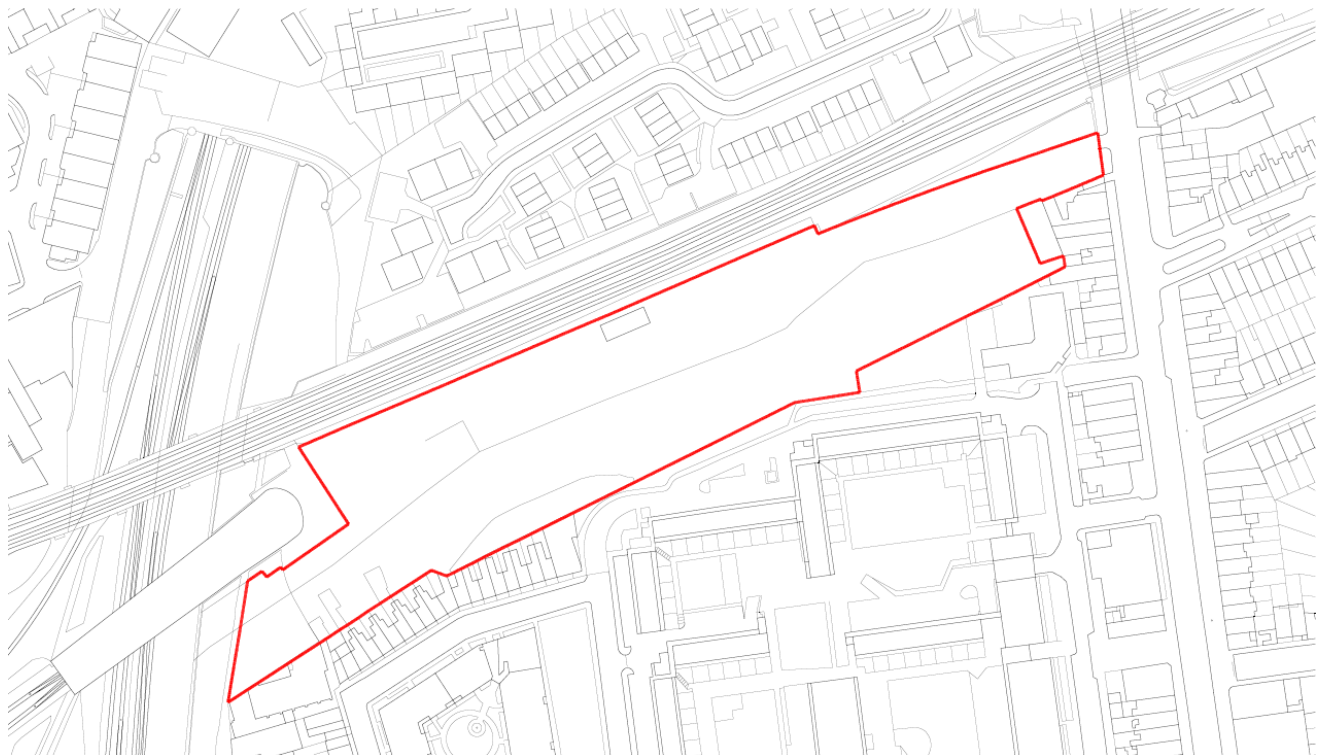
Case Officer	Ben Dixon
Applicant	Telford Homes
Agent	GL Hearn

## 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 outlined in black)



### 3. PHOTOS OF SITE



1 View from Caledonian Road



2 Internal access road



3 Existing electricity substation



4 Internal access road



5 Concrete plateau looking west towards Kings Cross



6 Concrete plateau looking south over Bemerton Estate



7 Concrete plateau looking west



8 View over CTRL Tunnel looking west towards Kings Cross



9 View of Bemerton Estate along Carnoustie Drive



10 Two existing mature sycamore trees within the SINC



11 Disused pathway into site from Carnoustie Drive



12 View looking north towards site from Pembroke Street



13 View of site from Bunning Way



## 4. SUMMARY

- 4.1 The proposed scheme would provide 156 residential units, comprising: 8 x 4-bedroom units, 28 x 3-bedroom units, 69 x 2-bedroom units and 51 x 1-bedroom units. A total of 38.5% of the units would be provided as affordable housing (this equates to 42.5% measured by habitable rooms). The development would also provide 41sqm of flexible A1/A2/A3 commercial floorspace. The proposed scheme comprises seven separate buildings together with other ancillary development.
- 4.2 The application site comprises an unoccupied plot of land, part of which was last used in association with railway improvement works (relating to Highspeed1 Chunnel Tunnel Line and North London Line). Within the site, 63% of the area is designated as a Site of Importance for Nature Conservation (SINC) of Borough Grade 1 Importance and including two areas of protected woodland. However, the SINC area has been heavily colonised by invasive Japanese Knotweed which if not eradicated (predominantly through dig and dump offsite) would result in further harm to natural habitats and biodiversity at the site.
- 4.3 The proposed scheme would involve development within the SINC, with mitigating re-provision of nature conservation land elsewhere on the site. The development would result in an overall reduction in nature conservation land at the site of 5% (592sqm). The quantum and layout of the development would also reduce the ability of the site to operate as a green corridor for wildlife and would require the removal of 65 existing trees.
- 4.4 As mitigation for the harm which the development would cause, in terms of loss of SINC area and trees, and reduction in the green corridor, the proposal would bring biodiversity enhancements in the form of a comprehensive landscaping scheme providing a biodiverse mosaic of habitats across the site including the planting of 2408 new trees and shrubs, which is anticipated to provide a total of 480 semi-mature to mature trees after 15 years. The site would be managed through a comprehensive landscape management plan, including a 25 year woodland management plan, together with an ecological clerk of works, in order to ensure that biodiversity enhancements at the site are realised and maintained. The proposals would also secure the eradication of the invasive Japanese Knotweed that has heavily colonised the site (affecting 1,569sqm of site area) resulting in harm to the site's biodiversity.
- 4.5 Although the site is designated as a SINC there is currently no public access to the site. The proposal would open up the site, allowing unrestricted public access to communal areas which have been designed to provide amenity / play space while also providing biodiversity value. The proposal would also provide a public pedestrian route through the SINC together with a nature trail through the enhanced SINC area, which would allow for supervised access for local school children and amenity groups.
- 4.6 The development would provide improved permeability with a new pedestrian route connecting Caledonian Road to Carnoustie Drive. The development would also interact with the townscape to the south, providing high level

overlooking which would help improve the 'feel' of the area and sense of security for people travelling along Carnoustie Drive.

- 4.7 The proposed scheme would deliver 56 high quality affordable residential units that would be provided for social rent. This offer is the equivalent of a 50% affordable housing offer had the tenure been split 70/30 (social rent / shared ownership). This is a particularly significant public benefit.
- 4.8 When the positive benefits of the scheme [in terms of affordable housing (social rent) provision, landscaping biodiversity enhancements (including removal of Japanese Knotweed, tree planting and woodland management), improved access to nature, improved permeability through the site, and improved interaction with the streets and townscape to the south] are combined and weighed against the harm which the development would cause (in terms of 5% reduction in nature conservation area, reduced ability of the site to operate as a green corridor, and loss of existing trees and woodland), it is considered that on balance the positive benefits of the scheme would outweigh the harm which it would cause. Therefore, the proposal is seen to accord with the main aspirations and guidance set out in the Planning Brief for the site.

## **5. SITE AND SURROUNDING**

- 5.1 The site is located within the Caledonian Ward. The site comprises a roughly linear shaped plot of land, of approximately 1.9ha area. The site is located on the west side of Caledonian Road (A5203 - part of the TfL Strategic Road Network). The site is bounded by the North London Line (NLL) railway to the north and Carnoustie Drive and Pembroke Street to the south. The site has a single access from Caledonian Road via a large gated vehicular entrance. The site comprises three distinct sections (east, north and south) as described below:
- 5.2 The east section of the site, adjacent to Caledonian Road, comprises a vacant plot of land. This plot was previously occupied by a building known as 351 Caledonian Road, which was demolished in the early 2000s in association with works to provide new and improved railway infrastructure. This part of the site falls within the northwest corner of the Barnsbury Conservation Area and is relatively flat.
- 5.3 To the west, the site comprises two distinct roughly linear shaped sections (orientated in an east-west direction) to the north and south sides of the site. These are as described below:
- 5.4 The northern linear section of the site lies adjacent to the NLL railway and comprises a roughly level strip of concrete hardstanding with a derelict two storey warehouse building.
- 5.5 The southern linear section of the site covers an area of 1.2ha, which equates to approximately 63% of the total site area. This part of the site slopes approximately 7m from the concrete hardstanding to the north down to the

southern boundary of the site. This section of the site comprises a mix of woodland, scrub and some rough grassland, and is designated as a Site of Importance for Nature Conservation (SINC) of Borough Grade 1 Importance. The SINC area at the site forms part of the wider Copenhagen Junction SINC, which extends along the railway corridors to the west of the site.

- 5.6 There are 175 trees within the SINC area at the site, including two main areas of protected self-seeded woodland. Woodland designation W1 is a roughly square block of woodland located towards the eastern end of the site (to the rear of the terrace of properties at 337-349 Caledonian Road). W1 is comprised of predominantly sycamore regeneration. Woodland designation W2 is situated towards the west side of the site to the rear of the terrace of properties at 64-70 Gifford Street. W2 contains a diverse range of native species including: Ash, Blackthorn, Birch, Elm, Elder, Hawthorn, Rowan, Hazel, Cherry, Wild Service Tree, Sycamore and Yew. There are also 15 trees outside of the areas of woodland that are the subject of individual Tree Preservation Orders (TPOs).
- 5.7 The scrub areas of the SINC comprise predominantly bramble, with some grassland areas. The site has been heavily colonised by Japanese Knotweed (with 32 recorded stands), which has been undergoing chemical treatment for several years in an effort to prevent its spread and eradicate it from the site.
- 5.8 A number of the rear gardens of the residential properties in the terrace at 66-100 Gifford Street, to the southwest of the site, have been extended across part of the SINC on a leased basis. It is understood that the lease agreements are being renegotiated between the site owner and the owners of the Gifford Street properties. Whilst this would change the 'use' of these areas to ancillary residential land, the leases are being worded to ensure these gardens are managed in a manner suitable for its SINC designation.
- 5.9 The site was compulsorily purchased to facilitate the construction of the Channel Tunnel high-speed railway line (CTRL – also known as HighSpeed1). Following the completion of the CTRL, the hard standing area of the site was used for access and storage of materials related to the King's Cross Station and NLL railway improvement works. The NLL improvement works were completed in 2011, and the site has remained vacant since that time. The site is considered to have a Sui Generis land use.
- 5.10 The high speed CTRL runs east-west in a tunnel beneath the site. The entrance (portal) to the tunnel is located close to the western end of the site, from there the line continues as an over-ground railway heading in a southwest direction towards St Pancras Station. A sewer also runs in an east-west direction underneath part of the site to the south of the CTRL tunnel.
- 5.11 To the south of the site on the opposite side of Carnoustie Drive are six storey linear residential blocks, which form part of the Bemerton Estate and a three storey Victorian residential terrace (nos. 66-100) on Gifford Street. Adjacent to the southeast of the site, the former council housing office site at 1 Lyon Street is currently being redeveloped to provide new social housing. Adjoining the west of the 1 Lyon Street site is a triangular shaped parcel of land owned



by the council that is populated with trees and also forms part of the Copenhagen Junction SINC.

- 5.12 Adjacent to the east of the site is a three storey terrace (nos. 337-349) on Caledonian Road which comprises commercial units at ground floor with residential above, with some additional residential units located to the rear of the terrace at 349 (although it appears these may be in use as an unauthorised hotel – this is currently being investigated by the council’s Planning Enforcement Team). To the north of the site, on the opposite side of the NLL railway tracks, are 1980/90s residential buildings within the Bunning Way Estate that range from two to four storeys in height.
- 5.13 The surrounding area comprises a mix of residential, commercial and some industrial / warehousing uses. The site is located close to Caledonian Road & Barnsbury Station (a station stop of the NLL), which is situated further to the east on the opposite side of Caledonian Road. The site has a PTAL rating of 6a at the entrance off Caledonian Road.
- 5.14 The site falls within two protected local views of St. Paul’s Cathedral (Local View 4 from Archway Road and Local View 5 from Caledonian Market Tower) which pass over the site.
- 5.15 The site is covered by Site Allocation KC5 and the Gifford Street Embankment & 351 Caledonian Road Planning Brief.

## **6. PROPOSAL (IN DETAIL)**

- 6.1 It is proposed to demolish the existing derelict two storey warehouse building (located towards the centre of the north section of the site) and small stand alone electricity substation (located adjacent to the access road at the east end of the site). The site would then be redeveloped to provide a residential-led development.
- 6.2 The proposed scheme would provide 156 residential units, comprising: 8 x 4-bedroom units, 28 x 3-bedroom units, 69 x 2-bedroom units and 51 x 1-bedroom units. A total of 38.5% of the units would be provided as affordable housing (this equates to 42.5% measured by habitable rooms). The development would also provide 41sqm of flexible A1/A2/A3 commercial floorspace. The proposed scheme comprises seven separate buildings together with other ancillary development as described below:
- 6.3 Erection of a four storey east-west orientated linear residential block (with a five storey book-end section to its western end) across the north section of the site, adjacent to the NLL railway line and above the CTRL tunnel.
- 6.4 Erection of five detached pavilion blocks - one x six-storey, three x five-storey and one x four-storey buildings (it should be noted that these buildings are one storey higher when viewed from the south due to the downwards slope of the land in a southern direction) across the southern section of the site, which

is designated as a Site of Importance for Nature Conservation (SINC) of Borough Grade I Importance.

- 6.5 Erection of a part one, part three storey building to the east edge of the site at the Caledonian Road frontage. This building would comprise a 41sqm flexible A1/A2/A3 commercial unit at ground floor level with residential accommodation above.
- 6.6 Creation of a new internal street leading from Caledonian Road, which would run east-west across the north part of the site between the linear block and the five detached pavilion blocks. A total of 15 wheelchair accessible car parking spaces would be provided along the internal street for use by blue badge holders. Otherwise the development would be car-free.
- 6.7 Creation of a new stepped pedestrian access into the site from Carnoustie Drive to the south.
- 6.8 The development includes provision of an on-site energy centre with a communal combined heat and power (CHP) system that would serve the whole development. The energy centre, together with a new replacement electricity substation, would be located within the single storey rear section of the building to be located the eastern edge of the site at 351 Caledonian Road.
- 6.9 Comprehensive landscaping is proposed across the site comprising: removal of invasive Japanese Knotweed; the creation of a biodiverse mosaic of habitats; planting of 2408 new trees and shrubs to be managed as part of a woodland management plan going forward for a period of 25 years; creation of an educational nature trail providing for supervised access to the SINC, creation of communal amenity spaces and 579sqm of playspace located between the pavilion blocks.
- 6.10 Refuse and recycling chambers and cycle parking for 306 cycles would be provided at ground floor level within the blocks.
- 6.11 The proposal would provide 156 residential flats across the site with the following tenure and mix proposed:

	Market Sale	Affordable Housing: Social Rented	Affordable Housing: Shared Ownership
1 Bedroom	36	14	1
2 Bedroom	39	27	3
3 Bedroom	21	7	0
4 Bedroom	0	8	0
Total	96	56	4

- 6.12 When measured by unit, 38.5% of the residential accommodation proposed would be affordable housing and 61.5% of the residential accommodation would be for private market sale. When measured by habitable rooms, 42.5% of the residential accommodation proposed would be affordable housing and 57.5% of the residential accommodation would be for private market sale. It is noted that this offer is the equivalent of a 50% affordable housing offer had the tenure been split 70/30 (social rent / shared ownership).
- 6.13 Within the affordable housing offer, 56 of the 60 affordable units are proposed to be for social rent, equating to 93% social rent units and 7% shared ownership units. When measured by habitable rooms 94.6% of the affordable housing comprises social rented accommodation and 5.4% comprises shared ownership accommodation. When measured by habitable rooms 40.2% of the whole development comprises social rented accommodation and 2.3% comprises shared ownership accommodation.
- 6.14 The development includes provision of 15 wheelchair accessible units, including 3 x 3-bedroom social rented units and 12 x 2-bedroom units spread across all tenures. This equates to 9.6% of the total number of units and 10.7% of the total number of habitable rooms within the development being wheelchair accessible.
- 6.15 The proposal to undertake development across SINC land resulting in a reduction in the size of the SINC is considered to constitute a departure from the development plan and has been advertised as such.

### **Revision**

- 6.16 The physical design and layout of the development has not been significantly amended since the original application submission. However, the Environmental Statement was updated with provision of additional information and clarification.
- 6.17 The affordable housing offer has also been amended since the original submission. The initial affordable housing offer was 29.5% by unit and 35% by habitable room with a split (by habitable room) of 70% social rent / 30% shared ownership. This was first amended in September 2014 to reflect an offer of 50% affordable housing by unit but proposing to provide 'affordable rent' units rather than social rent units. The proposed split (by habitable room) was 71.4% affordable rent / 28.2% shared ownership.
- 6.18 Following negotiations with officers, the affordable housing offer was again amended in October 2014 to reflect the current improved offer of 38.5% (60 units) affordable housing, with a split of 93% (56 units) social rent / 7% shared ownership. It is noted that this offer is the equivalent of a 50% affordable housing offer had the tenure been split 70/30 (social rent / shared ownership).

## **7. RELEVANT HISTORY:**

- 7.1 The following planning applications and pre-application submissions relating to the application site are considered to be relevant to this planning application:

### **PLANNING APPLICATIONS:**

- 7.2 Planning permission (ref. P011069) and conservation area consent (ref. P011340) were granted on 18/09/2001 for the demolition of the street facing building at 351 Caledonian Road.
- 7.3 Temporary planning permissions (ref. P072268 & P082194) were granted on 24/10/2007 and 22/05/2009 allowing use of the site for the storage of building material associated with railway improvement works for a period running until July 2009.
- 7.4 An Environmental Impact Assessment (EIA) screening application (ref. P2013/3388/EIA) was submitted in relation to redevelopment of site in relation to the current proposal. A response was issued on 18/10/2013 confirming that the proposal is considered to comprise EIA development.
- 7.5 An EIA scoping application (ref. P2013/4573/EIA) was submitted in relation to redevelopment of site in relation to the current proposal. A response was issued on 24/12/2013 setting out the required scope of the Environmental Statement (ES).

### **PRE-APPLICATION ADVICE:**

- 7.6 A pre-application submission (ref. Q2013/2201/MJR) was made by the applicant in June 2013 with regards: 'Redevelopment of site to provide 157 residential units, through erection of a four storey linear building adjacent to railway line, erection of one six-storey, 3 x five-storey and one x four-storey pavilion buildings, together with re-provision of building at 351 Caledonian Rd including a commercial unit at ground floor level with commercial unit at ground floor level.' Written officer advice was provided in a letter dated 16/12/2013, which can be summarised as follows:
- 7.7 'There are significant concerns regarding the quantum of development proposed, the layout of the proposed development, the loss of SINC land, the loss of protected trees and woodland and the overall impact on the SINC and biodiversity at the site.'
- 7.8 Following pre-application advice provided by both the council and the GLA, the initial proposal was amended to reduce its impact on the SINC by moving the western pavilion block north to bookend the linear block thereby retaining protected woodland W2, moving the eastern pavilion north to reduce the impact on protected woodland W1, reducing the depth of the pavilion blocks to increase the remaining green corridor to the south of the site, and retaining significant areas of the SINC as non-accessible except for supervised access. The proposal was also improved through the provision of a new pedestrian

route through the site to Carnoustie Drive and the provision of a nature trail through the SINCC.

## 8. CONSULTATION

### Public Consultation

- 8.1 Letters were sent to occupants of 414 adjoining and nearby properties at Caledonian Road, Bunning Way, Gifford Street, Pembroke Street, Carnoustie Drive, Lyon Street, Offord Road and the Bemerton Estate on 05/03/2014.
- 8.2 Re-consultation letters advising of amendments to the Environmental Statement were sent to all addresses previously consulted on 03/09/2014.
- 8.3 A site notice and press advert were displayed on 13/03/2014 and again on 11/09/2014 in relation to re-consultation on the application.
- 8.4 The public consultation with regards the re-consultation on the application therefore expired on 24/09/2014, however it is the council's practice to continue to consider representations made up until the date of a decision.
- 8.5 At the time of the writing of this report a total of 11 responses (comprising 10 objections and 1 response which neither supports nor objects to the proposal) had been received from the public with regard to the application.
- 8.6 Two individual responses have been received from the residents of Gifford Street raising the following concerns (with the paragraph that provides responses to each issue indicated within brackets):
- Security implications for rear gardens of properties on Gifford Street (11.58 & 11.60).
  - The application lacks details with regards the landscaping and boundary treatment proposals for the part of the site running along the rear of Gifford Street properties (11.58).
  - Impact on the existing garden licenses for Gifford Street properties (5.8).
  - The route through the site to Pembroke Street should be accessible 24 hours a day (11.125).
  - The development should contribute towards environmental improvements to the streetscape along Carnoustie Drive and Pembroke Street (11.60).
  - Development is too big for a site of this size (11.49).
- 8.7 Eight individual responses have been received from the residents of Bunning Way raising the following concerns (with the paragraph that provides responses to each issue indicated within brackets):

- The development would result in a loss of view and outlook to the south of Bunning Way due to the height, scale and proximity of the proposed four and five storey linear building, but also the height, bulk and massing of the proposed pavilion blocks – (11.112-11.114). It should be noted that loss of private views from properties are not a material planning consideration as set out in planning legislation and guidance.
- The proposed linear building is excessively large in terms of its four and five storey height, bulk and massing resulting in it being overbearing and out of scale with the neighbouring three storey buildings on Bunning Way (11.49 & 11.112-11.114).
- Loss of sunlight and daylight to properties in Bunning Way due to the height, scale and proximity of the proposed linear building, but also the height, bulk and massing of the proposed pavilion blocks (11.97-11.105).
- The linear block has been designed as a buffer to deflect railway noise away from the application site. Therefore, it would result in increased noise and disturbance as a result of railway noise being bounced back towards Bunning Way. The noise / vibration data provided by the applicant contains significant inaccuracies (8.41-8.44 & 11.116).
- The development would block television signal and mobile phone reception for the properties on Bunning Way (11.117).
- The area suffers from high levels of anti-social and criminal behaviour. The darker and enclosed environment created by the linear block along the railway and within Bunning Way at night time would increase the potential and likelihood of increased anti-social and criminal behaviour (e.g. drug dealing, prostitution, fly tipping, graffiti) in the area (11.60).
- Increased parking pressure in Bunning Way caused by the residents of the proposed car free development (11.138).
- The residents of Bunning Way were coerced to agree to the development of the Channel Tunnel link and endure years of noise and disruption by the promise that the application site would be left as a green open space with grass knolls and trees to enhance the area. This promise is now being broken (11.2-11.8).
- The proposed development fails to be properly inclusive (11.120-11.125).
- The proposal would harm the conservation area (11.56).
- The development would be the highest in the area (11.49).
- The proposal would result in increased overlooking of Bunning Way (11.112-11.113).
- The proposal does little to make the site permeable to the south (11.57-11.60).

8.8 A petition against the proposed development signed by 32 residents of Bunning Way was also received raising the following concerns (with the paragraph that provides responses to each issue indicated within brackets):

- Loss of view and outlook to the south of Bunning Way (11.96 & 11.114). It should be noted that loss of private views from properties are not a material planning consideration as set out in planning legislation and guidance.
- The proposed linear building is excessively large in terms of its height, bulk and massing resulting in it being overbearing and out of scale with the buildings on Bunning Way (11.49 & 11.112-11.114)..
- The design of the linear building will result in the creation of a four storey brick wall to the south of Bunning Way (11.54).
- Loss of sunlight and daylight to properties in Bunning Way (11.97-11.105).
- Increased noise and disturbance as a result of railway noise being bounced back towards Bunning Way (8.41-8.44 & 11.116).

8.9 A letter of support for the proposals has been received from the Headteacher of Robert Blair Primary School on Brewery Road. The reasons for supporting the scheme can be summarised as follows:

- There is currently no access into the site. The proposed educational nature trail at the site would provide a great resource for the school and the local community. The school is keen to be involved in the development of this educational resource, including assisting with planting and the preparation of learning resources for the site. In the long term it is hoped that the school would undertake regular visits for classes and groups of children linking them to cross-curricular topic themes. This would provide local children with the opportunity to learn about, appreciate and value nature and wildlife in their local area.

### **External Consultees**

8.10 Cally Rail Group has advised that they oppose the application and raise the following concerns:

The development would fail to deliver 50% affordable housing. As the applicant's financial viability appraisal is not a publicly available document it is not possible to form views on the inputs and information used to inform the supposed viability of the scheme.

The development fails to meet the aspiration set out in the Planning Brief with regards integration of the development with the townscape to the south.

There is the risk the development could become a gated community therefore if the scheme is granted permission the council should ensure access is maintained from both Caledonian Road and the south via condition.

Supervised access to the SINC for educational purposes should also be ensured by condition. The site is of borough importance as it provides a significant contribution to the ecology of the area, in an area that is very deficient in wildlife habitat. Some of the original Copenhagen Junction SINC was previously permanently lost due to railway development in 2001 and this included valuable bracken and birch habitat. Construction works would result in temporary loss of a large amount of existing SINC habitat with destruction of flora and disruption of existing fauna. It is not possible to know if disrupted species would return to the site in the future.

Although the proposals to mitigate the lost habitat through planting and features such as bird boxes are welcomed it is not considered that these would compensate for the harm caused by the development. The applicants include green roofs in their calculations for provision of replacement SINC. However, these are standard features sought on all developments and are not of such benefit to wildlife to be used to replace existing SINC.

The applicants have failed to properly acknowledge the existing ecological value of the SINC habitats. The current and previous owners of the site have failed to take the appropriate actions to manage the colonisation of the site by Japanese Knotweed to the detriment of the SINC.

Block 1 to the east of the site would require the loss of a significant number of trees within protected woodland W1.

Bird watching records for the site between 2008-12 indicate that some 35 species (including red and amber list birds) utilise the site for breeding, foraging or overfly the site. There is enough evidence from the applicant, the council and local people to confirm the site's importance and status for wildlife and nature conservation. It appears that the applicants are attempting to denigrate the site's existing ecological value in order to overstate the extent of the possible enhancements that are suggested.

8.11 Environment Agency has provided no response.

8.12 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.

8.13 Greater London authority (GLA) – Stage 1 Response

The Mayor considers that the scheme is broadly acceptable and supports it in strategic terms, although to ensure full compliance with the London Plan outstanding issues with regards the affordable housing offer (including justification as to why the affordable rent product has not been utilised), inclusive access into the site, and further information to verify carbon



reduction need to be addressed. The Mayor must be consulted at stage 2 on any draft decision which the council resolves to make.

- 8.14 Health & Safety Executive (HSE) – has provided no response.
- 8.15 London Borough of Camden has raised no objection to the proposal.
- 8.16 London Fire & Emergency Planning Authority have confirmed that details appear to show compliance with requirements of Approved Document B regarding fire-fighting access and construction. It is confirmed that fire hydrants are located within 20 metres of the site.
- 8.17 London Overground – has provided no response.
- 8.18 Metropolitan Police (Crime Prevention) has advised that they are in discussions with the applicant team providing them with security advice. It is suggested that all ground floor units should have defensible space.
- 8.19 Natural England have advised that from the information provided, the application does not appear to fall within the scope of the consultations that Natural England would routinely comment on. The lack of specific comment from Natural England should not be interpreted as a statement that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated sites and landscapes. It is for the local authority to determine whether or not this application is consistent with national or local policies on biodiversity and landscape and other bodies and individuals may be able to help the Local Planning Authority (LPA) to fully take account of the environmental value of this site in the decision making process, LPAs should seek the views of their own ecologists when determining the environmental impacts of this development.
- 8.20 Network Rail has raised no objection to the proposal.
- 8.21 Network Rail (High Speed 1) has raised no objection to the proposal subject to the inclusion of a number of conditions on any permission.
- 8.22 Thames Water has raised no objection with regards to sewerage infrastructure capacity. Details of any piling must be agreed with Thames Water prior to commencement of works. This needs to be secured by condition within a Piling Method Statement.
- 8.23 Transport for London (TfL) has advised that the transport impacts of this development are not considered to be significant. However, appropriate planning conditions and obligations must be secured on any consent to ensure that car parking is appropriately controlled, a Construction Logistics Plan (CLP) is provided a Travel Plan secured with ongoing monitoring and construction impacts are well managed.
- 8.24 UK Power Networks has provided no response.

## **Internal Consultees**

- 8.25 Biodiversity Officer has raised significant concerns with regards the fragmentation of the SINC and the overall quantitative loss of SINC area that would result from the development. He expressed disappointment that the applicant has continued to include areas of green roof in their calculations to off-set the actual loss of SINC area, following repeated advice that this will not be accepted. There remain concerns with regards the applicant's assessment of the ecology baseline, particularly with regards to birds, and the applicant's lack of appreciation and attempts to downplay the local importance of the site are disappointing. The applicant's efforts to show how the proposed landscaping scheme would improve wildlife value are welcomed, however, taken on their own, these do not overcome concerns about the fragmentation of the SINC that arise from the proposed quantum of development and the proposed layout which would impact on the SINC's ability to act as a green corridor for wildlife in the future.
- 8.26 Design & Conservation Officer has advised that the principle of urban repair by reinstatement of a frontage building to Caledonian Road is welcomed. The proportions and rhythm of fenestration on this building compliment the established rhythm. A condition is required to secure details of the ground floor frontage to ensure it ties in with surrounding context, together with details of the brickwork and fenestration.
- 8.27 There are no objections to the design approach. Blocks are well articulated and the breaking down of volumes with use of different materials and heights/forms as well as reference to some architectural features in the area bring richness to the appearance of the proposed blocks. The introduction of asymmetric pitched roof bays provide visual interest to the linear block to the north. Quality of materials would need to be secured via conditions.
- 8.28 No significant objections are raised to the overall proposed massing. However, there is some concern in relation to townscape impact for the view from Pembroke Street which shows that although the other three taller blocks do not appear to have a detrimental impact on surrounding context, the end 5-storey block (Pavilion 5) appears somewhat dominant in this view in terms of its relationship with the terrace on Gifford Street. This uncomfortable relationship would need to be weighed against other townscape benefits of the scheme.
- 8.29 Regarding permeability and accessibility of the site, a pedestrian route has now been provided from Carnoustie Drive which is an improvement from pre-application stage proposals.
- 8.30 Energy Conservation Officer has advised that the CO2 emissions reductions are based on a strategy with no connection to a DE network, and instead using on-site CHP. This approach is accepted, and would trigger the 30% reduction policy target vs. 2010 Building Regulations. However, the development currently achieves a reduction of 23% on the baseline. Based on this figure the applicant would need to pay a carbon offset contribution of

£194,056. The draft Green Performance Plan that has been submitted is acceptable.

- 8.31 Housing Officer has advised that whilst the large number of one-bedroom units is not ideal, the overall mix of units is considered to be acceptable in this instance.
- 8.32 Inclusive Design Officer has raised significant concerns with regards whether the development would provide residential accommodation within an inclusive environment. The main route into the site from Caledonian Road is too steep for an unassisted wheelchair user. Concern is not only with regards the residents of the wheelchair accessible housing, but also with those with mobility impairments, young children etc, who occupy or want to visit occupants of the general needs housing. It is proposed that these people make their way into the site via a meandering inclined path, comprising 5 stretches at a gradient 1:21 and a single external passenger lift. The new route through the site from Carnoustie Drive is also stepped, which is not an ideal situation.
- 8.33 Planning Policy Officer has advised that the site is allocated primarily as SINC with the ability to accommodate a small amount of housing. The problems with this application stem from the applicant trying to develop such a large number of housing units on a site with such significant constraints.
- 8.34 Public Protection Division (Acoustic Officer) has advised that it is noted that there are complaints about freight noise (particularly at night time) along the NLL and the introduction of new residential near to the railway could potentially lead to further issues. It is understood that the volume of freight traffic using the NLL is anticipated to increase in the future.
- 8.35 The submitted noise report advises that the site would fall into the old Noise Exposure Category C, therefore, to appropriately deal with railway noise, many of the new residential units would need to be fitted with an enhanced glazing specification and mechanical ventilation, enabling windows facing the railway to remain closed and allowing the acoustic attenuation provided by the façade to remain effective. Full details of these would need to be secured by condition.
- 8.36 At this stage the structural design has not been finalised. The submitted noise report advises that the development should achieve internal ground borne noise levels exceeding 35dB LA<sub>max,Slow</sub> within the centre of any residential room.
- 8.37 The internal noise limits set out in the noise report are in line with Islington's criteria for internal noise standards and indeed the new BS8233:2014. In terms of the LA<sub>max</sub> level, Note 4 of the 2014 version states: *“regular individual noise events (for example, scheduled aircraft or passing trains) can cause sleep disturbance. A guideline value may be set in terms of SEL (Sound Exposure Level) or LA<sub>max,F</sub> depending on the character and number of events per night. Sporadic noise events could require separate values”*. Hence with the proximity of this site to the railway and the individual noise

events caused by the night time train passes we would seek to ensure the LAmax criteria is secured by condition.

- 8.38 Achievable internal noise limits would need to be reviewed following completion of the foundation and structural designs. The final design would also need to take account of the self-noise generated by the mechanical ventilation. Internal noise standards would need to be secured by condition, together with full details of the anti-vibration foundations and services.
- 8.39 The proposed noise mitigation measures include an acoustic barrier or bund along the site boundary with the railway therefore details and specification of this would need to be secured by condition – any greening of the barrier would have a positive effect on the occupiers' response to the soundscape.
- 8.40 A condition shall be required to ensure that any proposed mechanical plant, and in particular the energy centre, operate within acceptable maximum noise levels.
- 8.41 The findings of the noise report produced by Cass Allen on behalf of the applicant are accepted as valid. The following advice is provided with regards the issue of the potential for railway noise to be reflected back from the linear block to Bunning Way:
- 8.42 'Typically noise measurements along a façade will be 3dB higher than in free field (without a façade), so there may be a small increase in the noise reflected back to Bunning Way residents, but with the distance between the buildings this is unlikely to be significant and could be addressed by using increased absorption on the new façade.
- 8.43 A rise of 1dB at the Bunning Way façade as a result of the new development reflecting noise back from the railway as suggested by the noise report seems feasible. A difference of 3dB is the figure commonly used as the minimum that human hearing can perceive the difference between.'
- 8.44 The development works associated with the proposal would inevitably impact upon nearby residential properties. Therefore, a Construction Environmental Management Plan (CEMP) is required to minimise the impact of the demolition and construction works in accordance with Islington's Code of Construction Practice, BS5228:2009 and the GLA's best practice guidance for control of dust from construction sites.
- 8.45 Public Protection Division (Air Quality) has advised that due to the poor air quality at the site there is a requirement for any ventilation to draw air from the roof or cleaner side of the development along with suitable NOx filtration. For the energy centre ultra-low NOx CHP equipment should be secured in order to protect nearby residents and local air quality. Details for the CHP, extract flue and dispersion modelling when the model has been selected should be secured by condition.
- 8.46 Public Protection Division (Land Contamination) has advised that the northern part of the development is listed as being formerly a warehouse and has been

used as a Network Rail/CTRL/London Overground site in recent times. The initial site sampling has highlighted elevated levels of PAHs, arsenic and the presence of asbestos fibres. Further sampling is required along with ground gas monitoring. With the redevelopment of the site and soft landscaping being introduced there is concern that a pollution linkage could be formed. Therefore, a condition to secure a full detailed contaminated land investigation and subsequent remediation scheme is required.

- 8.47 Spatial Planning and Transport (Transport Officer) has advised that the applicant is encouraged to reconsider the overall layout of the site, to better integrate the site with the surrounding road network and improve the overall layout of the surrounding area which is currently poor. The vehicle access and parking/delivery area should be consolidated at the eastern end of the site (with the exception of access to the railway and for emergency vehicles). This should minimise issues with pedestrian/cyclist/vehicle conflict, prevent unauthorised car parking, and control the servicing/delivery arrangements. Although the number of cycle parking spaces for the residential units is welcomed, further detail is required to demonstrate that the cycle parking is conveniently located in relation to each unit that it serves. A parking/servicing management plan should be provided.
- 8.48 Street Environment Division have advised that the proposed provisions for refuse and recycling storage are acceptable.
- 8.49 Sustainability Officer has advised that commitment to achieve CFSH Level 4 is supported and this should be conditioned. The proposal targets a water consumption rate of 105L/p/d (Code Level 4 equivalent), however, CS10 requires development to meet 95L/p/day, and therefore compliance with this policy is not achieved. This should be secured by condition.
- 8.50 Tree Protection Officer has advised that due to the scarcity of woodland within the borough, the site offers the only opportunity for Islington to meet its Biodiversity Action Plan (BAP) with regards enhanced woodland. There are significant concerns with regards the proposed extensive loss of trees including trees within the protected woodland. Further details would need to be secured by condition with regards proposed tree planting, woodland management, tree protection and Japanese Knotweed removal / treatment to ensure that the impact on trees proposed to be retained would be minimised.

#### **Other Consultees**

- 8.51 Members' Pre-application Forum: the scheme was presented on 02/12/2013.
- 8.52 Design Review Panel (DRP) – The development proposals were reviewed at the pre-application stage by the DRP on 10/12/2013. The following response was provided by the DRP (The case officer's response to the comments is provided in italics):
- 8.53 The Panel welcomed the concept of regeneration of the site and the proposed provision of housing. The Panel also noted that a dialogue had been maintained between the design team and the local authority. However,

concerns were raised in relation to a series of aspects and generally the Panel felt that there were some fundamental issues, which needed to be addressed in taking forward this proposed development scheme. Although panel members appreciated that the site presented a series of constraints they were of the opinion that these constraints, in particular the SINC, added richness to the site and should be properly addressed.

- 8.54 The main concerns raised by the Panel related to the high development density proposed on site, the possible impact on the SINC, the lack of clarity in regards to the real impacts of the scheme and the lack of integration with surroundings.
- 8.55 Panel members were unclear as to what the identity of the scheme was. They felt that the proposed density was somehow imposed on the site rather than a true response to its framework and constraints. The design thinking that led to the layout and density of the scheme and how it related to the neighbouring buildings and streets needed to be more fully explained and the reasoning justified.
- 8.56 Furthermore, they felt there was a lack of clarity in the information on biodiversity provided and they were not convinced that the design team had been able to demonstrate there would be no negative impact on the SINC. They noted that the design team had claimed there would be improvements to the SINC but did not feel they had been clearly illustrated, highlighting that benefits including quantity and locations needed to be clearly indicated. Additionally, the ratio of hard to soft landscaping would need to be explained. Although the suggested provision for 650sq metres of play space was welcomed by the Panel, more information on the play strategy is required and members were concerned about the impact of playspaces and accessible areas on the SINC. They questioned whether the distribution of blocks could be revisited in order to try and free up more ground area, particularly in proximity to the woodland and in areas not affected by the Japanese knotweed and, consequently, reduce the impact on the SINC.

***Officer's Response:***

- 8.57 *Full Phase 1 & 2 Biodiversity Studies have been provided within the Environmental Statement to indicate the existing level of biodiversity at the site. It has been clarified that 65 existing trees would be lost, with 2,408 new trees proposed to be planted leading to a total of 480 new mature trees after 15 years (following thinning and woodland management). It has also been clarified that the building footprint would cover 1873sqm (15.5%) of the existing SINC at the site with 1,281sqm of new replacement SINC area to be provided resulting in a net loss of 592sqm (5%) of SINC area at the site. Full details of the proposed biodiversity landscape management plan including a 25 year woodland management plan have also been provided.*
- 8.58 Panel members were concerned that there was a lack of definition between private and public spaces on the site and were disappointed that no connectivity to surroundings (to respond to planning brief) had been provided although it was understood that options were being explored. It was felt that

the design needed to demonstrate how access to the site would work, and how the site would feel as a place – panel members felt that it should be open and accessible to all and should not have the character of a closed and gated community.

**Officer's Response:**

- 8.59 *The application submission includes the provision of a new pedestrian route through the site from Carnoustie Drive to the south, thereby responding to the aspiration for improved access and permeability set out in the Planning Brief. The applicant has agreed to conditions to ensure public access is maintained and the site does not become gated.*
- 8.60 In summary, the Panel generally supported the proposed regeneration of the site and provision of housing. However, panel members felt that further work was required in order to develop a satisfactory scheme for the site. Concerns were raised particularly in relation to excessive density, impact on SINC, lack of connectivity and lack of clarity in the information provided to illustrate benefits of the scheme.

**Officer's Response:**

- 8.61 *Issues with regards improved connectivity and a lack of clarity and information regarding biodiversity, habitats and trees are considered to have been adequately addressed within the application submission. However, concerns with regards the density and impact on the SINC are considered to remain pertinent to the overall assessment of the development proposal.*

**9. RELEVANT POLICIES**

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

**National Guidance**

- 9.2 The National Planning Policy Framework (NPPF) was adopted in 2012 and 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.
- 9.3 The National Planning Policy Guidance (NPPG) was launched as an online resource in March 2014. The guidance provided in the NPPG is a material consideration and has been taken into account as part of the assessment of these proposals.

**Development Plan**

- 9.4 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.

### **Planning Brief**

9.5 A Planning Brief for the Gifford Street Railway Embankment and 351 Caledonian Road was published in October 2012. The key aims of the Planning Brief are:

- to secure the provision of housing including the maximum amount of affordable housing and a good mix of housing size;
- to reprovide any SINC land used by the development;
- to enhance the biodiversity at the site;
- to provide increased public access to nature;
- to provide a new public pedestrian route through the site;
- to provide enhanced interaction with the street and townscape to the south of the site (Carnoustie Drive); and
- to reprovide a building at the site frontage on Caledonian Road.

### **Designations**

9.6 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:

- Copenhagen Junction SINC - Borough Grade 1
- Site Allocation KC5
- Gifford Street Embankment & 351 Caledonian Rd Planning Brief
- Barnsbury Conservation Area
- Local View from Archway Road to St. Paul's Cathedral (LV4)
- Local View from Archway Bridge to St. Paul's Cathedral (LV5)
- Channel Tunnel Railway Safeguarding Area (RS3)
- Kings Cross Special Policy Area

### **Supplementary Planning Guidance (SPG) / Document (SPD)**

9.7 The SPGs and/or SPDs which are considered relevant to this application are listed at Appendix 2.

## **10. ENVIRONMENTAL IMPACT ASSESSMENT**

10.1 Planning applications for development that are covered by the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 are termed "EIA applications". The requirement for an EIA is based on the likelihood of environmental effects arising from the development. The proposed development is considered to be Schedule 2 development with the potential to have significant effects on the environment by virtue of factors such as its nature, size or location. Consequently, the application is



considered to form an EIA application and it has been necessary that an Environmental Statement (ES) be prepared in accordance with EIA Regulations.

- 10.2 The applicant submitted a Scoping Report outlining the scope of the ES at pre-application stage. Following consultation with the relevant external bodies, the council issued a Scoping Opinion on the 24/12/2013. The Scoping Opinion confirmed that the scope of the ES as set out in the submitted Scoping Report was acceptable subject to the ES addressing a number of additional points raised by officers and consultee bodies.
- 10.3 The ES submitted with the current application for planning permission has been divided into three volumes:
- I: Main Assessment Text and Figures
  - II: Landscape and Visual Impact Assessment
  - III: Non-technical Summary
- 10.4 The ES includes qualitative, quantitative and technical analyses of the impacts of the development on its surrounding environment in physical, ecological and social terms.

## **11. ASSESSMENT**

- 11.1 The main issues arising from this proposal relate to:
- Principle (Land Use)
  - Impact on the SINC, Woodland & Trees
  - Design & Conservation
  - Density
  - Affordable Housing & Financial Viability
  - Housing Mix
  - Standard of Residential Accommodation
  - Impact on Neighbouring Amenity
  - Accessibility
  - Energy Efficiency & Sustainability
  - Highways & Transport

### **Land-use**

- 11.2 The site was acquired through Compulsory Purchase under the Channel Tunnel Rail Link (CTRL) Act 1996 and is currently owned by London Continental Railways. The Act granted powers for the construction of a high-speed railway between the Channel Tunnel and an extended St Pancras station (HighSpeed1). The site was last used for the storage of materials in association with railway infrastructure improvements. The last lawful use of the site is considered to be Sui Generis and not protected by policy.

- 11.3 Following the completion of both the CTRL and NLL railway works, the site has remained vacant and unused for some time. As there is no longer any demand for the specific lawful Sui Generis use of the site, the site is considered to have a nil land use. Consequently, there is now the opportunity to redevelop part of the site to provide housing, including affordable homes, subject to the appropriate re-provision of SINC land at the site; and provided that residential amenity issues, including noise and vibration are adequately addressed.
- 11.4 This site is allocated (KC5) within the Islington Site Allocations 2013 which envisages that the site should be brought forward for development to provide housing, open space (nature conservation) and retail use (within a new building at 351 Caledonian Road).
- 11.5 The KC5 Site Allocation was informed by supporting site capacity estimates, which provided an indication of the anticipated level of development at the site. The site capacity estimate for KC5 was 50 dwellings. This estimate was contained in an Implementation and Delivery paper which accompanied the submission of the Site Allocations Plan. The current proposal would provide more than three times the quantum of development anticipated by the earlier site capacity estimates.
- 11.6 The Gifford Street Railway Embankment and 351 Caledonian Road Planning Brief was adopted in October 2012. This document provides clear guidance with regards how the council considers the site should be developed.
- 11.7 The re-provision of a building at 351 Caledonian Road is required as part of a legal undertaking given by Union Rail (the then landowner) under the Channel Tunnel Rail Link (CTRL) Act (1996). Commercial uses such as retail (A1), financial or professional services (A2), or café/restaurant uses (A3) to the ground floor are considered appropriate and consistent with the nearby uses.
- 11.8 The principle of residential development at the site accords with the land use guidance set out in the Planning Brief. However, it is necessary to note that there remain concerns with the development proposals in relation to the following issues (discussed in detail below):
- quantum of development within the SINC (i.e. number of buildings (five); height (up to seven storeys), massing and footprint of buildings within the SINC);
  - layout of the development cutting across the existing SINC resulting in fragmentation of the SINC habitats and reduction in the green corridor;
  - loss of existing SINC habitat area (temporary due to construction and permanent due to building footprint) and a net reduction of 592sqm (5%) in the overall SINC area;
  - proposed loss of existing protected trees and woodland (65 existing trees would be lost), however, mitigating replacement and enhancement

planting of 2,408 new trees and shrubs is proposed, leading to a total of 480 new mature trees after 15 years; and

- density of the residential development (i.e. number of residents introduced to the site and the associated impact that their actions would have in terms of wear and tear on the landscape and biodiversity value).

### **Impact on the SINC, Woodland and Trees**

- 11.9 Islington Core Strategy policy CS15 (Open space and green infrastructure) and Islington Development Management Policies DM6.3 (Protecting open space) and DM6.5 (Landscaping, trees and biodiversity) seek to protect open space, and in particular designated SINC, from development which would result in a reduction in open space or SINC area, and/or which would result in a significant negative impact on biodiversity, ecological connectivity, amenity, or character and appearance. These policies also seek to secure improved public access to open space and nature for local residents.
- 11.10 Development within SINC and open space is only permitted by policy in exceptional circumstances where development would appropriately protect, contribute to and enhance the landscape, biodiversity value and growing conditions of the development site and surrounding area. Where the principle of development on open space or SINC land could be supported, developments are required to maximise the provision of soft landscaping, including trees, shrubs and other vegetation, and maximise biodiversity benefits, including through the incorporation of wildlife habitats that complement surrounding habitats and support the council's Biodiversity Action Plan.
- 11.11 The Planning Brief for the site seeks to ensure that any development would protect and enhance existing levels of biodiversity while also providing increased public access to nature, including supervised public access through the SINC. The Brief is clear that the site is considered suitable for development to provide housing, subject to any potential adverse impact on the SINC being adequately mitigated together with the demonstration of overriding planning benefits to justify any adverse impact on the nature conservation land. The Brief also advises that the principle of some development within the existing SINC area could be supported subject to re-provision of an equivalent amount of new nature conservation land of equivalent quality elsewhere within the site.
- 11.12 Approximately 63% of the site (1.2ha) is designated as a Site of Importance for Nature Conservation (SINC) of Borough Grade 1 Importance, forming part of the larger Copenhagen Junction SINC. The SINC comprises areas of woodland, scrub, and rough grassland. In 2011 a habitat survey was carried out to re-assess the ecological value of all SINC across the borough. Based on the findings of this survey it was concluded that the site should remain a SINC of Borough Grade 1 Importance. SINC of Borough Grade 1 Importance are considered to be of particular significance at the borough level and are generally considered to be of high social value to local communities.

- 11.13 The value of the SINC with respect to local nature conservation goes beyond purely an ecology head count of species at the site. Due to the densely developed urban nature of the borough, and the scarcity of natural habitats, particularly woodland habitats (of which there are two on this site), the SINC is considered to attract greater value and importance in terms of local nature conservation, at a borough and ward level, than would be the case in other geographical areas that benefit from a richer resource of natural habitats and ecology. The site provides a unique opportunity within the borough to significantly enhance biodiversity within natural habitats, particularly with regards to the two areas of woodland, where there is a unique opportunity to fulfil the Council's Biodiversity Action Plan (BAP) regarding woodland enhancement.
- 11.14 Biodiversity surveys (Phase 1 & 2), covering birds, bats, invertebrates, reptiles and amphibians have been submitted as part of the Environmental Statement. These surveys can be used to establish existing ecological baselines at the site. The surveys report that there is no evidence of rare or protected reptiles, invertebrates or amphibians, and little evidence of foraging bat activity on the site. The bird surveys report a variety and number of bird sightings on the site, including some birds that are included on the amber and red list of species. Therefore, it is apparent that the site currently provides a habitat of local value for nesting and foraging birds. Consequently, it is important to ensure that high quality natural habitat provision for birds would be retained and enhanced at the site as part of any development proposals.
- 11.15 There remain some concerns with regards the assessment of the baseline conditions as set out in the ES. It is considered the ES fails to fully recognise the local value of the SINC, as indicated by the Borough Grade 1 status. The council's Biodiversity Officer has raised concern with regards the methodology used to assess the local importance of the site for foraging and nesting birds. This is of particular concern given that the submitted biodiversity surveys indicate that the site is of greatest importance with respect to providing habitats for birds.
- 11.16 The ES indicates that there would be a negative impact on the breeding bird population due to construction. The impact on the ability of birds to successfully breed at the site is important, as once a breeding species has been disturbed it is not possible to know how long it will take to return to the site if it does return. Works to remove the extensive Japanese Knotweed would require a 'dig and dump' method with large areas of the SINC habitat being unavoidably disrupted / lost, with the associated unavoidable impact on birds. However, proposed mitigation would ensure avoiding clearance of vegetation during bird breeding season to reduce the potential impact on bird breeding.

#### Japanese Knotweed

- 11.17 The SINC land at the site has been heavily colonised by Japanese Knotweed (JK), with 32 separate stands of JK recorded on site. The JK has been undergoing chemical treatment for several years in an effort to eradicate it.

However, it is apparent that the chemical treatment has only been successful in slowing the spread of the JK rather than securing its eradication.

- 11.18 A Japanese Knotweed Survey report has been submitted as part of the ES. This report indicates that the JK colonisation of the site is numerous and extensive, affecting 1,569sqm of the SINC. It is accepted that the larger stands of JK are likely to only be remedied effectively by dig and dump off-site. This would potentially lead to considerable disruption to existing wildlife and habitats. However, it is apparent that the colonisation and spread of JK across the SINC has already acted to cause harm to the native habitats and biodiversity at the site. Therefore, regardless of whether the site is developed, if works to eradicate or remove the JK from the site are not undertaken, the spread of the JK will inevitably result in further harm to the SINC and its habitats.
- 11.19 In order to ensure that the level of harm and disruption to the SINC's habitats associated with works to eradicate the JK would be minimised, a detailed JK removal method statement is required, providing a clear methodology for removal of each stand of JK, including full details of all associated vehicular movements through the SINC and measures to protect retained trees and other surrounding areas of habitat. This would be secured by condition.

#### Loss of Existing SINC Habitat / Net Reduction in SINC Area

- 11.20 The existing SINC designation at the site covers 12,068sqm. The proposals include development across the area of the site which is designated as a SINC, with the building footprint resulting in a permanent loss of 1,873sqm (15.5%) of existing SINC habitat at the site, which equates to 6.4% of the total Copenhagen Junction SINC.
- 11.21 It is proposed to provide 1,281sqm of new nature conservation land, to the northwest corner of the site above the CTRL tunnel. This would be included within a new revised SINC designation, to replace the existing SINC habitat that would be lost. The development proposals would result in a net overall loss of SINC area at the site of 592sqm. This equates to a 5% reduction in the size of the SINC at the site and a 2% reduction of the wider Copenhagen Junction SINC.
- 11.22 While it is noted that policy DM6.3 (Protecting open space) of the Islington Development Management Policies 2013 does in exceptional circumstances support the possibility of 're-provision' of SINC land used by development, the policy does require that the re-provided land must be 'high quality'. Re-provision of SINC land above the CTRL tunnel would have reduced potential for tree planting and would not represent a like-for-like replacement in terms of quality. However, the extensive colonisation of JK within the areas to be lost needs to be borne in mind when considering the relative quality of the land.
- 11.23 Policy DM6.3 (Protecting Open Space) of the Islington Development Management Policies 2013 states that 'Planning permission will not be given for any schemes which adversely affect designated SINC's of Metropolitan or

Borough Grade 1 Importance.' Whilst the application documentation states that the proposals would enhance the overall ecological value of the SINC, there is concern regarding the negative impact of the development in terms of the reduction in size and functionality of the existing SINC which would occur during construction and then occupation / operation of the development.

#### Layout of Development – Fragmentation of the SINC

- 11.24 The layout of the development includes the erection of five large residential blocks which would be erected wholly within the SINC. Four of these blocks (nos. 2-5) would cut across the (east-west orientated) linear shaped SINC land. One of the residential blocks (block 4) would be seven storeys (24.8m), while the other three would be six storeys (21.3m for block 5 and 22.5m for blocks 2 & 3) when viewed from the south.
- 11.25 The proposal would result in a significant reduction in the width of the green corridor of between 65% and 85% compared to the existing width of the SINC. Consequently, the proposed development would effectively break the existing single continuous linear shaped SINC area at the site into five separate parcels, divided by the residential blocks built across the SINC, but connected by a narrow green strip running along the southern edge of the site. This would result in a significant reduction in the existing connectivity across the site, which could reduce the potential future value of the site for wildlife.
- 11.26 Much of the retained and reprovided SINC area at the site would no longer be undisturbed, and some of the wild undergrowth would be replaced by more amenity orientated landscaping. The green spaces between and around the pavilion blocks have been designed as informal communal amenity space which would be used by children, dog-walkers and residents generally. Furthermore, the quality of the spaces between and around the pavilion buildings, in terms of supporting biodiversity, could potentially be compromised as a result of the quantum of development, and the wear and tear and disturbance of habitats that would result from use of these spaces by the associated large number of residents.
- 11.27 The retained and reprovided green spaces around the buildings would be shaded by the buildings during the day and lit by light spill from the adjacent buildings at night, changing the nature of these spaces. Furthermore, the development would need to provide sufficient levels of light to create a safe environment for residents and to meet secure by design requirements. Consequently, there are concerns that the level of lighting currently proposed would need to be increased for safety and security reasons prior to or following occupation of the development, thereby increasing the impact of light spill on the operation of the SINC for wildlife. A condition would be used to secure details of the internal street lighting to ensure that secure by design (safety and security) aims and biodiversity aims are appropriately balanced.
- 11.28 The six and seven storey buildings (when viewed from the south), proposed across the SINC, would be the tallest buildings within the immediate townscape, and their scale would act to urbanise the surrounding SINC space and change its character. The density, scale and footprint of the proposed

development would generally be considered appropriate on a site which does not comprise 63% SINC. However, it is considered the quantum and layout of the proposed development would result in harm to the SINC and its ability to function as a green corridor. This is a weakness of the scheme which does weigh against it.

### Impact on Existing Woodland and Trees

- 11.29 Islington Development Management Policy DM6.5 (Landscaping, trees and biodiversity) seeks to protect existing trees and woodland at the site and secure appropriate justification and mitigation for any tree loss which would result from the development.
- 11.30 The Planning Brief for the site seeks to ensure that any tree loss at the site would be minimised and in instances where tree loss is accepted this must be mitigated through re-planting of trees to provide at least equal canopy cover, environmental amenity and visual value.
- 11.31 There are 175 trees on the site including many which are the subject of individual Tree Preservation Orders (TPOs). Additionally, the site has two areas of group Woodland TPOs. Due to the scarcity of woodland within the borough, the woodland at the site has significant local importance and intrinsic value, both in terms of its value as a habitat for wildlife, and the amenity value which it provides. The trees which make up the woodland areas are considered to represent a unique opportunity to fulfil the Council's Biodiversity Action Plan (BAP) regarding woodland improvement and enhancement.
- 11.32 The arboricultural report provided within the ES clarifies that a total of 65 of the existing 175 trees at the site would be lost as a result of the development. This equates to a loss of 983sqm (26%) of the existing canopy cover. The proposed tree loss includes 45 of the 117 trees within protected woodland W1, which equates to a loss of 847sqm of the existing canopy cover in W1. Eleven trees within protected woodland W2 would also be lost.
- 11.33 While the loss of 65 existing trees is not ideal, the landscaping proposals seek to mitigate this level of tree loss through significant replacement and additional tree planting, together with management of the existing woodland and new trees as part of 25 year woodland management strategy which would enhance the woodland resource at the site going forward.
- 11.34 A total of 2408 new trees and shrubs would be planted in the first year. As a result of the proposed landscape management plan (which includes thinning, pruning and re-planting of the woodland), after 15 years the woodland areas across the site would likely contain approximately 480 semi-mature to mature trees (typically 10 – 13m in height). The trees to be planted would comprise a mix of native species, including oak and elm, which would help to boost biodiversity. The landscape management plan would include ecological monitoring in an effort to ensure that the new and existing habitats at the site would be managed to maximise gains in biodiversity. This would be secured within the S106 legal agreement.

11.35 Following assessment of the proposed tree protection measures, there remains concern that the areas of SINC not required for construction (particularly the large area to the west side of pavilion block 5) should be fully fenced off during the construction phase (post knotweed removal / treatment phase) in order to protect the SINC habitat and the trees. If not adequately protected, there is the risk that these areas could be used for contractor storage and other processes associated with the development phase, resulting in further unnecessary harm to the SINC and trees. Therefore, to prevent this, full details of tree and habitat protection would be secured by condition.

#### Proposed Ecological Mitigation

11.36 Comprehensive landscaping works are proposed across the site. The landscaping works are proposed both in order to mitigate against the loss of existing SINC habitat and trees, but also to enhance the existing biodiversity at the site. The landscaping works would include the removal of the invasive Japanese Knotweed. Following the removal of the Japanese Knotweed, a biodiverse mosaic of habitats would be created across the site, which would include managed woodland, woodland edge, spring and summer meadows, open glades and grasslands. The site would be managed through a comprehensive landscape management plan, including a 25 year woodland management plan, together with an ecological clerk of works, in order to ensure that stated biodiversity enhancements are realised and maintained.

11.37 The following measures would be secured within the S106 legal agreement in order to ensure that biodiversity is adequately maintained and would receive an appropriate uplift:

- A minimum 25 year management plan that provides assurances that the site would be maintained and enhanced for wildlife; and a process for ensuring that is followed and reviewed. The management plan should include financial commitments to support the management of the site.
- An ecological clerk of works that would provide the Council with regular updates, to ensure that the project does not lead to a net loss of biodiversity value on the site.
- A watching brief for the implementation of agreed planting (within the first planting season after completion of the built parts of the development) to ensure planting of 2408 trees and shrubs as agreed.

#### Access to Nature

11.38 It is noted that Caledonian and Barnsbury Wards are particularly deficient with regards access to nature. Islington Core Strategy Policy CS15 Part D, seeks to secure increased access to nature, particularly within the most deficient areas. The application site was identified within the Open Space, Sport and Recreation Assessment (2009), as having potential to help increase access to nature in an area of deficiency. It is necessary to note that while the site is designated as a SINC of Borough Grade I Importance, the site is privately



owned with no current public access to the nature resource. Further to this, access to the SINC would not currently be practical given the topography of the land and the risk of Japanese Knotweed contamination allowing the spread of the Japanese Knotweed across the site and beyond.

- 11.39 Following the removal of the Japanese Knotweed it is proposed to provide for managed public access into the SINC. It is proposed to provide an educational nature trail running east-west through the southern section of the site, with a timber bird watching hide located at the western end of the trail. The nature trail would be accessed off the new pedestrian route from the south of the site off Carnoustie Drive. This trail would be available for supervised use by local schools and amenity groups. It is also proposed to involve local school children and amenity groups in the planting of new trees and shrubs. Managed public access would be secured within the S106 Legal Agreement.
- 11.40 A letter from the Headteacher of the nearby Robert Blair Primary School on Brewery Road has been received, which sets out his support for the proposed educational resource and access to nature at the site. His comments are provided at paragraph 8.9.
- 11.41 Public access to the SINC would need to be carefully managed to avoid negative impact on the biodiversity of the SINC and to minimise the potential for anti-social behaviour. Of equal or greater concern is the potential impact future residents of the 156 new homes would have on the SINC, if access to the SINC was unrestricted. In order to discourage unauthorised access into the areas of the SINC which are proposed to remain undisturbed, these areas would be fenced off. Full details of the fences would be secured by condition. Further concerns exist with regards the potential impact of the introduction of numerous pets (cats and dogs) to the site, as these would be likely to have a negative impact on the biodiversity at the site. In order to prevent this issue, the applicant has advised that residents would be prohibited from keeping pets through a clause in the terms of the leases. This would be secured within the S106 legal agreement.

### Summary

- 11.42 It is clear that the quantum of development coupled with the development layout would result in a 5% (592sqm) reduction in nature conservation land at the site, would reduce the site's ability to act as a green corridor and would result in the loss of 65 trees including trees forming part of a protected woodland designation (over the short term). These are weaknesses of the scheme which cause harm and weigh against it. However, the harm which would result from the quantum of development and the layout must be balanced against the positive benefits which the development would bring.
- 11.43 In terms of biodiversity enhancements, the development includes a comprehensive landscaping scheme which would provide a biodiverse mosaic of habitats across the site including the planting of 2408 new tree and shrubs, which is anticipated to provide a total of 480 semi-mature to mature trees after 15 years. The site would be managed through a comprehensive landscape

management plan, including a 25 year woodland management plan, together with an ecological clerk of works, in order to ensure that biodiversity enhancements at the site are realised and maintained. The proposals would also secure the eradication of the invasive Japanese Knotweed that has heavily colonised the site resulting in harm to the site's biodiversity.

- 11.44 Although the site is designated as a SINC there is currently no public access to the site. The proposal would open up the site, allowing unrestricted public access to communal areas which have been designed to provide amenity / play space while also providing biodiversity value. The proposal would also provide a public pedestrian route through the SINC together with a nature trail through the enhanced SINC area which would allow for supervised access to the nature within the SINC for local school children and amenity groups. Therefore, the development would bring significant public benefits in this regard. Additionally, there are the significant public benefits resulting from the level of affordable housing offered with this scheme which also weighs in the balance.

### **Design & Conservation**

- 11.45 The character of the surrounding area is mixed in terms of its uses and scale of the built environment, and is somewhat dominated by the numerous railway lines. Neighbouring buildings range from three storey Victorian terraces to the southwest on Gifford Street and east on Caledonian Road, 1980s/90s two to four storey residential buildings to the north within the Bunning Way Estate, and six storey residential blocks within the Bemerton Estate to the south.
- 11.46 The east section of the site (the location of the previously demolished building at 351 Caledonian Road) falls within the northwest corner of the Barnsbury Conservation Area. The site is also in an elevated position compared to the neighbouring properties located to the south on Gifford Street, Pembroke Street and Carnoustie Drive (Bemerton Estate).



**Proposed Site Layout**

11.47 The proposed development comprises seven separate buildings. The layout of the main (central and west side) area of the development comprises a linear four storey block (which includes a five storey book-end section to the western end) along the railway line to the north, together with five separate pavilion blocks across the south of the site, which range from four to six storeys above entrance height. The pavilion blocks would be cut into the southwards slope of the embankment and would be a storey higher when viewed from the south (five to seven storeys). An access road runs between the linear block and the pavilion blocks forming a new street within the site. The street would operate as a semi-pedestrianised homezone designed for outdoor activity, with integrated play and soft landscaping branching off from the edge of the street between the pavilion blocks.

11.48 The proposal also includes a three storey building fronting Caledonian Road to replace the building at 351 Caledonian Road which was demolished to facilitate the access of large vehicles into the site in relation to railway improvement works.



**Proposed height and massing shown in context.**

11.49 Notwithstanding concerns with regards the impact of the proposed layout and built form on the SINC as discussed above, in the main, the proposed building heights are considered appropriate in relation to the surrounding built environment. However, it is considered that pavilion block 5 (which is six storeys high when viewed from the south) located towards the western end of the site would be dominant in views looking north along Pembroke Street, particularly during winter months when trees are without leaf.

11.50 The five pavilion blocks proposed across the south of the site are considered to be well articulated and the breaking down of building volumes through the use of different materials, varying heights and irregular forms is considered to work successfully.

- 11.51 The development comprises two distinct building typologies. The linear block and pavilion block 1 are designed utilising the same architectural style as they both align with the new site road and would be read together when accessing the site from Caledonian Road. The other four pavilion blocks (nos. 2-5) use a separate architectural language, but a cohesiveness is maintained throughout the development due to the consistent use of facing materials.
- 11.52 The design of the buildings incorporate architectural features such as intricate metalwork detailing, vertical planting and earth coloured bricks and tile cladding which seek to reference the character of the area. These features are considered to work successfully, providing richness and quality to the appearance of the development and connecting it to the history and character of the surrounding area.



**View of internal street**

**View along Carnoustie Drive**

- 11.53 The material palette for the elevations is simple and refined, comprising: brickwork, vertical strip cladding made of terracotta / ceramic, and laser-cut anodized aluminium detailing providing a fretwork pattern which would enclose and frame projecting balconies allowing them to act as a positive architectural feature. The quality, texture and longevity of the external finishes and the crispness of the joints between materials are critical to the success of the scheme in terms of delivering the aesthetic qualities that are detailed on the proposed drawings. Therefore, samples and full technical details of all facing materials the joints between materials, and all architectural features (including windows and balcony soffits) would be secured by condition.
- 11.54 The design of the northern four storey linear block incorporates projecting and recessed sections along its length, together with asymmetric pitched roof bays, which act to provide visual interest, help to break up the massing of the building and create the rhythm of several buildings along the elevation.
- 11.55 The elevations of the buildings have been designed to incorporate vertical planting, which would act to soften the appearance of the buildings when viewed from both inside and outside the site. The vertical planting would take the form of climbing plants growing from planters at ground floor and upper floor balconies. The vertical planting would be managed as part of the overall landscape management at the site. Full details of the vertical planting and its management would be secured by condition.



- 11.56 The reinstatement of an end-of terrace building fronting Caledonian Road would repair the urban fabric in this location and is welcomed. It is generally considered that the design of the proposed building provides proportions, rhythm of fenestration and detailing (brickwork, parapet, stone cornicing and cills, and timber sash windows) which compliment neighbouring buildings and would adequately preserve the special historic character of the Barnsbury Conservation Area. However, it is considered that the ground floor of the front elevation requires some further refinement. Therefore, details with regards this element of the building would be secured by condition, together with details and samples of the facing brickwork, fenestration (windows to be set within deep reveals to activate and animate the elevations) and other facing materials.
- 11.57 The proposals include the creation of a new pedestrian route through the site to Carnoustie Drive to the south which would secure improved access and permeability as sought by the Planning Brief. The location of the new access has been dictated by the requirement to minimise disruption to the SINC, but particularly to minimise impact on trees, as well as the need to take account of land levels both outside and within the site. The pedestrian route has been designed to have a natural character incorporating timber steps, platforms and bridges which would minimise restriction on the passage of flora and fauna. The path would be bordered on either side by 1.4m high wire fencing to discourage unauthorised access into the surrounding SINC area, but allow wildlife to move through. Full details of the new pedestrian route would be secured by condition.
- 11.58 Full details of all boundary treatments, fences and enclosures across the site, including appropriate boundary treatment along the rear gardens of properties on Gifford Street would be secured by condition.
- 11.59 The public road (Carnoustie Drive / Pembroke Street) to the south of the site provides poor quality public realm, and suffers from limited natural surveillance as a result of the six storey Bemerton Estate residential block, on the south side of the road, which turns its back on the street. The Planning Brief sets out the aspiration that any development at the application site should look to improve this existing situation.
- 11.60 It is noted that the proposed development would have limited interaction with Carnoustie Drive / Pembroke Street at street level. However, the new blocks would overlook the street from higher up, and the new boundary treatment would be visually permeable allowing increased views into and out of the site, thereby acting to improve the 'feel' of the area for people travelling along the street. Taking account of the location of the SINC and numerous good quality trees across the southern section of the site, it is accepted that it is difficult to envisage how greater interaction at street level could realistically be achieved without resulting in loss of even larger expanses of existing SINC habitat, including the best quality protected trees and woodland. Overall, it is considered that the development would improve the security of the area by introducing activity and natural surveillance across and out of this large vacant site.

- 11.61 In terms of children's' playspace, the development would provide a total of 750sqm of space as integrated play areas in the communal amenity areas between pavilion blocks, together with further activity spaces provided within a controlled educational nature trail through the SINC. This would meet the target of 647sqm of playspace as sought by the Mayor's Play and Informal Recreation SPG (2012).
- 11.62 The site falls within two protected local views of St. Paul's Cathedral (Local View 4 from Archway Road and Local View 5 from Caledonian Market Tower). It has been confirmed that the proposed development would not impact on these views.
- 11.63 An earlier iteration of the development proposals were reviewed at the pre-application stage by the Design Review Panel (DRP). It is noted that the DRP questioned the relationship of the development layout and the SINC and the density of the development given the amount of the site area designated as SINC land. The DRP also questioned the integration of the development with the surrounding townscape. Comments responding to DRP comments are provided at paragraphs 8.53-8.61.
- 11.64 A condition is required in order to ensure that the site remains open to the public and does not become a gated development at a future date. A condition is also required to ensure that the new public route through the site connecting Caledonian Road to Carnoustie Drive remains open to the public during daylight hours.

### **Density**

- 11.65 The proposed development has a residential density of 252 habitable rooms per hectare or 82 units per hectare. This is seen to accord with the London Plan 2011 which suggests that a site in this location should support a residential density of between 200-700 habitable rooms per hectare. However, it should be noted that Islington takes a design-led approach to assessing the appropriate density for each development site, which takes appropriate account of site constraints (e.g. preservation of SINC land and habitats, appropriately preserving the character, appearance and setting of a conservation areas and other heritage assets, preserving neighbouring residential amenity etc). It should be noted that the Planning Brief envisaged a much lower density of development than is proposed, as a result of the constraint of 63% of the site being designated as SINC land and therefore potentially only 37% of the site area being available for development.

### **Affordable Housing and Financial Viability**

- 11.66 Provision of affordable housing is sought as part of all development proposals that propose creation of ten or more residential units. Policy 3.11 of the London Plan 2011 sets a strategic London-wide goal to maximise affordable housing provision, and states that boroughs should set their own overall target for the amount of affordable housing provision needed over the plan period. Policy 3.12 of the London Plan 2011 confirms that sites should provide the maximum reasonable amount of affordable housing which can be achieved,

having regard to current and future requirements, targets adopted by each borough, the need to encourage residential development, the promotion of mixed and balanced communities and specific circumstances of individual sites.

- 11.67 Islington Core Strategy policy CS12 (Meeting the housing challenge) Part G seeks that all sites capable of delivering 10 or more units (gross) should provide on-site affordable housing. It seeks that 50% of all new housing in the borough (by unit) should be affordable over the plan period. Taking account of the financial matters that in part underpin development, the policy states that the council will seek the maximum reasonable amount of affordable housing, especially social rented housing.
- 11.68 Policy CS12 Part G confirms that an affordable housing tenure split of 70% social rent housing and 30% shared ownership (intermediate) housing should be provided.
- 11.69 The proposed development would provide a total of 156 residential units (475 habitable rooms), of which 60 units (202 habitable rooms), would comprise affordable housing. This equates to an affordable housing offer of 38.5% by unit and 42.5% by habitable room.
- 11.70 The 60 affordable housing units are split as 56 units for social rent and 4 intermediate units. This represents a split by habitable rooms of 94.6% social rent unit / 5.4% shared ownership provision. Given affordability concerns around shared ownership units in the borough, and the very significant need for social rent units, this split is considered acceptable.
- 11.71 The affordable housing offer is supported by a detailed financial viability report which has been submitted with the application to illustrate that the offer is the maximum amount of affordable housing that the scheme could reasonably be expected to deliver. The detail set out in the applicant's viability report has been thoroughly reviewed and scrutinised by independent viability consultants (BPS Chartered Surveyors) that were appointed by the council.
- 11.72 In the absence of an existing use value for the site (given the last lawful use of the site for the storage of materials in conjunction with railway improvement works which have now been completed), BPS have calculated a benchmark land value for the site of £7.44m based on the provision of an equivalent policy compliant scheme, which would provide 50% affordable housing with a 70% social rent to 30% shared ownership housing split. The applicant has agreed to accept this as the benchmark land value, which was negotiated down significantly from the applicant's starting point.
- 11.73 BPS concluded that the affordable housing offer does represent the maximum reasonable level of affordable housing provision that could be delivered, taking into account the high proportion of units for social rent that are offered.
- 11.74 The affordable housing offer tabled by the applicant is considered to be a good offer in terms of the quantity of units, quality of accommodation and mix of unit sizes. It is considered that the affordable housing which would be

delivered within the development would make a significant positive contribution towards meeting housing needs in the borough. The BPS report is appended to this report as Appendix 3.

### **Housing Mix**

11.75 Islington Core Strategy policy CS12 (Meeting the housing challenge) requires provision of a range of unit sizes within individual schemes in order to meet the needs within the borough. The overall mix of dwellings should respond to the identified need as highlighted by the Islington Housing Needs Survey 2008, which is also illustrated within IDMP policy DM3.1 (Mix of housing sizes) and table 3.1 in the IDMP document (reproduced below).

<b>Tenure</b>	<b>1 bed</b>	<b>2 bed</b>	<b>3 bed</b>	<b>4 bed</b>	<b>Total</b>
Market - Private Sale	10%	75%	15%	0%	100%
Shared Ownership	65%	35%	0%	0%	100%
Social Rented	0%	20%	30%	50%	100%

11.76 In the case of affordable housing, deviation from the housing size mix may be acceptable where it is clearly illustrated that it would address a specific affordable housing need, and result in an overall improvement in the utilisation of affordable housing stock in the borough.

11.77 The proposed housing size mix is set out in the tables below in terms of number of units and percentages respectively.

**Table showing number of units**

<b>Tenure</b>	<b>1 bed</b>	<b>2 bed</b>	<b>3 bed</b>	<b>4 bed</b>	<b>Total</b>
Market - Private Sale	36	39	21	0	96
Shared Ownership	1	3	0	0	4
Social Rented	14	27	7	8	56

**Table showing percentage of units**

<b>Tenure</b>	<b>1 bed</b>	<b>2 bed</b>	<b>3 bed</b>	<b>4 bed</b>	<b>Total</b>
Market - Private Sale	37.5%	40.6%	21.9%	0%	100%
Shared Ownership	25%	75%	0%	0%	100%
Social Rented	25%	48.2%	12.5%	14.3%	100%

### **Private Market Housing**

11.78 With respect to private market housing, the proposal is seen to be in line with the main thrust of IDMP policy DM3.1 which seeks a predominance of two-bedroom units in the private tenure.

11.79 The elevated number of three-bedroom units would align with policy aspirations with regards the provision of the maximum amount of family housing in the borough.



## Affordable Housing

- 11.80 The affordable housing provision represents a considerable variation from the target housing size mix set out in Table 3.1 of the Islington Development Management Policies (IDMP) document. However, para. 3.16 of the IDMP does allow some flexibility in the provision of the affordable housing mix. The council's Housing Officer has reviewed the mix and whilst noting the high number of one-bedroom units has concluded that the overall offer is considered to be acceptable and is supported.

## Summary

- 11.81 While it is noted that the proposed mix of units (across both private sale and affordable housing tenures) does not fully comply with the desired mix as set out in Table 3.1 of the Development Management Policies 2013, the council's Housing Team have advised that the overall proposed housing mix is considered to be acceptable in this instance. The balance between two, three and four bed units would meet the council's priorities in terms of delivering a mix of residential units which would adequately cater for a variety of housing needs. Additionally, a balance must be struck, due to the development being located partially on SINC land and the associated need to minimise demand on amenity space that would take away from biodiversity planting gains.

## **Standard of Residential Accommodation**

- 11.82 The proposal would provide 156 new residential units. Islington Development Management Policy DM3.4 (Housing standards) provides detailed guidance and criteria for assessing the standard of proposed residential units.
- 11.83 It is noted that all units would exceed the minimum gross internal area (GIA) size standard sought by policy 3.5 (Quality and design of housing developments) of the London Plan 2011 and Islington Development Management Policy DM3.4. All habitable rooms within each dwelling would exceed the required minimum size and the internal arrangement allows for functional use, with sufficient provision for storage. All units would meet Lifetime Homes Standards. The floor to ceiling height would meet the required standard and the development provides a good core to unit ratio.
- 11.84 All of the proposed residential units would benefit from dual or triple aspect with decent outlook and natural ventilation. The distance between each of the pavilion blocks is at least 18m and the distance between the linear block and pavilion blocks is 13m across the new street. Therefore, the development would provide an acceptable policy compliant level of privacy for future residents. The spacing between the pavilions allows for all dwellings and the internal street to benefit from ample sunlight and daylight.
- 11.85 The scheme includes a generous amount of private and communal external amenity space, with all units having good sized balconies.
- 11.86 The site is located adjacent to numerous railway lines, including the East Coast Mainline, the NLL which is heavily used by freight traffic, and the CTRL

which runs under the site. Consequently, all new residential accommodation at the site, would be exposed to high levels of noise and vibration, particularly accommodation within the proposed northern linear block which would sit directly adjacent to the NLL.

- 11.87 There is also the potential for any new mechanical plant at the site, particularly with regards the proposed on-site energy centre, to cause a noise nuisance for neighbouring occupiers and future residents at the site. Therefore, acceptable maximum noise levels for the operation of any new plant at the site shall be controlled by a condition.
- 11.88 The council's Acoustic Officer has advised that complaints are received from residents along the NLL regarding noise from freight traffic using the line (particularly at night time), and it is understood that the volume of freight traffic using the NLL is anticipated to increase in the future. Therefore, the introduction of new residential accommodation in close proximity to the NLL could potentially lead to further issues if adequate mitigation measures are not designed and built into the development.
- 11.89 A noise and vibration report has been submitted, which advises the site would fall into PPG24 (now rescinded) Noise Exposure Category C. Therefore, to appropriately deal with railway noise and vibration potential, many of the new residential units would need to be fitted with an enhanced glazing specification and mechanical ventilation, enabling windows facing the railway to remain closed and the specified acoustic attenuation provided by the façade to remain effective. Full details of the glazing specification, mechanical ventilation and other acoustic attenuation mitigation measures would be secured by condition.
- 11.90 It is noted that all bedrooms within the linear block have been located towards the front (south) side of the building away from the railway noise source. The structural design of the buildings has not yet been finalised. The submitted noise report advises that the development should be able to achieve internal ground borne noise levels not exceeding 35dB LA<sub>max,Slow</sub> within the centre of any residential room. The council's acoustic officer has advised that the internal noise limits specified for the development within the noise report are in line with Islington's criteria for internal noise standards and also the new British Standard BS8233:2014.
- 11.91 Achievable internal noise limits would need to be reviewed following completion of the final foundation and structural designs for the proposed buildings. The final design would also need to take account of the self-noise generated by the necessary mechanical ventilation. Internal noise standards would be secured by condition, together with full details of the anti-vibration foundations and services.
- 11.92 The proposed noise mitigation measures include an acoustic barrier or bund along the site boundary with the railway therefore details and specification of this feature would be secured by condition. Greening of this barrier would have a positive effect on the soundscape helping to absorb rather than reflect railway noise.

- 11.93 The site falls within a borough wide Air Quality Management Area. Due to the poor air quality at the site there is a requirement for any ventilation to draw air from the roof or cleaner south side of the development along with suitable NO<sub>x</sub> filtration. For the energy centre ultra-low NO<sub>x</sub> CHP equipment should be secured in order to protect nearby residents and local air quality. Details for the CHP, extract flue and dispersion modelling when the model has been selected would be secured by condition.
- 11.94 Dedicated refuse and recycling facilities are provided for the residential units at ground floor level. The council's Waste Management Team have assessed the location and capacity of the proposed facilities and have confirmed that they are acceptable.
- 11.95 In summary, the proposed residential units are considered to accord with the housing policy standards and it is considered that the development would provide an acceptable level of amenity for future residential occupiers, subject to conditions securing noise and vibration limits / standards and appropriate air quality measures.

### **Impact on Neighbouring Amenity**

- 11.96 The Development Plan contains policies which seek to appropriately safeguard the amenities of existing residential occupiers when considering new development at neighbouring sites. Islington Development Management Policy DM2.1 (Design) requires that consideration must be given to potential impacts of development on neighbouring residential properties including: reduction of sunlight and daylight to habitable rooms, overshadowing of gardens, reduction in privacy due to increased overlooking, increased sense of enclosure, loss of outlook (but not loss of 'a view'), and increased noise and disturbance associated with occupation and use of the development (but not including noise and disturbance relating to construction works).

### **Daylight, Sunlight & Overshadowing**

- 11.97 A Daylight, Sunlight and Overshadowing Assessment Report has been provided as part of the application submission. The assessment has been carried out in accordance with the guidance and methodology set out in the Building Research Establishment (BRE) Site Layout Planning for Daylight and Sunlight 2011 publication. This document provides the accepted nationally recognised guidance which is used in the assessment of sunlight and daylight impacts for planning applications.
- 11.98 For assessment of daylight there are two standardised tests. The first method involves measuring the vertical sky component (VSC) for each window. The BRE guidelines stipulate that there would be no significant perceivable reduction in existing daylight levels provided that:

*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 more than 20% of its original value;*

11.99 The second method involves measuring the daylight distribution (DD) of each room by assessing the impact on the position of the No Sky Line measured on the working plane (0.85m from floor level). The BRE guidelines stipulate that there would be no significant perceivable reduction in existing daylight distribution levels provided that:

*The area of the working plane in a room which can receive direct skylight is not reduced by more than 20% of its original value;*

11.100 For assessment of sunlight, the BRE guidelines confirm that windows that are not orientated facing within 90 degrees of due south do not warrant assessment. The guidelines stipulate that for those windows that do warrant assessment, there would be no significant perceivable reduction in existing levels of sunlight received 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 Winter Probable Sunlight Hours (WSPH) between 21 Sept and 21 March – being winter; and where the APSH and WSPH is not reduced by more than 20% of its original value.*

*In cases where these requirements are breached there will still be no significant noticeable loss of sunlight where the reduction in sunlight received over the whole year is no greater than 4% of APSH.*

11.101 Where the guideline values for reduction of existing levels of daylighting and sunlighting are exceeded, then sunlighting and/or daylighting may be adversely affected. However, it is necessary to note that while the BRE guidelines provide numerical guidelines, the document clearly emphasizes that the guidance values provided are not mandatory. It is advised that the guide should not be seen as an instrument of planning policy, rather the guidance should be interpreted flexibly, taking account that natural lighting is only one of many factors to be considered when assessing a proposed development.

11.102 The residential units within the vicinity of the site which could be affected by the proposal are the properties nearest the site to the north within the Bunning Way Estate, properties to the east of the site at the rear of 349 Caledonian Road, properties to the southwest of the site within the eastern end of the Gifford Street terrace, and new properties currently under construction at 1 Lyon Street to the southeast of the site. Therefore, the impact on these residential properties has been assessed within the submitted Daylight, Sunlight and Overshadowing Assessment Report, and reported below.

#### Bunning Way Estate and Gifford Street

11.103 For the Bunning Way Estate and Gifford Street terrace the VSC tests indicate that all windows to habitable rooms for all properties would retain VSC values which comply with BRE guidance. DD tests indicate that all

habitable rooms except one room at 66 Gifford Street (which would receive a 22.7% loss) would retain DD values which comply with BRE guidance.

- 11.104 AP SH and WPSH tests show that all windows to habitable rooms, facing within 90 degrees of south, for all neighbouring properties within the Bunning Way Estate and the Gifford Street terrace would continue to receive adequate levels of sunlight (i.e. would retain 25% AP SH and 5% WSPH)
- 11.105 Many of the residential properties to the north of the site within the Bunning Way estate benefit from garden spaces which provide external amenity space for residents. The BRE guidelines state that to appear adequately sunlit throughout the year, at least half of an external amenity space should receive at least 2 hours of sunlight on 21<sup>st</sup> March. The submitted Daylight, Sunlight and Overshadowing Assessment Report illustrates that the proposed development would not result in a material increase in the amount of garden space at any neighbouring properties which would fail to receive at least 2 hours of sunlight on 21<sup>st</sup> March. Therefore, the overshadowing caused by the proposed development is well within the BRE guidelines and is not considered to be unacceptable.

#### 349 Caledonian Road

- 11.106 With regards to the recently constructed residential units to the rear of 349 Caledonian Road (which appears to be operating as an unauthorised hotel and is currently being investigated by the Planning Enforcement Team), it is noted that the reduction in VSC would exceed BRE guidelines for a total of twelve windows. For four of these windows the guidelines would only be marginally exceeded, and the windows would receive a loss of less than 21% (as opposed to the BRE guideline of 20%). A further seven of these windows would receive a loss of less than 26%. The remaining window would receive reduced levels of daylight with a loss of 39.36%. However, this is predominantly due to the low level of light which this window receives as a result of existing obstructing walls. Three rooms would also exceed the BRE guidelines in terms of reduction in DD, with reductions of 22.9%, 28.8% and 31.3%. It is noted that no objections have been received in relation to this property.
- 11.107 AP SH and WPSH tests show that three windows to habitable rooms, facing within 90 degrees of south, for 349 Caledonian Road would receive reduced levels of sunlight with losses which exceed BRE guidelines: 30%, 43.8% and 66.7%. Again, this is predominantly due to the low existing levels of sunlight which these windows receive.

#### 1 Lyon Street

- 11.108 With regards to the new residential units currently under construction at 1 Lyon Street, it is noted that the reduction in VSC would exceed BRE guidelines for a total of eight windows. For one of these windows the guidelines would only be marginally exceeded, and the window would receive a loss of less than 21% (as opposed to the BRE guideline of 20%). Another of these windows would receive a loss of less than 23%. The remaining six

windows would receive reduced levels of daylight with VSC losses of 33.4%, 33.7%, 36.8%, 39.5%, 41.1%, and 48.3%. Three windows would exceed the BRE guidelines in terms of reduction in DD, with losses of 32.5%, 38.7% and 42.3%.

- 11.109 The impact on the windows at 1 Lyon Street, for which loss of VSC would exceed BRE guidance, is accentuated due to the presence of balconies above windows. The VSC test for these windows has also been run for a model scenario where the balconies were removed. If the balconies were removed for these six windows the impact would be significantly reduced with two of the windows meeting BRE guidance and the other four windows receiving losses of 21.4%, 23.6%, 24.9%, and 27.2%.
- 11.110 APSH and WPSH tests show that three windows at the development under construction at 1 Lyon Street would receive reduced levels of sunlight with losses which exceed BRE guidelines: 30.8%, 34.8% and 40.9%.
- 11.111 In summary, a total of 22 windows (thirteen windows at 349 Caledonian Road, eight windows at 1 Lyon Street and one window at 66 Gifford Street) would experience a reduction in sunlight or daylight that would exceed BRE guidelines. However, many of these would only marginally exceed the BRE guidelines. Taking into account the urban location of the site, and the design, orientation and proximity to the site boundary of the neighbouring buildings at 349 Caledonian Road and 1 Lyon Street, the reductions in sunlight and daylight which would occur as a result of the development are not considered to be so significant as to warrant refusal of the application on these grounds.

#### Overlooking / Privacy

- 11.112 Paragraph 2.14 of the supporting text for policy DM2.1 identifies that *'To protect privacy for residential developments and existing residential properties, there should be a minimum distance of 18 metres 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'*. In the application of this policy, consideration also needs to be given to the nature of views between windows. For instance, where the views between windows are oblique as a result of angles or height difference between windows, there may be no harm.
- 11.113 The distance between the four storey linear block and the nearest properties to the north, on the opposite side of the railway lines, within the Bunning Way Estate is approximately 32m. The distance between the five storey book-end section of the linear block and the rear of the Gifford Street terrace to the south is approximately 50m. The distance between pavilion block 1 and the residential development currently under construction at 1 Lyon Street is approximately 25m, and the distance between block 2 and 1 Lyon Street is approximately 23m. It is considered that the separation distance between windows and balconies on the proposed buildings and windows in neighbouring buildings is sufficient, so as not to cause a material loss of amenity to any neighbouring residential occupiers, as a result of a loss of privacy due to increased overlooking.

## Sense of Enclosure / Loss of Outlook

11.114 It is considered that the separation distance between the buildings within the proposed development and windows in neighbouring buildings (as set out above) is sufficient, so as not to cause an unacceptable loss of amenity to any neighbouring residential occupiers as a result of an increased sense of enclosure or loss of outlook. It should be noted that private views from windows and gardens are not protected by planning policy.

## Noise and Disturbance

11.115 The development includes provision of an on-site energy centre with a communal combined heat and power (CHP) system that would be located within the single storey rear section of the building to the east of the site at 351 Caledonian Road. In order to protect the amenity of neighbouring occupiers along Caledonian Road from noise and disturbance associated with operation of the energy centre, acceptable maximum noise levels for the operation of any new plant at the site shall be controlled by a condition. Additionally, to prevent harm to air quality at neighbouring site, ultra-low NOx CHP equipment would be secured by condition, together with full details for the CHP system including the extract flue and dispersion modelling.

11.116 Concerns have been raised by existing residential occupiers, within the Bunning Way Estate located to the north of the site on the opposite side of the NLL railway tracks, with regards the potential for the proposed linear block to reflect railway noise back towards their properties thereby increasing noise and disturbance. The council's Acoustic Officer has assessed the information provided within the submitted Noise Report and has advised that it is not considered that the development would result in a material increase in the level of noise and disturbance at any properties in the Bunning Way Estate as a result of railway noise being reflected back from the development. Full details of the Acoustic Officer's response are provided at paragraphs 8.41-8.44. Furthermore, it is noted that the north elevation of the linear building includes vertical planting which has the potential to act to absorb railway noise.

11.117 If the development is consented, a certain amount of disruption and disturbance to neighbouring residents and commercial occupiers during the period of development works would be unavoidable. In order to ensure that any disruption and disturbance is kept to an absolute minimum a Construction Environment Management Plan (CEMP) would be secured by condition to protect the amenities of neighbouring residents and business occupiers during the period of works. This would cover issues with respect to: noise, air quality, dust, smoke, odour vibration and TV reception. Further to this, a Construction Method Statement (CMS) covering issues regarding parking of vehicles of site operatives, loading and unloading of plant and materials, and storage of plant and materials shall also be secured by condition.

11.118 The applicant has given a commitment to sign up to the Considerate Contractors Scheme and it is required that the scheme should comply with

Islington's Code of Construction Practice. These would be secured within the S106 legal agreement.

- 11.119 Subject to the conditions and legal agreement clauses set out above, it is not considered that the implementation or operation of the proposed development would result in a significant increase in noise and disturbance for neighbouring occupiers compared to the existing situation.

### **Accessibility**

- 11.120 Both the residential and commercial parts of the development are expected to meet the standards for inclusive access as set out in the Islington Inclusive Design SPD.
- 11.121 All residential units have been designed to achieve the Lifetime Homes Standards with the required wheelchair circulation space provided within living rooms and main bedrooms.
- 11.122 The development includes provision of 15 wheelchair standard units, including 3 x 3-bedroom social rented units and 12 x 2-bedroom units spread across all tenures. This equates to 9.6% of the total number of units and 10.7% of the total number of habitable rooms within the development being wheelchair standard. All wheelchair standard units are provided at ground floor level with level threshold access to private external amenity space. The development would provide 15 wheelchair accessible parking spaces exclusively for blue badge holders. The use of parking spaces would be restricted to registered blue badge holders by condition. Details of storage and charging for mobility scooters would also be secured by condition.
- 11.123 The northern section of the site is approximately 4m higher than the entrance to the site off Caledonian Road to the east. Consequently, the existing access road slopes upwards as you travel west into the site from Caledonian Road. Spot heights provided on submitted drawings indicate that the gradient of the existing slope is approximately 1:23 over a distance of approximately 95m.
- 11.124 The existing access road does not provide DDA compliant access, and due to the level change that needs to be overcome, it would not be possible to provide the main access road at a gradient which is suitable for unassisted wheelchair users. In order to provide inclusive access into the site an alternative route is proposed which includes a lift. While this is not considered to represent an ideal solution it is difficult to see how the issue of inclusive access could otherwise be resolved. Full details of the vehicular, pedestrian and wheelchair access into the site would be secured by condition.
- 11.125 The development proposals include the creation of a new pedestrian access through the site from Carnoustie Drive to the south in line with the aspirations of the Planning Brief. It is noted that the pedestrian route would include steps and would not be fully inclusive. However, taking account of the space available to provide the route, the relief of the land (7m change in level) and the fact that the route passes through the SINC, the proposed new



pedestrian route is considered to represent the best solution available. The pedestrian route would be open during daylight hours. It is considered that 24hour access through this route could create security issues and increased potential for anti-social behaviour at the site.

### **Energy Efficiency & Sustainability**

- 11.126 Islington Core Strategy policy CS10 (Sustainable design) part A requires that all development proposals demonstrate that they have minimised onsite carbon dioxide emissions by maximising energy efficiency, supplying energy efficiently and using onsite renewable energy generation. Developments should achieve a total (regulated and unregulated) CO2 emissions reduction of 30% relative to total emissions from a building which complies with Building Regulations 2010, where connection to a decentralised energy network is not currently possible, such as is the case with the application site. Typically all remaining CO2 emissions should be offset through a financial contribution towards measures which reduce CO2 emissions from the existing building stock.
- 11.127 The development includes an on-site energy centre with a communal combined heat and power (CHP) system that would serve the whole development. There are currently no decentralised energy networks (DEN) available for the development to link into. However, the energy centre has been designed in a manner that would allow connection to potential DENs that may become available in the future. This would be secured by condition and within the S106 legal agreement.
- 11.128 The development would achieve a 23% reduction in total CO2 emissions versus an equivalent 2010 part L Building Regulations compliant scheme. While it is noted that the development falls short of the policy target of a 30% reduction, the applicant has agreed to pay a carbon offset contribution of £194,056 (to be secured within a S106 agreement) covering the remaining CO2 reduction down to zero carbon. Taking this into account the energy efficiency of the development is considered to be acceptable in this instance.
- 11.129 The pre-assessment reports that have been provided indicate that the development would achieve Code for Sustainable Homes (CSH) 'Level 4' rating for the new residential units and a BREEAM 'Very Good' rating for the commercial floorspace. CSH and BREEAM levels would be secured by condition.
- 11.130 The proposal targets a water consumption rate of 105L/p/d (Code Level 4 equivalent), however, policy CS10 requires development to meet 95L/p/day, and therefore compliance with this policy is not achieved. A policy compliant water consumption rate shall be secured by condition.
- 11.131 There is a commitment to secure the relevant credits for materials and waste as sought by Islington Development Management Policy DM7.4 (Sustainable design standards) Part E. This shall be secured by condition.

- 11.132 Islington Development Management Policy DM7.1 (Sustainable design and construction) part E requires provision of a Green Performance Plan (GPP) detailing measurable outputs for the occupied development, with respect to energy consumption, CO2 emissions and water use, and setting out arrangements for monitoring the plan over the first years of occupation. A draft GPP setting out the predicted outputs has been submitted with the application and is considered to be acceptable. A final post occupation GPP setting out the actual measurable outputs shall be secured within the S106 legal agreement.
- 11.133 For all developments, it is required that the cooling hierarchy (as set out in Islington Development Management Policy DM7.5 (Heating and cooling) part A is followed, in order to reduce any risk of overheating and minimise the need for artificial cooling. This favours the use of passive design, natural ventilation, mechanical ventilation and finally artificial cooling, with the most efficient artificial approaches being favoured first.
- 11.134 Islington Development Management Policy DM7.5 (Heating and cooling) part C requires that thermal modelling is undertaken for major developments, to assess any risk of overheating, based on current and future summer temperatures. This has not yet been provided. Therefore, additional information covering heating and cooling for the development shall be secured by condition, including the inability to open the north facing windows on the linear block and the associated mechanical ventilation.
- 11.135 Islington Core Strategy Policy CS10 and Islington Development Management Policy DM6.5 (Landscaping, trees and biodiversity) promote urban greening and enhancing biodiversity. The development would include green roofs on all new flat roofs. A condition is required to ensure that all green roofs are extensive substrate based biodiverse roofs with a minimum substrate depth of 120-150mm.
- 11.136 Islington Development Management Policy DM6.6 (Flood prevention) requires that all developments include Sustainable Urban Drainage Systems (SUDS). The SUDS scheme proposed is expected to be designed to reduce flows to a 'greenfield rate' of run-off (8/l/sec/ha) where feasible. The submitted Flood Risk Assessment and Sustainable Drainage Strategy (by Conisbee) advises that underground modular water tanks and permeable paving would be used to ensure that drainage policy requirements would be met. Drainage flow rates and the detailed final design for rainwater harvesting and attenuation would be secured by condition.

### **Highways and Transportation**

- 11.137 Transport for London have assessed the proposals and advised that the transport impacts are not considered to be significant.
- 11.138 The proposal is designed to be car-free with the exception of 15 wheelchair accessible parking spaces, which have been carefully integrated within the site layout to the edges of the internal street, so as not to dominate the street and waste space when not in use. The use of parking spaces would

be restricted to registered blue badge holders by condition and a condition would ensure they are marked out as for disabled users only. The ability of future residents at the site to apply to apply for parking permits would be removed (except blue badge holders). Therefore, it is not considered that the development would have a significant impact with respect to demand for on-street parking within the vicinity of the site.

- 11.139 The design of the internal street includes a turning head which would allow refuse trucks and other servicing vehicles to turn safely within the development and prevent the need for reversing through the site or back onto the highway.
- 11.140 Full details of how the site would be serviced in terms of deliveries for residents and commercial occupiers, as well as taxi pick up points would be secured with a Servicing and Delivery Management Plan that would be secured by condition. Full details of vehicular movements and servicing of the site related to development works would be secured within a Construction Logistics Plan (CLP). A Travel Plan for the development shall be secured within the S106 legal agreement.
- 11.141 The development would provide a policy compliant 306 secure and covered cycle parking spaces for future residents (one space per bedroom), together with 4 sheffield stands providing for visitor cycle parking. Resident cycle parking is conveniently located within each core of the linear and pavilion block buildings.
- 11.142 Access is required to be maintained to the CTRL portal and other adjacent Network Rail managed railway lines for emergency and maintenance purposes. Therefore, this has been provided for within the development layout and would be secured by condition.
- 11.143 A contribution would be sought with regards to highway repair reinstatement at the entrance to the site off Caledonian Road. This would be secured within the S106 legal agreement.

### **Contaminated Land**

- 11.144 The council's Public Protection Division (Land Contamination) has advised that the northern part of the development is listed as being formerly a warehouse and has been used as a Network Rail / CTRL / London Overground site in recent times. The initial site sampling results provided within the submitted ground contamination report have highlighted elevated levels of PAHs, arsenic and the presence of asbestos fibres. Further sampling is required along with ground gas monitoring. With the proposed redevelopment of the site introducing residential use, including the provision of soft landscaping, there is concern that a pollution linkage could be formed. Therefore, a full detailed contaminated land investigation and subsequent remediation scheme is required and would be secured by condition.
- 11.145 Notwithstanding the clear need to ensure the health and safety of future residents at the site through appropriate ground contamination

remediation in any areas which would be accessible to residents for amenity purposes, it is important to note that the areas of existing SINC habitat (including the woodland areas) to be retained and fenced off as non-accessible (except supervised access along the specified nature trail) would be left as present without remediation in order to prevent further destruction of SINC and woodland habitat.

### **Water Infrastructure**

11.146 The final design of the development including foundations and associated piling has not been completed. Thames Water have advised that vibration associated with piling and foundation excavation / construction has the potential to impact on water mains and sewers that run immediately below and adjacent to the site. Therefore, Thames Water has advised that a Piling Method Statement would need to be secured by condition.

### **Planning Obligations, Community Infrastructure Levy and local finance considerations**

#### **S106 Agreement**

11.147 The Community Infrastructure Levy (CIL) Regulations 2010, part 11 introduced the requirement that planning obligations under section 106 must meet three statutory tests, i.e. that they are (i) necessary to make the development acceptable in planning terms, (ii) directly related to the development, and (iii) fairly and reasonably related in scale and kind to the development.

11.148 The S106 agreement would include the following agreed heads of terms:

- On-site provision of affordable housing: 38.5% by unit (42.5% by habitable rooms) with a split by habitable rooms of 94.6% social rent / 5.4% shared ownership.
- A contribution of £194,056 towards offsetting projected residual CO2 emissions of the development.
- The repair and re-instatement of the footways and highways adjoining the development, including the removal of redundant footway crossovers. The cost is to be confirmed by LBI Highways, paid for by the applicant/developer and the work carried out by LBI Highways. Condition surveys may be required.
- Compliance with the Code of Employment and Training.
- Facilitation of 8 work placements during the construction phase of the development, lasting a minimum of 13 weeks, or a fee of £40,000 to be paid to LBI. 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 £15,600 and submission of a site-specific response document to the

Code of Construction Practice for the approval of LBI Public Protection.  
This shall be submitted prior to any works commencing on site.

- The provision of 15 accessible parking bays.
- Removal of eligibility for residents of new units to obtain on-street parking permits.
- Submission of a final post occupation Green Performance Plan to the Local Planning Authority following an agreed monitoring period.
- Future proof on site heating and power solution so that the development can be connected to a local energy network if a viable opportunity arises in the future.
- Submission of a final Travel Plan for Council approval 6 months from first occupation of the development.
- 25 year woodland and landscape management plan, targeting at the 15 year from first planting to have at least 480 trees successfully taken to the site.
- Ecological clerk of works to ensure monitoring of woodland and landscape management plan and delivery of biodiversity gains at the site.
- A watching brief for the implementation of agreed planting (within the first planting season after completion of the built parts of the development) to ensure planting of 2408 trees and shrubs as agreed.
- Maintain 24 hour public access to the site from Caledonian Road.
- Maintain public access to the site from Carnoustie Drive during daylight hours.
- Allow for supervised access to the SINC.
- Garden Leases – garden to be appropriately managed as nature conservation land.
- Payment of Council's legal fees in preparing the S106 Agreement and officer's fees for the preparation, monitoring and implementation of the S106 Agreement.

#### Community Infrastructure Levy (CIL)

11.149 Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), the Mayor of London's Community Infrastructure Levy (CIL) and Islington CIL would be chargeable for the proposed development on grant of planning permission. The CIL are contributions calculated in accordance with the Mayor's and Islington's adopted Community Infrastructure Levy Charging Schedules. CIL would be payable to the London Borough of Islington following implementation of the planning consent.

#### **National Planning Policy Framework**

11.150 The scheme is considered to accord with the aims of the NPPF and to promote sustainable growth that balances the priorities of increasing housing supply with enhancing the natural environment and biodiversity.

## 12. SUMMARY AND CONCLUSION

### Summary

- 12.1 The Planning Brief for the site is clear that the site is considered suitable for development to provide housing, subject to any potential adverse impact on the SINC being adequately mitigated together with the demonstration of over-riding planning benefits to justify any adverse impact on the nature conservation land.
- 12.2 It is clear that the quantum of development coupled with the development layout would result in a 592sqm (5%) reduction in nature conservation land at the site, would reduce the site's ability to act as a green corridor and would result in the loss of 65 trees including trees forming part of a protected woodland designation. These are weaknesses of the scheme which cause harm and weigh against it. The harm which would result from the quantum of development and the layout must be balanced against the positive benefits which the development would bring.
- 12.3 As mitigation for the harm which the development would cause, in terms of loss of SINC area and trees, and reduction in the green corridor, the proposal would bring biodiversity enhancements in the form of a comprehensive landscaping scheme providing a biodiverse mosaic of habitats across the site including the planting of 2408 new trees and shrubs, which is anticipated to provide a total of 480 semi-mature to mature trees after 15 years. The site would be managed through a comprehensive landscape management plan, including a 25 year woodland management plan, together with an ecological clerk of works, in order to ensure that biodiversity enhancements at the site are realised and maintained. The proposals would also secure the eradication of the invasive Japanese Knotweed that has heavily colonised the site (affecting 1,569sqm of site area) resulting in harm to the site's biodiversity.
- 12.4 Although the site is designated as a SINC there is currently no public access to the site. The proposal would open up the site, allowing unrestricted public access to communal areas which have been designed to provide amenity / play space while also providing biodiversity value. The proposal would also provide a public pedestrian route through the SINC together with a nature trail through the enhanced SINC area, which would allow for supervised access for local school children and amenity groups. Therefore, the development would bring significant public benefits in this regard.
- 12.5 The development would provide improved permeability with a new pedestrian route connecting Caledonian Road to Carnoustie Drive. The development would also interact with the townscape to the south, providing high level overlooking which would help improve the 'feel' of the area and sense of security for people travelling along Carnoustie Drive. This is a public benefit that weighs in favour of the development.
- 12.6 The proposed scheme would deliver 56 high quality affordable residential units that would be provided for social rent. This offer is the equivalent of a

50% affordable housing offer had the tenure been split 70/30 (social rent / shared ownership). This is a particularly significant public benefit.

- 12.7 When the positive benefits of the scheme [in terms of affordable housing (social rent) provision, landscaping biodiversity enhancements (including removal of Japanese Knotweed, tree planting and woodland management), improved access to nature, improved permeability through the site, and improved interaction with the streets and townscape to the south] are combined and weighed against the harm which the development would cause (in terms of 5% reduction in nature conservation area, reduced ability of the site to operate as a green corridor, and loss of existing trees and woodland), it is considered that on balance the positive benefits of the scheme would outweigh the harm which it would cause. Therefore, the proposal is seen to accord with the main aspirations and guidance set out in the Planning Brief for the site.
- 12.8 Based on a balancing exercise of positive benefits against harm, it is considered that the scheme is acceptable and would represent sustainable development in accordance with the NPPF. As such, there is an 'on balance' officer recommendation in support of the development.

### **Conclusion**

- 12.9 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. On-site provision of affordable housing: 38.5% by unit (42.5% by habitable rooms) with a split by habitable rooms of 94.6% social rent / 5.4% shared ownership.
2. A contribution of £194,056 towards offsetting projected residual CO2 emissions of the development.
3. The repair and re-instatement of the footways and highways adjoining the development, including the removal of redundant footway crossovers. The cost is to be confirmed by LBI Highways, paid for by the applicant/developer and the work carried out by LBI Highways. Condition surveys may be required.
4. Compliance with the Code of Employment and Training.
5. Facilitation of 8 work placements during the construction phase of the development, lasting a minimum of 13 weeks, or a fee of £40,000 to be paid to LBI. Developer / contractor to pay wages (must meet national minimum wage). London Borough of Islington Construction Works Team to recruit for and monitor placements.
6. Compliance with the Code of Local Procurement.
7. Compliance with the Code of Construction Practice, including a monitoring fee of £15,600 and submission of a site-specific response document to the Code of



Construction Practice for the approval of LBI Public Protection. This shall be submitted prior to any works commencing on site.

8. The provision of 15 accessible parking bays.
9. Removal of eligibility for residents of new units to obtain on-street parking permits.
10. Submission of a final post occupation Green Performance Plan to the Local Planning Authority following an agreed monitoring period.
11. Future proof on site heating and power solution so that the development can be connected to a local energy network if a viable opportunity arises in the future.
12. Submission of a final Travel Plan for Council approval 6 months from first occupation of the development.
13. 25 year woodland and landscape management plan, targeting at the 15 year from first planting to have at least 480 trees successfully taken to the site.
14. Ecological clerk of works to ensure monitoring of woodland and landscape management plan and delivery of biodiversity gains at the site.
15. A watching brief for the implementation of agreed planting (within the first planting season after completion of the built parts of the development) to ensure planting of 2408 trees and shrubs as agreed.
16. Maintain 24 hour public access to the site from Caledonian Road.
17. Maintain public access to the site from Carnoustie Drive during daylight hours
18. Allow for supervised access to the SINC
19. Garden Leases – garden to be appropriately managed as nature conservation land.
20. Future residents at the site prohibited from owning cats and dogs to prevent harm to biodiversity in the SINC.
21. Payment of Council's legal fees in preparing the S106 Agreement and officer's fees for the preparation, monitoring and implementation of the S106 Agreement.

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 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:

<b>1</b>	<p><b>Commencement (Compliance)</b></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>
<b>2</b>	<p><b>Approved plans list (Compliance)</b></p> <p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>JW-001, JW-002, JW-010, JW-011, JW-012, JW-020, JW-021, JW-022, JW-100, JW-101, JW-102, JW-103, JW-104, JW-105, JW-106, JW-107, JW-150, JW-151, JW-152, JW-153, JW-154, JW-155, JW-156, JW-157, JW-158, JW-159, JW-160, JW-161, JW-162, JW-163, JW-164, JW-165, JW-166, JW-167, JW-168, JW-169, JW-170, JW-171, JW-172, JW-173, JW-174, JW-175, JW-176, JW-177, JW-178, JW-179, JW-180, JW-181, JW-182, JW-183, JW-184, JW-185, JW-186, JW-187, JW-188, JW-189, JW-190, JW-191, JW-192, JW-193, JW-194, JW-200, JW-201, JW-202, JW-210, JW-211, JW-212, JW-213, JW-220, JW-221, JW-222, JW-223, JW-230, JW-231, JW-232, JW-233, JW-240, v41, JW-250, JW-251, JW-252, JW-253, JW-260, JW-261, JW-262, JW-300, JW-350, JW-351, JW-352, Volume 1 Environmental Statement, Volume 2 Environmental Statement, Volume 3 Environmental Statement, Volume 1 Environmental Statement Addendum, Volume 2 Environmental Statement Addendum, Design &amp; Access Statement.</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>
<b>3</b>	<p><b>Materials and Samples (Details)</b></p> <p>CONDITION: Details including drawings at scale 1:20 and samples of all facing materials used in the development shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on the development. The details and samples shall include but not be limited to the</p>

	<p>following:</p> <ul style="list-style-type: none"> <li>a) Facing brickwork(s); sample panels of proposed brickwork to be used showing the colour, texture, facebond, and pointing;</li> <li>b) terracotta / ceramic;</li> <li>c) laser-cut anodized aluminium detailing (including elevation and section drawings;</li> <li>d) Windows;</li> <li>e) Entrance doors</li> <li>f) Shopfront;</li> <li>g) any other materials to be used on the exterior of the development; and</li> <li>h) a Green Procurement Plan for sourcing the proposed materials.</li> </ul> <p>The Green Procurement Plan shall demonstrate how the procurement of materials for the development will promote sustainability, including through the use of low impact, sustainably-sourced, reused and recycled materials and the reuse of demolition waste.</p> <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 order to ensure that the resulting appearance and construction of the development is of an acceptably high standard, so as to preserve and enhance the character and appearance of the surrounding townscape.</p>
4	<p><b>Construction Environment Management Plan (Details)</b></p>
	<p>CONDITION: No development (including demolition works) shall take place on site unless and until a Construction Environmental Management Plan (CEMP) assessing the environmental impacts (including (but not limited to) noise, air quality including dust, smoke and odour, vibration, and TV reception) of the development has been submitted to and approved in writing by the Local Planning Authority.</p> <p>The report shall assess impacts during the demolition and construction phases 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 at all times and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In order to minimise impacts on the amenity of neighbouring residents, and maintain highway safety and the free flow of traffic on the surrounding highway network.</p>
5	<p><b>Demolition &amp; Construction Method Statement &amp; Logistics Plan (Details)</b></p>
	<p>CONDITION: No development (including demolition works) shall take place on site unless and until a Demolition &amp; Construction Method Statement &amp; Logistics Plan (DCMLP) has been submitted to and approved in writing by the Local Planning Authority in consultation with HS1. The approved DCMLP shall accord</p>

	<p>with the Code of Construction Practice and be strictly adhered to throughout the construction period. The DCMLP shall cover:</p> <ul style="list-style-type: none"> <li>i. the parking of vehicles of site operatives and visitors;</li> <li>ii. onsite vehicle movement and parking;</li> <li>iii. position and operation of cranes;</li> <li>iv. loading and unloading of plant and materials;</li> <li>v. storage of plant and materials used in constructing the development;</li> <li>vi. location and height of any spoil stockpiles;</li> <li>vii. storage of combustible / hazardous materials</li> <li>viii. temporary drainage measures</li> <li>ix. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate</li> <li>x. wheel washing facilities</li> <li>xi. measures to control the emission of dust and dirt during construction</li> <li>xii. a scheme for recycling/disposing of waste resulting from demolition and construction works</li> </ul> <p>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 in consultation with HS1.</p> <p>REASON: In order to appropriately manage the risk which the construction activity presents to the safety, security and operation of HighSpeed1, and to ensure that the construction activities do not adversely impact on neighbouring residential amenity and the safe operation of surrounding highways.</p>
6	<p><b>Foundation Design (Details)</b></p>
	<p>CONDITION: Prior to the commencement of any construction works, details of the design of the foundations and other works proposed below existing ground level shall be submitted to and agreed in writing by the Local Planning Authority in consultation with HS1. Construction activity shall then be carried out in strict compliance with the approved details unless otherwise agreed in writing by the Local Planning Authority in consultation with HS1.</p> <p>REASON: To ensure that loads on, and settlement of, HighSpeed1 tunnels, structures, track and other infrastructure do not prejudice the safety or operation of HighSpeed1.</p>
7	<p><b>Site Investigation Near to HighSpeed1 (Details)</b></p>
	<p>CONDITION: Prior to the commencement of site investigations involving a borehole or trial pit deeper than one metre, details of the location and depth of site investigations including a method statement shall be submitted to and agreed in writing by the Local Planning Authority in consultation with HS1.</p> <p>This development shall then be carried out strictly in compliance with the approved details unless previously agreed in writing by the Local Planning Authority in consultation with HS1.</p> <p>REASON: In order to ensure that the borehole or trial pit is at an acceptable</p>

	vertical and horizontal distance from the HighSpeed1 tunnel such that it does not compromise the integrity, safety or operation of HighSpeed1.
8	<p><b>Piling and Works Causing Vibration (Details)</b></p> <p>CONDITION: Prior to the commencement of any construction works, a Piling and Vibration Works Method Statement shall be submitted to and agreed in writing by the Local Planning Authority in consultation with HS1 and Thames Water. The Statement shall set out details of the plant and equipment proposed which are likely to give rise to vibration such as:</p> <ul style="list-style-type: none"> <li>a) pile driving</li> <li>b) demolition and</li> <li>c) vibro-compaction of the ground</li> <li>d) together with predicted vibration levels.</li> </ul> <p>Activities likely to cause vibration in the vicinity of HighSpeed1 infrastructure such that a peak particle velocity (PPV) of 5mm/s may be exceeded at the railway boundary will be subject to agreement in advance.</p> <p>Construction activity shall then be carried out in strict compliance with the approved details unless otherwise agreed in writing by the Local Planning Authority in consultation with HS1 and Thames Water.</p> <p>REASON: To ensure that piling and any other works causing vibration are carried out in a manner which does not prejudice safety, operation and structural integrity of HighSpeed1, or cause harm to below ground sewer and water infrastructure assets owned and managed by Thames Water, which pass through the site.</p>
9	<p><b>Final Site Layout (Details)</b></p> <p>CONDITION: Prior to the commencement of any construction works a final site layout plan showing proximity of the development and its services to HighSpeed1 infrastructure shall be submitted to and agreed in writing by the Local Planning Authority in consultation with HS1. Construction activity shall then be carried out in strict compliance with the approved details unless otherwise agreed in writing by the Local Planning Authority in consultation with HS1.</p> <p>REASON: In order to ensure that the development does not compromise the integrity, safety or operation of HighSpeed1.</p>
10	<p><b>Site Access &amp; Vehicular Movements (Details)</b></p> <p>CONDITION: No development (including demolition works) shall take place until details of the demolition and construction phase vehicle access and circulation have been submitted to and agreed in writing by the Local Planning Authority in consultation with HS1. Where vehicle movements are close to HighSpeed1 infrastructure vehicle containment may be required. The details shall include but not be limited to:</p> <ul style="list-style-type: none"> <li>i. site access</li> </ul>

	<ul style="list-style-type: none"> <li>ii. onsite vehicle routes and movements</li> <li>iii. types of vehicles</li> <li>iv. number and frequency of such movements</li> <li>v. vehicle containment to be provided to protect HighSpeed1 against the risk of vehicle incursion (buffer zone).</li> </ul> <p>Vehicle circulation shall then be carried out strictly in accordance with the approved details unless agreed in writing by the Local Planning Authority in consultation with HS1.</p> <p>REASON: In order to ensure that vehicular movement related to development works would not compromise the integrity, safety or operation of HighSpeed1.</p>
11	<p><b>Temporary Errant Vehicle Protection (Details)</b></p> <p>CONDITION: Prior to the start of works, details of temporary errant vehicle protection measures during the construction phase shall be submitted in writing and approved by the Local Planning Authority in consultation with HS1.</p> <p>This errant vehicle protection shall be provided prior to start of the works and retained until permanent barriers, if required, are in place.</p> <p>REASON: In order to ensure that vehicular movement related to development works would not compromise the integrity, safety or operation of HighSpeed1. This is because vehicle incursion is one of the biggest risks facing railways and this risk is amplified for high speed lines. CTRL was designed with adequate protection for existing road layouts and vehicle movements but does not necessarily provide protection for new developments. The level of containment depends upon speed, weight and type of vehicle, and on angle of incidence.</p>
12	<p><b>Excavations (Details)</b></p> <p>CONDITION: Prior to the commencement of any construction works, engineering details of the size, depth and proximity to HighSpeed1 of any excavations shall be submitted to and approved in writing by the Local Planning Authority in consultation with HS1.</p> <p>Excavations shall then be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority in consultation with HS1.</p> <p>If the excavation is within the zone of influence of HighSpeed1 infrastructure an engineering design will be required from the developer for approval in advance of excavation.</p> <p>REASON: In order to ensure that excavation works would not compromise the integrity, safety or operation of HighSpeed1.</p>
13	<p><b>Imposed Loads (Details)</b></p> <p>CONDITION: Prior to the commencement of any construction works, details of the size, loading and proximity to HighSpeed1 of additional ground loads, such as stockpiles, shall be submitted to and agreed in writing by the Local Planning</p>

	<p>Authority in consultation with HS1. Works shall be carried out in strict accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority in consultation with HS1.</p> <p>If any additional ground load is proposed within the zone of influence of HighSpeed1 infrastructure an engineering design will be required from the developer for approval in advance of excavation.</p> <p>REASON: In order to ensure that the stability of HighSpeed1 tunnels, structures, track and other infrastructure are not prejudiced.</p>
14	<p><b>Storage of Hazardous Materials (Details)</b></p> <p>CONDITION: Details of the materials and arrangements for the storage of combustible gases or hazardous materials within 200m of HighSpeed1 infrastructure shall be submitted to and approved in writing by the Local Planning Authority in consultation with HS1.</p> <p>No such materials shall be introduced to the site without the prior approval of the Local Planning Authority in consultation with HS1.</p> <p>REASON: In order to ensure that development works would not compromise the integrity, safety or operation of HighSpeed1.</p>
15	<p><b>Construction Phase Car Parking (Details)</b></p> <p>CONDITION: Details of construction phase vehicle parking locations shall be submitted to and approved in writing by the Local Planning Authority in consultation with HS1.</p> <p>No parking shall take place other than in the approved locations without the prior written agreement of the Local Planning Authority in consultation with HS1.</p> <p>REASON: In order to ensure a clear access route is maintained for Network Rail (High Speed) maintenance teams.</p>
16	<p><b>Planting Near to HighSpeed1 (Details)</b></p> <p>CONDITION: The planting near to HighSpeed1 shall be designed and specified to minimise the risk of trespass and vandalism. Details of the planting shall be submitted to and approved in writing by the Local Planning Authority in consultation with HighSpeed1.</p> <p>Any planting within 3m of the HighSpeed1 boundary fence shall be designed to allow for access of plant and machinery for maintenance of that fence and any other HighSpeed1 assets.</p> <p>Unless otherwise agreed in writing with the Local Planning Authority in consultation with HS1, the planting shall be implemented and maintained in accordance with the approved details prior to the first occupation of the site.</p> <p>REASON: To permit access for maintenance purposes to the HighSpeed1 boundary fence. To prevent trespass and vandalism risk from trees which could</p>

	provide a climbing aid for unauthorised persons to scale the fence. To control incidences of reduced traction and braking force as a result of leaves on the line.
17	<b>Electromagnetic Compatibility (EMC) (Details)</b>
	<p>CONDITION: Prior to the commencement of any construction works an EMC Statement shall be submitted to and approved in writing by the Local Planning Authority in consultation with HS1. The statement shall indicate that the final design of the development is compatible with EMC regulations. Unless otherwise agreed in writing with the Local Planning Authority in consultation with HS1, the development shall be implemented in strict accordance with the approved details.</p> <p>REASON: In order to ensure that the development would not compromise the integrity, safety or operation of HighSpeed1.</p>
18	<b>Control of Maintenance Risk (Details)</b>
	<p>CONDITION: Prior to the commencement of any development works, proposals for those elements of maintenance of the development which could prejudice the safety, operation or maintenance of HighSpeed1 shall be submitted to and agreed in writing by the Local Planning Authority in consultation with HS1. The details shall include:</p> <p>Overloading of HS1 tunnels from maintenance vehicle (i.e. cranes).</p> <p>The development shall then be carried out only in accordance with the approved details unless the Local Planning Authority in consultation with HS1 has previously agreed in writing to any change.</p> <p>Reason: In order to manage the risk to the safety and operation of HighSpeed1 arising from maintenance of the development.</p>
19	<b>Sound Insulation and Noise Control Measures - External Noise (Details)</b>
	<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.</p> <p>The sound insulation and noise control measures shall achieve the following internal noise targets (in line with BS 8233:2014):</p> <p style="padding-left: 40px;">Bedrooms (23.00-07.00 hrs) 30 dB <math>L_{Aeq,8\text{ hour}}</math> and 45 dB <math>L_{Amax\text{ (fast)}}</math>  Living Rooms (07.00-23.00 hrs) 35 dB <math>L_{Aeq, 16\text{ hour}}</math>  Dining rooms (07.00 –23.00 hrs) 40 dB <math>L_{Aeq, 16\text{ hour}}</math></p> <p>The details shall include as built foundation and structural designs for the building.</p> <p>The sound insulation and noise control measures shall be carried out strictly in accordance with the details so approved, shall be fully 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</p>



	<p>written consent of the Local Planning Authority.</p> <p>REASON: In order to ensure that all new residential accommodation would provide an acceptable standard of amenity for future occupiers.</p>
20	<p><b>Anti-Vibration Measures (Details)</b></p> <p>CONDITION: Prior to the commencement of any construction works, a scheme for anti-vibration treatment of the foundations and services shall be submitted to and agreed in writing by the Local Planning Authority.</p> <p>The development shall be completed in strict accordance with the approved details and the approved anti-vibration measures shall be fully implemented prior to the first occupation of the development and maintained as such thereafter. The development shall achieve the following internal noise targets:</p> <p>Internal vibration levels shall not exceed the category of “low probability of adverse comment” in Table 7 of Appendix A of BS 6472:2008 and ground borne noise shall not exceed 35dB L<sub>Amax</sub>,Slow as measured in the centre of any residential room.</p> <p>REASON: In order to ensure that all new residential accommodation would provide an acceptable standard of amenity for future occupiers.</p>
21	<p><b>Mechanical Ventilation (Details)</b></p> <p>CONDITION: Details of the mechanical ventilation including suitable NO<sub>x</sub> filtration shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of any construction works. The development shall be completed in strict accordance with the approved details prior to the first occupation of the development and maintained as such thereafter.</p> <p>REASON: In order to ensure that all new residential accommodation would provide an acceptable standard of amenity for future occupiers.</p>
22	<p><b>CHP (Details)</b></p> <p>CONDITION: Full particulars and details of the CHP system, including the extract flue and dispersion modelling shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on site. The details of the CHP system shall be specified to include ultra low NO<sub>x</sub> CHP equipment. The details shall include:</p> <ul style="list-style-type: none"> <li>• The make and model of the system and details of the additional abatement technology that has been investigated for fitment to reduce air pollution emissions.</li> <li>• A life cycle analysis showing a net benefit to carbon emissions from the plant.</li> <li>• The type, height and location of the flue/chimney (including calculations details regarding the height of the flue/chimney).</li> <li>• Certification for use of the flue/chimney in a smoke control area.</li> </ul>

	<ul style="list-style-type: none"> <li>• Information on the fuel, fuel feed system, the fuel supply chain and the arrangements that have been investigated to secure fuel. Fuel usage shall be monitored for 3 years from the first operation of the plant. Details of fuel usage shall be forwarded to the Local Planning Authority annually, the first report to be forwarded 1 year after the commencement of operation of the plant.</li> <li>• A breakdown of emissions factors of nitrogen oxides (NOx), particulates and any other harmful emissions from the gas fired CHP and details of any mitigation measures to reduce emissions to an acceptable level.</li> <li>• An assessment of the impact of the emissions to ground level concentrations and any additional impact to surrounding buildings/ structure.</li> </ul> <p>The CHP system shall be installed strictly in accordance with the details so approved, shall be implemented and fully operational 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: The site is within an Air Quality Management Area where development is required to be designed to mitigate the impact of poor air quality to within acceptable limits.</p>
23	<p><b>Ground Contamination Investigation / Remediation (Details)</b></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 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 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, shall be submitted to and approved in writing of the Local Planning Authority in accordance with part b).</p> <p>REASON: In order to protect the health and amenity of future residential occupiers at the site.</p>

24	<p><b>Ground Floor of Building on Caledonian Road Frontage (Details)</b></p>
	<p>CONDITION: Notwithstanding the approved drawings listed under condition 2, no permission is given for the ground floor level street facing elevations of the building fronting Caledonian Road hereby approved. Prior to the commencement of any construction works, revised elevation and section drawings for this building, to a scale of not less than 1:50, shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The development shall be carried out strictly in accordance with the drawings 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: To ensure that the resulting appearance and construction of the development is of a high standard and would adequately preserve the special historic character of the Barnsbury Conservation Area.</p>
25	<p><b>Roof-level structures (Details)</b></p>
	<p>CONDITION: Details of any roof-level structures (including lift over-runs, flues/extracts, plant, photovoltaic panels and window cleaning apparatus) shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing. The details shall include a justification for the height and size of the roof-level structures, their location, height above roof level, specifications and cladding.</p> <p>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. No roof-level structures shall be installed other than those approved.</p> <p>REASON: In the interests of good design and also to ensure that the Local Planning Authority may be satisfied that any roof-level structures do not have a harmful impact on the surrounding area.</p>
26	<p><b>Inclusive Design (Details)</b></p>
	<p>CONDITION: Notwithstanding the approved drawings listed under condition 2, the residential units shall be constructed to the standards for flexible homes in Islington (as set out in the Inclusive Design in Islington SPD) and shall incorporate 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"> <li>a) Plans (and if necessary elevations) to scale 1:50;</li> <li>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;</li> <li>c) Details (including plans) of provision for mobility scooter storage.</li> </ul> <p>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</p>

	<p>consent of the Local Planning Authority.</p> <p>REASON: To secure the provision of flexible, visitable and adaptable homes appropriate to diverse and changing needs and to ensure the development is of an inclusive design in accordance with policy 7.2 of the London Plan 2011, policy CS12 of Islington's Core Strategy 2011, and and policies DM2.2 and DM3.4 of Islington's Development Management Policies 2013.</p>
27	<p><b>Security &amp; General Lighting (Details)</b></p> <p>CONDITION: Notwithstanding the approved drawings listed under condition 2, details of general or security outdoor lighting (including full specification of all luminaries, lamps and support structures) shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on site.</p> <p>The development shall be carried out strictly in accordance with the details so approved prior to the first occupation of the development hereby approved and 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 good design, security and protecting neighbouring and future residential amenity and existing and future habitats from undue light-spill.</p>
28	<p><b>Sustainable Urban Drainage (Details)</b></p> <p>CONDITION: Details of a drainage strategy for a sustainable urban drainage system (SUDS) 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 based on an assessment of the potential for disposing of surface water by means of appropriate sustainable drainage systems in accordance with the drainage hierarchy and be designed to maximise water quality, amenity and biodiversity benefits in line with the requirements of Islington Development Management Policy DM6.6 (Flood prevention). 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 a minimum achieve a post development run off rate of 50L/sec/ha, unless justification for a higher runoff rate is provided to the satisfaction of the Local Planning Authority.</p> <p>The SUDS scheme shall include provision for rainwater harvesting and re-use details of which shall be agreed in writing prior to the commencement of any superstructure works. The agreed rainwater harvesting system shall be fully implemented and operational prior to the first occupation of the development and maintained as such thereafter.</p> <p>The SUDS shall be fully installed in strict accordance with the approved details, operational prior to the first occupation of the development and maintained as such thereafter.</p> <p>REASON: In order to ensure that sustainable management of water and flood</p>

	prevention.
29	<b>Landscaping (Details)</b>
	<p>CONDITION: Details of 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> <ul style="list-style-type: none"> <li>• Proposed trees, including their location, species, size, and confirmation that existing and proposed underground services would not intrude into root protection areas;</li> <li>• Soft planting, including details of any grass and turf areas, shrub and herbaceous areas;</li> <li>• Vertical planting on elevations of buildings;</li> <li>• Planting on green / brown roofs;</li> <li>• Topographical survey, including details of any earthworks, ground finishes, any topsoiling with both conserved and imported topsoil(s), levels, drainage and fall in drain types;</li> <li>• Boundary treatments, enclosures, including types, dimensions and treatments of any walls, fences, screen walls, barriers, rails, retaining walls and hedges;</li> <li>• Hard landscaping, including ground surfaces, kerbs, edges, ridge and flexible pavings, unit paving, furniture, steps and synthetic surfaces;</li> <li>• Confirmation that all areas of hard landscaping, together with the communal amenity and playspace areas have been designed in accordance with Islington’s Inclusive Landscape Design SPD or Islington’s successor SPD or policy;</li> <li>• Details of how the landscaping scheme includes and integrates measures to enhance biodiversity and sustainable urban drainage solutions and has been designed in accordance with Development Management Policy DM6.6 and London Plan policy 5.13;</li> <li>• A Landscaping Management Plan describing how the landscaping would be maintained and managed following implementation;</li> <li>• Any other landscaping feature(s) forming part of the scheme.</li> </ul> <p>All landscaping so approved 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 maintenance/watering provision following planting and any trees or shrubs which die, become severely damaged or diseased shall be replaced with the same species or an approved alternative and 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 (including the Landscape Management Plan) so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interests of sustainability, to ensure the development provides the maximum possible provision towards creation of habitats and valuable</p>

	areas for biodiversity, to ensure the development is of an inclusive design, and to ensure that a satisfactory standard of visual amenity is provided.
30	<b>Woodland Management Plan (Details)</b>
	<p>CONDITION: Details of a woodland management plan shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The woodland management plan shall be prepared by a qualified and experienced arboricultural consultant and shall include the following elements:</p> <ul style="list-style-type: none"> <li>a) A statement of the overall design vision for the woodland and for individual trees retained as part of the development - including amenity classification, nature conservation value and accessibility.</li> <li>b) Type and frequency of management operations to achieve and sustain canopy, understorey and ground cover, and to provide reinstatement including planting where tree loss or vandalism occurs.</li> <li>c) Frequency of safety inspections, which should be at least three yearly in areas of high risk, less often in lower risk areas</li> <li>d) Confirmation that the tree pruning work is carried out by suitably qualified and insured tree contractors to British Standard 3998 (2010).</li> <li>e) Special measures relating to Protected Species or habitats, e.g. intensive operations to avoid March - June nesting season or flowering period.</li> <li>f) Inspection for pests, vermin and diseases and proposed remedial measures.</li> <li>g) Recommendations relating to how trees within the immediate vicinity of properties or within private areas are to be protected, such that these are retained without the loss of their canopy or value as habitat.</li> <li>h) Confirmation of cyclical management plan assessments and revisions to evaluate the plan's success and identification of any proposed actions.</li> </ul> <p>REASON: In the interests of sustainability, to ensure the development provides the maximum possible provision towards creation of woodland habitats and valuable areas for biodiversity.</p>
31	<b>Playspaces (Details)</b>
	<p>CONDITION: Details of all playspaces, including drawings and specification of any proposed play equipment, shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site.</p> <p>The playspace shall be carried out strictly in accordance with the details so approved and provided prior to the first occupation of the development, shall be</p>

	<p>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 good design, enhancing biodiversity, safety and protecting residential amenity, and to ensure the development is of an inclusive design.</p>
32	<p><b>Cycle Parking (Details)</b></p> <p>CONDITION: Details of the layout, design and appearance of the bicycle storage areas shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing onsite. The storage shall be covered, secure and provide for no less than 306 cycle parking spaces.</p> <p>The bicycle storage areas shall be provided strictly in accordance with the details so approved and installed prior to the first occupation of the development, 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.</p>
33	<p><b>Delivery and Servicing Management Plan (and Waste Management Plan)</b></p> <p>CONDITION: A Delivery and Servicing Management Plan (DSMP), including a Waste Management Plan (WSP), shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development.</p> <p>The DSMP shall include details of all servicing and delivery requirements, including details of how waste (including recyclable waste) would be transferred and collected, and shall confirm the timings of all deliveries and collections from service vehicles.</p> <p>The development shall be occupied and operated strictly in accordance with the DSMP so approved.</p> <p>REASON: In the interests of residential amenity, highway safety and the free flow of traffic on streets, and to mitigate the impacts of the development.</p>
34	<p><b>Japanese Knotweed Removal Method Statement (Details)</b></p> <p>CONDITION: A Japanese Knotweed Removal Method Statement (JKRMS) shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site. The JKRMS shall include details of the method of removal / chemical treatment for each stand of Japanese Knotweed on site, including all vehicles, machinery and chemicals to be used, the routes for vehicles and operatives to access the stand and remove contaminated soil and vegetation, the protection measures (fencing, matting etc) used to protect surrounding trees and habitat, the dates outside of the bird breeding season when the work would be undertaken.</p> <p>The Japanese Knotweed removal shall be undertaken in strict accordance with the details so approved.</p>

	<p>REASON: In order to minimise the impact of works to remove Japanese Knotweed on existing trees and biodiversity at the site and to prevent the spread of the Japanese Knotweed beyond the site.</p>
35	<p><b>Tree Protection (Details)</b></p> <p>CONDITION: No site clearance, preparatory work or development shall take place until a scheme for the protection of all trees to be retained trees (the tree protection plan, TPP) and the appropriate working methods (the arboricultural method statement, AMS) in accordance with Clause 7 of British Standard BS 5837 2012 –Trees in Relation to Demolition, Design and Construction have been submitted to and approved in writing by the Local Planning Authority. The specific issues to be dealt with in the TPP and AMS shall include:</p> <ul style="list-style-type: none"> <li>a. Protection of trees during removal / treatment of Japanese Knotweed.</li> <li>b. Location and installation of services/ utilities/ drainage.</li> <li>c. Details of construction within the Root protection Area (RPA) or that may impact on the retained trees.</li> <li>d. Tree protection during construction indicated on a TPP and construction activities clearly identified as prohibited in this area.</li> <li>e. The RPA of retained trees not to be used for storage, welfare units or the mixing of materials.</li> <li>g. The method of protection for the retained trees.</li> </ul> <p>Development shall be carried out in strict accordance with the approved details.</p> <p>REASON: In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p>
36	<p><b>Energy/carbon dioxide reduction (Details)</b></p> <p>CONDITION: Prior to the commencement of any superstructure works details shall be submitted to and approved in writing by the Local Planning Authority illustrating how the development has been designed in a manner that would allow connection to potential DENs that may become available in this area in the future. The development shall then be undertaken in strict accordance with the details so approved and maintained as such unless agreed in writing by the Local Planning Authority.</p> <p>The proposed measures relevant to energy as set out in the approved Energy Strategy which shall together provide for no less than a 23% on-site total (regulated and unregulated) carbon dioxide reduction in comparison with total emissions from a building which complies with Building Regulations 2010 shall be installed and operational prior to the first occupation of the development and shall be maintained as such thereafter.</p> <p>Should, following further assessment, the approved energy measures be found</p>



	<p>to be no longer suitable, a revised energy strategy, which shall provide for no less than a 23% on-site total (regulated and unregulated) carbon dioxide reduction in comparison with total emissions from a building which complies with Building Regulations 2010, 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 then be undertaken in strict accordance with the details so approved and maintained as such unless agreed in writing by the Local Planning Authority.</p> <p>REASON: In the interests of sustainable development and to ensure that the Local Planning Authority may be satisfied that the carbon dioxide reduction target is met</p>
37	<p><b>Access into the Site from Caledonian Road (Details)</b></p>
	<p>CONDITION: Prior to the commencement of any superstructure works, full details of the vehicular, pedestrian and wheelchair access into the site from Caledonian Road including:</p> <ul style="list-style-type: none"> <li>a) the gradient of any slopes,</li> <li>b) steps,</li> <li>c) hand rails,</li> <li>d) lifts and</li> <li>e) paving materials,</li> </ul> <p>shall be submitted to and agreed in writing by the Local Planning Authority.</p> <p>The development shall be carried out strictly in accordance with the details so approved and 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 ordert to ensure that safe and inclusive access is provided.</p>
38	<p><b>Route Through Site to Carnoustie Drive (Details &amp; Compliance)</b></p>
	<p>CONDITION: Prior to the commencement of any superstructure works, full details of the pedestrian route through the site to Carnoustie Drive including:</p> <ul style="list-style-type: none"> <li>a) the gradient of any slopes,</li> <li>b) steps,</li> <li>c) hand rails, and</li> <li>d) materials,</li> </ul> <p>shall be submitted to and agreed in writing by the Local Planning Authority.</p> <p>The pedestrian route shall be completed in strict accordance with the details so approved, shall be open to the public prior to the first occupation of the site and 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>The pedestrian route to Carnoustie Drive shall be open to the public during</p>

	<p>daylight hours at all times.</p> <p>REASON: In order to ensure that safe and inclusive access is provided.</p>
39	<p><b>Managed Access Plan for the SINC (Details)</b></p> <p>CONDITION: A Managed Access Plan (MAP) detailing how access to the SINC would be organised and managed shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development.</p> <p>Managed access to the SINC area at the site shall be maintained in accordance with the details set out in the approved MAP at all times unless otherwise agreed in writing by the Local Planning Authority.</p> <p>REASON: In order to secure improved access to nature in accordance with the site allocation, the planning brief for the site and Core strategy policy CS15.</p>
40	<p><b>No pipes &amp; cables to outside of building (Compliance)</b></p> <p>CONDITION: Notwithstanding the plans hereby approved, no plumbing, down pipes, rainwater pipes, foul pipes, or cables other than those shown on the approved plans shall be located to the external elevations of buildings hereby approved without obtaining express planning consent unless submitted to and approved in writing by the local planning authority as part of discharging this condition.</p> <p>REASON: The Local Planning Authority considers that such plumbing, pipes and cables would potentially detract from the appearance of the building and undermine the current assessment of the application.</p>
41	<p><b>Code for Sustainable Homes (Compliance)</b></p> <p>CONDITION: The residential units hereby approved shall achieve a Code for 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>
42	<p><b>BREEAM (compliance)</b></p> <p>CONDITION: The commercial unit hereby approved shall achieve a BREEAM New Construction rating (2011) of no less than 'very good'.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development.</p>
43	<p><b>Refuse/Recycling Provided (Compliance)</b></p> <p>CONDITION: The dedicated refuse / recycling enclosure(s) shown on the approved plans shall be provided prior to the first occupation of the development hereby approved and shall be maintained as such thereafter.</p> <p>REASON: To secure the necessary physical waste enclosures to support the development and to ensure that responsible waste management practices are</p>

	adhered to.
44	<b>Plant Noise (Compliance)</b>
	<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 5dB(A) below the background noise level LAF90 Tbg. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 1997.</p> <p>REASON: To ensure that an appropriate standard of residential accommodation is provided.</p>
45	<b>Green/Brown Biodiversity Roofs (Compliance)</b>
	<p>CONDITION: All green/brown roofs shown across the approved development shall be designed, installed and maintained in a manner that meets the following criteria:</p> <ul style="list-style-type: none"> <li>a) green/brown roofs shall be biodiversity based with extensive substrate base (depth 120 -150mm);</li> <li>b) laid out in accordance with plans hereby approved; and</li> <li>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).</li> </ul> <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 accessed for the purpose of essential maintenance or repair, or escape in case of emergency.</p> <p>The biodiversity roofs shall be installed strictly in accordance with the details as approved, shall be laid out within 3 months or the next available appropriate planting season after completion of the external development works / first occupation, and shall be maintained as such thereafter.</p> <p>REASON: In order to ensure the development maximises opportunities to help boost biodiversity and minimise run-off.</p>
46	<b>Window &amp; Door Reveals (Compliance)</b>
	<p>CONDITION: All windows and doors shall be set within reveals no less than 100mm deep unless otherwise agreed in writing by the Local Planning Authority.</p> <p>REASON: To ensure that the resulting appearance and construction of the development is to a high standard, to ensure sufficient articulation in the elevations</p>
47	<b>No Gates (Compliance)</b>
	<p>CONDITION: No gates shall be installed at the main entrance to the site from Caledonian Road or anywhere along the access road / internal street, without the</p>

	<p>prior written consent of the Local Planning Authority. Notwithstanding the provisions under Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 the erection, construction, improvement or alteration of a gate, fence, wall or other means of enclosure within the site shall not be carried out without express planning permission.</p> <p>REASON: To ensure that the Local Planning Authority has control over future development relating to means of enclosure in view of the limited space within the site available for such development, to ensure that the resulting appearance and construction of the development is to a high standard, to ensure neighbourhood permeability is improved, to ensure public access is provided to amenity resource within the site.</p>
48	<p><b>Wheelchair Accessible Units (Compliance)</b></p> <p>CONDITION: The wheelchair-accessible/adaptable flats, in accordance with the plans hereby approved, shall be provided prior to the first occupation of the development, 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: To ensure the provision of an appropriate number of wheelchair-accessible/adaptable flats and to ensure the development is of an inclusive design.</p>
49	<p><b>Accessible Parking Bays (Compliance)</b></p> <p>CONDITION: The 15 wheelchair accessible disabled parking bays, as shown on the approved drawings listed in condition 2, shall be provided and marked out as approved prior to the first occupation of the development and maintained as such thereafter.</p> <p>The 15 wheelchair accessible disabled parking bays shall only be used for parking by blue badge holders.</p> <p>REASON: To ensure adequate provision of parking for residents with disabilities and to ensure that the development is otherwise car free.</p>
50	<p><b>Water Consumption (Compliance)</b></p> <p>CONDITION: The development hereby approved shall be designed to achieve a water use target of no more than 95 litres per person per day, including by incorporating water efficient fixtures and fittings.</p> <p>The above water use target shall apply to all tenures within the development hereby approved.</p> <p>REASON: To ensure the sustainable use of water</p>

**List of Informatives:**

1	<p><b>S106</b></p> <p>SECTION 106 AGREEMENT 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	<p><b>Superstructure</b></p> <p>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	<p><b>Community Infrastructure Levy (CIL) (Granting Consent)</b></p> <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 <a href="mailto:cil@islington.gov.uk">cil@islington.gov.uk</a>. 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: <a href="http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil">www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</a></p> <p><b>Pre-Commencement Conditions:</b> These conditions are identified with an 'asterix' * in front of the short description. These conditions are important from a CIL liability perspective as a scheme will not become CIL liable until all of these unidentified pre-commencement conditions have been discharged.</p>
4	<p><b>Roller Shutters</b></p> <p>ROLLER SHUTTERS The scheme hereby approved does not suggest the installation of external rollershutters to any entrances or ground floor glazed shopfronts. The applicant is advised that the council would consider the installation of external rollershutters to be a material alteration to the scheme and therefore constitute development. Should external rollershutters be proposed a new planning application must be submitted for the council's formal consideration.</p>
5	<p><b>Car-Free Development</b></p> <p>INFORMATIVE: (Car-Free Development) All new developments are car free in</p>

	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, or other exemption under the Council Parking Policy Statement.
6	<b>Water Infrastructure</b>
	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 Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
7	<b>Working in a Positive and Proactive Way</b>
	<p>To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, all of which are available on the Council's website.</p> <p>A pre-application advice service is also offered and encouraged.</p> <p>The LPA and the applicant have worked positively and proactively in a collaborative manner through both the pre-application and the application stages to deliver an acceptable development in accordance with the requirements of the NPPF</p> <p>The LPA delivered the decision in a timely manner in accordance with the requirements of the NPPF.</p>
8	<b>Materials</b>
	INFORMATIVE: In addition to compliance with condition 3, 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.
9	<b>Protective Provisions Agreement (HighSpeed1)</b>
	The nature and scale of the proposed development is such that detailed discussions, agreements and indemnities are required in respect of the design, construction and future maintenance of the development in order to protect HighSpeed1. Therefore, the developer is expected to enter into a PPA with HS1. This is a legal agreement between HS1 and the developer covering safeguards, processes, responsibilities and cost recovery.
10	<b>Rights of Access (HighSpeed1)</b>
	HS1 requires access to operate and maintain the HighSpeed1 railway, including in emergency. This right is normally contained in the sale/transfer of land agreement. Therefore, the applicant is reminded that HS1 has the right to access the maintenance area west of 351 Caledonian Road including parking space for 2 maintenance vehicles.
11	<b>Maintenance Strip (HighSpeed1)</b>
	The applicant is reminded that a 3m wide maintenance strip exists alongside

	<p>the HighSpeed1 fence. No development or planting should take place within this strip. Access to this strip is required across the site from Caledonian Road. The maintenance strip has been specifically provided to allow for safe and adequate maintenance of HighSpeed1 and is allowed for in the sale/transfer of land agreement.</p>
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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.

### **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 2.9 Inner London

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 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 3.15 Coordination of housing development and investment

Policy 3.16 Protection and enhancement of social infrastructure

### **4 London's economy**

Policy 4.1 Developing London's economy

Policy 4.8 Supporting a successful and diverse retail sector

Policy 4.9 Small shops

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 construction

Policy 5.4 Retrofitting

Policy 5.5 Decentralised energy networks

Policy 5.6 Decentralised energy in development proposals

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

### **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 6.5 Funding Crossrail and other strategically important transport infrastructure

Policy 6.7 Better streets and surface transport

Policy 6.9 Cycling

Policy 6.10 Walking

Policy 6.11 Smoothing traffic flow and tackling congestion

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 7.7 Location and design of tall and large buildings
- Policy 7.8 Heritage assets and archaeology
- 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

## **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 CS6 (King's Cross)
- 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 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

### **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)

### **Shops, culture and services**

- DM4.1** Maintaining and promoting small and independent shops
- DM4.8** Shopfronts

### **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
- DM6.6** Flood prevention

### **Energy and Environmental Standards**

- DM7.1** Sustainable design and construction statements
- DM7.2** Energy efficiency and carbon reduction in minor schemes
- 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
- DM8.4** Walking and cycling
- DM8.5** Vehicle parking
- DM8.6** Delivery and servicing for new developments

### **Infrastructure**

- DM9.1** Infrastructure
- DM9.2** Planning obligations
- DM9.3** Implementation

## **D) Site Allocations June 2013**

Site Allocation - KC5

### **3. Planning Advice Note/Planning Brief**

A Planning Brief for the Gifford Street Railway Embankment and 351 Caledonian Road was published in October 2012. The key aims of the Planning Brief are:

- to secure the provision of housing including the maximum amount of affordable housing and a good mix of housing size;
- to reprovide any SINC land used by the development;

- to enhance the biodiversity at the site;
- to provide increased public access to nature;
- to provide a new public pedestrian route through the site;
- to provide enhanced interaction with the street and townscape to the south of the site (Carnoustie Drive); and
- to reprovide a building at the site frontage on Caledonian Road.

#### **4. 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:

- Copenhagen Junction SINC - Borough Grade 1
- Site Allocation KC5
- Gifford Street Embankment & 351 Caledonian Rd Planning Brief
- Barnsbury Conservation Area
- Local View from Archway Road to St. Paul's Cathedral (LV4)
- Local View from Archway Bridge to St. Paul's Cathedral (LV5)
- Channel Tunnel Railway Safeguarding Area (RS3)
- Kings Cross Special Policy Area

#### **5. 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
- Cally Plan

##### **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



# ISLINGTON



## DEVELOPMENT MANAGEMENT

PLANNING APPLICATION REF NO: P2014/0609/FUL

LOCATION: 351 CALEDONIAN ROAD & GIFFORD STREET  
RAILWAY EMBANKMENT, LONDON N1 1DW

SCALE: 1:3000

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Islington Council, LA086452

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### PLANNING COMMITTEE REPORT

<b>PLANNING COMMITTEE</b>		
Date:	16 December 2014	NON-EXEMPT

Application number	P2014/2131/FUL
Application type	Full Planning Permission
Ward	St Peter's
Listed building	n/a
Conservation area	n/a
Development Plan Context	Site allocation BC10 Bunhill and Clerkenwell key area Duncan Terrace / Colebrooke Row Conservation Area (adjacent) Regent's Canal (East) Site of Importance for Nature Conservation – Metropolitan Importance (adjacent)
Licensing Implications	n/a
Site Address	37-47 Wharf Road, London, N1 7SA
Proposal	Demolition of existing buildings and residential redevelopment of the site to provide 98 dwellings (18x 1-bedroom, 50x 2-bedroom, 24x 3-bedroom and 6x 4-bedroom units) in a part 2-, part 8-storey building, together with cycle parking and amenity spaces.  Note: amendments were made during the life of the application – 99 residential units were initially proposed.

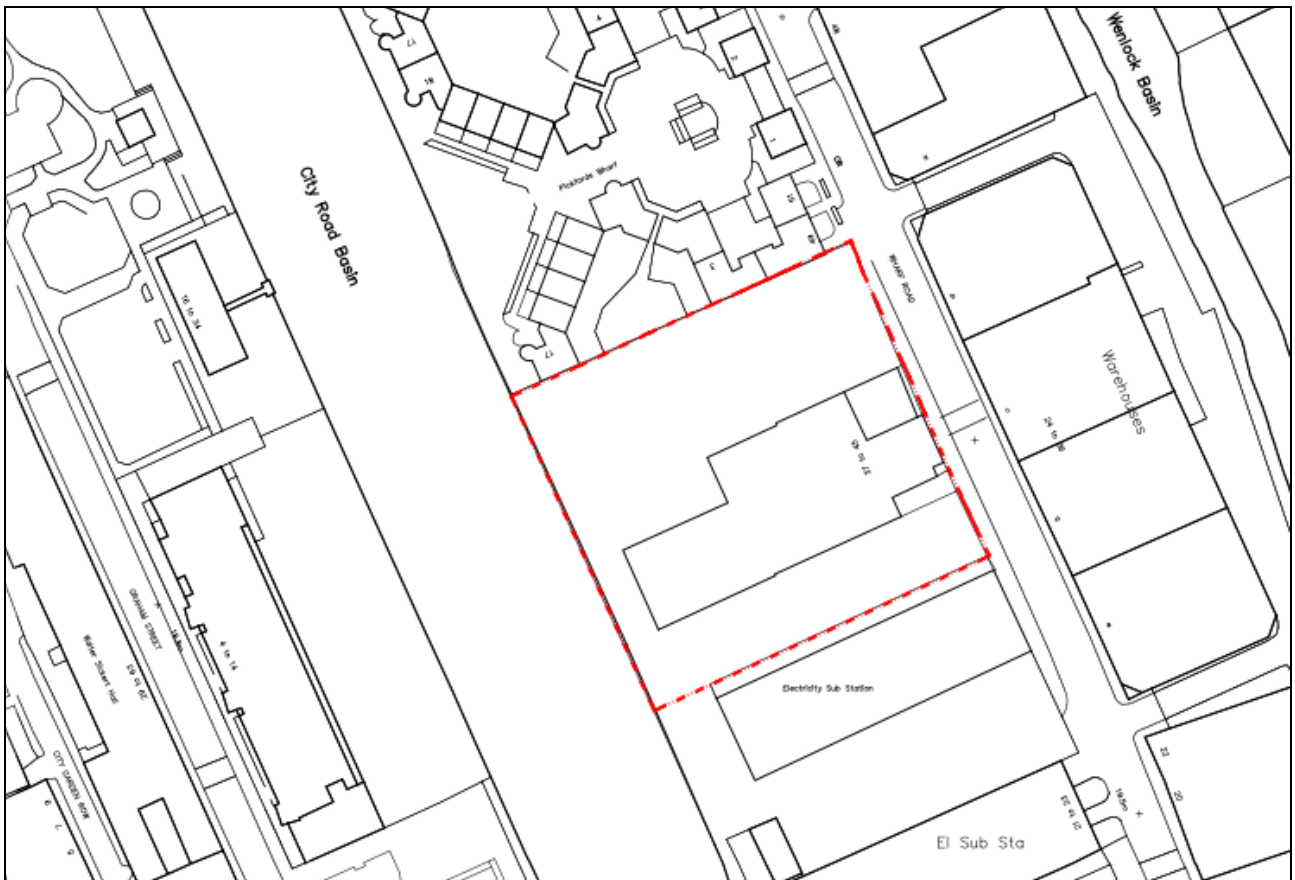
Case Officer	Victor Grayson
Applicant	Family Mosaic
Agent	CMA Planning

## RECOMMENDATION

The Committee is asked to resolve to GRANT planning permission:

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;

## SITE PLAN (site outlined in red)





**PHOTOS OF SITE/STREET**



Photograph 1: Aerial view of site and surroundings





Photograph 2: Aerial view of site and surroundings



Photograph 3: View from west bank of City Road Basin.



Photograph 4: View from Wharf Road, with 49 Wharf Road in the foreground, the nearest electricity substation at the centre, and the Canaletto and Lexicon developments under construction in the background.



Photographs 5 and 6: Views illustrating the site's relationship with Pickfords Wharf and 49 Wharf Road.

## **1.0 SUMMARY**

- 1.1 The site at 37-47 Wharf Road is under-used and its buildings and boundary treatments are in a poor condition. The site is partly owned by the Canal and River Trust, and partly by LB Islington. The site is surrounded by low-rise residential development to the north, taller buildings (some existing, some under construction) to the east and south, and the City Road Basin to the west.
- 1.2 Site allocation BC10 allocates the site for residential development. The site is within the Bunhill and Clerkenwell key area. The adjacent waters of the basin are part of the Regent's Canal (East) Site of Importance for Nature Conservation (Metropolitan Importance), and are within the Duncan Terrace / Colebrooke Row Conservation Area.
- 1.3 The applicant proposes a two- to eight-storey development in an E-shaped building comprising a continuous block along the site's Wharf Road frontage, and three wings set perpendicular to the City Road Basin. The development would be entirely residential, providing 98 units in a range of sizes. An affordable housing provision of 78.9% (based on habitable rooms) is proposed, split 86.7% / 13.3% social rent/shared ownership.
- 1.4 Redevelopment of the site is welcomed in principle, and the application has been considered with regard to the National Planning Policy Framework (NPPF) and its presumption in favour of sustainable development.
- 1.5 The proposal is considered acceptable in terms of land use, conservation, neighbour amenity, the quality of the proposed residential accommodation, dwelling mix, affordable housing and financial viability, trees and landscaping, transportation and servicing, sustainability and energy, subject to conditions and to an appropriate Section 106 (S106) agreement, the Heads of Terms of which have been agreed with the applicant. The main shortcomings of the proposed development relate to design and inclusive design. These and other matters are outweighed by the benefits of the proposed development, are minor in nature, or can be addressed through a S106 agreement, conditions and amended plans requested from the applicant.
- 1.6 It is recommended that planning permission be granted.

## **2.0 SITE AND SURROUNDINGS**

- 2.1 The 0.47 hectare site has a regular, almost square shape, and a street frontage of approximately 65 metres. The site includes part of the canal edge on the east side of City Road Basin. The site's existing warehouse and industrial buildings cover approximately half the site, and are one and two storeys in height. Existing boundary treatments are of timber, brick and metal, some with barbed and razor wire above. These and the site's existing buildings are in a poor condition.
- 2.2 37-47 Wharf Road is flanked by a residential development (Pickfords Wharf, including 49 and 51 Wharf Road) to the north and a major electricity substation site (comprising a UKPN substation and a National Grid substation) to the south, and there are residential and commercial uses on the opposite side of the City Road



Basin to the west. To the east, on the other side of the street and within LB Hackney, is 18-42 Wharf Road, where a part six-, part 10-storey development (“City Wharf”) is currently being constructed, to provide 327 residential units and 7,871 sqm of offices (LB Hackney ref: 2008/1753, granted 08/09/2010). Further to the south, beyond the substations, are Aquarelle House and Papyrus House, which rise to 17 storeys and which are the first phase of the development at 259 City Road (the second phase, “The Canaletto”, is currently being constructed).

- 2.3 The Duncan Terrace/Colebrooke Row Conservation Area covers the waters of the canal basin immediately adjacent (to the west) of the site. In LB Hackney, the Regent’s Canal Conservation Area covers buildings on the opposite side of Wharf Road to the east. 16 and 44-48 Wharf Road are Grade II listed buildings.
- 2.4 Wharf Road is open to two-way traffic. Double yellow lines exist on the west (LB Islington’s) side of the street immediately outside the application site, and on-street parking bays exist on the opposite (east) side within LB Hackney, however these are currently suspended to facilitate construction work. The site has a PTAL rating of three, rising to four at its southeast corner. The site is served by several bus routes along City Road, and is within walking distance of Angel and Old Street tube stations. The site has six dropped kerbs along Wharf Road, although some of these appear not to have been used for some time. The canal edge has been identified as a Local Cycle Route at Appendix 6 of Islington’s Development Management Policies.
- 2.5 The site is the subject of Site allocation BC10. It is within the Bunhill and Clerkenwell key area (as defined by Core Strategy policy CS2 and illustrated by Maps 2.1 and 2.8, which also confirm the site is within an area appropriate for mixed use development). Policy BC2 of the Finsbury Local Plan (and the accompanying Figure 10) relates to the City Road Basin area, and confirms that improved pedestrian connections through and alongside the site are required. Appendix 2 of the Finsbury Local Plan identifies public space priority projects (13 and 14) at the City Road Basin waterfront and Wharf Road.

### **3.0 PROPOSAL (in Detail)**

- 3.1 The applicant proposes the demolition of the site’s existing buildings, and the erection of a two- to eight-storey E-shaped building, with its three wings facing the canal basin, and a continuous frontage (the “warehouse” block, identified as block A by the applicant) to Wharf Road. Block A would rise to seven storeys (with three “pop-ups” at seventh floor above), block E (nearest to the electricity substations) would rise to six storeys, block F (at the centre of the site) to four storeys, and block G (nearest to the site’s north boundary and Pickfords Wharf) to two and three storeys. Two courtyards would be provided between the three wings, and these would open onto the canal edge.
- 3.2 The development would be entirely residential, with associated cycle parking, bin stores and amenity spaces. 98 units would be provided in the following unit size mix:
  - 64 social rent units (4x 1-bedroom, 40x 2-bedroom, 14x 3-bedroom and 6x 4-bedroom units)

- 15 shared ownership units (9x 1-bedroom and 6x 2-bedroom units)
- 19 private units (5x 1-bedroom, 4x 2-bedroom and 10x 3-bedroom units)

- 3.3 79 of the units would be affordable, equivalent to 78.9% based on habitable rooms or 80.6% based on units. Within the affordable provision, an 86.7% / 13.3% social rent/shared ownership split is proposed.
- 3.4 The proposed residential units would be provided in a mix of single-storey, duplex and triplex units, and a terrace of 5x 3-storey houses are proposed in block G.
- 3.5 A total of 10 of the 98 units would be wheelchair-accessible or adaptable. These would comprise 8x social rent units, 1x shared ownership unit and 1x private sale unit.
- 3.6 No vehicular entrances into the site are proposed. Servicing would be carried out from Wharf Road, with on-street pick-up areas proposed outside the two ground floor bin stores. The development would be car-free, however four accessible on-street parking bays are also proposed. 206 cycle parking spaces are proposed in five stores at ground floor level to the rear of block A.
- 3.7 1,201sqm of new public realm (provided in the two courtyards between the development's three wings) are proposed, as is public access between Wharf Road and the basin.
- 3.8 The proposed development has been designed to achieve Code for Sustainable Homes level 4. The applicant's preferred energy strategy would achieve a saving in total CO<sub>2</sub> emissions of over 27% (compared with a development that complies with the 2013 Building Regulations).

### **Revision 1**

- 3.9 The amendments received on 06, 07 and 22/10/2014 removed one shared ownership unit from the ground floor of block F, added one "pop-up" at seventh floor level, included amendments intended to address concerns relating to inclusive design, and set out revised landscaping proposals. Other more minor amendments were also made.

## **4.0 RELEVANT HISTORY**

### **Planning Applications**

- 4.1 09/02/2010 – Planning permission was granted (ref: P092440) for the installation of 10 portable units, stacked double over ground and first floors.

### **Enforcement**

- 4.2 No cases relevant to this site.

### **Pre-application Advice**

4.3 The council issued a pre-application advice letter on 19/12/2012, when a 97-unit scheme was proposed. The main points included in that advice were:

- Principle of development – Residential development at the site is acceptable and is in accordance with site allocation BC10. Employment use(s) need not be provided.
- Affordable housing – Proposed provision of 80% noted. Application would still need to be supported by a detailed financial viability appraisal.
- Design – Proposed heights of three to seven storeys considered acceptable. E-shaped building, reflecting past development surrounding the basin, is acceptable, subject to assessment of relationship with Pickfords Wharf. Route(s) from Wharf Road to the basin need to be legible and inviting.
- Unit size mix – Within the proposed social rent element, the unit size mix (19x 2-bedroom, 13x 3-bedroom and 11x 4-bedroom units) is acceptable.
- Residential quality – Electromagnetic impacts would need to be assessed. Unit and room sizes must meet current policy. Dual aspect units must be provided. Amenity space is required in accordance with current policy. Units must receive adequate natural light.
- Neighbour amenity – Daylight and sunlight, privacy and outlook impacts will need to be addressed in the application documents.
- Inclusive design – 10% of residential units must be wheelchair accessible. Relevant guidance referred to.
- Highways and transportation – Development would be car-free in accordance with policy. Accessible parking spaces would be required. Transport impacts must be addressed in the application documents. A Full Travel Plan is required. Cycle parking, and refuse and recycling facilities are required. Reinstatement of footways and highways adjacent to the site would need to be addressed in a S106 agreement.
- Energy and sustainability – Energy assessment required, addressing policy requirements for CO<sub>2</sub> saving. Connection to Bunhill Heat and Power Network should be explored. Carbon offsetting required. Green Performance Plan required. Development would need to achieve Code for Sustainable Homes level 4. Details of sustainable urban drainage, rainwater and greywater recycling, water use and sustainable materials required.
- Open space, trees, landscaping and biodiversity – Site is within one of the highest priority areas for increasing provision of public open space. There is potential for a significant amount of public open space to be provided at the site. Landscaping would need to be co-ordinated with and compliment the public realm improvements recently implemented around the basin. Living/green roofs are required. Site is adjacent to a Site of Nature Conservation Interest, and impacts upon this site will need to be addressed in the application documents.
- Section 106 and Community Infrastructure Levy (CIL) – S106 agreement will be necessary. Mayoral CIL applies. An initial list of Heads of Terms was sent to the applicant team at application stage on 18/08/2014.
- Consultation – Local residents should be consulted before an application is submitted.

## **Planning Performance Agreement**

4.4 A Planning Performance Agreement was entered into on 01/08/2014.

## **5.0 CONSULTATION**

### **Public Consultation**

5.1 Letters were sent to occupants of 893 adjoining and nearby properties at Baldwin Terrace, Burgh Street, City Road, Danbury Street, Graham Street, Grand Junction Wharf, Hanover Yard, Micawber Street, Noel Road, Pickfords Wharf, St Peter's Street and Wharf Road. A site notice and press advert were displayed on 10/07/2014 and 03/09/2014. The public consultation of the application therefore expired on 24/09/2014, however it is the council's practice to continue to consider representations made up until the date of a decision. A total of three responses were received from the public with regard to the application following the council's consultation. The issues raised can be summarised as follows (paragraph numbers indicate where these issues have been addressed in this report):

- Development is too close to 49A Wharf Road and front bedroom of this neighbouring property. Objection to bin store location, day or night use next to adjacent bedroom, and smell from bins in summer [7.78 and 7.159].
- Construction work could damage adjacent property [7.168].
- Test piling at 37-47 Wharf Road caused noise and vibration [7.77].
- Wharf Road is narrow and proposed on-street parking bays could cause accidents [7.149].
- This and other nearby development is significantly increasing local populations without development of infrastructure to support this. Pedestrian access along basin and Wharf Road is lacking. There is little activity provision for local young people, and permanent and improved provision needs to be secured by condition. Community facilities are required, including a meeting space, medical centre, chemist, dentist and local shop. Support for community projects and events should be secured. Better access across City Road should be encouraged, bus stops should be relocated, and commercial and public amenities either side of City Road should be planned to complement each other [7.170].
- Skyscape of the basin area is being altered significantly. Block A would be too high and would risk "canyonising" Wharf Road [7.14 to 7.15].
- Light pollution is a problem around the basin. Any external communal lighting needs to be placed low, directed to the ground, and switched off when not needed [7.130].
- Broadly approve of proposed form [7.14].
- Disagree with applicant's statement that local public were consulted in advance. No resident of Angel Waterside received invitations to the exhibition [7.169].

5.2 No reconsultation of the occupants of surrounding properties was considered necessary following the receipt of amended drawings and documents on 06, 07 and



22/10/2014, as the amendments would have negligible impacts on neighbouring amenity or were alterations affecting the internal arrangement of the scheme only.

### **External Consultees**

- 5.3 The Canal and River Trust, on 28/07/2014, raised no objection to the proposed development, and commented that the proposed design was acceptable and that the aim to provide views towards the basin for all flats was supported. Support also expressed for the two areas of landscaping, however areas of decking should be well maintained to avoid them becoming slippery, or finished with a non-slip material. The proposed planting species are supported, will promote biodiversity, and will not cause damage to the canal wall. The lighting proposals are attractive, but should avoid any light spill over the water to limit the impact on ecology. Informative should be applied regarding works consents from the Canal and River Trust.
- 5.4 The Environment Agency commented on 24/07/2014 that the site is located on a Secondary aquifer underlain by London Clay within Source Protection Zone 2, which is an area for public water supply. The applicant's submission identifies previous uses of the site which include potential contaminants that may pose unacceptable risks arising from contamination. Planning permission could be granted to if six planning conditions are applied. Without these conditions the proposed development poses an unacceptable risk to the environment and the Environment Agency would object to the proposal.
- 5.5 The London Fire and Emergency Planning Authority commented on 14/07/2014 that there should be fire brigade access to the perimeter of the buildings and sufficient hydrants and water mains in the vicinity. Sprinkler system recommended.
- 5.6 On 08/09/2014 London Underground Limited confirmed they wished to make no comment.
- 5.7 The Metropolitan Police (Designing our Crime Officer), commenting on 25/07/2014, requested a condition be applied relating to Secured By Design.
- 5.8 Natural England commented on 14/07/2014. No objection was expressed with regard to statutory nature conservation sites. The proposal is unlikely to affect any statutorily protected site or landscapes. Natural England's Standing Advice regarding protected species should be referred to. If the application site is on or adjacent to a protected local site, the local planning authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before determination. The proposed development may provide opportunities to incorporate features which are beneficial to wildlife, such as bat roosting features or bird nest boxes. The local planning authority should consider securing measures to enhance the biodiversity of the site. The proposed development may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment, use natural resources more sustainably, and bring benefits to the local community such as green space provision and access to and contact with nature.

- 5.9 Thames Water raised no objection on 25/07/2014 in relation to sewerage infrastructure capacity, but expressed a preference for all surface water to be disposed of on-site using sustainable urban drainage as per London Plan policy 5.13. Informative recommended regarding water pressure. Condition recommended regarding piling.

### **Internal Consultees**

- 5.10 The Design and Conservation Team Manager on 24/10/2014 and 28/11/2014 raised no objection to the overall site layout, bulk and mass as proposed. The proposed “pop-ups” are acceptable, subject to further detail being provided at conditions stage. The proposed concept of a warehouse character on Wharf Road with a distinct treatment at the rear is interesting, however details are needed. The Design Review Panel noted that the elevations to the canal did not appear special enough, and the proposed canal elevations are the one aspect of the development that let the scheme down. Constraints that drove the proposed elevational treatments are appreciated, however if these have now fallen away, the elevations need to be revised and better designed. Conditions will be required in relation to the quality of details, palette of materials and finishes. Deep reveals to the proposed brickwork are required.
- 5.11 The Energy Conservation Officer provided comments on 31/10/2014 in response to the Report on Thermal Comfort (version 2.1, received 27/10/2014) and revised Energy Strategy (version 3, received 28/10/2014). Applicant’s preferred energy strategy (Option 1) proposes connection to the Bunhill District Heating Network and would achieve a total 27.2% CO<sub>2</sub> saving in comparison with a development that complied with the 2013 Building Regulations. This falls short of the 39% saving required of a development that would be connected to the network, however the network is to be connected to additional lower carbon heat sources in the short term, therefore its carbon intensity is likely to be reduced and the CO<sub>2</sub> saving at this site (if connected) is likely to be improved. The economic viability of connection should be determined as soon as possible. The applicant’s alternative energy strategy (Option 2) involves an on-site Combined Heat and Power (CHP) facility, and would achieve a total CO<sub>2</sub> saving of 12.8%, falling significantly short of Islington’s 27% requirement. The 18.4% saving on regulated CO<sub>2</sub> emissions would also fall short of the London Plan’s 35% requirement. Applicant should consider additional/alternative measures to further reduce CO<sub>2</sub> emissions for a scenario where connection to the network is not made. These could include further improvements to regulated emissions through energy efficiency, measures to reduce unregulated emissions, low carbon heat supply from neighbouring developments, and water-sourced heat recovery from the City Road Basin. Applicant should verify that there is sufficient space allocated for Option 2.
- 5.12 With Option 1 implemented, a CO<sub>2</sub> offset levy of £131,560 would apply. With Option 2 implemented a CO<sub>2</sub> offset levy of £157,320 would apply. The S106 agreement should allow for reassessment of the CO<sub>2</sub> offset levy once the energy strategy has been approved.
- 5.13 With regard to thermal modelling, U-values should be verified.

- 5.14 The Housing Development and Regeneration Team Leader commented on 01/12/2014 that the proposed unit size mix (as amended) as acceptable, and confirmed that the rents of the affordable units would be social rents.
- 5.15 The Inclusive Design Officer commented on 06/11/2014 that most minor concerns relating to inclusive design had been addressed by the amended proposals. The main outstanding concern is the lack of step-free access to nine units in block F, contrary to Development Management Policy DM3.4 (part Giii).
- 5.16 The Pollution Projects Team noted on 22/07/2014 that the applicant proposes either connection to the Bunhill Heat and Power Network or the installation of a new CHP facility. Any CHP plant should be of an ultra-low NOx type, and this should be conditioned. Further condition recommended regarding noise from CHP and any other plant. Site is approximately 100 metres away from City Road and appears to be reasonably well shielded from traffic noise. Condition recommended regarding sound insulation and noise control measures. The site has a history of potentially polluting industrial uses, and the applicant's site investigation has found elevated levels of certain substances. With the new receptors on site and the soft landscaped amenity spaces proposed there will need to be substantial soil removal and importing of clean soils. Further sampling is required and the final remediation scheme is still to be designed – any remediation should be designed with the Category 4 screening levels in mind. Condition recommended regarding site contamination. Given the size of the proposal and the other development around the City Road Basin, disruption is likely, and a full Construction Environmental Management Plan is required for the construction and demolition works – the submitted construction operations plan is a generic document lacking in site-specific detail and is inadequate in this case. The submission shows there is an issue with electromagnetic fields affecting the site, and there will need to be further work carried out to fully evaluate the human health aspects and what screening and mitigation will be required – this will need to be conditioned.
- 5.17 The Street Environment Manager commented on 13/08/2014 that the bulky waste storage area may obstruct the collection of bins, and requested that dropped kerbs be provided on Wharf Road outside each of the bin stores.
- 5.18 The Spatial Planning and Transport team (Principal Planner) commented on 25/07/2014 that public pedestrian access should be provided through the site between Wharf Road and City Road Basin. Gating of the Wharf Road entrances would not be policy compliant. A well-managed publicly-accessible pedestrian route should also be provided along the canal basin and secured via a condition or S106 agreement. A financial contribution should be made towards the removal of the remaining gates along the eastern side of the canal path. Improvements to Wharf Road are welcomed. 215 cycle parking spaces are required, of which one in every 25 should be accessible. The 206 spaces proposed falls short of the required number, however the inclusion of space for trailers is preferable to the nine missing spaces. Proposed location of cycle storage is acceptable. Provision of scooter storage space is welcomed and comments should be provided by the Inclusive Design Officer. Proposal to include visitor cycle parking is welcomed. Applicant proposes to address planning policies regarding servicing through a Servicing and Delivery Management Plan, which is welcomed and should be agreed prior to commencement. A delivery and servicing area should be provided within the

development. Additional information regarding servicing requested. Car-free development is welcomed. Proposed changes to the highway at Wharf Road will need to be agreed via a Section 278 (S278) agreement. The development would result in a modest increase in the number of trips from the site, and the majority of these trips would be by foot, bicycle or public transport. If the site was redeveloped for B8 use, however, it would generate significantly more vehicle movements than the proposed development would. Highways reinstatement, environment/streetscape improvements, sustainable transport initiatives, a Travel Plan and changes to traffic orders should be secured in a S106 agreement, and residents' eligibility for parking permits should be removed.

- 5.19 The Sustainability Officer commented on 03/12/2014 that – in relation to drainage – the applicant needs to address Development Management Policy DM6.6 in full. Annotations on drawing 400 indicate that an 88% reduction in surface water run-off would be achieved, however a litres/second/hectare figure is needed for comparison with Islington's maximum run-off standard of 50 l/s/ha. Drainage needs to be integrated into landscaping proposals. Other drainage options need to be explored by the applicant before engineered solutions (such as the proposed attenuation tanks) are opted for in accordance with the drainage hierarchy set out in London Plan policy 5.13. Water should be controlled at surface where possible, and drainage needs to be integrated into landscaping proposals. Permeable surfaces, capped below (if contamination or ground conditions prevent infiltration techniques), could be appropriate. Drainage strategy should demonstrate compliance with Islington's policy requirement for no net run-off into the basin.
- 5.20 Green roofs are required on all areas of flat roof that are not required for other purposes. This provision would form part of the drainage strategy and should be taken into account in run-off calculations.
- 5.21 In achieving Code for Sustainable Homes Level 4, the proposed development would be policy-compliant, however the applicant should make improvements to provide a buffer, to make sure Level 4 is indeed met. Level 4 should be conditioned. The council's 95 litres per person per day water consumption target would be met, albeit narrowly.
- 5.22 Improvements to the Green Performance Plan will need to be made when resubmitted at the 6 month stage. A Green Procurement Plan should be required by condition, and this will need to ensure that 10% of the volume of materials used are derived from recycled and reused content, in accordance with Development Management Policy DM7.4.
- 5.23 The Tree Preservation Officer commented on 01/08/2014 that the site is largely devoid of any meaningful landscaping, and that there are no trees on the site. The canopy of one tree in Pickfords Wharf oversails the site boundary. The proposed development will require the tree to be pruned heavily to the site boundary, however the tree is of a species and size that can tolerate this level of pruning without threat to its long term health. Post-development conflict between the tree and the development can be managed by cyclical pruning. The amenity and screening provided by the tree to the residents of Pickfords Wharf will remain largely unaffected by the pruning.

- 5.24 The landscaping and planting proposed is of an appropriate design and will provide a functioning and desirable amenity space. Details of the landscaping scheme, including soil volumes, access to soil beyond the planters, and exploration of the potential for landscape improvements to Wharf Road, should be secured by condition.

### **Members' Pre-application Forum**

- 5.25 The proposals were presented to the Members' Pre-application Forum on 09/09/2013, when a 97-unit scheme was proposed.

### **Design Review Panel**

- 5.26 Islington's Design Review Panel considered the proposed development at application stage on 09/09/2014. The panel's written comments (issued on 09/10/2014) were as follows:

- General design concept welcomed.
- Proposal appeared to be overdevelopment to some degree – this was particularly evidenced at ground floor level. Ground floor needed to breathe, and issues were exacerbated by elements such as the bin and cycle stores. Losing and replanning one or two ground floor units at the middle/rear section of the site may alleviate issues.
- Commendable that the affordable units would benefit from views of the basin, however if private units also overlooked basin this might generate profit and alleviate development pressure.
- No objection to proposed heights and design of “pop-ups”, however concerns were expressed regarding the impact of the screening at roof level and the quality of the roof form. 3D images did not show these screens.
- Concern expressed regarding orientation, particularly the southwest-facing windows and sunlight access to the courtyards. There may be excessive shading which would require artificial illumination, while other units may overheat. The single aspect units in block E backing onto the substations may not receive any direct sunlight. The benefit of rear windows to this block was queried, and it was suggested that these may cause a risk of exposure to electromagnetic radiation.
- General concept of a warehouse character to Wharf Road, however wings to the rear were not distinct enough. Queried how the “playful” character of the wings could be taken further and refined. The importance of further developing details, materials and colour was highlighted. Involvement of artist was noted, however emerging designs would need to be incorporated as soon as possible to ensure the delivery of the desired character. The elevations to the canal did not appear special enough and needed further refinement and design development.
- Character of the proposed landscaping was unconvincing. The play strategy needed to be substantiated, and different areas needed to perform in different ways in order to provide successful communal spaces for all use groups. Canal access should be taken as far as it can

be, as accessibility to the canal would be of great benefit to residents and the general public.

- 5.27 The full written comments of the Design Review Panel – dated 09/10/2014 – are attached to this report at Appendix 3.
- 5.28 The application has not been considered again by the Design Review Panel following the submission of amendments on 06/10/2014, 07/10/2014 and 22/10/2014.

## **6.0 RELEVANT POLICIES**

- 6.1 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 Policy and Guidance**

- 6.2 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.
- 6.3 Since March 2014 planning practice guidance for England has been published online.

### **Development Plan**

- 6.4 The Development Plan is comprised of the London Plan 2011, Islington Core Strategy 2011, Development Management Policies 2013, Site Allocations 2013 and the Finsbury Local Plan 2013. The policies of the Development Plan are considered relevant to this application and are listed at Appendix 2 to this report. Islington's Site Allocations Development Plan Document (DPD) does not include site allocations for Bunhill and Clerkenwell (these are provided in the Finsbury Local Plan instead), therefore this DPD is not considered further in this report.
- 6.5 Revised Early Minor Alterations to the London Plan were published in 2013, and these have been taken into account as part of the assessment of these proposals. Draft Further Alterations to the London Plan were published in January 2014, and a schedule of suggested changes was published in July 2014, and these have also been considered.

### **Designations**

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

<b>Islington Local Plan</b>	<b>London Plan</b>
Site allocation BC10	None relevant
Bunhill and Clerkenwell key area	

## **Supplementary Planning Guidance (SPG) / Documents (SPD)**

6.7 The SPGs and SPDs which are considered relevant are listed in Appendix 2.

### **7.0 ASSESSMENT**

The main issues arising from this proposal relate to:

- Principle of development
- Land use
- Design and conservation
- Inclusive design
- Neighbour amenity
- Quality of residential accommodation
- Dwelling mix
- Affordable housing and financial viability
- Sustainability
- Trees and landscaping
- Energy efficiency and renewable energy
- Highways and transportation
- Contaminated land and other environmental considerations
- Planning obligations

#### **Principle of Development**

- 7.1 The site's existing buildings are vacant or under-used, and the site's open, hard-surfaced grounds are similarly unused. The site's buildings, grounds and boundary treatments are in a poor condition, and adversely affect the visual amenity of Wharf Road and the City Road Basin. Redevelopment of the site is considered acceptable in principle, and is welcomed, as it provides an opportunity to bring a relatively large and accessible site back into use, and remove the visual and aesthetic harm currently being caused. Redevelopment also provides an opportunity to create new pedestrian connections between Wharf Road and the City Road Basin, to improve the site's surface water run-off rate, to provide biodiversity enhancements adjacent to a Site of Importance for Nature Conservation, to screen the adjacent electricity substations, to extend the Bunhill Heat and Power Network, and to provide a significant quantum of housing, including affordable housing.
- 7.2 The site is the subject of site allocation BC10, confirming that the council supports and indeed promotes redevelopment of the site.
- 7.3 The above in-principle position regarding redevelopment of the site accords with the National Planning Policy Framework's presumption in favour of sustainable development.

#### **Land Use**

- 7.4 Site allocation BC10 states that the site's current/previous use is/was "vacant and warehousing", and the submitted application form states that the site currently

accommodates 1,388sqm of B8 (storage or distribution) floorspace. Site allocation BC10 allocates the site for residential development, with “active uses” expected to be provided at ground floor. Core Strategy policy CS2 and Maps 2.1 and 2.8 confirm the site (which is within the Bunhill and Clerkenwell key area) is within an area appropriate for mixed use development.

- 7.5 Given the clear requirements of site allocation BC10, as well as the character of Wharf Road and the location and potential of this site, it is considered that there is no significant reason to require the submission of marketing and vacancy evidence to justify the loss of the site’s B8 use (as would normally be required under Development Management Policy DM5.2, contrary to the applicant’s assertion at paragraph 6.9 of the submitted Planning Statement). It is also considered that the absence of employment uses from the proposed development is justified. The proposed provision of private balconies, habitable room windows and communal entrances to the ground floor of the Wharf Road elevation, and habitable room windows and balconies above, would provide a sufficient level of activation to the street.
- 7.6 The application site is within Flood Zone 1 (and has a low probability of flooding), is less than one hectare in size, and is not within a Local Flood Risk Zone. The applicant was not required to submit a Flood Risk Assessment with the application. Sustainable urban drainage is considered in the Sustainability section of this report.

### **Design, Conservation and Heritage Considerations**

- 7.7 The National Planning Policy Framework confirms that the Government attaches great importance to the design of the built environment, and notes that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Planning policies relevant to design and conservation are set out in chapter 7 of the London Plan. Policies CS8, CS9 and CS10 in Islington’s Core Strategy, and policies in chapter 2 of Islington’s Development Management Policies, are also relevant. Policy BC2 in the Finsbury Local Plan includes design policy relevant to the City Road Basin area. English Heritage’s 2011 guidance The Setting of Heritage Assets, the council’s Urban Design Guide SPD and Conservation Area Design Guidelines for the Duncan Terrace / Colebrooke Row Conservation Area, and the Mayor of London’s Character and Context SPG are also relevant to the consideration of this application.

#### *Site and surroundings*

- 7.8 The application site is surrounded by relatively low-rise residential development to the north, taller buildings to the east and south, and the City Road Basin to the west. A major development of up to 10 storeys (the City Wharf development) is currently under construction immediately opposite the application site, the electricity substations to the south are of substantial height (approximately 17 metres at the building nearest to the application site), and tall buildings exist, are under construction, or have been granted planning permission at sites further to the south. Development at 37-47 Wharf Road must mediate between these heights and those of the Pickfords Wharf development, whilst optimising housing output in accordance with London Plan policy 3.4. Finsbury Local Plan policy BC9 identifies a tightly-



defined area suitable for tall buildings to the south of the site (where the City Road Basin meets City Road), however the application site itself is not considered suitable for tall buildings.

- 7.9 Other contextual considerations include the heritage assets listed earlier in this report. In accordance with Development Management Policy DM2.3 and site allocation BC10, the character and appearance of the adjacent Duncan Terrace / Colebrooke Row Conservation Area must be conserved or enhanced, and the significance of nearby listed buildings must not be harmed by development within their setting. Section 12 of the National Planning Policy Framework, London Plan policy 7.8 and Core Strategy policy CS9 are also relevant in relation to impacts upon heritage assets.
- 7.10 The current and emerging character of Wharf Road, with its mix of residential and commercial uses, its importance as a north-south route for pedestrians, and its role in providing a transition between the emerging cluster of tall buildings to the south and the lower-rise development to the north, must be noted. The proximity and fenestration of existing residential properties to the immediate north of the application site are a further consideration relevant to design (and, in particular, heights and massing), as is the desirability of providing some screening of the electricity substations to the immediate south.

#### *Demolition of existing buildings*

- 7.11 Although the 2-storey Art Moderne building towards the middle of the site's Wharf Road frontage is of some merit, it is in a poor condition, it has been altered and damaged, it makes poor use (and prevents optimum use) of its location, and is not considered to be a non-designated heritage asset worthy of retention. There is similarly no reason to seek the retention of the site's other existing buildings.

#### *Layout, height and massing*

- 7.12 London Plan policy 7.4 states that development should have regard to the scale, mass and orientation of surrounding buildings, and that buildings should provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass. London Plan policy 7.8 states that buildings should be of a proportion, composition, scale and orientation that enhances and appropriately defines the public realm, and should not cause unacceptable harm to the amenity of surrounding land and buildings. The Mayor of London's Character and Context SPG notes at paragraph 7.26 that "the key or essential characteristics of a place provide an important reference point against which change can be assessed or as a 'hook' for site planning and design".
- 7.13 At the local level, policy CS9 of Islington's Core Strategy sets out an aim for new buildings to be sympathetic in scale and appearance and to be complementary to local identity. Policy DM2.1 of Islington's Development Management Policies requires development to be based upon an understanding and evaluation of an area's defining characteristics, confirms that acceptable development will be required to respect and respond positively to existing buildings, and sets out a list of elements of a site and its surroundings that must be successfully addressed – this list includes urban form including building heights and massing. Policy BC2 in the

Finsbury Local Plan states that development in the City Road Basin area should exhibit a height and massing that relate positively to the width of surrounding streets and spaces, and successfully interface with the scale and form of neighbouring areas.



Image 1: Proposed development viewed from City Road Basin.

- 7.14 The principle of a two- to eight-storey development, arranged in an E-shape and with its taller elements located close to the site's south boundary and street frontage, is considered acceptable. The applicant's proposal to reflect the pattern of warehouse buildings (set perpendicular to the basin) that once occupied this and adjacent sites is an interesting and appropriate response to the site's history, would provide an appropriate grain that responds well to existing adjacent developments, and would enable views of the water from the majority of the residential units and the proposed development's ground level amenity spaces. These two courtyards would provide appropriate spacing between the wings of the development. The proposed massing would provide suitable enclosure and definition to Wharf Road, and would provide some welcome screening of the blank north elevation of the adjacent electricity substations.
- 7.15 The transition between the proposed development and the existing lower-rise buildings at the adjacent Pickfords Wharf site has been given much attention by the applicant team, as set out at page 17 of the submitted Design and Access Statement. The proposed development would include a 3-storey element immediately adjacent to the 3-storey building at 49 Wharf Road, and would then increase in height to five storeys, then seven, with the seventh floor pop-ups completing the stepped arrangements of heights. Block G (nearest to the site's north boundary) would be massed so that heights of only two storeys would meet existing adjacent buildings, with that block's 3-storey elements proposed away from the boundary. The proposed heights and massing are considered acceptable in aesthetic terms, and would result in the proposed development successfully mediating between Pickfords Wharf and the taller development to the south and

east, including the 10-storey development currently under construction immediately opposite the application site. The impacts of the proposed heights and massing upon the amenities of neighbouring residents are considered later in this report.

- 7.16 The deletion of one residential unit from the ground floor of block F, and the space proposed between blocks A and F in the storeys above, would address the concerns of Islington's Design Review Panel regarding the tightness and sense of overdevelopment in this part of the site.
- 7.17 Improved neighbourhood permeability is a planning objective that must be addressed in proposals for major developments where opportunities for improvements exist, in accordance with London Plan policies 6.10 and 7.1, Core Strategy Objective 17 and policy CS10, and Development Management Policies DM2.1 and 8.1. Of particular note, paragraph 8.24 in Islington's Development Management Policies document notes that connectivity is important for promoting active lifestyles and increasing social cohesion, and that all development proposals are required to provide good public connectivity for pedestrians and cyclists, and good permeability through sites where relevant. The role of improved access and permeability is also important in terms of inclusive design, everyday convenience and access to infrastructure, employment and services, and providing safer environments. Of specific relevance to 37-47 Wharf Road, site allocation BC10 states that pedestrian links between the canal and Wharf Road should be improved, with public access/space provided along the canal edge. Islington's Design Review Panel asserted that access to the basin should be taken as far as it can be, as accessibility to it would be of great benefit to residents and the general public.
- 7.18 The council is negotiating with UKPN and other stakeholders to secure public access to the east side of the basin, and UKPN's in-principle agreement to such provision has already been secured for the part of the canal edge immediately outside the electricity substations. The council now own the freehold of Pickfords Wharf. At 37-47 Wharf Road, the proposed layout allows for a publicly-accessible connection or connections to be provided between Wharf Road and the City Road Basin, as required under policy BC2 and site allocation BC10 in the Finsbury Local Plan. This connection between the basin and the street would need to be suitably inviting and legible, and while officers would normally suggest that public routes through developments should pass through full-height (open to the sky) gaps between buildings, rather than covered openings, given the character of Wharf Road and design concept of the proposed development, and the potential for still providing good visibility of the basin from the street at this site, such a treatment of the through-route is not, in this case, necessary. The two openings proposed through block A would be two storeys in height, and would be generously sized so that they can be read and understood as a public entrance to the site (and a clear route to the basin) which people would feel entitled to make use of, rather than as a threshold of a private space which the public may be deterred from entering.
- 7.19 The applicant has indicated that public access to the basin would be provided between dawn and dusk, and that the gates shown on the submitted drawings would be closed at night. While this arrangement reflects the access arrangements currently in place at Angel Waterside and Graham Street Park on the opposite side of the basin, it must be noted that the role, character of and level of activity in and around the City Road Basin will change significantly once the major developments

currently under construction become occupied, and the justification for securing areas of public realm at night will need to be reviewed accordingly. The council's Spatial Planning and Transport team have advised that it would be preferable for no gates to be installed at 37-47 Wharf Road at the outset, and it is noted that paragraph 2.10 of the Development Management Policies and page 85 of Islington's Urban Design Guide state that gated development is generally unacceptable and will normally be resisted. Notwithstanding their inclusion on the submitted drawings, an amending condition preventing the installation of gates is recommended to further ensure that a suitably inviting and legible entrance and public access is secured. If evidence later indicates that gates are required in order to prevent anti-social behaviour and/or impacts upon residential amenity, a further application to reinstate them will need to be submitted.

- 7.20 A palisade gate/fence and brick walls currently stand at the canal edge on the site's boundary shared with Pickfords Wharf. The submitted application documents indicate these would be retained (or that a replacement gate would be installed), however this would prevent north-south access along the canal edge, and it is appropriate to secure their removal through a S106 agreement. A freestanding section of wall on the canal edge would also need to be removed. Officers are currently negotiating the removal of other barriers on the canal edge immediately outside the electricity substations.
- 7.21 The definition that the proposed development would bring to Wharf Road (and the natural surveillance and activity introduced by the new windows, doors and balconies to the proposed Wharf Road elevation) would help improve a key north-south pedestrian route between the node, public transport facilities and attractions of Islington Green and Upper Street/Essex Road, and other destinations and employment locations in the south of the borough and the City of London.
- 7.22 Other aspects of layout, including the locations of amenity spaces, bin stores and cycle parking, are considered later in this report. The impacts of the proposed layout upon neighbour amenity are also considered later in this report.

#### *Architecture and elevations*

- 7.23 London Plan policies 7.4 and 7.6, Core Strategy policy CS9, Development Management Policy DM2.1, Finsbury Local Plan policy BC2 and section 2.3 of Islington's Urban Design Guide set out a requirement for high architectural quality and details which complement local character, and welcome innovative and high quality contemporary design.
- 7.24 The proposed architecture and elevational treatments are considered acceptable. A common language of robust brick elevations (2-, 3- and 5-storeys high and punctuated with window, door and balcony openings, as well as projecting window features) is proposed for all blocks. This approach reinforces the warehouse character that the applicant intends to achieve with block A, and this is considered appropriate to the character and history of Wharf Road. Metal-clad storeys are proposed above the brick elevations, and these would have a more playful appearance, with their pitched roofs (again referencing the warehouses that once surrounded the basin) and – at block A – flexing elevations. The number, locations and designs of the proposed balconies and window features to most elevations are

considered acceptable, as these features would add relief to the elevations and would help to illustrate the residential use of the blocks. The addition of bamboo screens and other fixed items to the glazed balconies could be controlled by condition. Generous window and door reveals would help to ensure adequate relief and interest to the proposed elevations, and these design features would need to be secured by condition.

- 7.25 Notwithstanding the above conclusions, the design of the proposed development is significantly let down by the elevational treatments of the wings facing the basin. At pre-application and application stage, windowless elevations were proposed at ground floor level, resulting in a lack of interest and activity in these parts of the development (contrary to site allocation BC10), a poor relationship between the development and the open space provided by the basin, a lack of natural surveillance of the canal edge, and a waste of an opportunity to provide residents with direct views of the water from ground floor rooms. The applicant team maintained that windowless elevations were necessary so that shielding could be provided within the ground floor walls to protect future residents from electromagnetic radiation emanating from the cables that run beneath the canal edge to the adjacent substations. Although the radiation levels were within the legal ICNIRP limits, they were found to exceed “precautionary” levels, and therefore shielding was proposed.
- 7.26 The applicant subsequently (on 13/11/2014) submitted a further report regarding magnetic field emissions, and confirmed to officers (on 28/11/2014) that the shielding was no longer required. Although the applicant wishes to leave the canal elevations windowless (citing privacy concerns as the reason), officers are currently negotiating the submission of amended elevations, including windows at ground floor level, for consideration at the meeting of the Planning Committee. It is recommended that, if no acceptable design is submitted prior to the application being determined, these amendments be secured by condition.
- 7.27 The largely blank south elevation to block E is considered acceptable, as it enables development at 37-47 Wharf Road to extend close to the site boundary (and therefore optimise use of the site), and provide some screening of the electricity substations. No shielding from electromagnetic radiation is proposed in this elevation.
- 7.28 The proposed palette of materials is considered acceptable in principle, however the applicant has not yet specified a brick or a metal cladding system for the proposed elevations. A condition requiring the submission of details and samples of all materials (including those of windows, doors and balconies) would be appropriate to ensure the products to be used would be of a suitably high quality and satisfactory appearance.
- 7.29 A condition, requiring the submission of a Green Procurement Plan to demonstrate how the procurement of materials for the proposed development would promote sustainability, is also necessary.
- 7.30 Details of initial artist-designed proposals for the gates proposed to Wharf Road, and for the ground floor level elevations facing the canal, were submitted for information during the life of the application. The applicant’s intention to include

artworks within the development is welcomed, however given that the recommended amending conditions require the deletion of the gates and the redesign of the canal elevations, alternative proposals will need to be developed by the applicant and the commissioned artist.

#### *Impacts on heritage assets*

- 7.31 Given the acceptability of the proposed heights and massing, the reference that the proposed development would make to the pattern of warehouse development that once surrounded the City Road Basin, the appropriate materials proposed, and the amendments that are to be secured to improve the canal elevations of the proposed wings, it is considered that the proposed development would conserve (and may enhance) the character and appearance of the Duncan Terrace / Colebrooke Row Conservation Area.
- 7.32 The setting and appreciation of nearby listed buildings would not be adversely affected by the proposed development, given its appropriate heights (relative to those of existing and emerging development which also forms part of the setting of the nearby listed buildings), the materials proposed, and the detailed design of the proposed Wharf Road elevation.
- 7.33 The site is not within an Archaeological Priority Area.

#### **Density**

- 7.34 London Plan policy 3.4 states that – taking into account local context and character, design principles set out elsewhere in the London Plan, and public transport capacity – development should optimise (which does not necessarily mean “maximise”) housing output for different types of location within the relevant density range set out in Table 3.2. Paragraph 7.21 of the London Plan notes that building form and layout should have regard to the density and character of surrounding development. Part D of policy CS12 in Islington’s Core Strategy requires development to follow and to not exceed the densities set out in the London Plan.
- 7.35 With 342 habitable rooms proposed in 98 units in a site of 0.47 hectares, a residential density of 209 units per hectare and 728 habitable rooms per hectare would be achieved.
- 7.36 With a Public Transport Accessibility Level (PTAL) falling within the three to four range, the site is on the cusp of the “urban” and “central” setting categories (as set out in London Plan policy 3.4 and the accompanying Table 3.2), however given the setting definitions which accompany Table 3.2, and given the character and qualities of its surroundings, the site can be considered as being more “central” than “urban”. In such a location, a residential density of 650 to 1100 habitable rooms per hectare is appropriate. The proposed development’s residential density sits within, but is appropriately towards the bottom of, the range suggested in the London Plan for a central site.
- 7.37 While the decision to grant or refuse permission would not be based purely on the grounds that there is a statistical compliance or non-compliance with the relevant London Plan range, the density figures set out above provide further confirmation

(to be considered alongside the recommendations regarding heights, massing and residential quality made elsewhere in this report) that an appropriate density is proposed by the applicant.

### **Inclusive Design**

- 7.38 Paragraph 57 of the NPPF is relevant to the current proposal in relation to inclusive design. 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. London Plan policy 3.5 requires new residential developments to meet the changing needs of Londoners over their lifetimes, and policy 3.8 requires all new housing to be built to Lifetime Homes standards, and 10% of new housing to be wheelchair accessible. Islington's Core Strategy policy CS12 (part H) requires all new housing to comply with "flexible homes" standards (as set out in the Inclusive Design in Islington SPD), with at least 10% wheelchair housing provided as part of all new developments. Islington's Development Management Policy DM3.4 clarifies that this 10% is to be calculated against the number of habitable rooms, and that the accommodation is to be wheelchair accessible *or* easily adaptable for residents who are wheelchair users. It adds that the wheelchair accessible units should be provided across all tenures and unit sizes. 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. The Inclusive Design in Islington SPD also provides detailed guidance relating to inclusive design.
- 7.39 A total of 10 of the 98 units would be wheelchair-accessible or adaptable. With only 29 of 342 habitable rooms proposed to be wheelchair-accessible/adaptable, the provision falls short of the 10% requirement detailed above, however the significant size of some of the units is noted, and it is not recommended that permission be refused due to a shortfall in provision. The wheelchair-accessible/adaptable accommodation would comprise 8x social rent units, 1x shared ownership unit and 1x private sale unit, and this spread across the proposed development's tenures is considered acceptable. Nine of the wheelchair-accessible/adaptable units would have two bedrooms, and one would have one bedroom, which is considered acceptable.
- 7.40 The submitted Design and Access Statement confirms at page 27 that all dwellings will be designed to Lifetime Homes standards and to standards set out in the Inclusive Design in Islington SPD.
- 7.41 Parking spaces for family cycles and trailers are proposed in the cycle stores to the rear of block A. Spaces for the storage of mobility scooters are also proposed, and it is recommended that further details of these facilities (to ensure their sizes and transfer spaces are adequate) be secured by condition.
- 7.42 In accordance with page 66 of Islington's Planning Obligations (Section 106) SPD, an accessible parking bay would be required for each of the wheelchair-accessible/adaptable residential units. Four on-street accessible car parking bays (2 directly outside the application site, two outside the electricity substations) are proposed, with transfer spaces and bollard protection. A further six accessible

parking bays would be required, and these should be located such that the total distance between a dwelling entrance and its associated parking space would be no more than 75m, in accordance with paragraph 5.12 of the Inclusive Design in Islington SPD. It is recommended that a survey, to ascertain where such spaces could be provided, be secured by condition. An appropriate financial contribution towards the provision of on-street spaces would need to be secured through a S106 agreement. If no suitable locations for the accessible parking spaces are available, the S106 contribution may be put towards alternative accessible transport projects.

- 7.43 A small number of residential units at the far (canal) ends of the three wings would be more than 50 metres away (walking distance, taking into account the proposed site layout) from the proposed bin stores, however this is considered acceptable given the small number of units affected, the other benefits of the proposed layout, and the need for bin stores to be located close to Wharf Road.
- 7.44 The proposed development's main shortcoming in terms of inclusive design is the lack of step-free access to the nine units (F7 to F15) in the upper storeys of block F. These units would have no ground floor accommodation, and no lift access to their first, second and third floor accommodation. This would mean the units would not be visitable by people using wheelchairs. While this must be regarded as a shortcoming of the proposed development, the relatively small number of units affected and the effect of redesigning the 4-storey block F to address the concerns (accommodation in the dual-aspect, wheelchair-accessible units at ground floor level would be lost) must be taken into account when attaching weight to this shortcoming in the final balance of planning considerations.

### **Neighbouring Amenity**

- 7.45 The National Planning Policy 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.
- 7.46 London Plan policy 7.6 (part B) states that buildings should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate. Policy 7.15 (part B) states that development proposals should seek to reduce noise by minimising the existing and potential adverse impacts of noise on, from, within, or in the vicinity of, development proposals; separating new noise sensitive development from major noise sources wherever practicable through the use of distance, screening, or internal layout in preference to sole reliance on sound insulation; and promoting new technologies and improved practices to reduce noise at source.
- 7.47 Development Management Policy DM2.1 (part Ax) confirms that, for a development proposal to be acceptable it is required 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. These considerations apply to the amenities of existing residents, and of future residents of proposed developments. Paragraph 2.13 states that the design and layout of buildings must enable sufficient sunlight and daylight to penetrate into and between buildings, and ensure that adjoining land or properties are protected



from unacceptable overshadowing. This supporting text goes on to specifically reference relevant guidance prepared by the Building Research Establishment (BRE).

- 7.48 The City Wharf development under construction at 18-42 Wharf Road is not yet occupied. The nearest sensitive properties adjacent to the application site are the residential properties at Pickfords Wharf, including 49 and 51 Wharf Road.
- 7.49 An objection to the proposed development has been received from the occupant of 49A Wharf Road, citing amenity impacts as a primary concern.
- 7.50 The applicant carried out consultation with neighbouring occupants at pre-application stage (as detailed in the appendix of the submitted Planning Statement, and page 32 of the Design and Access Statement).

*Daylight and sunlight*

- 7.51 An analysis of the proposed development's impacts upon natural light received by occupants of neighbouring properties is provided in the applicant's Daylight and Sunlight Report, dated 02/06/2014.
- 7.52 The submitted Daylight and Sunlight Report assesses impacts upon the following neighbouring properties:
- 49 Wharf Road
  - 51 Wharf Road
  - 1 to 17 (odds) Pickfords Wharf
- 7.53 The applicant's chosen methodology follows guidance provided in the Building Research Establishment's "Site Planning for Daylight and Sunlight" document (2011), and uses four tests to assess natural light impacts, namely the Vertical Sky Component (VSC), Daylight Distribution (DD), Average Daylight Factor (ADF), and Annual Probable Sunlight Hours (APSH) tests. It should be noted that the ADF test is normally applicable to *proposed* residential units, but in some cases is used as supplementary information (rather than key assessment criteria) to provide a clearer picture regarding impacts upon existing properties.
- 7.54 When using the BRE guidance to assist in the assessment of daylight and sunlight impacts, paragraph 1.6 of the BRE guidance must be noted. This confirms that:
- "The advice given here is not mandatory and the guide should not be seen as an instrument of planning policy; its aim is to help rather than constrain the designer. Although it gives numerical guidelines, these should 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".*
- 7.55 With this advice in mind, it must be noted that 37-47 Wharf Road is an urban/central London site with reasonably high level of accessibility, and relatively high residential

densities in the area immediately to the south (and, in the near future, to the east). It is also within an area identified by the council's planning policies and the relevant site allocation as being appropriate for a significant quantum of development.

- 7.56 A recent appeal decision (ref: APP/V5570/A/13/2195285) must, however, be noted. This decision, dated 15/01/2014 and related to a major site in the south of the borough at Pentonville Road, acknowledged that BRE guidance should be applied flexibly in central locations, and noted the appellant's assertion that there are schemes elsewhere in London that have been granted planning permission without adherence to the BRE numerical guidelines. The Inspector concluded, however, that in the absence of alternative targets for access to daylight and sunlight for such a central location, the BRE guidance should be referred to, and the appeal decision generally indicates that closely adhering to BRE guidance is appropriate to ensure neighbour amenity is protected (paragraphs 14, 27 and 28 of the appeal decision must be noted).
- 7.57 Finally, it must also be noted that the occupants of the less dense development to the immediate north of the application site may have relatively high expectations of good levels of amenity, and may reasonably expect development to cause little or no reduction to natural light to their properties.

#### *Daylight*

- 7.58 The BRE guidance notes that where VSC figures are greater than 27%, enough daylight should still be reaching the window of the existing building. If the VSC, with the new development in place, is both less than 27% and less than 0.8 times its former value, occupants of the existing building will notice the reduction in daylight. The results of the applicant's VSC testing can be summarised as follows:

Address	Number of residential windows tested	Windows failing 27% and 0.8x value test	Percentage of windows failing
49 Wharf Road	17	7	41.2%
51 Wharf Road	19	0	0%
1 Pickfords Wharf	11	0	0%
3 Pickfords Wharf	8	2	25%
5 Pickfords Wharf	17	3	17.6%
7 Pickfords Wharf	15	2	13.3%
9 Pickfords Wharf	6	0	0%
11 Pickfords Wharf	6	0	0%
13 Pickfords Wharf	6	0	0%
15 Pickfords Wharf	6	3	50%
17 Pickfords Wharf	8	1	12.5%
TOTAL	119	18	15.1%

- 7.59 The submitted Daylight and Sunlight Report states at section 4.0 that the applicant's consultant did not seek or gain access to any of the properties surrounding the application site. For many of the assessed windows, the use(s) of the rooms behind them have not been confirmed in the appendices of the Daylight and Sunlight Report, while for other rooms it appears that assumptions have been made

regarding uses. The appendices also do not identify the assessed windows on plans, elevations and 3D diagrams. Finally, the Daylight and Sunlight Report does not acknowledge that some of the above addresses do not form a single property – 49 Wharf Road, for example, comprises units A, B and C.

- 7.60 Given the lack of information and verification provided by the Daylight and Sunlight Report, the council must consider a “worst case scenario” and assume that all of the assessed windows serve habitable rooms, even though it is likely that many do not.
- 7.61 The most significant impacts upon daylight received by neighbouring residential windows (in terms of the number of windows affected, as illustrated by the applicant’s VSC test results) would be at 49 Wharf Road and 15 Pickfords Wharf, where half or close to half of the tested windows would be subjected to a noticeable loss of daylight.
- 7.62 In situations where post-development VSC figures fail to comply with the levels suggested by the BRE, a further test can be carried out to measure the overall amount of daylight in a room. This is the Daylight Distribution (No Sky Line, or NSL) test. BRE guidance state that if the NSL moves so that the area of the existing room which does receive direct skylight 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 appear poorly lit.
- 7.63 The applicant’s Daylight Distribution assessment indicates that three failings would occur. These are at 49 Wharf Road where two rooms described as entrances would fail, and 3 Pickfords Wharf where one room (the use of which is not stated) would fail.
- 7.64 Although the submitted Daylight and Sunlight Report does not provide all of the information normally needed to assess amenity impacts (in addition to the concerns set out above, it is unclear how the applicant has ascertained the sizes of rooms in properties surrounding the application site for the purposes of Daylight Distribution assessment), given that the majority of neighbouring windows would pass the VSC test, and given that the proportion of windows that pass the VSC test would increase once non-habitable room windows are discounted from the worst case scenario, it is considered that the impacts of the proposed development upon daylight received by neighbouring properties can be considered acceptable for an urban/central site such as this.
- 7.65 The applicant has also provided a daylight impact assessment for the residential properties under construction at 18-42 Wharf Road. The accuracy and completeness of this assessment is not questioned, as the applicant’s consultant has made use of approved drawings of that major development, and has not relied on assumptions regarding room uses and sizes. 90 (19%) of 474 windows of this development would fail the VSC test, with the worst affected windows being in that development’s lower levels. The applicant predicts a similar failure rate of the Daylight Distribution test, however this level of failure is considered acceptable given that the affected windows face a relatively narrow street and are in closer proximity to the cluster of tall buildings emerging at the City Road Basin – at such a location, it is reasonable to expect that some losses of amenity would occur. Also of

note, 37-47 Wharf Road was identified by the council as a potential major development site as early as 2004 (as site F in the now-superseded City Road Basin Masterplan), long before planning permission was granted by LB Hackney for the development currently under construction at 18-42 Wharf Road. It is therefore reasonable to assume that LB Hackney, the developer of that site, and any future occupants who have already bought flats in that development, would have been aware of the possibility of major development coming forward at this nearby site.

### *Sunlight*

- 7.66 With regard to sunlight, the applicant has used the APSH test to ascertain whether the centre of adjacent windows (facing within 90° of due south) would receive 25% of annual probable sunlight hours, including at least 5% of those hours in the winter months between 21<sup>st</sup> September and 21<sup>st</sup> March. If the available sunlight hours are both less than these amounts and less than 0.8 times their former value, occupants will notice a loss of sunlight.
- 7.67 The applicant tested 75 windows of properties within Pickfords Wharf that face within 90° of due south. A room at 49 Wharf Road would fail the APSH test, and the applicant has referred to the impact upon this room as “major”. Other rooms at 49 Wharf Road would also fail the relevant test, and it must again be assumed that these rooms may be habitable (the applicant’s assertion that most of these are “entrance” rooms/areas is not verified). One room at 3 Pickfords Wharf would also fail the APSH test. Relatively few adjacent rooms at Pickfords Wharf, however, would fail the APSH test, and the overall impact of the proposed development upon existing residential properties to the north would not be significant in terms of sunlight.
- 7.68 Impacts upon sunlight that would be received by the development currently under construction at 18-42 Wharf Road are predicted to be more significant, particularly in the lower floors where several rooms would fail the APSH test, however the width of Wharf Road, the reasonable expectations of future residents, and the designation of 37-47 Wharf Road as a potential development site must again be noted, and it is not considered reasonable to refuse planning permission on the basis of these predicted impacts.

### *Outdoor spaces*

- 7.69 The submitted Daylight and Sunlight Report also provides assessment and illustrations of the proposed development’s impact upon the sunlighting of outdoor spaces which surround the application site, including the waters of City Road Basin. At paragraph 3.3.7 of the BRE guidance it is suggested that at least 50% of amenity areas should receive at least two hours of sunlight on 21<sup>st</sup> March, and that a two hours sun contour can be plotted on plans to illustrate a development’s impact.
- 7.70 Appendix 4 of the report illustrates that the majority of Area 02 (the courtyard surrounded by 1 to 7 Pickfords Wharf) would still receive at least two hours of sunlight on 21<sup>st</sup> March, post-development, and that Area 03 (Pickford Wharf’s open space facing the basin) and Area 04 (the waters of the basin) would be unaffected by overshadowing at this time of year. Area 01 (the courtyard surrounded by 3 to 17 Pickfords Wharf) would receive less than two hours of sunlight on 21<sup>st</sup> March, post-

development, however it is not recommended that permission be refused on these grounds, given that the nearest part of the proposed development (block G) would only be two and three storeys in height, and that a further reduction in the proposed massing (to address this impact) would result in unbalanced massing across the site and a development that may not optimise housing output for such an accessible urban/central site.

#### *Outlook*

- 7.71 The proposed development's impacts upon the outlook currently enjoyed by neighbouring residents (to the north of the application site) from their habitable room windows and outdoor spaces are considered acceptable. As noted earlier in this report, the proposed massing would successfully respond to the relatively low-rise development at Pickfords Wharf. The seven- and eight-storey elements of the proposed development would not be tall enough or close enough to neighbouring habitable room windows to adversely affect outlook.
- 7.72 The proposed development would have a greater impact upon the outlook of the future residents of the lower floors of the emerging development at 18-42 Wharf Road, however it must again be noted that at such a location it is reasonable to expect some losses of amenity would occur.

#### *Privacy*

- 7.73 Paragraph 2.14 of Islington's Development Management Policies states that "To protect privacy for residential development and existing residential properties, there should be a minimum distance of 18 metres between windows of habitable rooms".
- 7.74 Windows are not proposed in the north elevation of block G, however roof terraces at second floor level have the potential to cause overlooking of existing neighbouring properties at Pickfords Wharf, and a condition requiring details of appropriate screening is recommended.
- 7.75 The 18 metre minimum distance requirement referred to above is not normally applied to situations involving overlooking across a public highway, therefore there are no concerns in relation to the privacy of future residents of 18-42 Wharf Road. To the south of the site is a non-residential use, and to the west the nearest residential properties are approximately 60 metres away.

#### *Noise*

- 7.76 The proposed residential use of the site is not considered inappropriate in terms of the noise and activity that would be introduced to this site and this part of Wharf Road.
- 7.77 The generic Demolition and Site Operations Plan submitted with the application lacks site-specific details and is inadequate, therefore a condition requiring the submission of a Construction Environmental Management Plan (CEMP) is recommended. Although no roof-level plant is shown on the submitted drawings, plant will be required in connection with the heating of the proposed development, and a condition relating to plant noise is recommended.

7.78 The comments of the occupant of 49A Wharf Road are noted. These include an objection to the location of one of the proposed bin stores, which would be immediately adjacent to this neighbouring property, and would have its doors in a new front elevation that would be flush with the front wall of 49A Wharf Road. Only a short brick wall exists between the application site and the forecourt of this neighbouring property, and there is certainly potential for significant amenity impacts to occur here. The location of the proposed development's bin stores, however, is determined not only by amenity considerations, but also the need for convenient access for residents (including those with disabilities), and practical considerations, including the distances bins would need to be moved by janitors and refuse collectors. The Waste Management Plan referred to later in this report would need to prescribe appropriate times for bin movements and collections in order to minimise impacts upon neighbouring properties. Hard surfacing materials for the area immediately outside the bin store would need to be carefully selected to ensure that noise from bins being moved from the store would be minimised. A condition requiring submission and approval of details of these materials is recommended.

### **Quality of Residential Accommodation**

7.79 The National Planning Policy Framework's relevant 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) is again noted. London Plan policies relevant to the quality of residential accommodation include 3.5, 7.1 and 7.15. Core Strategy policy CS12 (part A) and policy DM2.1 (part A) in the Development Management Policies document confirm that developments should provide a good level of amenity, including in terms of noise, fumes, privacy, outlook and natural light. Policy DM3.4 sets out detailed requirements for new residential accommodation. The Mayor of London's Housing SPG and the London Housing Design Guide (Interim Edition) are also relevant.

#### *Daylight and sunlight*

7.80 The BRE's ADF test takes into account room and window sizes, and is commonly used in assessments of the levels of daylight that would be received by residential accommodation proposed in new developments. Page three of the BRE guidance suggests ADF values for dwellings of 2% for kitchens, 1.5% for living rooms and 1% for bedrooms are appropriate.

7.81 The submitted Internal Daylight, Sunlight and Overshadowing Report states at page two that 80% of rooms within the proposed development would meet the BRE's guidance in terms of the ADF test, and adds that the rooms falling short of the BRE's recommendations do so because they would have balconies which would reduce the levels of daylight available indoors. Given the site's urban/central location, the width of Wharf Road, and the amenity provided by the balconies referred to by the applicant's consultant, it is considered that this level of access to daylight is acceptable.

7.82 The submitted Internal Daylight, Sunlight and Overshadowing Report states at page seven that the "sunlight potential of the proposed scheme is good overall, with most

rooms complying with the BRE's recommendations both for the whole year and for the winter months". A definition of "most" has not been provided, and full APSP data has not been set out in the report's appendices, however the applicant's colour-coded elevations – while of limited use – suggest that the majority of tested windows would meet, or would come close to meeting, the BRE's recommendations. In order to reduce the number of failing windows, a reorientation or reduction in the massing of the proposed development would be necessary, which would result in the layout and massing no longer reflecting the historic pattern of development that once existed around the basin, fewer residential units having views of the water, and a development that may not optimise housing output for such an accessible urban/central site. It is therefore considered that the proposed development's access to sunlight is acceptable.

### *Outlook*

- 7.83 Outlook throughout the proposed development would be adequate for such an urban/central site, and the applicant has made efforts to ensure that the majority of residential units across all tenures would benefit from views (oblique or direct) of the waters of the City Road Basin. No units would be reliant on outlook over the site's southern boundary, and only glass blocks, metal mesh screens to the access decks, and a small number of (mostly staircase) windows would face the tall, close and blank north wall of the electricity substations. Further improvements to outlook should be achieved with the submission of amended drawings of the elevations facing the basin.

### *Privacy*

- 7.84 Elevation-to-elevation distances of 17.5 metres would be maintained across the proposed development's open spaces, where distances of 18 metres would normally be required, however this shortfall is minor, and any resulting compromised privacy between properties in the same development would not normally be of as much concern as situations where existing neighbouring privacy is compromised.
- 7.85 The proposed development would not be closely overlooked by residential properties to the south and west. In respect of the emerging mixed use development at 18-42 Wharf Road, it is again noted that the council's 18 metre minimum distance requirement is not normally applied to situations involving overlooking across a public highway. To the north, existing windows at Pickfords Wharf may overlook some of the windows and rear outdoor amenity spaces of proposed block G, however these would be limited and/or oblique views, and appropriate screening of the new roof terraces could be provided. It is recommended that details of such screening be secured by condition.

### *Unit and room sizes*

- 7.86 Table 3.2 of the Development Management Policies sets out overall minimum unit size standards for residential development, and Table 3.3 reiterates the Mayor of London's room size standards. Page 27 of the submitted Design and Access Statement confirms that the proposed development has been designed to these standards, and floor plans submitted by the applicant indicate that these standards

would be significantly exceeded in several units. The proposed development is considered acceptable in terms of internal space provision.

#### *Aspect*

- 7.87 Dual aspect flats must be provided in all situations in accordance with Core Strategy policy CS9 (part F) and part D of Development Management Policy DM3.4, unless exceptional circumstances can be demonstrated.
- 7.88 Of the 98 residential units proposed, 26 would be single aspect (21 in block A, five in block E). Of the other 72 units, many would benefit from true dual aspect, with windows on opposite sides of their blocks, enabling natural cross-ventilation and improved amenity for their occupants. This level of provision of dual aspect units is welcome, and should weigh positively in the final balance of planning considerations.

#### *Playspace*

- 7.89 Development Management Policy DM3.6 sets out requirements for playspace.
- 7.90 Page 42 of the submitted Planning Statement sets out the applicant's child yield calculations for the proposed development. A child population of 93 (40x under-5s, 32x 5- to 11-year-olds, and 21x over-12s) was predicted when a 99-unit scheme was proposed. Applying the requirement of policy DM3.6 for 5sqm of playspace to be provided per child, an overall provision of 465sqm would be needed.
- 7.91 The amended Landscape Design Statement (dated October 2014) intends to address the comments of the Design Review Panel, and sets out proposals for playspace within the northern courtyard, where 222sqm of "toddler space" is proposed. In addition, other areas within the two courtyards would be playable, and the applicant has indicated that older children would more appropriately make use of existing play provision at Graham Street Park, Shepherdess Walk, King Square Gardens and Shoreditch Park, although it is noted that the latter two spaces would require children to cross busy roads, and are more than 400 metres away from the application site (and therefore exceed the maximum walking distance set out in the Mayor of London's Play and Informal Recreation SPG).
- 7.92 Contributions towards playspace provision are no longer collected through S106 agreements, and are instead now collected through Islington's Community Infrastructure Levy (CIL), and it may be appropriate to allocate CIL funds to improving the existing playspaces within walking distance of the application site.
- 7.93 With the proposed development being at least partly reliant upon existing playspaces outside the site, reciprocal, full public access to the outdoor spaces proposed at 37-47 Wharf Road should be provided and secured through a S106 agreement.

#### *Amenity space*

- 7.94 Development Management Policy DM3.5 states that all new residential development and conversions will be required to provide good quality private



outdoor space in the form of gardens, balconies, roof terraces and/or glazed ventilated winter gardens. Part C of the policy states that the minimum requirement for private outdoor space is 5sqm on upper floors and 15sqm on ground floors for 1-2 person dwellings. For each additional occupant, an extra 1sqm is required on upper floors and an extra 5sqm on ground floors up to a minimum of 30sqm for family housing (three bedroom residential units and above).

- 7.95 Private amenity spaces are proposed in the form of small defensible spaces outside ground floor units, balconies (some recessed, some projecting), and roof terraces. Every residential unit across all tenures would have access to some form of private outdoor amenity space, and residents would additionally have full access to the proposed development's two courtyards and canal edge. The overall provision is considered acceptable and largely compliant with Development Management Policy DM3.5.

#### *Open space*

- 7.96 Development Management Policy DM6.2 states that developments in excess of certain sizes, or where a specific need has been identified by the council, are required to provide on-site publicly-accessible public open space. With a total floorspace of 12,543sqm (GEA), the proposed development is required to provide open space under this policy. Map 3.10 in the Core Strategy confirms St Peter's Ward is a priority area for increasing the quantity of public open space. At 37-47 Wharf Road, site allocation BC10 states that public space should be provided along the canal edge. The proposed development's two courtyards, which would be accessible to the public, address this requirement.
- 7.97 The submitted Internal Daylight, Sunlight and Overshadowing Report states at page seven that more than 50% of the two proposed courtyards would receive at least two hours of sunlight on 21<sup>st</sup> March.

#### *Refuse and recycling*

- 7.98 Bin stores are proposed at either end of block A. The submitted Waste Management Addendum to the Design and Access Statement confirms that space for 28x 1,280-litre Eurobins are proposed. A Waste Management Plan would need to be provided, clarifying arrangements for the separate storage of recyclable waste within the bin stores, arrangements for the transfer of waste from the residential units to the bin stores, details of measures to avoid impacts upon the amenities of residents immediately to the north of the application site, janitor responsibilities, collection times, and details of measures designed to avoid obstruction of the bin stores when bulky waste is being stored, in order to address the concerns of the council's Street Environment Manager.

#### *Other residential quality matters*

- 7.99 Proposed access deck lengths and the number of residential units served by each core are considered acceptable. In most cases, no more than six units would be served by a single core or deck on each floor. 10 units would be served by a single corridor (with three stair cores and a lift) at 5<sup>th</sup> floor level in block A, however this is considered acceptable given the relatively small number of units involved.

7.100 With regard to Development Management Policy DM3.7, residents' exposure to noise would need to be addressed through a scheme for sound insulation, which can be secured by condition.

7.101 Islington's Development Management Policies reiterate the guidance of the Mayor of London's Housing SPG (which states that 2.6 metre floor-to-ceiling heights should be provided in new residential developments). Supplementary drawings 460\_D\_005 and 015 confirm that floor-to-ceiling heights of 2.6m are proposed.

### **Dwelling Mix**

7.102 Policy CS12 (part E) requires developments to provide a range of unit sizes to meet needs in the borough, and maximise the proportion of family accommodation in both affordable and market housing. In the Development Management Policies document, paragraph 3.14 (which supports policy DM3.1) states that developments should provide for a mix of unit sizes in accordance with Table 3.1, which sets out the following required unit size/tenure mix:

<b>Tenure</b>	<b>1 bed</b>	<b>2 bed</b>	<b>3 bed</b>	<b>4 bed+</b>
Market	10%	75%	15%	0%
Intermediate	65%	35%	0%	0%
Social Rented	0%	20%	30%	50%

7.103 The unit size/tenure mix proposed by the applicant following the amendments made during the life of the application is as follows:

<b>Tenure</b>	<b>1 bed</b>	<b>2 bed</b>	<b>3 bed</b>	<b>4 bed</b>
Market	5 (26.3%)	4 (21.1%)	10 (52.6%)	0 (0%)
Intermediate	9 (60%)	6 (40%)	0 (0%)	0 (0%)
Social Rented	4 (6.3%)	40 (62.5%)	14 (21.9%)	6 (9.4%)

7.104 The proposed proportions of 1-, 2- and 3-bedroom intermediate (shared ownership) units closely match the requirements of Table 3.1, and are considered acceptable. In accordance with the footnote at Table 3.2, no studio units are proposed in any tenure.

7.105 Other aspects of the proposed unit size mix do not closely match the requirements of Table 3.1, however the proposed unit size mix within the social rent tenure is considered acceptable, given the advice of the Housing Development and Regeneration Team Leader, and given the application site's location, where an exception to certain policy requirements (in particular, the requirement for 50% of social rent units to have four bedrooms) can be accepted due to affordability considerations.

### **Affordable Housing and Financial Viability**

- 7.106 Core Strategy policy CS12 (part G) sets out a requirement that 50% of additional housing to be built in the borough over the plan period should be affordable, and that the maximum reasonable amount of affordable housing is provided at individual sites. Paragraph 47 of the NPPF is relevant to the proposed development in relation to affordable housing, as is London Plan policy 3.12. Policy 3.11 in the London Plan (as amended by the Revised Early Minor Alterations to the London Plan, 2013) sets out a preference for 60% of affordable housing provisions to be for social and affordable rent and 40% for intermediate rent or sale, however Core Strategy policy CS12 (part G) sets out a required 70% social housing / 30% immediate housing split. Paragraph 4.4.42 of the Mayor of London's Housing SPG (2012) and paragraphs 9.46 and 9.47 of Islington's Planning Obligations (Section 106) SPD confirm that post-approval reassessment(s) of a development's financial viability may be appropriate in some cases.
- 7.107 Approximately 20% of the application site is currently owned by LB Islington with the other 80% currently leased by the council for approximately 80 years unexpired from the Canal and River Trust. As part of its land deal with the applicant, the council intends to forego a majority proportion of its capital receipt for its freehold and long leasehold interests in order to facilitate a higher affordable housing provision. The proposed affordable housing offer is also dependent on Recycled Capital Grant Funding (RCGF) and further subsidy by Family Mosaic.
- 7.108 The proposed affordable housing offer would deliver:
- 64 social rent units (4x 1-bedroom, 40x 2-bedroom, 14x 3-bedroom and 6x 4-bedroom units)
  - 15 shared ownership units (9x 1-bedroom and 6x 2-bedroom units)
- 7.109 Although the submitted Design and Access Statement refers to "affordable rent", this tenure is not proposed, and the submitted Planning Statement correctly refers to social rent units.
- 7.110 Based on habitable rooms, the proposed development would deliver a 78.9% affordable provision (80.6% based on units). A total affordable provision of 79 units would be delivered. Within this provision, a tenure split of 86.7% social rent / 13.3% shared ownership would be achieved.
- 7.111 The applicant submitted a financial viability appraisal prepared by Douglas Birt Consulting and dated 28/05/2014. This notes the land deal specific to this site, the RCGF being used, and the lower profit level that the applicant is prepared to accept, and concludes that the scheme is able to provide 81% affordable housing.
- 7.112 The council's financial viability consultant, BPS, examined the applicant's financial viability appraisals and related documents, and issued a report dated 31/07/2014. BPS asserted that the build costs and affordable housing values suggested by the applicant's consultant were reasonable. BPS noted that the private sales values could be increased marginally to reflect recent sales growth, but noted that this would still result in profit levels considerably lower than those typically targeted by developers, and the overage agreement would in any case address any such increase in sales values. Although the applicant has allowed for S106 and CIL contributions higher than those that are actually required, due to the detail of the

land deal struck with the vendors, this difference in contributions would not materially affect BPS's conclusions regarding the scheme's viability. In conclusion, BPS state that they are satisfied that the applicant cannot viably deliver any additional affordable housing or payments towards planning obligations.

- 7.113 On 04/12/2014 the applicant confirmed that the loss of one shared ownership unit had a largely neutral impact upon the proposed development's financial viability, as a small increase in private residential floorspace was proposed in the same amendments received on 06, 07 and 22/10/2014.
- 7.114 The applicant has agreed to the inclusion (in a S106 agreement) of a further review of the proposed development's financial viability in the event that implementation is delayed.
- 7.115 A redacted version of BPS's report is attached to this report at Appendix 4.
- 7.116 The proposed social rent units would be located in the wings and part of block A. The shared ownership units would be located at the south end of block A, with the proposed private units occupying the top storeys of block A. This arrangement of tenures is considered fair, no single tenure would be concentrated in a significantly compromised or favourable location, the majority of units (across all tenures) would benefit from views of the basin, and the proposed elevational treatments would ensure the development is "tenure blind".

### **Sustainability**

- 7.117 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 set out 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.
- 7.118 Information relating to sustainability was provided in the appendices of the Energy Strategy. These included a draft Green Performance Plan, a Code for Sustainable Homes Pre-Assessment, and a water consumption calculation for a typical residential unit. A separate Drainage Layout drawing provides pre- and post-development surface water run-off figures.
- 7.119 In relation to drainage, the applicant has not addressed Development Management Policy DM6.6 in full. Annotations on drawing 400 indicate that an 88% reduction in surface water run-off would be achieved, however a litres/second/hectare figure is needed for comparison with the requirements of policy DM6.6, which states that major developments must be designed to reduce flow to a "greenfield rate" of run-off (8 litres/second/hectare) where feasible. Where it is demonstrated that a greenfield run-off rate is not feasible, rates should be minimised as far as possible, and the maximum permitted run-off rate will be 50 litres/second/hectare.
- 7.120 Alternative drainage options need to be explored by the applicant before engineered solutions (such as the proposed attenuation tanks) are opted for in accordance with the drainage hierarchy set out in London Plan policy 5.13. Water

should be controlled at surface where possible, and integrated into the proposed landscaping. Permeable surfaces, capped below (if contamination or ground conditions prevent infiltration techniques), could be appropriate. The applicant's drainage strategy should demonstrate compliance with Islington's policy requirement (set out under part G of Policy BC2 in the Finsbury Local Plan) that development proposals should provide sustainable drainage techniques that result in zero net run-off to the canal basin.

- 7.121 An appropriate condition, requiring the submission of an updated drainage strategy that addresses the requirements of Development Management Policy DM6.6, is recommended.
- 7.122 The proposed development has been designed to achieve Code for Sustainable Homes Level 4, in accordance with Development Management Policy DM7.4. It is recommended that this be secured by condition, and officers will continue to encourage the applicant to aspire to meet Level 5. The council's 95 litres per person per day water consumption target (set out under Core Strategy policy CS10) would be met, albeit narrowly, and it is also recommended that this be conditioned.
- 7.123 A requirement for a complete and updated Green Performance Plan is included in the recommended S106 Heads of Terms. Improvements to the plan will need to be made prior to its resubmission (which, in accordance with Appendix 3 of the council's Environmental Design SPD, would be within six months of occupation of the development). This will need to ensure that 10% of the volume of materials used are derived from recycled and reused content, in accordance with Development Management Policy DM7.4.
- 7.124 The applicant's submission does not clarify whether green/brown roofs would be provided, however these are required on all areas of flat roof that are not required for other purposes under Development Management Policy DM6.5 (part C) and Finsbury Local Plan policy BC2 (part G). A condition, requiring the maximisation of green/brown roof provision and requiring green/brown roofs to meet the council's standard requirements (which set out under policy DM6.5 and the council's Environmental Design SPD), would be necessary. This provision would form part of the drainage strategy and should be taken into account in run-off calculations.
- 7.125 Map 3.12 in the Core Strategy confirms the application site is within an area deficient in access to nature. Development Management Policy DM6.5 requires developments to protect and enhance the biodiversity value of development sites and their surroundings. This policy requirement is particularly relevant to 37-47 Wharf Road, given the site's location immediately adjacent to the Regent's Canal (East) Site of Importance for Nature Conservation (Metropolitan Importance).
- 7.126 An Ecological Appraisal, based on a survey carried out on 11/02/2014, was submitted with the application. It found that the site's derelict warehouse provides roosting potential for bats during the bat active season, but that the site was unlikely to be used by any other protected species. The appraisal concluded that the site is of low ecological value, but made recommendations intended to enhance and minimise impacts upon wildlife.

7.127 It is recommended that these measures be accepted and secured by condition. In addition, it is recommended that a further bat survey – carried out at an optimum time of year when bats are more active – be required by condition. Conditions relating to green/brown roofs, and to the landscaping of the site, are appropriate to ensure further enhancements in relation to biodiversity are achieved.

### **Trees and Landscaping**

7.128 The applicant's submissions demonstrate that the proposed development would have little impact upon existing trees. The proposed development would necessitate pruning of one tree – a false acacia – that currently oversails the site boundary, however trees of this size and species can tolerate such pruning, as well as the pruning that would be necessary later to avoid post-development conflict.

7.129 The proposed tree planting scheme is considered acceptable, subject to details of tree sizes and soil volumes being submitted at conditions stage. The proposed landscaping scheme is considered acceptable, however a condition requiring full details of landscaping would be necessary.

7.130 The applicant's External Lighting Strategy Plan includes bollard lighting along the basin edge, uplighters and lighting set within planter walls. A condition, requiring full details of general and security outdoor lighting (including details of luminaire models and spill) is recommended. These details will need to be considered in the light of inclusive design considerations, and the need to limit impacts upon neighbouring residents, wildlife and the adjacent Site of Importance for Nature Conservation.

### **Energy Efficiency and Renewable Energy**

7.131 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. This 40% saving is equivalent to a 30% saving compared with the 2010 Building Regulations, and 27% compared with the 2013 Building Regulations. A higher saving (50% in comparison with total emissions from a building which complies with the Building Regulations 2006, which translates into a 39% saving compared with the 2013 Building Regulations) is required of major development in areas where connection to a decentralised energy network (DEN) is possible. Development Management Policy DM7.3 requires all major developments to be designed to be able to connect to a DEN, and connection is required if a major development site is within 500 metres of an existing or a planned future DEN. Part J of Core Strategy policy CS7 and part F of Finsbury Local Plan policy BC2 set out aims and requirements relating to expansion of existing DENs.

7.132 The Bunhill Heat and Power Network exists relatively close to the site. Distribution pipework is already in place along Ironmonger Row and Central Street. Expansion of the network to within 250 metres of the site boundary is due to be completed by late 2015/early 2016. Two additional low carbon heat sources are also due to be connected to the network within this timeframe.

- 7.133 The applicant's updated (version 3.0) Energy Strategy sets out two options in relation to energy. The applicant's preferred strategy involves connection to the Bunhill Heat and Power Network (in compliance with policy DM7.3), and would achieve a saving in total CO<sub>2</sub> emissions of 27.2% in comparison with a scheme that complied with the 2013 Building Regulations. This would fall short of the 39% saving required by Core Strategy policy CS10, however this is considered acceptable at this particular site, given that the performance of the network (in terms of CO<sub>2</sub> emissions) is due to be improved (and, therefore, the carbon intensity of the proposed development would also be improved) once connections are made in the short term to local sources of lower carbon heat.
- 7.134 The applicant's second, fallback strategy (Option 2) includes a proposed CHP facility, and is not considered acceptable, as it would achieve a total CO<sub>2</sub> saving of only 12.8%, falling significantly short of the council's 27% requirement. If it transpires that Option 1 is not feasible, Option 2 would only be considered acceptable if significant improvements were made to this saving, which could include improved energy efficiency, measures to reduce unregulated emissions, use of a low carbon heat supply from neighbouring developments, and/or alternative on-site low carbon heat generation. It is recommended that the S106 agreement be worded to make clear that Option 2 should only be implemented if such improvements are made. Appropriate measures to future-proof the development for later connection to the Bunhill Heat and Power Network would also need to be included in the necessary S106 Heads of Terms.
- 7.135 Energy efficiency measures and photovoltaic panels to the roof of block E are also proposed by the applicant.
- 7.136 Given the CO<sub>2</sub> savings proposed by the applicant, a financial contribution towards offsetting of £131,560 would be required if Option 1 is implemented, increasing to £157,320 if Option 2 is implemented. This contribution would need to be secured through a S106 agreement.
- 7.137 The overheating analysis provided by the applicant in the Report on Thermal Comfort submitted in response to officer comments concludes that all sample dwellings would comply with relevant guidance on overheating in 2030, but that one living room would overheat in 2050. This low level of failure is considered acceptable.

### **Highways and Transportation**

- 7.138 Policies relevant to highways and transportation are set out in section 4 of the NPPF and chapter 6 of the London Plan. Islington's Core Strategy policy CS10 encourages sustainable transport choices through new development by maximising opportunities for walking, cycling and public transport use. Detailed transport policies are set out in chapter 8 of Islington's Development Management Policies.

#### *Existing conditions*

- 7.139 As noted earlier in this report, Wharf Road is open to two-way traffic. Double yellow lines exist on the west (LB Islington's) side of the street immediately outside the application site, and on-street parking bays exist on the opposite (east) side within

LB Hackney, however these are currently suspended to facilitate construction work. The site has a PTAL rating of three, rising to four at its southeast corner. The site is served by several bus routes along City Road, and is within walking distance of Angel and Old Street tube stations. The site has six dropped kerbs along Wharf Road, although some of these appear not to have been used for some time. The canal edge has been identified as a Local Cycle Route at Appendix 6 of Islington's Development Management Policies.

*Trip generation, parking and cycle parking*

- 7.140 The applicant's Transport Assessment (rev C, which still refers to a 99-unit development) assesses the impact of the proposed development upon highway networks, movement and safety.
- 7.141 The applicant predicts the proposed development would generate 51 and 48 total person trips in the a.m. (08:00 to 09:00) and p.m. (17:30 to 18:30) peak hours, with the majority of trips being made by foot (28.1%), tube (27.6%), bus (24.7%, including coaches and minibuses) and cycle (10.7%). No peak hour car or van trips are predicted, and small numbers of trips by train, taxi/minicab and motorcycle/scooter/moped are predicted.
- 7.142 In relation to public transport capacity, 12 additional bus trips are predicted in the a.m. peak hour, and 12 are predicted in the p.m. peak hour. 15 additional tube trips are predicted in the a.m. peak hour, and 13 in the p.m. peak hour, and these are likely to be spread between Old Street and Angel tube stations. The applicant's consultant concludes that the numbers of additional trips relating to all modes of public transport are not expected to have an adverse impact on local services. This conclusion is accepted by officers. Contributions towards transport improvements are now collected through Islington's Community Infrastructure Levy (CIL), and TfL would be able to make a case for moneys to be spent on local services, should this be necessary following the completion of this and other developments around the City Road Basin.
- 7.143 The proposed development would be car-free in accordance with Core Strategy policy CS10 and Development Management Policy DM8.5. Proposed provisions for accessible parking are discussed earlier in this report. An appropriate clause in a S106 agreement would be necessary to prevent residents of the proposed development from being eligible for Controlled Parking Zone (CPZ) permits, however it must be noted that residents moving into the new homes would be eligible for a CPZ permit if they have already held an Islington CPZ permit for a period of at least a year.
- 7.144 The proposed development would have 214 bedrooms. The standards set out at appendix 6 of the Development Management Policies confirm that one cycle parking space is required per bedroom, however only 206 cycle parking spaces are proposed. The proposed development's small shortfall in provision is a result of the applicant providing space for cycle trailers. Although this space would normally be expected in addition to the 1-space-per-bedroom provision, it is not considered necessary to seek further amendments in this case. The cycle stores would be covered and conveniently located, in accordance with part C of Development Management Policy DM8.4. The proposed cycle parking provision (including



product specification for the proposed racks), and provision of cycle parking arrangements for visitors, would need to be secured by an appropriate condition.

- 7.145 A Travel Plan has been provided by the applicant. This is welcomed (and required under Appendix 5 of the Development Management Policies) and would encourage the use of more sustainable modes of transport. A requirement for a detailed, updated travel plan would need to be included in a S106 agreement.

#### *Servicing*

- 7.146 The site would continue to be serviced from Wharf Road which, although contrary to Development Management Policy DM8.6 (which states that provision for delivery and servicing should be provided off-street, and that applicants must demonstrate that servicing and delivery vehicles can enter and exit the site in a forward gear), would enable the development to provide strong definition to Wharf Road, and the amenities of the two new courtyards would not be compromised by the presence, noise and exhaust fumes of vehicles.
- 7.147 Drawing SK10 rev C was submitted in response to officers' application-stage comments, and shows three notional pick-up areas on Wharf Road outside the proposed bin stores, however these would not be marked, and the existing double yellow lines would remain in place.
- 7.148 Conditions requiring the submission of a Delivery and Servicing Management Plan and a Demolition and Construction Management and Logistics Plan are recommended.

#### *Other highways considerations*

- 7.149 It is likely that footway and highway reinstatement works would be necessary following completion of the proposed development, and it is recommended that provision for this be included in a S106 agreement. Other works to Wharf Road proposed by the applicant – including the relocation of an existing speed hump, and the installation of bollards and build-outs either side of the proposed inset accessible parking bays – would need to be covered by a S278 agreement. This agreement would also need to secure the provision of dropped kerbs requested by the council's Street Environment Manager. Vehicle tracking plans (drawing SK11) demonstrate that refuse vehicles and fire appliances would not be prevented from passing along Wharf Road once the highways works are implemented and the accessible parking bays and notional pick-up areas are in use. The submitted Road Safety Audit states that, with a 4.8 metre carriageway width maintained, two cars would still be able to pass if approaching from opposite directions. LB Hackney were consulted on the proposed development, but did not provide comments.
- 7.150 The comments of the London Fire and Emergency Planning Authority regarding the need for fire brigade access to the perimeter of the proposed buildings are noted, however this does not mean vehicular access into the site is required.
- 7.151 The PERS audit included in the submitted Transport Assessment notes aspects of the pedestrian environment close to the application site which could be improved.

These findings could inform future decisions as to where CIL moneys associated with the proposed development could be spent.

- 7.152 As noted earlier in this report, the council is negotiating with UKPN and other stakeholders to secure public access to the east side of the City Road Basin. As contributions towards transport and public realm works are now collected through Islington's CIL, once moneys related to the proposed development are secured it may be appropriate to allocate CIL funds to improving the basin edge outside the electricity substations and to the removal of fences and gates that currently prevent public access to the east side of the basin.

### **Contaminated Land and Other Environmental Considerations**

- 7.153 Site allocation BC10 notes that the site falls within a groundwater source protection zone. Proposals must incorporate measures to protect groundwater quality and demonstrate that groundwater quality will not be detrimentally affected during construction.
- 7.154 Given the potentially contaminating historic uses of the application site, the potential for contamination of groundwater, and the introduction of residential accommodation which would bring new receptors to the site, provisions relating to contamination would be necessary, and appropriate conditions are recommended. The Environment Agency have requested that six conditions be applied in relation to site contamination, and these are recommended as an informative and five conditions, including a single condition relating to piling in the light of comments made by Thames Water, the Environment Agency and the council's Pollution Projects Team.
- 7.155 The Explosive Ordnance Threat Assessment submitted with the application concludes that the majority of the site has a low risk of unexploded ordnance remaining, and that the remainder of the site has a medium risk. The applicant's consultant has made recommendations intended to mitigate risks associated with unexploded ordnance, including the provision of briefings to site staff, and the supervision of excavations by an appropriate disposal engineer.
- 7.156 The whole of the borough has been designated by the council as an Air Quality Management Area. Should Option 2 of the applicant's Energy Strategy be implemented, any CHP plant would need to be of an ultra-low NOx type, and an appropriate condition is recommended.
- 7.157 As noted earlier in this report, for the development's demolition and construction phases, a Construction Environmental Management Plan (CEMP) assessing the environmental impacts (including air quality, dust, smoke and odour) would need to be secured by condition.
- 7.158 In the light of the recent information provided by the applicant in relation to electromagnetic radiation, it is not recommended that the condition proposed by the council's Pollution Projects Team be applied.
- 7.159 With regard to the risk of odours emanating from the proposed development's bin stores, the Waste Management Plan required by a relevant recommended condition

will need to set out appropriate mitigation measures, and it is noted that the north bin store (adjacent to 49 Wharf Road) would have two doors between the street and the area where waste would be stored.

### **Planning Obligations, Community Infrastructure Levy and local finance considerations**

7.160 At application stage officers advised the applicant that a S106 agreement including the relevant Heads of Terms would be necessary in order to mitigate the impacts of the proposed development. The necessary Heads of Terms are:

- On-site provision of affordable housing in line with Core Strategy policy CS12.
- Submission of an updated financial viability appraisal, should implementation be delayed.
- 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 five work placements during the construction phase of the development, lasting a minimum of 13 weeks, or a fee of £25,000 to be paid to LBI (£5,000 per work placement not provided). Developer/ contractor to pay wages (must meet London Living 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 £9,900 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 10 accessible parking bays or a contribution of £20,000 towards bays or other accessible transport initiatives.
- A contribution of £131,560 towards offsetting the projected residual CO<sub>2</sub> emissions of the development if Option 1 of the Energy Strategy is implemented, or £157,320 if Option 2 is implemented (charged at the established price per tonne of CO<sub>2</sub> for Islington which is currently £920).
- 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.

- Submission of a Green Performance Plan.
- Submission of a draft full Travel Plan for council approval prior to occupation, and of a full Travel Plan for council approval six months from first occupation of the development.
- Removal of eligibility for residents' parking permits.
- Provision of public access through the site (between Wharf Road and City Road Basin) and to/along the canal basin edge/path.
- Council's legal fees in preparing the S106 and officer's fees for the preparation, monitoring and implementation of the S106.

7.161 In emails dated 28/11/2014 and 02/12/2014, the applicant agreed to the above Heads of Terms.

7.162 Modifications to the highway outside and close to the application site would need to be the subject of a S278 agreement with the council. This matter would also need to be referred to in a S106 agreement.

7.163 Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), the London Borough of Islington Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL) would be chargeable on the proposed development. This would be calculated in accordance with the London Borough of Islington CIL Charging Schedule 2014 and the Mayor of London CIL Charging Schedule 2012. The CIL charges would be payable to the London Borough of Islington after implementation. Based on the floorspace figures provided with the application, and an assumption that the existing buildings have been occupied for six months within the last three years, an Islington CIL of £453,041.93 and a Mayoral CIL of £91,015 would apply to the proposed development. Revised CIL figures for the site "as vacant" would be Islington CIL of £536,000, and Mayoral CIL of £107,681, and a further recalculation of CIL may be necessary in the light of the amendments made on 06, 07 and 22/10/2014.

### **National Planning Policy Framework**

7.164 Paragraph 17 of the NPPF sets out 12 core planning principles that should underpin decision-taking. The current proposal is strong in relation to the principles relating to the reuse of land, and encouraging walking. Subject to conditions and the necessary S106 agreement, the proposed development is also largely in compliance with the principles relating to climate change, and the conservation and enhancement of the natural environment. The proposal is not considered to be fully compliant in relation to the principles relating to achieving high quality design and

meeting housing needs, however its contribution towards these targets is nevertheless acknowledged.

- 7.165 In the final balance of planning considerations officers have also considered the proposal in the context of the presumption in favour of sustainable development set out in the NPPF.

### **Other Matters**

- 7.166 Development Management Policy DM6.1 requires developments to provide healthy environments, reduce environmental stresses, facilitate physical activity and promote mental well-being. London Plan policy 3.2 and Core Strategy policy CS19 are also relevant. Development Management Policy DM6.1 states that a Health Impact Assessment (HIA) needs to be submitted with applications for developments involving over 200 residential units, or where potential health issues are identified. Given the size of the proposed development, and the responses provided by the applicant in the submitted HIA screening document, it is accepted that an HIA need not be provided by the applicant. The proposed development does not raise any particular concerns regarding health, and it is noted that the provision of public access through the development and along the canal basin edge, and the inclusion of adequate and conveniently located cycle storage, could encourage more active lifestyles and the use of more sustainable transport modes.
- 7.167 The Metropolitan Police's Designing out Crime Officer has asked for Secured by Design compliance to be secured by condition. Such a condition, however, is not recommended, as standard Secured by Design measures may conflict with the council's intention to secure public access through the developed site and along/to the east side of the City Road Basin. A condition requiring details of security lighting is recommended.
- 7.168 The concern expressed by a neighbouring resident regarding potential damage to adjacent property during construction works is not a material planning consideration that would warrant refusal of planning permission, and in any event this would be guarded against by recommended condition 24.
- 7.169 The comments of one resident regarding the pre-application consultation carried out by the applicant are noted. The applicant team was encouraged by the council to consult across a wide area that included the Angel Waterside development, however it is noted that pre-application consultation by an applicant is not yet a requirement under the Localism Act 2011. At application stage the council met and exceeded its statutory duties in publicising the application.
- 7.170 The concerns expressed by one resident regarding the apparent lack of infrastructure improvements to support the several major residential developments currently under construction around the City Road Basin would be addressed in part by the CIL and S106 contributions secured in connection with the various planning permissions that have been granted to date, and by the facilities to be provided within those developments.

## **8.0 SUMMARY AND CONCLUSION**

## **Summary**

- 8.1 The benefits of the proposed development must be noted. These include the delivery of a quantum of new housing (including much-needed affordable housing), the removal of existing unsightly buildings and boundary treatments, the re-use and redevelopment of a site which currently causes visual harm to the City Road Basin and Wharf Road, the reduced surface water run-off rate that would be achieved, the quality of the proposed residential accommodation, the provision of public access to the canal edge, and the definition and activity that would be brought to Wharf Road. CIL contributions towards transport and other infrastructure which, although required in order to mitigate the impacts of the development, would also benefit existing residents and visitors to the area. Work placements would also be secured.
- 8.2 These benefits must, however, be weighed against the shortcomings of the proposed development, and the policies which would not be complied with. Officers' primary concerns relate to the proposed canal elevations, and inclusive design. These shortcomings, however, can be remedied or limited through the use of conditions (including amending conditions where appropriate) and through the requirements of the recommended Section 106 agreement. In the case of the residential units that would not be habitable or visitable by people with disabilities, it is considered that in this case there are relevant considerations that do not outweigh the non-compliance with planning policy, but lessen the weight to be attached to this shortcoming.
- 8.3 The comments made by residents have been considered, as have responses from consultee bodies.
- 8.4 It must be noted that the statutory starting point in the council's assessment of planning applications is to assess them against all relevant development plan policies and other material considerations, then to determine them in accordance with the plan as a whole unless material considerations indicate otherwise.
- 8.5 In this case, the benefits of the proposed development (as amended) have been given due consideration, and are considered to outweigh the shortcomings of the development (as mitigated by the facts of the case and the provisions of the recommended conditions and Section 106 Heads of Terms).
- 8.6 In conclusion, given the proposed development's level of compliance with planning policies (including those of the NPPF and the London Plan), it is recommended that planning permission be granted.

## **Conclusion**

- 8.7 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.

### **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:

- On-site provision of affordable housing in line with Core Strategy policy CS12.
- Submission of an updated financial viability appraisal, should implementation be delayed.
- 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 five work placements during the construction phase of the development, lasting a minimum of 13 weeks, or a fee of £25,000 to be paid to LBI (£5,000 per work placement not provided). Developer/ contractor to pay wages (must meet London Living 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 £9,900 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 10 accessible parking bays or a contribution of £20,000 towards bays or other accessible transport initiatives.
- A contribution of £131,560 towards offsetting the projected residual CO<sub>2</sub> emissions of the development if Option 1 of the Energy Strategy is implemented, or £157,320 if Option 2 is implemented (charged at the established price per tonne of CO<sub>2</sub> for Islington which is currently £920).

- 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.
- Submission of a Green Performance Plan.
- Submission of a draft full Travel Plan for council approval prior to occupation, and of a full Travel Plan for council approval six months from first occupation of the development.
- Removal of eligibility for residents' parking permits.
- Provision of public access through the site (between Wharf Road and City Road Basin) and to/along the canal basin edge/path.
- Agreement to enter into a S278 with the Local Highway Authority in relation to works to Wharf Road.
- Council's legal fees in preparing the S106 and officer's fees for the preparation, monitoring and implementation of the S106.

That, should the Section 106 Deed of Planning Obligation not be completed within 27 weeks 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 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:**

<b>1</b>	<b>Commencement</b>
	CONDITION: The development hereby permitted shall begin no later than three years from the date of this permission.



	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).
<b>2</b>	<b>Approved plans list</b>
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved drawings and information:</p> <p>460_PL_100, 460_PL_101 rev B, 460_PL_102 rev A, 460_PL_103 rev B, 460_PL_104 rev A, 460_PL_105 rev B, 460_PL_106 rev B, 460_PL_107 rev B, 460_PL_108 rev A, 460_PL_109 rev B, 460_PL_110 rev B, 460_PL_111 rev B, 460_PL_112 rev B, 460_PL_113 rev A, 460_PL_114 rev A, 460_PL_115 rev A, 460_PL_300 rev B, 460_PL_301 rev A, 460_PL_302 rev B, 460_PL_303 rev B, 460_PL_304 rev B, 460_PL_305 rev B, 460_PL_306 rev A, 13259/E/01A-03, 13259/E/02-02, 13259/E/02A-03, 13259/E/03A-03, 13259/T/01A-02, 13259/T/02A-02, LN00346 L-100 rev C, LN00346 L-200 rev D, LN00346 L-500 rev E, 10767 SK10 rev C, 10767 SK11, 10767 400.</p> <p>Planning Statement (CMA Planning, May 2014),  Design and Access Statement (rev B, PTEa, November 2014),  Waste Management – Addendum to the Design and Access Statement (PTEa, May 2014),  Transport Assessment (rev C, Tully De’Ath, June 2014),  Full Travel Plan (Tully De’Ath, 26/06/2014),  Road Safety Audit (M B Projects Ltd, June 2014),  Landscape Design Statement (Outerspace, October 2014),  External Lighting Strategy Plan (October 2014),  Arboricultural Impact Assessment (D F Clark Bionomique Ltd, 28/02/2014),  Ecological Appraisal (D F Clark Bionomique Ltd, 20/02/2014),  Energy Strategy (version 3.0, Silcock Dawson and Partners, October 2014),  Report on Thermal Comfort (version 2.1, Silcock Dawson and Partners, October 2014),  Site Noise Assessment (Applied Acoustic Design, 29/04/2014),  Air Quality Assessment (Air Quality Consultants, June 2014),  Daylight and Sunlight Report (GIA, 02/06/2014),  Internal Daylight, Sunlight and Overshadowing Report (GIA, 16/06/2014),  Report on Power Frequency Magnetic Field (PFMF) Emissions (European EMC Products Ltd, 12/11/2014),  Geoenvironmental Phase I Desk Study Report (Listers, January 2013),  Phase II Ground Investigation (Listers, June 2013),  Explosive Ordnance Threat Assessment (BACTEC, 14/04/2014),  Demolition and Site Operations Plan (Family Mosaic, May 2014),  HIA Screening (undated), and  Area Schedule (revision F, PTEa, undated).</p> <p>REASON: For the avoidance of doubt and in the interests of proper planning.</p>
<b>3</b>	<b>Canal elevations – revised drawings</b>
	CONDITION: Notwithstanding the approved drawings listed under condition 2, revised elevational drawings and floor plans to a scale of not less than 1:100 of blocks E, F and G shall be submitted to and approved in writing by the Local

	<p>Planning Authority prior to any works commencing.</p> <p>The development shall be carried out strictly in accordance with the drawings 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: To ensure that the resulting appearance and construction of the development is of a high standard, and to ensure that visually interesting and active frontages facing the City Road Basin are provided in accordance with policies 3.5, 7.4, 7.5 and 7.6 of the London Plan 2011, policy CS9 of Islington's Core Strategy, policy DM2.1 of Islington's Development Management Policies 2013, and policy BC2 and site allocation BC10 of the Finsbury Local Plan 2013.</p>
<b>4</b>	<b>Materials and samples</b>
	<p>CONDITION: Details of facing materials including samples shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing. The details and samples shall include:</p> <ul style="list-style-type: none"> <li>a) brickwork, bond and mortar courses;</li> <li>b) metal cladding, panels, frames and architectural metalwork (including details of seams, gaps, and any profiling);</li> <li>c) windows and doors;</li> <li>e) roofing materials;</li> <li>f) any other materials to be used on the exterior of the development; and</li> <li>g) a Green Procurement Plan for sourcing the proposed materials.</li> </ul> <p>The Green Procurement Plan shall demonstrate how the procurement of materials for the development will promote sustainability, including through the use of low impact, sustainably-sourced, reused and recycled materials and the reuse of demolition waste.</p> <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 in accordance with policies 5.3, 7.4, 7.5 and 7.6 of the London Plan 2011, policies CS9 and CS10 of Islington's Core Strategy 2011, policies DM2.1, DM2.3 and DM7.4 of Islington's Development Management Policies 2013, and policy BC2 of the Finsbury Local Plan 2013.</p>
<b>5</b>	<b>Balconies – unauthorised alterations</b>
	<p>CONDITION: No bamboo screening or other items shall be fixed to the glass balustrades of the balconies and roof terraces unless approved in writing by the Local Planning Authority.</p> <p>REASON: To ensure that the resulting appearance and construction of the</p>

	development is to a high standard, and to ensure that the development is in accordance with policies 3.5, 7.4 and 7.6 of the London Plan 2011, policy CS9 of Islington's Core Strategy 2011, and policy DM2.1 of Islington's Development Management Policies 2013.
<b>6</b>	<b>Roof-level structures</b>
	<p>CONDITION: Details of any roof-level structures (including lift over-runs, flues/extracts, plant, photovoltaic panels and window cleaning apparatus) shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing. The details shall include a justification for the height and size of the roof-level structures, their location, height above roof level, specifications and cladding.</p> <p>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. No roof-level structures shall be installed other than those approved.</p> <p>REASON: In the interests of good design and also to ensure that the Local Planning Authority may be satisfied that any roof-level structures do not have a harmful impact on the surrounding streetscene or the character and appearance of the area in accordance with policies 3.5, 7.4 and 7.6 of the London Plan 2011, policy CS9 of Islington's Core Strategy 2011, and policy DM2.1 of Islington's Development Management Policies 2013.</p>
<b>7</b>	<b>Window and door reveals</b>
	<p>CONDITION: All windows and doors shall be set within reveals no less than 100mm deep unless otherwise agreed in writing by the Local Planning Authority.</p> <p>REASON: To ensure that the resulting appearance and construction of the development is to a high standard, to ensure sufficient articulation in the elevations, and to ensure that the development is in accordance with policies 3.5, 7.4 and 7.6 of the London Plan 2011, policy CS9 of Islington's Core Strategy 2011, and policy DM2.1 of Islington's Development Management Policies 2013.</p>
<b>8</b>	<b>External pipes, cables and CCTV</b>
	<p>CONDITION: No cables, plumbing, down pipes, rainwater pipes, foul pipes or CCTV cameras or related equipment and installations shall be located/fixed to any elevation(s) of the buildings hereby approved.</p> <p>Should additional cables, pipes be considered necessary the details of these shall be submitted to and approved in writing by the Local Planning Authority prior to their installation.</p> <p>Notwithstanding the drawings hereby approved, no CCTV cameras or related equipment and installations are hereby approved.</p> <p>REASON: To ensure that the resulting appearance and construction of the</p>

	development is to a high standard, and to ensure that the development is in accordance with policies 3.5, 7.4 and 7.6 of the London Plan 2011, policy CS9 of Islington's Core Strategy 2011, and policy DM2.1 of Islington's Development Management Policies 2013.
<b>9</b>	<b>Roof terrace screens (block A)</b>
	<p>CONDITION: Plans, sections and elevational drawings to a scale of not less than 1:20 of the screening to the roof terraces of block A of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing.</p> <p>The development shall be carried out strictly in accordance with the drawings 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: To ensure that the resulting appearance and construction of the development is to a high standard, and to ensure that the development is in accordance with policies 3.5, 7.4 and 7.6 of the London Plan 2011, policy CS9 of Islington's Core Strategy 2011, and policy DM2.1 of Islington's Development Management Policies 2013.</p>
<b>10</b>	<b>Privacy screening (block G)</b>
	<p>CONDITION: Details of screening or other design solution to prevent overlooking of neighbouring properties at Pickfords Wharf from the balconies and roof terraces of block G 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 details and samples so approved prior to first occupation, 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: To prevent overlooking of and loss of privacy to neighbouring residential properties, to ensure that the resulting appearance and construction of the development is to a high standard, and to ensure that the development is in accordance with policies 3.5, 7.4 and 7.6 of the London Plan 2011, policies CS9, CS10 and CS12 of Islington's Core Strategy 2011, and policy DM2.1 of Islington's Development Management Policies 2013.</p>
<b>11</b>	<b>Gates and boundary treatments</b>
	<p>CONDITION: Notwithstanding the approved drawings listed under condition 2, no gates shall be installed in the openings within block A between Wharf Road and the two courtyards of the development hereby approved, and no gates, fences, boundary treatments or other barriers shall be retained or installed within the site adjacent to the City Road Basin, without the prior written consent of the Local Planning Authority. Notwithstanding the provisions under Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 the erection, construction, improvement or alteration</p>

	<p>of a gate, fence, wall or other means of enclosure within the site shall not be carried out without express planning permission.</p> <p>REASON: To ensure that the Local Planning Authority has control over future development relating to means of enclosure in view of the limited space within the site available for such development, to ensure that the resulting appearance and construction of the development is to a high standard, to ensure neighbourhood permeability is improved, to ensure public access is provided to the City Road Basin and the development's courtyards, and to ensure that the development is in accordance with policies 3.5, 6.10, 7.1, 7.4 and 7.6 of the London Plan 2011, policy CS9 of Islington's Core Strategy 2011, policy DM2.1 of Islington's Development Management Policies 2013, and policy BC2 and site allocation BC10 of the Finsbury Local Plan 2013.</p>
<b>12</b>	<b>Permitted development – dwellinghouses in block G</b>
	<p>CONDITION: Notwithstanding the provisions under Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), development within the curtilage of any of the dwellinghouses within the development hereby approved shall not be carried out without express planning permission.</p> <p>REASON: To ensure that the Local Planning Authority has control over future development within the curtilages of the dwellinghouses in view of the limited space within the site available for such development and the impact such development may have on residential amenity and the overall design of the scheme itself and in relation to the surrounding area, and to ensure that the development is in accordance with policies 3.5, 7.4 and 7.6 of the London Plan 2011, policies CS9, CS10 and CS12 of Islington's Core Strategy 2011, and policy DM2.1 of Islington's Development Management Policies 2013.</p>
<b>13</b>	<b>Wheelchair-accessible/adaptable units</b>
	<p>CONDITION: The wheelchair-accessible/adaptable flats, in accordance with the plans hereby approved, shall be provided prior to the first occupation of the development, 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: To ensure the provision of an appropriate number of wheelchair-accessible/adaptable flats and to ensure the development is of an inclusive design in accordance with policy 7.2 of the London Plan 2011, policy CS12 of Islington's Core Strategy 2011, and policies DM2.2 and DM3.4 of Islington's Development Management Policies 2013.</p>
<b>14</b>	<b>Inclusive design</b>
	<p>CONDITION: Notwithstanding the approved drawings listed under condition 2, the residential units shall be constructed to the standards for flexible homes in Islington (as set out in the Inclusive Design in Islington SPD) and shall incorporate 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</p>

	<p>commencing on site. The details shall include:</p> <p>a) Plans (and if necessary elevations) to scale 1:50;</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>c) Details (including plans) of provision for mobility scooter storage.</p> <p>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: To secure the provision of flexible, visitable and adaptable homes appropriate to diverse and changing needs and to ensure the development is of an inclusive design in accordance with policy 7.2 of the London Plan 2011, policy CS12 of Islington's Core Strategy 2011, and and policies DM2.2 and DM3.4 of Islington's Development Management Policies 2013.</p>
<b>15</b>	<b>Accessible parking bays</b>
	<p>CONDITION: A survey identifying appropriate and available locations for additional accessible parking bays within the vicinity of the site shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development hereby approved.</p> <p>REASON: To ensure adequate provision of parking for residents with disabilities in accordance with policy DM8.5 of Islington's Development Management Policies 2013.</p>
<b>16</b>	<b>Security and general lighting</b>
	<p>CONDITION: Notwithstanding the approved drawings listed under condition 2, details of general or security outdoor lighting (including full specification of all luminaries, lamps and support structures) shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on site.</p> <p>The development shall be carried out strictly in accordance with the details so approved prior to the first occupation of the development hereby approved and 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 good design, security and protecting neighbouring and future residential amenity and existing and future habitats from undue light-spill in accordance with policies 7.3, 7.5, 7.13 and 7.19 of the London Plan 2011, policies CS9, CS10 and CS15 of Islington's Core Strategy 2011, policies DM2.1 and DM6.5 of Islington's Development Management Policies 2013.</p>
<b>17</b>	<b>Biodiversity enhancements</b>
	<p>CONDITION: No development (including demolition or other works) shall be commenced on site unless and until a comprehensive bat emergence and habitat survey carried out at a suitable time of year and including any proposed</p>

	<p>actions or mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. Details of bat and bird nesting boxes/bricks shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing. The details to be submitted and approved shall include the exact location, specification and design of the installations.</p> <p>The development shall be carried out strictly in accordance with the details 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. The boxes/bricks shall be installed prior to the first occupation of the development hereby approved.</p> <p>REASON: To ensure that the presence of any bats on the site is appropriately accounted for, to ensure the demolition and development hereby approved does not cause harm to wildlife, habitats and valuable areas for biodiversity and to ensure the development provides the maximum possible provision in respect of the creation of habitats and valuable areas for biodiversity in accordance with policy 7.19 of the London Plan 2011, policy CS15 of the Islington Core Strategy 2011 and policy DM6.5 of Islington's Development Management Policies 2013.</p>
<p><b>18</b></p>	<p><b>Green/brown roofs</b></p> <p>CONDITION: Notwithstanding the plans hereby approved, details of green/brown roofs to the development hereby approved (including details of the extent of green/brown roofs, and the species to be planted/seeded) shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing. The green/brown roofs shall:</p> <ul style="list-style-type: none"> <li>• form biodiversity-based roofs with extensive substrate bases (depth 80-150mm);</li> <li>• cover at least all of the areas shown in the drawings hereby approved, confirmed by a location/extent plan; and</li> <li>• be planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works.</li> </ul> <p>An explanation as to why any areas of roof would not be covered with green/brown roofs shall be included with the above details. Green/brown roofs shall be expected to extend beneath any photovoltaic arrays proposed at roof level.</p> <p>The green/brown roofs 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 development shall be carried out strictly in accordance with the details 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: To ensure the development provides the maximum possible</p>

	<p>provision towards creation of habitats and valuable areas for biodiversity, and to ensure surface water run-off rates are reduced in accordance with policies 5.3, 5.10, 5.11, 5.13 and 7.19 of the London Plan 2011, policies CS10 and CS15 of Islington's Core Strategy 2011, and policies DM6.5, DM6.6 and DM7.1 of Islington's Development Management Policies 2013.</p>
<b>19</b>	<b>Sustainable urban drainage</b>
	<p>CONDITION: Notwithstanding the information submitted in support of the development hereby approved, prior to any works commencing on site a revised drainage strategy addressing the requirements of Development Management Policy DM6.6 and London Plan policy 5.13 (and including full justification for any non-compliance with the requirements of these policies) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the revised drainage strategy 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: To ensure the development achieves appropriate surface water run-off rates in accordance with policy 5.13 of the London Plan 2011 and policy DM6.6 of Islington's Development Management Policies 2013.</p>
<b>20</b>	<b>Landscaping</b>
	<p>CONDITION: Details of 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> <ul style="list-style-type: none"> <li>• Proposed trees, including their location, species, size, details of tree pits, soil volumes, details of access to soil beyond the tree pits and planters, and confirmation that existing and proposed underground services would not intrude into root protection areas;</li> <li>• Soft planting, including details of any grass and turf areas, shrub and herbaceous areas;</li> <li>• Topographical survey, including details of any earthworks, ground finishes, any topsoiling with both conserved and imported topsoil(s), levels, drainage and fall in drain types;</li> <li>• Enclosures, including types, dimensions and treatments of any walls, fences, screen walls, barriers, rails, retaining walls and hedges;</li> <li>• Hard landscaping, including ground surfaces (including those to be used directly outside the bin stores), kerbs, edges, ridge and flexible pavings, unit paving, furniture, steps and synthetic surfaces;</li> <li>• An assessment of the potential for landscape improvements to Wharf Road;</li> <li>• Confirmation that the landscaping scheme has been designed in accordance with Islington's Inclusive Landscape Design SPD or Islington's successor SPD or policy;</li> <li>• Details of how the landscaping scheme includes and integrates measures to enhance biodiversity and sustainable urban drainage solutions and has been designed in accordance with Development</li> </ul>



	<p>Management Policy DM6.6 and London Plan policy 5.13;</p> <ul style="list-style-type: none"> <li>• A Landscaping Management Plan describing how the landscaping would be maintained and managed following implementation;</li> <li>• Any other landscaping feature(s) forming part of the scheme.</li> </ul> <p>All landscaping so approved 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 maintenance/watering provision following planting and any trees or shrubs which die, become severely damaged or diseased shall be replaced with the same species or an approved alternative and 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 (including the Landscape Management Plan) so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interests of sustainability, to ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity, to ensure the development is of an inclusive design, and to ensure that a satisfactory standard of visual amenity is provided and maintained in accordance with policies 3.5, 5.3, 5.10, 5.11, 5.13, 7.2, 7.4, 7.5, 7.19 and 7.21 of the London Plan 2011, policies CS9, CS10, CS12 and CS15 of the Islington Core Strategy 2011 and policies DM2.1, DM2.2, DM2.3, DM6.2, DM6.5 and DM6.6 of Islington's Development Management Policies 2013.</p>
<b>21</b>	<b>Playspaces</b>
	<p>CONDITION: Details of all playspaces including drawings and specification of the proposed play equipment 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 details so approved prior to the first occupation of the relevant phase, 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 good design, safety and protecting residential amenity, and to ensure the development is of an inclusive design in accordance with policies 3.6, 7.2, 7.3, 7.5, 7.13 and 7.15 of the London Plan 2011, policies CS9 and CS12 of Islington's Core Strategy 2011, policies DM2.1, DM2.2, DM3.6 and DM3.7 of Islington's Development Management Policies 2013.</p>
<b>22</b>	<b>Cycle parking</b>
	<p>CONDITION: The bicycle storage areas, which shall be secure and provide for no less than 206 bicycle spaces (and additional space for accessible parking, the parking of trailers or tricycles, the parking and charging of mobility scooters, and cycle parking for visitors) shall be provided prior to the first occupation of the development hereby approved, shall be maintained as such thereafter and no change therefrom shall take place unless otherwise agreed in writing by the</p>

	<p>Local Planning Authority.</p> <p>REASON: To ensure adequate bicycle parking is available and easily accessible on site and to promote sustainable modes of transport in accordance with policy 6.9 of the London Plan 2011, policy CS10 of Islington's Core Strategy 2011, and policy DM8.4 of Islington's Development Management Policies 2013.</p>
<b>23</b>	<b>Car-free development</b>
	<p>CONDITION: Following completion of all construction work, no cars or other motorised vehicles shall be parked within the site.</p> <p>REASON: To ensure the development remains car-free in accordance with policy CS10 of the Core Strategy 2011 and policy DM8.5 of Islington's Development Management Policies 2013</p>
<b>24</b>	<b>Demolition and Construction Management and Logistics Plan</b>
	<p>CONDITION: No demolition shall take place unless and until a Demolition and Construction Management and Logistics Plan (DCMLP) have been submitted to and approved in writing by the Local Planning Authority.</p> <p>The development shall be carried out strictly in accordance with the approved DCMLP throughout the demolition and construction period.</p> <p>REASON: In the interests of residential amenity, highway safety and the free flow of traffic on streets, and to mitigate the impacts of the development in accordance with policies 6.3 and 6.14 of the London Plan 2011 and policy DM8.6 of Islington's Development Management Policies 2013.</p>
<b>25</b>	<b>Construction Environmental Management Plan</b>
	<p>A Construction Environmental Management Plan (CEMP) 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 the interests of residential and local amenity, and air quality, in accordance with policies 7.14 and 7.15 of the London Plan 2011, policy CS12 of Islington's Core Strategy 2011, and policy DM2.1 of Islington's Development Management Policies 2013.</p>
<b>26</b>	<b>Delivery and Servicing Management Plan (and Waste Management Plan)</b>
	<p>CONDITION: A Delivery and Servicing Management Plan (DSMP), including a Waste Management Plan (WSP), shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development.</p>

	<p>The DSMP shall include details of all servicing and delivery requirements, including details of how waste (including recyclable waste) would be transferred and collected, and shall confirm the timings of all deliveries and collections from service vehicles.</p> <p>The development shall be carried out strictly in accordance with the DSMP so approved.</p> <p>REASON: In the interests of residential amenity, highway safety and the free flow of traffic on streets, and to mitigate the impacts of the development in accordance with policies 5.16, 6.3 and 6.14 of the London Plan 2011, policy CS11 of Islington's Core Strategy 2011, and policies DM2.1 and DM8.6 of Islington's Development Management Policies 2013.</p>
<b>27</b>	<b>Waste storage</b>
	<p>CONDITION: The dedicated refuse/recycling stores hereby approved shall be provided prior to first occupation of the development hereby approved and shall be maintained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.</p> <p>REASON: To ensure the necessary physical waste storage to support the development is provided in accordance with policy 5.16 of the London Plan 2011, policy CS11 of Islington's Core Strategy 2011 and policy DM2.1 of Islington's Development Management Policies 2013.</p>
<b>28</b>	<b>Code for Sustainable Homes</b>
	<p>CONDITION: The residential accommodation hereby approved shall achieve a Code for Sustainable Homes rating of no less than Level 4.</p> <p>REASON: In the interests of addressing climate change and to secure sustainable development in accordance with policies 5.1, 5.2, 5.3 and 5.9 of the London Plan 2011, policy CS10 of Islington's Core Strategy 2011, and policies 7.1 and 7.4 of Islington's Development Management Policies 2013.</p>
<b>29</b>	<b>Water consumption</b>
	<p>CONDITION: The development hereby approved shall be designed to achieve a water use target of no more than 95 litres per person per day, including by incorporating water efficient fixtures and fittings.</p> <p>The above water use target shall apply to all tenures within the development hereby approved.</p> <p>REASON: To ensure the sustainable use of water in accordance with policy 5.15 of the London Plan 2011, policy CS10 of Islington's Core Strategy 2011 and policy DM7.4 of Islington's Development Management Policies 2013.</p>
<b>30</b>	<b>Energy/carbon dioxide reduction</b>
	<p>CONDITION: The proposed measures relevant to energy as set out as Option 1 in the Energy Strategy (Silcock Dawson &amp; Partners, version 3.0, October</p>

	<p>2014) which shall together provide for no less than a 27.2% on-site total (regulated and unregulated) carbon dioxide reduction in comparison with total emissions from a building which complies with Building Regulations 2013 shall be installed and operational prior to the first occupation of the development and shall be maintained as such thereafter.</p> <p>Should, following further assessment, the approved energy measures be found to be no longer suitable, Option 2 shall not be implemented and a revised energy strategy, which shall provide for no less than a 27% on-site total (regulated and unregulated) carbon dioxide reduction in comparison with total emissions from a building which complies with Building Regulations 2013, shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The strategy so approved shall be installed and operational prior to the first occupation of the development.</p> <p>REASON: In the interests of sustainable development and to ensure that the Local Planning Authority may be satisfied that the carbon dioxide reduction target is met in accordance with policies 5.2, 5.3 and 5.7 of the London Plan 2011, policy CS10 of the Islington Core Strategy 2011, policies DM7.1 and DM7.3 of Islington's Development Management Policies 2013 and policy BC2 of the Finsbury Local Plan.</p>
<b>31</b>	<b>Air quality – Combined Heat and Power (CHP)</b>
	<p>CONDITION: If following approval of details submitted under condition 30 a Combined Heat and Power (CHP) facility is to be installed as part of the development hereby approved, no development shall be carried out unless and until details and specifications of the CHP facility have been submitted to and approved in writing by the Local Planning Authority. The details shall include:</p> <ul style="list-style-type: none"> <li>• The make and model of the system and details of the additional abatement technology that has been investigated for fitment to reduce air pollution emissions.</li> <li>• A life cycle analysis showing a net benefit to carbon emissions from the plant.</li> <li>• The type, height and location of the flue/chimney (including calculations details regarding the height of the flue/chimney).</li> <li>• Certification for use of the flue/chimney in a smoke control area.</li> <li>• Information on the fuel, fuel feed system, the fuel supply chain and the arrangements that have been investigated to secure fuel. Fuel usage shall be monitored for 3 years from the first operation of the plant. Details of fuel usage shall be forwarded to the Local Planning Authority annually, the first report to be forwarded 1 year after the commencement of operation of the plant.</li> <li>• A breakdown of emissions factors of nitrogen oxides (NOx), particulates and any other harmful emissions from the gas fired CHP and details of any mitigation measures to reduce emissions to an acceptable level.</li> <li>• An assessment of the impact of the emissions to ground level concentrations and any additional impact to surrounding buildings/ structure.</li> </ul>

	<p>The approved CHP facility and associated plant shall be installed in strict accordance with the agreed details and operate to the satisfaction of the Local Planning Authority prior to occupation of the development and shall be permanently maintained thereafter.</p> <p>REASON: The site is within an Air Quality Management Area where development is required to be designed to mitigate the impact of poor air quality to within acceptable limits in accordance with policy 7.14 of the London Plan 2011 and policy DM6.1 of Islington's Development Management Policies 2013.</p>
<b>32</b>	<b>Plant noise</b>
	<p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level <math>L_{Aeq,T}</math> arising from the proposed plant, measured or predicted at 1m from the façade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level <math>L_{AF90,Tbg}</math>. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142:1997.</p> <p>The development shall be carried out strictly in accordance with the scheme so approved prior to first occupation, 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: To ensure that the development does not have an undue adverse impact on nearby residential amenity or business operations in accordance with policy in accordance with policy 7.15 of the London Plan 2011, policy CS12 of Islington's Core Strategy 2011, and policy DM2.1 of Islington's Development Management Policies 2013.</p>
<b>33</b>	<b>Sound insulation</b>
	<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> <ul style="list-style-type: none"> <li>• Bedrooms (23.00-07.00 hrs) 30 dB LAeq, 8 hour and 45 dB Lmax (fast);</li> <li>• Living Rooms (07.00-23.00 hrs) 35 dB LAeq, 16 hour; and</li> <li>• Dining rooms (07.00 –23.00 hrs) 40 dB LAeq, 16 hour</li> </ul> <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: To secure an appropriate internal residential environment and to protect the amenities of the occupiers of the residential accommodation in</p>

	accordance with policy 7.15 of the London Plan 2011, policy CS12 of Islington's Core Strategy 2011 and policy DM2.1 of Islington's Development Management Policies 2013.
<b>34</b>	<b>Site contamination</b>
	<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 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 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: Previous industrial and/or commercial activities at this site may have resulted in contaminated soils and groundwater, the underlying groundwater is vulnerable to pollution and potential contamination must be investigated and a risk assessment carried out to determine impacts on the water environment in accordance with paragraphs 109 and 121 of the National Planning Policy Framework, policies 5.14 and 5.21 of the London Plan 2011 and policy DM6.1 of Islington's Development Management Policies 2013.</p>
<b>35</b>	<b>Site contamination – unsuspected contamination</b>
	<p>CONDITION: If during development contamination not previously identified is found to be present at the site no further development shall be carried out (unless otherwise agreed in writing with the Local Planning Authority) until a remediation strategy has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: Previous industrial and/or commercial activities at this site may have resulted in contaminated soils and groundwater, the underlying groundwater is vulnerable to pollution and potential contamination must be investigated and a risk assessment carried out to determine impacts on the water environment in</p>

	accordance with paragraphs 109 and 121 of the National Planning Policy Framework, policies 5.14 and 5.21 of the London Plan 2011 and policy DM6.1 of Islington's Development Management Policies 2013.
<b>36</b>	<b>Site contamination – surface water drainage</b>
	<p>CONDITION: No infiltration of surface water drainage into the ground at this site is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.</p> <p>REASON: A drainage design that uses soakaways or other infiltration systems cannot be permitted in contaminated land as infiltration drainage systems have the ability to flush out and to dissolve contaminants within the soil and cause them to migrate to vulnerable water receptors. Previous industrial and/or commercial activities at this site may have resulted in contaminated soils and groundwater, the underlying groundwater is vulnerable to pollution and potential contamination must be investigated and a risk assessment carried out to determine impacts on the water environment in accordance with paragraphs 109 and 121 of the National Planning Policy Framework, policies 5.14 and 5.21 of the London Plan 2011 and policy DM6.1 of Islington's Development Management Policies 2013.</p>
<b>37</b>	<b>Site contamination – piling</b>
	<p>CONDITION: Any piling or foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority in consultation with Thames Water. Such consent may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater and subsurface water infrastructure. The development shall be carried out in accordance with the details so approved.</p> <p>REASON: To ensure that works do not impact upon local underground water utility infrastructure, and to ensure that deformation of the ground by piling does not result in an increase in the risk of near-surface pollutants migrating to underlying aquifers. Previous industrial and/or commercial activities at this site may have resulted in contaminated soils and groundwater, the underlying groundwater is vulnerable to pollution and potential contamination must be investigated and a risk assessment carried out to determine impacts on the water environment in accordance with paragraphs 109 and 121 of the National Planning Policy Framework, policies 5.14 and 5.21 of the London Plan 2011 and policy DM6.1 of Islington's Development Management Policies 2013.</p>
<b>38</b>	<b>Site contamination – monitoring and maintenance</b>
	<p>CONDITION: No development should take place until a long-term monitoring and maintenance plan in respect of contamination including a timetable of monitoring and submission of reports to the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary</p>

	<p>contingency action arising from the monitoring, shall be submitted to and approved in writing by the Local Planning Authority. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports. On completion of the monitoring specified in the plan a final report demonstrating that all long-term remediation works have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>REASON: Previous industrial and/or commercial activities at this site may have resulted in contaminated soils and groundwater, the underlying groundwater is vulnerable to pollution and potential contamination must be investigated and a risk assessment carried out to determine impacts on the water environment in accordance with paragraphs 109 and 121 of the National Planning Policy Framework, policies 5.14 and 5.21 of the London Plan 2011 and policy DM6.1 of Islington's Development Management Policies 2013.</p>
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**List of Informatives:**

<b>1</b>	<p><b>Section 106 Agreement</b></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>
<b>2</b>	<p><b>Definition of 'Superstructure' and 'Practical Completion'</b></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>
<b>3</b>	<p><b>Community Infrastructure Levy (CIL) (Granting Consent)</b></p> <p>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 London Borough of Islington's Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with the London Borough of Islington CIL Charging Schedule 2014 and the Mayor of London 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 <a href="mailto:cil@islington.gov.uk">cil@islington.gov.uk</a>. 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: <a href="http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil">www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</a></p> <p><b>Pre-Commencement Conditions:</b></p>



	These conditions are important from a CIL liability perspective as a scheme will not become CIL liable until all of these unidentified pre-commencement conditions have been discharged.
<b>4</b>	<b>Site contamination</b>
	The verification report required under condition 34 shall demonstrate completion of the works set out in the approved remediation strategy and the effectiveness of the remediation. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.
<b>5</b>	<b>Surface water run-off</b>
	The revised drainage strategy required under condition 19 shall demonstrate that there shall be zero net run-off of surface water into the City Road Basin.
<b>6</b>	<b>Sustainable Sourcing of Materials</b>
	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.
<b>7</b>	<b>Canal and River Trust</b>
	Your attention is drawn to the informative and advice included in the Canal and River Trust comments of 28/07/2014.
<b>8</b>	<b>Thames Water</b>
	Your attention is drawn to informatives and advice included in Thames Water’s comments of 25/07/2014.

## 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.

Since March 2014 planning guidance for England has been published online.

### 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**

##### 1 Context and strategy

Policy 1.1 Delivering the strategic vision and objectives for London

##### 2 London's places

Policy 2.9 Inner London

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 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

##### 6 London's transport

Policy 6.1 Strategic approach

Policy 6.3 Assessing effects of development on transport capacity

Policy 6.5 Funding Crossrail and other strategically important transport infrastructure

Policy 6.7 Better streets and surface transport

Policy 6.9 Cycling

Policy 6.10 Walking

Policy 6.11 Smoothing traffic flow and tackling congestion

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 7.13 Safety, security and resilience to emergency

Policy 7.14 Improving air quality

and mixed use schemes  
Policy 3.13 Affordable housing thresholds  
Policy 3.15 Co-ordination of housing development and investment  
Policy 3.16 Protection and enhancement of social infrastructure

#### 4 London's economy

Policy 4.1 Developing London's 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 construction  
Policy 5.5 Decentralised energy networks  
Policy 5.6 Decentralised energy in development proposals  
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 5.18 Construction, excavation and demolition waste  
Policy 5.20 Aggregates  
Policy 5.21 Contaminated land

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 7.21 Trees and woodlands  
Policy 7.24 Blue ribbon network  
Policy 7.25 Increasing the use of the blue ribbon network for passengers and tourism  
Policy 7.27 Blue ribbon network: supporting infrastructure and recreational use  
Policy 7.28 Restoration of the blue ribbon network  
Policy 7.30 London's canals and other rivers and waterspaces

#### 8 Implementation, monitoring and review

Policy 8.1 Implementation  
Policy 8.2 Planning obligations  
Policy 8.3 Community infrastructure levy

Revised Early Minor Alterations to the London Plan were published in 2013. Draft Further Alterations to the London Plan were published in January 2014, and a schedule of suggested changes was published in July 2014.

### **B) Islington Core Strategy 2011**

#### Spatial Strategy

Policy CS7 (Bunhill and Clerkenwell)

Policy CS13 (Employment Spaces)

Policy CS15 (Open Space and Green

Policy CS8 (Enhancing Islington's Character)

Infrastructure)  
Policy CS16 (Play Space)

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)

Infrastructure and Implementation

Policy CS18 (Delivery and Infrastructure)  
Policy CS19 (Health Impact Assessments)  
Policy CS20 (Partnership Working)

**C) Islington's Development Management Policies June 2013**

Design and Heritage

DM2.1 Design  
DM2.2 Inclusive Design  
DM2.3 Heritage

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

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 use)

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

Employment

DM5.2 Loss of existing business floorspace

Infrastructure

DM9.1 Infrastructure  
DM9.2 Planning obligations  
DM9.3 Implementation

Health and open space

DM6.1 Healthy development  
DM6.2 New and improved public open space  
DM6.4 Sport and recreation  
DM6.5 Landscaping, trees and biodiversity  
DM6.6 Flood prevention

**D) Finsbury Local Plan June 2013**

BC2 City Road Basin area  
BC8 Achieving a balanced mix of uses  
BC10 Implementation

Site allocation BC10

**3 Designations**

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

Islington Local Plan	London Plan
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Site allocation BC10 Bunhill and Clerkenwell key area	None relevant
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#### 4 **Supplementary Planning Guidance (SPG) / Documents (SPD)**

The following SPGs and SPDs are relevant:

##### **Islington Local Plan**

- Environmental Design SPD
- Conservation Area Design Guidelines (Duncan Terrace / Colebrooke Row Conservation Area)
- Inclusive Landscape Design SPD
- Inclusive Design in Islington SPD
- Planning Obligations (Section 106) SPD
- Streetbook SPD
- Urban Design Guide SPD

##### **London Plan**

- Accessible London: Achieving an Inclusive Environment SPG (and Draft SPG)
- The Control of Dust and Emissions During Construction and Demolition SPG
- Housing SPG
- London Housing Design Guide (Interim Edition)
- Planning for Equality and Diversity in London SPG
- Shaping Neighbourhoods – Character and Context SPG
- Shaping Neighbourhoods – Play and Informal Recreation SPG
- Draft Social Infrastructure SPG
- Sustainable Design and Construction SPG

**APPENDIX 3 – DESIGN REVIEW PANEL COMMENTS**

**APPENDIX 4 – REDACTED BPS REPORT**

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**CONFIDENTIAL**



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Our ref: **DRP/036**

Tim Gaskell  
CMA Planning  
113 The Timberyard  
Drysdale Street  
London N1 6ND

Date: 09 October 2014

Dear Tim Gaskell,

### **ISLINGTON DESIGN REVIEW PANEL**

**RE: 37-47 Wharf Road, London N1 7SA (FUL planning application ref P2014/2131/FUL)**

Thank you for coming to Islington's Design Review Panel meeting on 9 September 2014 for review of a proposed development scheme at the above address.

The proposed scheme under consideration was for demolition of existing buildings and residential redevelopment of the site to provide 99 dwellings (19x 1-bedroom, 50x 2-bedroom, 24x 3-bedroom and 6x 4-bedroom units) in a part 2-, part 8-storey building, together with cycle parking and amenity spaces.

### **Review Process**

The Design Review Panel provides expert impartial design advice following the 10 key principles of design review established by Design Council/CABE. The scheme was reviewed by Dominic Papa (Chair), Jonathan Ward, Sarah Featherstone, Simon Carne, Steve Burr and Richard Brown on Tuesday 9 September 2014 including a site visit in the morning, followed by a presentation by the design team, question and answers session and deliberations in the afternoon at Islington's Laycock Building, Laycock Street. The views expressed below are a reflection of the Panel's discussions as an independent advisory body to the council.

### **Panel's observations**

- **Layout and massing:** The Panel felt that the morphology of the proposal and the relationship with the linearity of the canal was a positive approach. However, panel members thought that, to some degree, the proposal appeared as overdevelopment which was evident particularly on the ground floor. The Panel felt that the ground floor needed to breath and that the issues at this level were further exacerbated by a series of elements such as bin store, cycle store etc. It was suggested that by losing and re-planning one or two of the ground floor units (at the middle/rear section of the site) some of these issues may be alleviated. Panel members thought that it was commendable that the affordable portion of the scheme benefited of views of canal but suggested that making use of space overlooking the canal also for private units could generate profit which might alleviate development pressure.

- **Roof form:** Although the Panel did not raise any objections to proposed heights and general concept of design of the roof “pop-ups”, panel members were concerned that there may be a lack of understanding of the true appearance of the roof. In particular they were concerned about the impact of the screening at roof level on the quality of the roof form – it was pointed out that these privacy screens were shown in certain drawings but not the 3D image which therefore offered an inaccurate representation of the scheme.
  
- **Orientation and sustainability:** The Panel expressed concerns in relation to orientation in particular south west facing windows and sunlight access to courtyard. There was criticism of some of the units in relation to the energy strategy. Panel members were concerned that there was excessive shading which would require lights on (non-sustainable) and overheating. The panel questioned whether appropriate sunlight studies to the amenity spaces had informed the design in order to create a successful amenity space. The southern north-west facing single aspect block backing onto the sub-station was of concern with regard to the units potentially not receiving any direct sunlight. Rear windows to the gap/void behind to the sub-station were proposed by the applicant – the benefit of these should be tested. There may be a potential electromagnetic risk.
  
- **Architectural treatment:** Although the Panel welcomed the general concept of a warehouse character on wharf road, they did not feel that the blocks to the rear appeared distinct enough – they were described in the presentation as the ‘warehouse’ block, the Panel felt that this idea needed to be further developed. Panel members questioned how this intended “playful” character could be pushed further and refined. They indicated the importance of further developing detail, materials and colour. The Panel understood the intentions of engaging an artist to develop some of the detailing but highlighted the important of incorporating these designs as soon as possible to ensure the delivery of the desired character on site. There was a general concern that the elevations to the canal did not appear special enough and needed further refinement and design development.
  
- **Amenity spaces:** The Panel was generally unconvinced by the character of the landscape. Panel members stressed that the play strategy needed to be substantiated and that different areas needed to perform in different ways in order to provide successful communal amenity spaces for all user groups. They also encouraged the design team to push canal access as far as it can be done, as accessibility to the canal would be of great benefit to residents and general public. The Panel highlighted that it was important to make it as open as possible.

## Summary

The Panel welcomed the general design concept and understood the constraints surrounding the site. However, some concerns were raised over the density of the development, particularly in relation to the effect on the ground floor. The Panel also expressed concerns over the landscape strategy and resulting quality of amenity spaces. Panel members stressed the importance of identifying the important detailing which will provide the necessary distinction between the frontage to Wharf Road and the rear part of the site fronting the canal. There were also questions regarding the roof form and energy performance of some of the units.

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 as the scheme under review is currently 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 'Lucy', written in a cursive style.

**Luciana Grave**

Design Review Panel Coordinator/  
Design & Conservation Team Manager

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## 37-47 Wharf Road, London, N1 7RJ

### Independent Review of Assessment of Viability

#### 1.0 INTRODUCTION

- 1.1 BPS Chartered Surveyors has been instructed by the London Borough of Islington to review a development appraisal that has been provided by the Doug Birt Consulting (DBC) on behalf of the applicant, Family Mosaic, in respect of a proposed residential development on land at 37-47 Wharf Road, N1 JRJ. This development appraisal has been supported by a detailed Valuation Report from GL Hearn which estimates key cost and value inputs.
- 1.2 The Council owns one-third of the site while the Canal & River Trust owns the remainder. The agreed purchase price for the site is ■■■m, and is subject to an overage agreement whereby 50% of any private sales revenues over £■■■ per sqft (£■■■ per sqm) are to be paid to the vendors. We have not been provided with details concerning how the proceeds will be divided between the two owners, the Council and the Canal & River Trust.
- 1.3 The site is located in close proximity to City Road and the City Road Basin canal. It is bounded by Wharf Road to the east, City Road Basin to the west, existing residential properties to the north and a 3-5 storey electricity substation to the south. It is designated for residential-led development in the Finsbury Local Plan.
- 1.4 The site is roughly rectangular and has an area of 0.255 Ha. It is partially cleared but still includes some 1-2 storey disused industrial sheds which are thought to date from the 1950s and to have originally been used as packing factories. The most recent use was as warehousing.
- 1.5 The residential land to the north comprises a low- to -mid-rise social housing estate that is owned by the Council, which was constructed in the 1990s. Opposite the subject site, on the east side of Wharf Road, is a residential scheme known as the Wenlock Building which has replaced the previous warehousing. Family Mosaic recently completed Papyrus House which is in close proximity and like the subject site is adjacent to the City Road Basin.
- 1.6 The proposed scheme will provide 99 residential units of which 81% will be affordable housing by unit number and the remainder private housing. The affordable housing will be comprised of 80% Social Rented and 20% Shared Ownership units. The scheme will consist of 5 houses, 38 maisonettes and duplexes and 56 flats, which are all in line with the London Housing Design Guide in respect of dwelling sizes.
- 1.7 The proposed scheme will exceed the Council's affordable housing target of 50% by unit as required by Core Strategy Policy CS12. It is also providing a higher proportion of Social Rented units than the 70% target set by policy CS12. This level of provision is in part being supported by Recycled Capital Grant Funding of £800,000, which has been included within the appraisal.

- 1.8 DBC's viability assessment concludes that the current level of 81% affordable housing provision, together with planning contributions of £107,250 towards Mayoral CIL and £1.3m of Section 106 contributions, is the maximum level of contributions towards planning obligations the scheme can provide. Whilst the scheme exceeds the affordable housing target of 50%, we have nevertheless sought to establish whether the current level of provision is the maximum that Family Mosaic can viably provide.

## 2.0 CONCLUSIONS & RECOMMENDATIONS

- 2.1 Following our review of the viability assessment including its costs and value inputs, we are now satisfied that the applicant cannot viably deliver any additional affordable housing or payments towards planning obligations. The profit generated by the scheme is below typical levels required by developers, who typically require a profit level of 18-20% on private sales revenue (GDV), in contrast to the 7.2% profit shown in the development appraisal.
- 2.2 The development appraisal for the proposed scheme generates a residual site value of £m once all costs have been deducted including a developer's profit of 7.2% on GDV for the private market housing. This residual value is in line with the agreed purchase price of £m.
- 2.3 If a 20% profit on private market GDV were to be adopted instead, the residual site value would fall to £ which would render the scheme unviable with a substantial deficit of -£m when the scheme is benchmarked against the £m purchase price.
- 2.4 The appraisal does not include the overage payment as a scheme cost. Based on the current appraisal which includes average sales values of £ per sqft, the required overage payment would be £. Therefore this payment (together with associated finance costs) if accounted for in the appraisal would further reduce the profit generated.
- 2.5 It is likely that sales growth in the near future will improve viability and result in a higher profit being generated. This eventuality has been addressed by the Council as vendor in its overage agreement with Family Mosaic.
- 2.6 From the vendors' perspective, the current appraisal indicates that £m plus the current level of overage payment (£) indicated by the scheme values - thus an effective land receipt of £. A payment of £m is somewhat higher than can be justified based on present-day build costs and sales values (and based on typical profit requirements of 18-20% on private GDV) although with predicted sales value growth this discrepancy would likely be overcome.
- 2.7 We summarise below our conclusions regarding some of the key appraisal inputs:
- Private Sales Values
- 2.8 Sales values for the private units are based on a December 2013 valuation by GL Hearn thus could in our view be increased marginally to reflect recent sales growth and recently achieved values at nearby new-build schemes that we have reviewed.
- 2.9 We do however accept that the private market units' situation within a predominantly affordable housing scheme is likely to constrain values, but there is uncertainty over the extent to which this will constrain values and we consider that there is a potential for higher values to be achieved, especially for the upper floor apartments. The impact on viability of an increase in values would in any case be suitably addressed by the overage agreement.
- 2.10 By increasing the market values by, for example, 5%, this results in an increase in the residual value by £825,000, which is equivalent to an increase in profits from 7.2% to 11% on GDV, although this is clearly considerably lower than the typical target profit level of 18-20%.

### Build Costs

- 2.11 We have not been provided with a detailed cost plan, so have only undertaken a summary comparison of the scheme costs against BCIS rates. This comparison suggests that the costs are broadly reasonable.

### Affordable Housing Values

- 2.12 The affordable housing has been valued by Family Mosaic. We have undertaken our own modelling which uses assumptions typically used affordable housing valuations, including in respect of capitalisation rates (yield) and management costs, and the results suggest that Family Mosaic's values are somewhat high relative to the market as a whole. Thus we are satisfied that the affordable housing is not undervalued.

### Planning contributions

- 2.13 The £1.3m contribution included in DBC's appraisal is inclusive of Islington CIL and S106 Contributions. This figure was arrived at as part of the land deal, such that Mosaic will also be required to pay 50% of any 'planning shortfall sum' to the vendors, this shortfall being defined as the amount by which the contribution toward planning obligations (i.e. S106 and CIL) falls below £1.3m.
- 2.14 The appraisal also includes Mayoral CIL of £107,000. Planning officers have calculated the required Mayoral CIL payment as £107,681 and Islington CIL payment as £536,000, which assumes that the buildings on site have been not been continuously occupied for a six month period over the last 3 years. Details of the occupancy history of the buildings have been requested from the applicant. The S106 Contribution is calculated by planning officers at £54,900, and in addition there will be a carbon offset payment of either £135,240 or £157,320 (depending on whether the preferred or secondary energy strategy is adopted). Therefore the total contribution based on these calculations will be a maximum of £855,901. This calculation is provisional and may be subject to amendment once other planning matters have been considered further as these matters may have implications for the level of S106 contributions that will be required.
- 2.15 The total payment of £855,901 contrasts with the £1,407,681 towards planning contributions in DBC's appraisal. From a viability point of view, however, if these contributions are in actuality £855,901, this would trigger a £222,049 payment (50% of the shortfall) to the vendor to make up for the 'planning shortfall sum' (see para 2.13); therefore the total payments by the applicant would only be £222,049 lower than is shown in DBC's appraisal which does not materially impact on our above conclusions concerning scheme viability.



### 3.0 SALES VALUES

- 3.1 The scheme has a number of advantages including its proximity to the City Road Basin which may be an attractive feature for buyers, and that it is sufficiently set back from City Road to limit traffic noise. Moreover, nearby developments including the Wenlock Building (18-42 Wharf Road) to the east and the Canaletto tower to the west (on opposite side of the Basin) indicates marked improvement and regeneration of this area especially as a residential location.
- 3.2 The units will either have the benefit of private balconies, terraces or gardens. The development will be car free, with the exception of provision of disabled spaces if required. The lack of parking may constrain private sales especially for the 3-bed, family units which make up the majority of the market units as shown in the table below:

#### Unit mix for proposed scheme

	Market Sale		Intermediate		Social Rent		Totals	
	Units	Hab Room	Units	Hab Room	Units	Hab Room	Units	Hab Room
1 bed	5	10	10	20	4	8	19	38
2 bed	4	12	6	18	40	120	50	150
3 bed	10	50	-	-	14	70	24	120
4 bed	-	-	-	-	6	36	6	36
<b>Totals</b>	19	72	16	38	64	234	99	344
<b>%</b>	19%	21%	16%	11%	65%	68%		

- 3.3 The private housing will be in the block facing the road, which will be shared with social rented apartments. The private units are on the fourth (i.e. level 5), fifth and sixth floors of Block A. They will take up part of the fourth floor (with the remainder of this floor to be social housing) and the entire fifth and sixth floor. Whilst the scheme will be tenure blind externally, there is nevertheless the likelihood that the close proximity to social housing will influence buyer perceptions and thus constrain private sales values. This suggests that the values will not compete with those of comparable all-private schemes.
- 3.4 Block A's plans show three separate cores thus we assume that the private units will not share a core with the affordable units, which will minimise the impact of having a mixed tenure building including in respect of achievable private sales values and property management issues such as service charges.
- 3.5 The units on the upper two floors of Block A will be duplexes with the benefit of large outdoor terraces. The top floor is set back from the main facade to give a penthouse style design, thus there is the potential for these units to attract premium values. We note, for example, values at a nearby proposed scheme we have recently reviewed where penthouse values were £2.35m and £2.45m equivalent to £11,808 sq m (£1,097 Sq ft) and £11,560 sqm (£1,074 per sq ft). Penthouse values are highly sensitive to location, the prestige of the scheme they are within and the level of services provided including whether concierge services are offered. Taking these factors into account we do not consider that values higher than those estimated by GL Hearn for the upper floor flats (£ [REDACTED]) can be justified based on current evidence.

3.6 The private units are valued at £[redacted]m by GL Hearn. The values applied to the individual units in DBC's appraisal are as follows:

- 4 x 1 bed flats @ 51 sqm [redacted]
- 1 x 1 bed flat @ 53 sqm [redacted]
- 1 x 2 bed flat @ 71 sqm [redacted]
- 1 x 2 bed flat @ 76 sqm [redacted]
- 1 x 2 bed flat @ 77 sqm [redacted]
- 1 x 2 bed flat @ 78 sqm [redacted]
- 1 x 3 bed flat @ 120 sqm [redacted]
- 1 x 3 bed flat @ 130 sqm [redacted]
- 1 x 3 bed flat @ 142 sqm [redacted]
- 1 x 3 bed flat @ 152 sqm [redacted]
- 1 x 3 bed flat @ 155 sqm [redacted]
- 1 x 3 bed flat @ 156 sqm [redacted]
- 1 x 3 bed flat @ 160 sqm [redacted]
- 1 x 3 bed flat @ 161 sqm [redacted]
- 1 x 3 bed flat @ 193 sqm [redacted]
- 1 x 3 bed flat @ 217 sqm [redacted]

3.7 We have analysed these values by unit type as below:

- 3-beds £[redacted]m to £[redacted]m
- 2-beds £[redacted] to £[redacted]
- 1-beds £[redacted]

3.8 The values per sqft are detailed in the following table:

[Table redacted]

3.9 We have compared the average value of £[redacted] per sqft (£[redacted] per sqm) to values at other schemes nearby, which are summarised below. These comparable schemes suggest that marginally higher values could potentially be achieved at the subject site even allowing for the negative impact of affordable housing, especially once recent sales growth is taken into account. The date of GL Hearn's sales valuation is December 2013 and the comparable evidence cited is from Q4 2013 and earlier, and is predominantly sales of secondhand units.

Table 3: Summary of average values

	Average values per sq ft (March 2014)	Average values per sq ft (pre-March 2013)
Art House	£1,356	£930
Canaletto	£1,170	£1,000
Central Square	£1,420	£800
Eagle House	£1,121	£900

- 3.10 Canaletto is in very close proximity to the proposed scheme. Whilst this is a high rise scheme that is likely on average to achieve higher values per sqft than the subject site, it is nevertheless useful for comparison.
- 3.11 Central Square is located to south-east, on City Road. This is a highly comparable location. The proposed units arguably are in a superior location as have the benefit of proximity to the canal.
- 3.12 Whilst the schemes in the table above are all arguably superior in terms of the private housing provided, it is nevertheless questionable whether such a large differential in values is suitable between these and the proposed scheme.
- 3.13 The comparable evidence provided by GL Hearn, including sales at the nearby Banyan Wharf and Wenlock Building, show that values significantly exceeding £1,000 per sqft can be achieved in this locality. However, many of the units in the proposed scheme are very large with the largest ones being 160-217 sqm, thus these are unlikely to achieve high levels in terms of capital values per sqft.
- 3.14 GL Hearn cites values of £1,107 per sqft for the nearby Lexicon scheme at 261 City Road, and Banyan Wharf at 17-21 Wenlock Road is £1,115 per sqft. The values at the subject site are considered to be likely to achieve lower values due to the proximity to social housing as the scheme is 81% affordable, although the extent of the impact of proximity to social housing depends on how separated the private units are and whether the design is tenure blind. Moreover, it is typical in Central London to have high valued housing in relatively close proximity to affordable housing.
- 3.15 The values average £■■■ per sqft in the appraisal but £■■■ per sqft in GL Hearn's valuation report, the reason for this difference being that the unit mix has changed since the date of GL Hearn's report such that the 1-beds and 2-beds have been replaced by 3-bed, resulting in a reduction in values per sqft.
- 3.16 Sales values have increased by 8.8% since December for the borough of Islington according to the Land Registry House Price Index. We therefore suggest that this is a minimum increase required to bring the values into line with the present day market and to reflect the markedly higher value that are being achieved locally in recent months.

#### 4.0 AFFORDABLE HOUSING VALUES

- 4.1 Family Mosaic has valued the 16 shared ownership units at £[REDACTED], or an average of £[REDACTED] each, which assumes a 25% initial equity share and then an additional 30% of the equity purchased after 10 years with a 2% rent on the unsold equity. We have applied these assumptions in our own appraisal model which and the results suggest that Family Mosaic's values are the higher end of the range we would expect, probably due to it adopting low yields in its financial appraisal.
- 4.2 Family Mosaic has valued the social rented unit at £[REDACTED]m for 64 units, averaging £[REDACTED]. These are set at target levels. These are stated as £147-£155 per week for 2-beds and £164 per week for 3-beds. On request a summary of the appraisals of the affordable housing has been provided but this provides little detail concerning the appraisal assumptions including yield and management costs assumptions.
- 4.3 The social rent units' values are higher than typical values. For example, using a rental assumption of £164 pw and adopting typical appraisal assumptions in respect of management costs and investment yield, we calculate a value of £144,000. Similarly, for the one-beds at £147 pw we estimate £127,000. This includes cost and rental growth (2.5% per annum) and other assumptions that are based on those used by the Council and which are typical within the market. We are therefore satisfied that the values attributed to the Social Rented units in the viability assessment are not understated.

#### 5.0 BENCHMARK LAND VALUE

- 5.1 The site has an area of 0.255 Ha, and is partially cleared but still includes some 1-2 storey industrial buildings which are thought to date from 1950s and to have originally been used as packing factories. The most recent use was as warehousing. No existing use valuation has been provided in relation to this extant lawful use.
- 5.2 GL Hearn's Valuation Report gives an opinion of Market Value for the proposed scheme of £[REDACTED]m based on a residual valuation of the site assuming the scheme is granted consent. This figure is in line with the price agreed of £6m between the landowners and the applicant. It assumes a 10% profit on GDV for the private units.
- 5.3 Mosaic will also be required to pay 50% of any 'planning shortfall sum' to the landowner, this shortfall being defined as the amount by which the contribution toward planning obligations (i.e. S106 and CIL) falls below £1.3m. This figure of £1.3m is included in the appraisal so we assume no planning shortfall sum will arise.
- 5.4 The Contract of Sale states as a condition that the purchaser must provide at least 80% affordable housing of which 80% will be social rent and the remainder shared ownership. This requirement clearly has a major impact on site value relative to a scheme that did not exceed the Council's policy target of 50% affordable housing.
- 5.5 There is a sales overage such that applicant must pay 50% of proceeds over £[REDACTED] per sqft. Based on the sales values of £[REDACTED] per sqft in the appraisal, the overage payment would be £[REDACTED]m, bring the total land receipt to £[REDACTED].

## 6.0 DEVELOPMENT COSTS

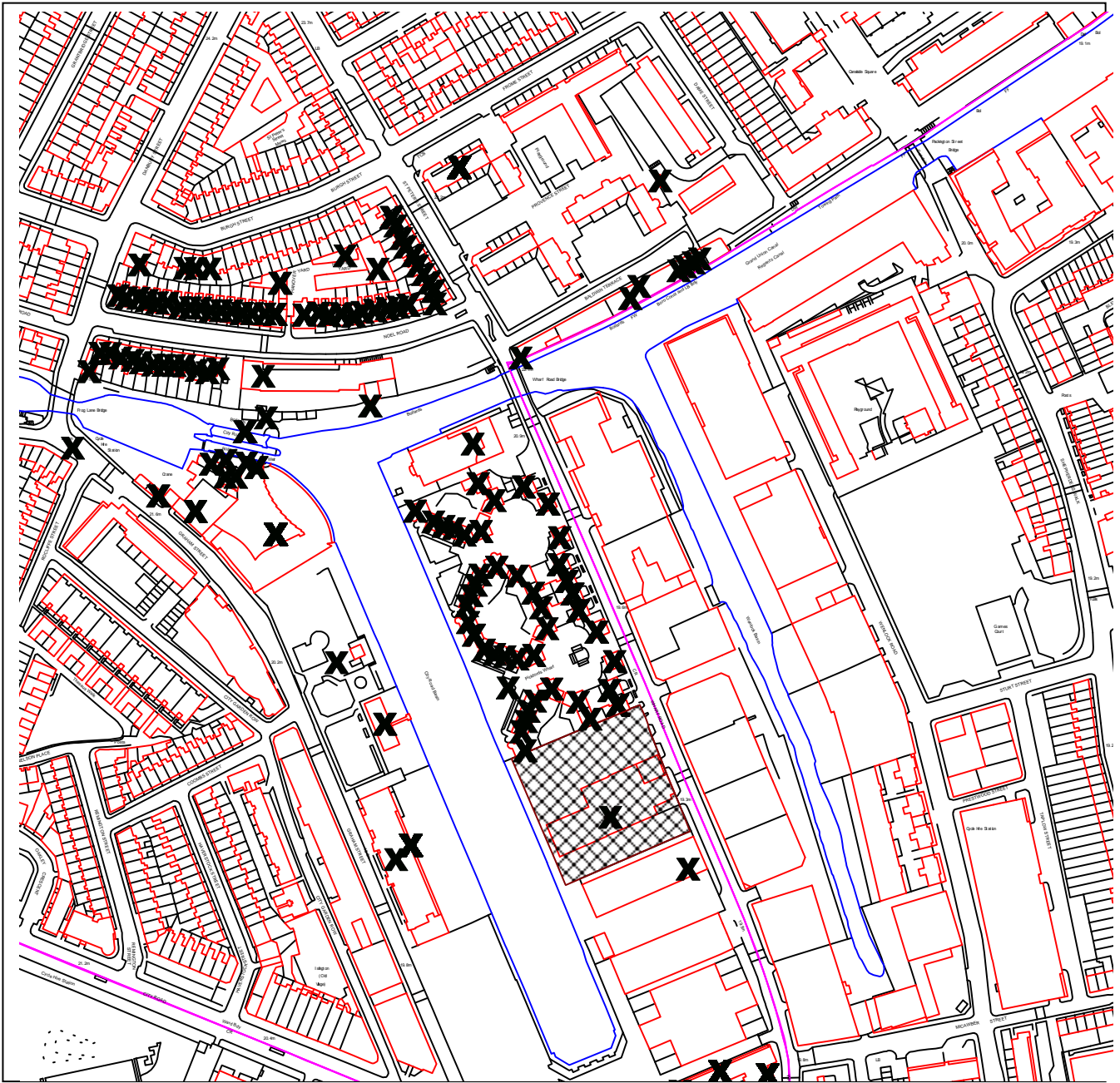
- 6.1 A base build cost of £■■■■■m (£■■■■■ per sqm or £■■■■■ per sqft) is included the appraisal, based on a cost plan produced by EC Harris based on Q2 2014 prices. We have undertaken a headline comparison of this build cost against BCIS average tender prices.
- 6.2 To reach a comparable cost rate we have stripped out the Contingency, Externals and Design Fees from EC Harris's build cost estimate. We have based our estimate on the BCIS rate for 6-storey-plus flatted scheme, of £1,408 per sqm to which we have added an additional allowance of £50 per sqm for attaining Code for Sustainable Homes Level 4, based on comparable levels of costs at other schemes. This makes allowance for the renewable energy facilities that will be provided including solar panels.
- 6.3 After adjusting for an Islington location factor of 1.18 this gives a cost rate of £1,720 sqm. This would be lower however once the rate is adjusted to allow for some of the floorspace being in lower-rise blocks. A higher allowance could be justified for reaching Level 4 bearing in mind the renewable energy facilities that will be provided.
- 6.4 We have not been provided with a detailed breakdown of the floor areas by block and of the building heights of each block which makes it difficult create a precise BCIS cost estimate given that BCIS costs vary markedly according to the height of buildings.
- 6.5 Our BCIS estimate give a build cost of £18.9m compared to EC Harris's £■■■■■m - a difference of £■■■■■m which is within an acceptable range. We cannot, however, give further assurance regarding cost levels without further information being provided, specifically a detailed cost plan and a breakdown of the floor areas. But given the scale of the deficit in viability and that the scheme is currently exceeding the affordable housing target, it may be considered to be unnecessary to require additional information.
- 6.6 Overheads & Profit (OHP) of 5% is included within the build cost which operates as a Contractor's Return thus is any acceptable item to including.
- 6.7 Professional Fees of 12% and Marketing Fees of 3% are at typical benchmark levels thus we accept these are reasonable.
- 6.8 The build cost includes Design Fees of 3% which are in addition to the 12% Professional Fees. The Design Fees were included in the base build cost on the assumption of a design & build contract. We consider that the 3% Design Fees of c£630,000 could be removed from the appraisal although in the context of the overall viability position this would be of limited significance. These Fees could however been categorised as a form of contingency which would bring the total contingency to 6%, which is a not unreasonable figure.

BPS Chartered Surveyors  
31st July 2014

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# ISLINGTON



## DEVELOPMENT MANAGEMENT

PLANNING APPLICATION REF NO: P2014/2131/FUL

LOCATION: 37-47 WHARF ROAD, LONDON, N1 7RJ

SCALE: 1:3000

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

## PLANNING COMMITTEE REPORT

<b>PLANNING COMMITTEE</b>		
Date:	16 <sup>th</sup> December 2014	NON-EXEMPT

Application number	P2014/0373/FUL
Application type	Full Planning Application
Ward	Clerkenwell
Listed building	Unlisted
Conservation area	Within the Roseberry Avenue Conservation Area
Development Plan Context	CS7: Bunhill and Clerkenwell Key Area Site Allocation BC 41 Finsbury Local Plan Policy BC8 Employment Priority Area (General) Central Activities Zone Archaeological Priority Area Local views of St Paul's Cathedral from Amwell Street, Archway Road and Archway Bridge Central Activities Zone (CAZ) Clerkenwell Green Conservation Area
Licensing Implications	A3 use permission sought for two ground floor and basement units.
Site Address	96 - 100 Clerkenwell Road, Islington London, EC1M 5RJ
Proposal	Demolition of all existing structures onsite (forecourt shop, canopy and pumps) and the erection of a 8 storey building plus basement levels comprising of a 212 bedroom hotel (Class C1), 5 self contained residential units (facing onto and entrances onto St John's Square comprising of 4 x 3 beds & 1x 2 bed), the creation of 93 sq metres of office /workshop space (Class B1), 250 sq metres of flexible commercial floorspace (Retail A1 use & Restaurant A3 uses) with a new pedestrian access from Clerkenwell Road to St John's Square, cycle storage provision, landscaping and associated alterations.

Case Officer	Paul Conboy
Applicant	100 Clerkenwell Ltd
Agent	DPP One Ltd

## 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;

## SITE PLAN (site outlined in red)



**PHOTOS OF SITE/STREET**



Image 1: Aerial view northwards into the application site



Image 2: Aerial view westwards into the application site from St John's Square.





Image 3: View towards the site from Clerkenwell Road.



Image 4: View of the site from St John's Square.



Image 5: View of adjoining buildings to the rear of the site.



Image 6: View of adjoining buildings to the rear of the site.



## 1.0 SUMMARY

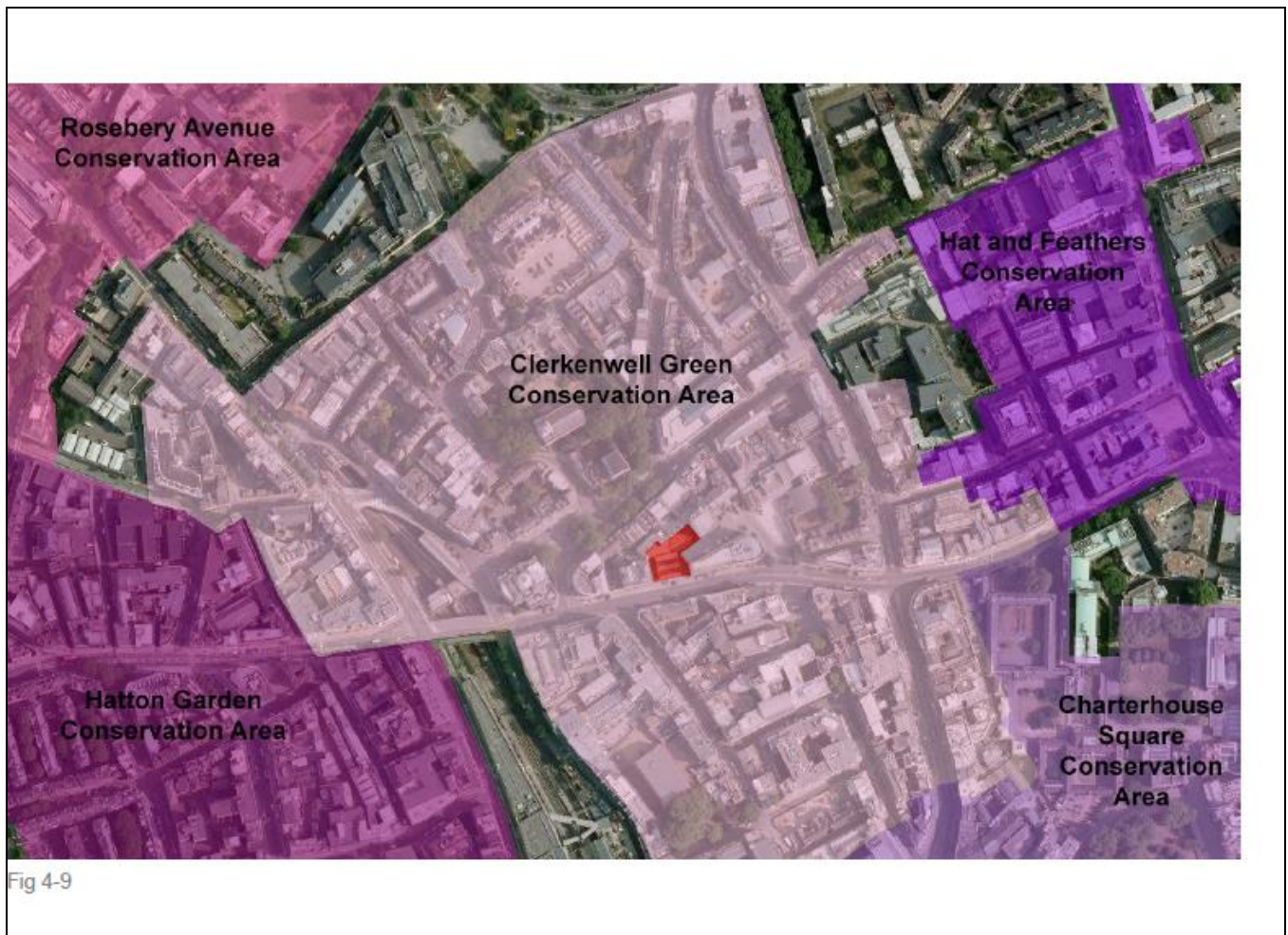
- 1.1 The proposal is for the demolition of all existing structures onsite (forecourt shop, canopy and pumps) and the erection of an 8 storey building plus two lower basement levels comprising a 212 bedroom hotel (Class C1), five (5) self contained residential units (accessed from St John's Square comprising of 4 x 3 beds & 1x 2 bed), the creation of 93 sq metres of office /workshop space (Class B1), 360 sq metres of flexible commercial floorspace comprised of retail A1 use and restaurant A3 uses with a new pedestrian access from Clerkenwell Road to St John's Square, cycle storage provision, landscaping and associated alterations. The proposals also include two basement levels, which are also proposed to house A1/A3 units, ancillary hotel spaces and a plant room.
- 1.2 The proposed development seeks to erect a C shaped building which would address its main frontages to the front to Clerkenwell Road and to the rear to St Johns Square. The development would reinstate the street frontage therefore improving the appearance of what is a disjointed site. The proposed development would form an attractive and productive use of the site which would create a pedestrian link from Clerkenwell Road to St Johns Square which should increase surveillance and vibrancy along both routes in this case in accordance with the site allocation (BC 41).
- 1.3 The existing use of the site is a sui generis use, being a car wash business. The sui generis use class results in there being no specific policy protection for the existing uses on this site. The proposed use as a hotel with associated A1/A3 use at ground and basement levels is considered to be compliant with adopted policy, adhering to policy 4.5 (Visitor Accommodation) of the London Plan 2011, CS14 of the Islington Core Strategy 2011 and policy DM4.11 (Hotel and Visitor Accommodation) of the Islington Development Management Policies Document 2013. The site is located within 300m of a national railway station, and is identified within Site Allocation BC 41 allocated for a mixed use employment led development with some residential and office uses. The proposed hotel meets the requirements of adopted policy, would support the business function and employment uses of the area. The site is within 300m of a national railway hub, and is therefore considered to accord with Policy DM4.11 of the Islington DMP 2013, and CS14 of the Islington Core Strategy 2011.
- 1.4 The proposed development would require the demolition of all the lightweight built structures onsite. The proposed demolition of the existing buildings is considered acceptable as the existing buildings contribute negatively to the character and appearance of the Clerkenwell Green Conservation Area. The proposed hotel building comprises of an 8 storey building to be predominantly constructed from London Stock or Grey brick. The proposed design has been through a significant evolution from the pre-application process, three separate Design Review Panel (DRP) meetings. The proposed design is considered to be acceptable, subject to specific conditions relating to materials to secure a high quality resulting building, and details to address DRP queries plant screening and finishes. It is considered that the proposed development by nature of its design, and subject to relevant conditions, would not unduly harm the amenity of neighbouring residential properties. The height, scale, bulk and layout of the proposed development accords with policies DM2.1 of the Islington DMP 2013 and policies CS8 & CS9 of the Islington Core Strategy 2011.

- 1.5 The proposed building would be comprised of a hotel with no hotel rooms proposed to be created below first floor level. The proposed hotel rooms are considered to have acceptable access to light and outlook. Rear facing windows into the proposed rear atrium would be partially obscure glazed to ensure privacy which is secured with condition.
- 1.6 The proposed development is considered to be acceptable in terms of accessibility, the applicants have provided 10% of the rooms within the proposed hotel to be universal access bedrooms, which are also fully wheelchair accessible, with the development as a whole complying with the council's inclusive design policies as set out in the Core Strategy and Development Management Policies.
- 1.7 The proposed development complies with policy CS10 (Sustainable Design) and Development Management Policy DM7.4 (Sustainable Design Standards), the proposed development would achieve BREEAM 'Excellent' standards, and would provide energy savings of at least 30-37% against the 2010 building regulations. A Sustainable Urban Drainage System would be required by condition upon granting of permission, and a CO2 off-set financial contribution has been agreed. The applicant has agreed to explore the feasibility of connecting to Citigen Heating network which may improve energy performance further. The proposed development complies with the Council's policies regarding energy efficiency and sustainability, and is in accordance with policy CS10 of the Islington Core Strategy 2011, and policies DM7.1, DM7.3, DM7.4 and DM7.5 of the Islington DMP 2013.
- 1.8 The proposed development has submitted detail evidence to assess the likely transport impacts of the proposed development in relation to both Clerkenwell Road and St John's Square. The results show that the proposed use would intensify the use of the Square for servicing and deliveries but would still be lower than the extant permission in terms of vehicle movements in the area. It is considered that subject to detailed Hotel Management Plans and Servicing and Delivery conditions that the development could be built and function day to day without causing unacceptable adverse impacts on highways safety around the site not adjoining residents/users amenity levels.
- 1.9 The applicants have agreed to enter into a Section 106 agreement, the Heads of Terms of which are documented in Recommendation A of this report. The proposed financial obligations are considered to be in line with the Islington Planning Obligations SPD 2013, and are therefore considered to be acceptable.

## **2.0 SITE AND SURROUNDING**

- 2.1 The application site is located on the northern side of Clerkenwell Road and directly to the north and west of St. John's Square. It is of an irregular shape and covers an area equal to 980sqm.
- 2.2 The site lies within the Clerkenwell Green Conservation Area, and is designated as being within an Archaeological Priority Area. There are statutorily listed buildings nearby at Nos. 47-52 St. John's Square and Nos. 49-53 Clerkenwell Road.
- 2.3 The site lies within the Clerkenwell Green Conservation Area, and is designated as being within an Archaeological Priority Area and an area of Special Character.

There are statutorily listed buildings nearby 12 to 14a Clerkenwell Green, Nos. 47-52 St. John's Square and Nos. 49-53 Clerkenwell Road. Further north of the site there is the Grade I Listed Church of St James and attached railings and the grade I Listed to the east corner of the entrance to St John's Square known as Priory Church of S t John of Jerusalem.



- 2.4 The site contains a former single storey Texaco service station and incorporates a covered petrol pumping station (4 pump islands) accessed from and fronting Clerkenwell Road, a small single storey brick forecourt shop (149sqm) is situated to the rear of the site and there is also a former car-wash building and cash machine on site. There are two vehicular access points from Clerkenwell Road and both points allow for vehicle ingress and egress. A portion of the site towards the east is undeveloped (formerly used for car-parking) and a wall separates the site from St John's Square, (which has a ground / street level approximately 1.5m above that of the filling station forecourt level). There is presently no vehicular or pedestrian access between St. John's Square, the site and Clerkenwell Road, principally due to the change in ground levels. The northern boundary of the site features a 6-7m high retaining wall broken only by a residential unit at No. 9 Clerkenwell Green.
- 2.5 The site is bound to the north by the rear elevations of Nos. 8-14 Clerkenwell Green, which is a mixture of commercial and residential properties. Part of the eastern boundary immediately adjoins St John's Square, although there is currently no access between the Square and the site due to a change in level of approximately 1.5m. The remainder of the eastern boundary adjoins No. 90 Clerkenwell Road which is a 5-storey office and residential development with a



blank side façade; and on the northern side of St John's Square, adjoining the application site on its north-eastern boundary is a modern 6-storey office development. The southern boundary fronts Clerkenwell Road, whilst the western boundary adjoins a part 5-storey, part 6-storey office building of some historical merit. The side façade of this adjoining building is also blank. The area is characterised by a mixture of residential and office uses, with retail and entertainment uses.

- 2.6 The application site falls within the Dartmouth Park Hill local view. The site is covered by three local views: Archway Bridge and Road (LV4 and LV5) and the SW corner of the site is covered by the view from Amwell Street (LV6), kenwood to St Paul's Cathedral designated viewing corridor, however the proposals are of a height that sits below the level of the viewing corridor, and therefore would not affect this designated view.

### **3.0 PROPOSAL (in Detail)**

- 3.1 The proposed development seeks planning permission for the demolition of all existing structures onsite (forecourt shop, canopy and pumps) and the erection of 8 floor building plus 2 basement levels comprising of a 212 bedroom hotel (Class C1), 5 self contained residential units (facing onto and entrances onto St John's Square comprising of 4 x 3 beds & 1x 2 bed), the creation of 93 sq metres of office /workshop space (Class B1), 250 sq metres of flexible commercial floorspace (Retail A1 use & Restaurant A3 uses) with a new pedestrian access from Clerkenwell Road to St John's Square, cycle storage provision, landscaping and associated alterations. The proposals also include two basement levels, which are also proposed to house A1/A3 units, ancillary hotel spaces and a plant room. The proposed building would be 8 floors above ground level.
- 3.2 The proposed building seeks to create one linked curved building which would address both Clerkenwell Road and St John Squares frontages. The building would comprise of a basement level with a ground floor level and 7 storeys above with a recessed 7<sup>th</sup> floor roof level. The proposed building would stand 1.6 metres taller than the adjacent Spectrum Court to east along Clerkenwell Road and lower than the highest part of the pitched roofs of the adjoining property with a proposed set back at roof level of 2.6 metres.
- 3.3 The applicants propose an irregular shaped building which can be read as one integral unit with distinct elevations facing Clerkenewell Road and St John's Square. The proposal proposes with delineated land uses at ground and upper floor levels including the creation of a workshop unit, residential units, ground floor commercial areas including an expansive hotel lobby area with entrances to both Clerkenwell Road and St John's Square. The proposal also seeks permission to create a new passageway to St John's Square towards the proposed glazed atrium facing St John's Square which addresses the interface between the linked parts of the building facing Clerkenwell Road and St John's Square.
- 3.4 The proposed ground floor levels of the development proposes the main entrance area to the hotel with glazed frontages including a large A3 unit which would be linked to the hotel and an independent A1 unit adjacent to the proposed passageway through the site to St John's Square. The passageway would be finished with glazed brickwork, steps and a stairlift. The front elevation facing

Clerkenwell Road is proposed to have a tripartite window arrangement with both a horizontal and vertical emphasis. Each window would delineate two separate hotel floors within the building with opaque vertical and horizontal screens.

- 3.5 The window arrangement would be repeated towards the rear of the proposal with the other main elevations facing St John's Square having different window arrangements at lower levels and a more consistent and uniform window arrangement at the upper floor levels.
- 3.6 The main facing materials proposed are glazed precast bricks, concrete panels, metal frame windows, opaque glazed panels and ceramic cornices.
- 3.7 The proposed development was amended during the course of the application with second and third rounds of consultations being carried out on these changes. These changes are summarised below:
- Alteration to the building line along the northern elevation to provide increased separation distance to No. 9 Clerkenwell Green;
  - Revised canopy on Clerkenwell Road (reducing its projection);
  - Increased set back at the upper level (7<sup>th</sup> floor) facing onto Clerkenwell Road;
  - Amended glazing pattern of atrium when viewed from St John's Square;
  - Residential balconies fronting St John's Square to be fully recessed; alteration to façade treatment (raised cornice) at lower level and main Clerkenwell Road elevations.
  - Revised energy strategy, accessibility details, archaeological assessment and transport plan.



Proposed front elevation of development fronting onto Clerkenwell Road.

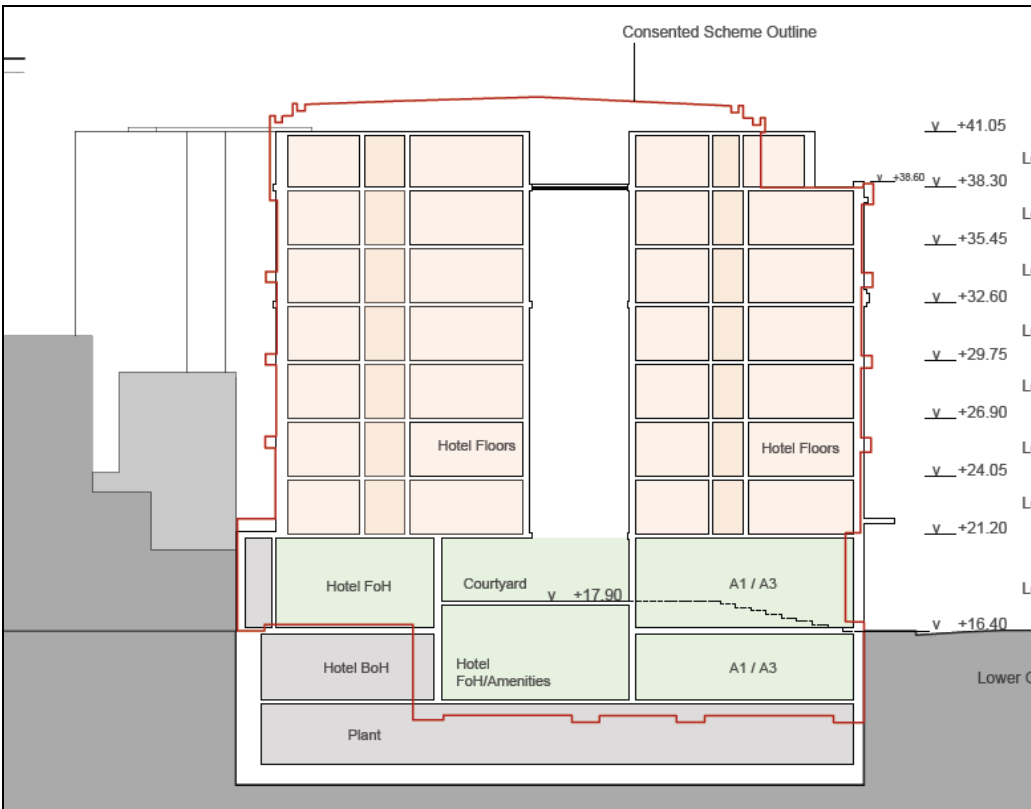


Image showing proposed development section drawing with extant permission outlined in red showing extant permissions additional height and different overall form.

- 3.8 The proposed development can be broken into several distinct sections for ease of assessment and consideration:

### **Proposed “Yotel Hotel” Use**

- 3.9 The proposal seeks permission for the creation of a hotel that would consist of 212 no. bedrooms, with the operation split over eight floors plus 2 basement levels (circa 7,077 sqm). The main customer entrance would be directly from Clerkenwell Road, with a secondary entrance provided onto St John’s Square. The servicing entrance for the hotel would be provided off St John’s Square, whilst the plant and machinery is predominately located within the basement thereby reducing the noise impact upon surrounding neighbours.
- 3.10 “Yotel” have been confirmed as the preferred hotel operator. This international brand does not currently have a presence in central London (albeit they have hotels at Gatwick and Heathrow). Their use of innovative design, internet bookings and streamlined food and beverage provision ensures they are able to offer affordable accommodation, whilst maintaining a four-star plus service. Although relatively compact, the utilisation of space ensures that bedrooms are comfortable and innovative, providing flat screen TV with audio connectivity; free WiFi; monsoon shower with heated towel rack; and silent heating and cooling units. Bedrooms have been designed on a repeated grid layout, ensuring that partition walls can be removed and the configuration easily altered. Consequently, the building will be flexible for alternative adaptations should future demands require.
- 3.11 The spacious check-in area and entrance lobby would provide a concierge service and provide expert advice to customers on facilities and attractions in the local area. The ground floor also accommodates a large lounge, including a bar, which provides amenity space outside of the bedrooms, where customers can relax. The hotel’s food and beverage offer will be available for customers of the hotel as well as members of the public. Considering the sites access to sustainable modes of transport, the development is a car free scheme. There is no requirement for a coach drop-off. It is also Yotel’s intention to relocate their current Headquarters from 13 George Street, Westminster to an ancillary function within the hotel. This office and training facility will oversee the operations, sales, revenues, marketing and finance of the company which currently employs 12 – 15 people, all of which will be relocated to Clerkenwell Road.

### **Workshop/office space**

- 3.12 The proposal seeks permission to create an office/workshop space (B1 use class) measuring 93 square metres below the residential aspect of the scheme fronting onto St John’s Square at basement and ground floor levels (adjacent to 53/54 St John’s Square). The proposed business space is proposed to be accessed directly from St John’s Square. The provision of a reasonable sized workspace/ business floorspace is expected the site allocation for this site.

### **Proposed Class Retail A1/Restaurant/A3 units fronting onto Clerkenwell Road**

- 3.13 Fronting Clerkenwell Road at ground and basement level, the applicant intends to provide active uses which would provide facilities accessible by the wider community. Consequently, the proposed retail and restaurant units Class A1/A3 are proposed measuring 165 sqm and 85 sqm respectively. It is expected that one of the units will form the hotel restaurant, and therefore would be accessed through

the hotel, however it would be available for members of the public to use in addition to hotel guests. The end user of the second unit is yet to be determined, however there has been interest from numerous fine-dining restaurants which would attract customers from the local and wider area.

### **Residential Accommodation**

- 3.14 The proposal also seeks permission for the creation of 5 self contained residential units (4x 3 beds & 1 x 2 beds) located within the rear section of the proposed building fronting onto St John'S Square. These residential aspects of the scheme would be located above the proposed basement and ground floor workshop and above the proposed first and second floors of the proposed hotel in this section of the building. The units would be located therefore on the third to 7<sup>th</sup> floor of the proposed development. The units would have large sized recessed front balconies for their main amenity space and would be dual aspect. The dwellings would be accessed via a separate residential entrance directly onto St John's Square with level threshold access, lift access and refuse and cycle parking facilities provided at ground floor level. The applicants have agreed to pay the required small sites contribution of £300,000 towards the provision of affordable housing within the borough which is to be secured via the proposed S106 heads of terms as outlined within recommendation A.

### **Pedestrian route through the site**

- 3.15 The development scheme enhances permeability within Clerkenwell with the introduction of a pedestrian access linking Clerkenwell Road with St John's Square.

## **4.0 RELEVANT HISTORY:**

### **Planning Applications**

- 4.1 The application site has been the subject of a number of previous planning applications. However, the only applications considered particularly relevant are those relating to the full planning applications for the site. Those applications are summarised as follows:
- 4.2 Planning application LBI ref: P101292 to extend the time limit for the implementation of planning permission ref: P070783 dated 23/11/2007 for the: 'demolition of existing structures and erection of a part 5, part 6 and part 7-storey building (plus basement) comprising 3 (Class A1) retail units, 2 (Class B1) offices, 8 residential flats and an electrical sub-station. was GRANTED on 28/03/2012 with conditions and a legal agreement. The diagrams below show some images of the extant planning permission on this site.

sent

Clerkenwell Road, looking towards Farringdon Road



Extant permission appearance from Clerkenwell Road.

Consented Scheme I View from Clerkenwell Green



96-100 Clerkenwell Road | London

May 2014

Stephan Reinke

Extant permission appearance when viewed from Clerkenwell Close.



- 4.3 Planning application LBI ref: P070783 for the ‘*Demolition of existing structures and erection of a seven storey building (plus basement) comprising three A1 retail units, two Class B1 offices, eight residential units, an electrical sub-station and ten micro wind-turbines and solar panels at roof level*’ was GRANTED on 23/10/2007.
- 4.4 Conservation area consent application P070780 for the ‘*Conservation Area Consent application in connection with the demolition of all on-site structures, including forecourt shop, forecourt canopy and pumps and removal of underground fuel tanks*’ was GRANTED on the 07/11/2007.
- 4.5 Planning application LBI ref P080989 for the Demolition of existing structures at 96-100 Clerkenwell Road and erection of a 7-storey building (plus basement) comprising three A1 (shop) units and an electrical sub-station at ground floor level, two B1 (business) and eight residential units at part ground and wholly to upper levels. Refurbishment and extension of 10-11 Clerkenwell Green and creation of openings in its southern elevation to allow linkages with 96-100 Clerkenwell Road and use of the ground floor of the building fronting Clerkenwell Green for flexible A1 (shop) and/or A3 (restaurant / café) use and use of upper floors of that building and all floors of the rear building for B1 (office) granted on the 20/08/2008.
- 4.6 Planning application LBI ref P052257 for the “Construction of a part six and part seven storey building (incl. basement) comprising a petrol filling station, office floorspace and 41 residential flats” granted on the 15/02/2006.
- Nearby development at Farmiloe Buildings 28-36 St John Street.**
- 4.7 Planning Application LBI ref P2013/5063/FUL for the “Retention and conversion of grade II listed office/showroom/warehouse building including internal and external alterations, demolition of 1930s extension and Atcost building, and erection of a 5-storey building, all to accommodate offices/workspace (B1 use) and flexible commercial (A1/A2/A3/D1 use) floorspace at ground floor.” Granted with conditions and legal agreement on the 8<sup>th</sup> August 2014.

#### **Enforcement History**

E12/06605: Non compliance with opening hours conditions (P101600)

E09/04517 Unauthorised use as car park

E10/05297 Untidy land

**Pre-application Advice:** the proposals have followed pre-application discussions held between the Local Planning Authority and the applicants (and their agents) from May 2013 to the date the application was submitted. The proposals have been generally supported by officers through the pre-application process in terms of land use and policy, however significant concerns were raised early in the discussions between the Local Planning Authority and the applicant regarding the proposed design of the building.

## 5.0 CONSULTATION

### Public Consultation

- 5.1 Letters were sent to occupants of adjoining and nearby properties at Clerkenwell Green, Britton Street, Clerkenwell Road, Clerkenwell Close, Albemarle Way, Briset Street, Turnmill Street and Haywards place. A site notice and press advert was displayed on 06/02/2014. The public consultation of the application therefore expired on 06/03/2014.
- 5.2 Following on from a series of related amendments to the scheme a second round and third round of public consultations (14 days and site and press notices erected) were carried out starting from the 14/05/2014 and ending on the 29/05/2014 with the final round starting on the 26/06/2014 and ending on the 10/07/2014. A site notice was also displayed for both reconsultation phases. The majority of the responses were received after the first round of consultation with additional letters being received in the second and third rounds. These responses have been fully considered and grouped together for clarity under each relevant address.
- 5.3 At the time of the writing of this report a total of 34 responses (28 objections, 2 comments, response from Cllr Andrews and Cllr Court, 3 letters of support and a response from Emily Thornberry MP) had been received 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):

#### **Negative impacts of the development on the character and appearance of the surrounding Clerkenwell Green Conservation Area**

- Overly dense and overdevelopment of the site. (See paragraphs 8.7-8.21)
- Enclose and dominate St John's Square to an unacceptably harmful degree. (See paragraphs 8.13-8.18 )
- Excessive scale and particularly the height of the proposed development. (See paragraphs (See paragraphs 8.7-8.21)
- Loss of skyline and views from properties along 45 and 47 Clerkenwell Green of St Paul's Cathedral. (See paragraph 7.18 )
- Poor overall design of the proposed building. (See paragraphs 8.7-8.21)

#### **Highways, parking, traffic congestion and servicing concerns**

- Too much traffic and deliveries will be expected to be accommodated within St John's Square. (See paragraphs 15.5-15.38)
- Noise and disruption from necessary deliveries and servicing to the hotel. (See paragraphs 15.5-15.38)
- Increased risk of traffic accidents and conflicts between pedestrians and service vehicles within the Square. (See paragraphs 15.5-15.38)
- Unrealistic to compare servicing and traffic movements on the extant permission and based on uses within the square based on permission granted from over 7 yrs ago when lots of new uses have started which are using up some the servicing and delivery capacities of the square. (See paragraphs 15.5-15.38)
- Need for vehicles to reverse and inability of vehicles to enter and leave the site in forward gear. (See paragraphs 15.5-15.38)
- Increase in frequency and intensity of deliveries related to the hotel will harm the character cobble finish s along St John's Square. (See paragraphs 15.5-15.38)



- Potential for large increase in private and hotel related parking needs in the area. (See paragraphs 15.5-15.38)
- Lack of a turning point provision for vehicles within the site. (See paragraphs 15.5-15.38)
- Adverse impact the development would have on the existing cobbled square in terms of maintenance during the construction and final use phase of the development. (See paragraph 15.38)

#### **Land-use concerns**

- No need or demand for another hotel in the area. (See paragraphs 7.10-7.14 )
- Should be more office based redevelopment of the site (See paragraphs 7.5-7.10 )
- Transient nature of hotel residents. (Not a material planning consideration)
- Over provision of hotels in the area. (See paragraphs 7.10-7.26 )

#### **Amenity Concerns**

- Noise and construction disruption to adjoining uses during the construction phase of the development. (See paragraphs 12.39-12.40 )
- Increased noise and fumes coming from the intensified servicing and deliveries needed for the hotel. (See paragraph 15.26)
- Increased late night activity and noise from the hotel use and A3 uses. (See paragraph 12.39 )
- Anti social behaviour along the proposed passage from Clerkenwell Road to St John's Square. (See paragraphs 12.9-12.11)
- Block light to the square itself as a result of the excessive scale and height of the proposed development. (See paragraphs 8.16-8.18 )
- Licensing implications for restaurant or bar area. (See paragraphs 7.23-7.25)
- Loss of daylight/sunlight, outlook and increased sense of enclosure to adjoining properties. (See paragraphs 12.2-12.8 )
- Light pollution from the proposed new building (see paragraphs 12.41-12.43 )
- Inadequate refuse facilities for the hotel, residential and commercial aspects of the scheme. (See paragraphs 15.17-15.20 )

#### **External Consultees**

- 5.3 English Heritage 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.
- 5.4 English Heritage (Greater London Archaeology Advisory Service) note that the site lies astride the inner precinct boundary of the Priory of St John of Jerusalem. The officer notes the proposed basements would remove all surviving remains of archaeological interest. However the officer notes that the development will only affect a small part of the inner precinct an area with patchy survival and none of the key building the loss of these remains would amount to less than substantial harm. The officer raises advises the council that the development should be considered in light of this less than substantial harm and other public benefit of the scheme. If the council considers the public benefits of the scheme to outweigh the harm here the officer advises a series of conditions be attached to any grant of permission in relation to the submission of a written scheme of investigation, site investigation and an archaeological watching brief (condition 30).
- 5.5 London and Middlesex Archaeological Society (LAMAS): The Society noted

- “The ennuui of the architectural design, despite it being more sympathetic than the consented scheme, it was felt that a more interesting elevation to Clerkenwell Road could be produced”
- The height of the rear wing was considered excessive and detrimental. It was remarked that given the difference in scale of various surrounding buildings and the impact upon St John’s Square, the rear should be reduced by one or two storeys ( even if stepped)”
- “In conclusion it was thought the design needed refinement as being a gap site in an important area it deserved a better scheme, and a reduction in the massing to the rear of the site was essential to make the proposal acceptable. (Addressed in paragraphs 8.7-8.21)

5.6 London Fire and Emergency Planning Authority raise no overall objections to the scheme while noting that developments of this type should use sprinkler systems.

5.7 Metropolitan Police (Crime Prevention) no response.

5.8 Transport for London raises no overall objections to the proposal subject to:

- No on site car parking provision
- Welcome the proposed servicing for the hotel from St John’s Square and commercial elements servicing from Clerkenwell Road. TFL recommends a Delivery Servicing Plan is submitted via conditions.
- S106 should include a Green Travel Plan to be submitted.
- Crossrail contribution should be secured for this development.

### **Internal Consultees**

5.9 Access Officer: The Councils Access officer has reviewed the application and made comment, which resulted in revisions being made to some aspects of the development. Full details of this are included in the access section of this report. Overall the provision of 10% of the total hotel rooms (21 rooms) to be fully disabled accessible is welcomed. Still few concerns remain regarding full accessibility of the site but subject to detailed conditions to secure the full compliance with the council’s accessibility standards no objection raised.

5.10 Design and Conservation Officer: The officer has some concerns over the final design quality of the development particularly in relation to the Clerkenwell Road frontage and atrium area facing St John’s Square. However the officer welcomes the reduction in the height of the proposed development when compared to the extant planning permission which allowed a visually harmful and higher building on the application site particularly when seen from Clerkenwell Close. Bearing in mind the open nature of the site which detracts from the character and appearance of the conservation area and the extant permission in place it is considered that subject to detailed conditions controlling the selection of appropriate and high quality facing materials that the scheme can be supported.

5.11 Licensing officer: The officer notes that any new operator within the development will want to obtain a premises license to sell alcohol and possibly provide regulated entertainment and late night refreshment. The officer notes the application site is located within the council’s cumulative impact policy area which means there is a presumption against granting any new licenses unless the applicant can satisfy the

council that they will not add to the cumulative impact. The officer notes that should a licence be granted the preferred terminal hours would be the following:

- Off licences to 11pm
- Restaurants, café, bars 11pm Sunday to Thursday, midnight Friday and Saturday
- 24 hour sales of alcohol to hotel residents

5.11 Design Review Panel (DRP): Previous reiterations of the scheme have been considered by panel members on three different occasions during the process of the pre application with the third appearance at DRP (16<sup>th</sup> September 2014). A copy of that DRP response (dated 14<sup>th</sup> October 2014) is attached to this report within Appendix 3. The points below are a summary of their thoughts as outlined within the third and latest DRP response concerning the redevelopment of this site:

***Panel's observations***

- Panel members appreciated that the scheme had been further developed in a positive direction since the previous review and that some of the issues raised then had been addressed, but stressed that the changes fell short of the more fundamental re-design it had wished to see. The Panel remained concerned that the proposal appeared to be principally driven by the need to accommodate a set number of hotel rooms to the detriment of creating a building of distinction with high quality internal communal and private spaces.

**Officer's comments:** Officers note that the current design of the proposal has evolved and represents a considerable improvement on earlier reiterations in design terms. The council must consider the planning merits of the submitted scheme and it is considered that the proposed scheme offers a contextual and attractive building within its context. The council has no hotel room standards and it is considered that the room layout and room configurations of the proposed hotel are acceptable in this case.

- The Panel noted that it is critical to see drawings which adequately describe the design intent of the scheme, particularly on a site of such importance, and was concerned that from the information presented key design details remained outstanding. Please see the final page of this letter for a list of information that the Panel felt should be provided.

**Officer's comments:** Officers appreciate that the more detail applicants can provide within any major application the better it is for a full assessment of the design credentials of a scheme. However, the submitted plans and details for this proposal are considered to be of a good quality and sufficient detail which allow an accurate assessment of the design and planning merits of the proposal to be made. The panel members suggested a list of additional details is welcome and is suggested to be secured via conditions 3 &4. Future planning approvals relating to these points/details could be brought back to DRP if members were so minded.

- The Panel noted that the design team had done further work in developing the building's façades. On the Clerkenwell Road frontage, the Panel noted the further development of the tripartite approach with a better expression of a base, middle and top. The Panel was however concerned that the plan did not inform the elevation, and that there was a strong sense of both having been developed separately.

**Officer's comments:** Officers welcome the improved articulation of the main façade of the proposal fronting onto Clerkenwell Road with the proposed tripartite design approach. It is considered that the overall Clerkenwell Road elevation relates well to its local context and the room configurations proposed are not considered to be readily discernible in any harmful way from the final appearance of this elevation.

- The Panel welcomed the direction taken on the use of interesting materials on the front elevation, but said that further information was required on the detailed design. In particular the use of glazed bricks and how they are detailed on the window returns. The Panel stated that it would like some reassurance around the materials and designs proposed and whether these would be possible to deliver, particularly in relation to the windows. The Panel suggested that a two window bay mock-up (at 1:1 scale) could help inform whether the proposed designs and materials are appropriate and feasible.

**Officer's comments:** Once again further detailed drawings, samples and finishes could be developed and agreed through the detailed submissions of appropriate planning conditions as suggested within Appendix B of this report (conditions 3 & 4).

- There was some discussion surrounding the proposed placement of bathrooms within the hotel rooms - the architect described the room layouts with the bathrooms on external wall - and the Panel was, therefore, concerned about their impact on the external faces of the building. It was felt that further clarification of this aspect of the scheme was needed. The Panel reiterated its concern that it is unclear what parts of the elevations were opaque, transparent and translucent and the overall impact this may have on the street elevation. A more detailed coloured elevation and CGI view at a less acute angle would be necessary to assess the appropriateness of the design.

**Officer's comments:** Officers consider satisfactory details have been submitted as part of the application proposal. Once again further detailed drawings, samples and finishes could be developed and agreed through the detailed submissions of appropriate planning conditions as suggested within Appendix of this report. A further condition 42 will seek to secure the final hotel room layouts including bathrooms and their resulting visual impacts on the proposals main facades.



- In relation to the St John's Square frontage, the Panel expressed serious concerns in relation to the elevation. The Panel felt that not enough of a detailed design had been provided to judge whether the design was appropriate, particularly in relation to the functions behind the elevations for example in the southern corner, use of materials in which sections would be transparent, opaque, or solid. The Panel requested very specific design drawings of the back elevation.

**Officer's comments:** Once again further detailed drawings, samples and finishes would be developed and agreed through the detailed submissions of appropriate planning conditions as suggested within Appendix B of this report.

- The Panel welcomed improvements made to the arrival area of the upper floors of the hotel. However, the Panel felt that the atrium was a lost opportunity in terms of bringing daylight and views into the corridors of the hotel. The Panel noted that the atrium is very narrow with the windows of the rooms directly facing one another only feet apart.



**Officer's comments:** Officers note the irregular shape of the site and the difficulty of achieving a comprehensive redevelopment of the site which addresses all frontages of the site adequately. It is considered that the proposed atrium feature would remain an attractive feature when viewed from the public realm and from within the proposed hotel rooms. The amenity of the hotel rooms are considered acceptable.

- Panel members welcomed improvements made to the residential accommodation. Although the Panel welcomed the inset of the balcony, it noted that this had reduced the size and particularly the width of the living rooms.

**Officer's comments:** Officers acknowledge that the recessed balconies have reduced the width of the proposed living spaces of the residential units. However these units still offer generous floor areas with a good overall layout. The quality of the proposed 5 residential units are considered to be acceptable.

- The Panel welcomed improvements made to the workshop space, but expressed concern over the lack of daylight.

**Officer's comments:** The level of daylight accessible to this small non residential space is considered to be acceptable in this case.

- Summary: As during previous reviews, the Panel welcomed the design intentions of reinstating the fabric on this site and the introduction of permeability from Clerkenwell Road to St John's Square. The Panel noted the scheme had evolved in some areas but felt that the proposal still fell short of delivering a building of exceptional architectural quality to respond to its rich surrounding context. Although the Panel felt that design had improved, they were concerned that the lack of detailed design drawings of the front and back elevations made it difficult to assess the proposed designs. The Panel would encourage the design team to revisit the

above mentioned aspects of the proposal to ensure the final development proposal provides a more adequate scheme.

**Officer's comments:** The council must assess the design quality and planning merits of the submitted scheme and not a hypothetical scheme which is not before the council for consideration. Bearing in mind the open nature of the site which currently detracts from the character and appearance of the surrounding conservation area and the extant planning permission for a taller building in this location, it is considered that the development would form an attractive and contextually appropriate building within this location and would enhance the character and appearance of the Clerkenwell Green Conservation Area.

- 5.12 Energy Conservation Officer: The Council's Energy Conservation Officer(s) have reviewed the submitted Energy Statement and consider the information contained therein to be largely suitable, and welcome the proposed 30.3% energy reduction against 2010 building control regulations, along with the BREEAM 'Excellent' rating, as adequate for a hotel scheme of this nature. The site is located 600 metres away from the Citigen Network. Officers recommend that the applicants are (where feasible) encouraged to connect to this network. The assessment of the feasibility of connecting to the Citigen network is secured by S106 agreement. A planning obligation for a Carbon Offsetting Contribution has been sought, and agreed by the applicant for a sum totalling £ 451,720 which is included within the Heads of Terms which form part of this report.
- 5.13 Spatial Planning and Transport (Transport Officer): The officer notes the inability of the application site to provide off street parking and servicing facilities. The officer notes the extant permission allowed servicing of the approved office development to occur from St John's Square and notes the current proposal would result in reduction of proposed traffic movements. Therefore subject to detailed conditions and S106 contributions to facilitate improvements and maintenance to the local highways. However, it was demonstrated by the applicants that an internal servicing arrangement would not be possible in this location without significantly breaking the building line, and requiring vehicles to move across busy pedestrian footpaths, along with significantly reducing the usable ground floor area of the building for commercial uses. Further information is included in the transport section of this report.
- 5.14 Sustainability Officer: The Council's Sustainability Officer has been involved through the application process, and has confirmed no objection to the proposed development subject to a list of standard conditions being applied to any permission granted, along with a suitable S106 Carbon Offsetting contribution. The proposed development has included a large green roof on the proposed building and would embrace as many SUDS features as possible which would be secured via condition.
- 5.15 Planning Policy: The site allocation (BC41) suggests an employment led mixed use redevelopment, including an element of residential alongside small scale offices and or workshops. The site is an accessible and prominent site. Redevelopment provides an opportunity to improve the quality of the local area and provide new commercial accommodation. No in principle objections were raised by the Council's Planning Policy team, while welcoming the bar/restaurant use at ground floor level, and encouraged the retail use to be comprised of smaller units.



## 6.0 RELEVANT POLICIES

6.1 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

6.2 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

6.3 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 are considered relevant to this application and are listed at Appendix 2 to this report.

### Planning Advice Note/Planning Brief

6.3 There is no Planning Advice Note/Planning Brief relevant to this proposal.

### 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  
Archaeological Priority Area  
Local views of St Paul's Cathedral  
from Amwell Street, Archway Road and  
Archway Bridge  
Site Allocation BC 41  
BC 7 " Historic Clerkenwell"  
Finsbury Local Plan Policy BC8  
Employment Priority Area (General)  
Clerkenwell Green Conservation Area

#### London Plan

Central Activities Zone

### Supplementary Planning Guidance (SPG) / Document (SPD)

6.5 The SPG's and/or SPD's which are considered relevant are listed in Appendix 2.



## 7.0 ASSESSMENT

The main issues arising from this proposal relate to:

- Principle/Land Use
- Design, conservation and impacts of the proposed development on the setting of adjoining Listed buildings.
- Neighbouring Amenity
- Quality of the proposed hotel accommodation
- Living environment and mix
- Affordable housing and small sites contributions
- Access and Inclusive Design
- Energy/Sustainability
- Transport and Highways

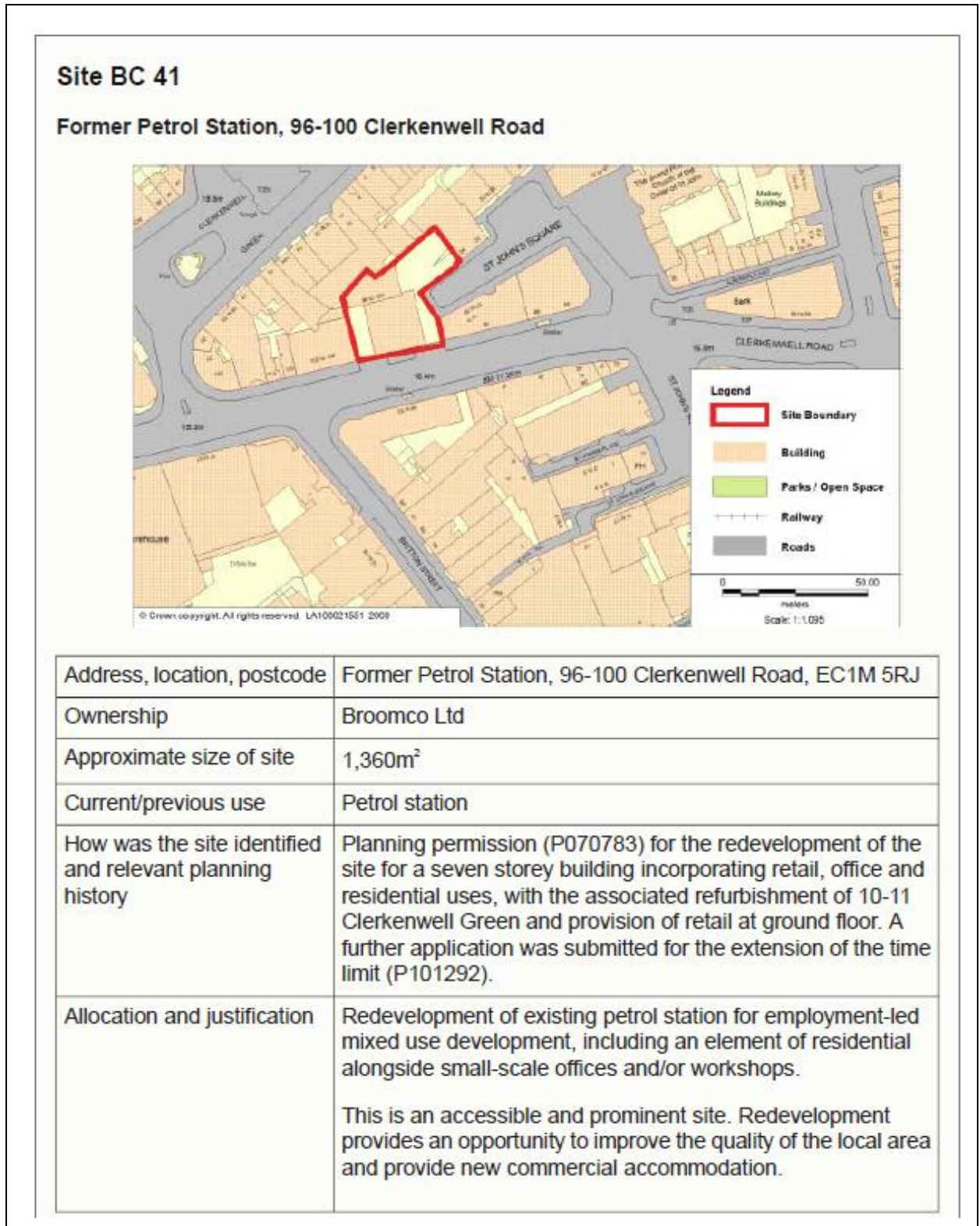
### Land-use

#### *Loss of Existing Sui Generis Uses*

- 7.1 DM5.2 states that proposals that would result in a loss or reduction of business floor space will be refused unless the applicant can demonstrate exceptional circumstances, including through the submission of clear and robust evidence which shows there is no demand for the floor space. In the absence of the required marketing and vacancy evidence covering a two year period (as set out in Appendix 11 of the DM Policies), the applicant would usually need to provide a market demand analysis under the terms of Policy DM 5.2. However, the employment operations that occupy the existing buildings on site, namely a car wash are classed as sui generis uses. The applicant contends in the Planning Statement that the existing employment provision is of low grade and the provision of a hotel at the site will increase employment density and bring economic benefits to the area, which is considered to be acceptable. It is important to note that there are no specific adopted policies protecting sui generis employment uses at this site.
- 7.2 There is a previous extant permission for an office led redevelopment of the site which expires in March 2015. As part of this application details have been provided of a reasonably high level of marketing for the delivery of the extant office permission. The initial results show no firm or concrete offers for the site for this use which covered a time frame dating from 2007. That is not to say that despite the lack of recent offers (to develop the offices within the extant permission) that the site could not be developed for a viable office led development in the future. However the council must consider the merits of the proposed development and land uses contained within this particular application.

## Site Allocation “Former Petrol Station 96-100 Clerkenwell Road

7.3 The site is allocated (Site BC 41) and this seeks the following:



Design considerations and constraints	<p>The site is within Clerkenwell Green Conservation Area. Proposals should provide active ground floor uses and demonstrate design and massing that conserves and enhances the historic context.</p> <p>The site falls within protected viewing corridors defined by the Development Management Policies.</p> <p>Remediation is required prior to redevelopment.</p>
Cross-references	Policy BC7; Public space priority project 29
Estimated timescale	2012 to 2016

7.4 It is important to note that employment uses include “activities or uses that generate employment, including **offices**, industry, warehousing, showrooms, **hotels**, **retail**, entertainment, educational, health and leisure”. (Finsbury Local Plan). Given that a hotel is an employment use and the other proposed uses include an element of residential and 93m<sup>2</sup> of office/workshop, it is considered that the proposed development meets the land use allocation for Site BC 41.

#### **Employment Priority area and range of employment uses**

7.5 The site is within the general category of an Employment Priority Area and Finsbury Local Plan Policy BC 8 (Achieving a balanced mix of uses) sets out the nature of development sought in these areas. Part A (ii) and B of this policy are applicable to this proposal.

A. *Within the Employment Priority Areas (General and Offices) designated on the Policies Map and shown on Figure 16:*

ii. Proposals should incorporate the maximum amount of business floorspace reasonably possible on the site.

B. *Within the Employment Priority Area (General) designated on the Policies Map and shown on Figure 16, the employment floorspace component of a development or change of use proposal should not be unfettered commercial office (B1(a)) uses, but, where appropriate, must also include retail or leisure uses at ground floor, alongside:*

ii. *A proportion of non-B1(a) business or business-related floorspace (e.g. light industrial workshops, galleries and exhibition space), and/or*

iii. *Office (B1(a)) or retail (A1) floorspace that may be suitable for accommodation by micro and small enterprises by virtue of its design, size or management, and/or*

iv. *Affordable workspace, to be managed for the benefit of occupants whose needs are not met by the market.*

7.6 As the extant permission for office use has not been implemented, there is no policy protection for retaining the level of office provision in the extant permission within a new application when the site has not previously been in a business use. While it is acknowledged that the site allocation seeks an employment led mixed-use scheme,

and a hotel use is considered an employment use as defined by the DM DPD, within the context of a hotel-led scheme the proposals need to demonstrate that business floorspace on the site has been maximised, as set out in BC8A(ii). An inability to secure a pre-let for the extant scheme does not demonstrate that there would be a lack of demand for a lesser quantum of office floorspace within a mixed-use scheme, particularly as the office market/rental values have moved on from 2012, the last time the site was considered for office use.

- 7.7 Although a demand analysis for the unimplemented scheme has been presented, evidence has not been provided that the provision of a single office unit of 93sqm is the maximum amount of business floorspace reasonably possible on the site. However the scheme does accord with the site allocation, the site is appropriately located for a hotel scheme in relation to transport hubs as required by planning policy and the benefits of developing a gap site are considered to outweigh this omission in this particular instance.
- 7.8 Therefore the proposed mix of hotel, office, A1/A3 uses and residential uses are considered to offer an appropriate mix of uses within the site while still emphasising the employment generation of the site as the policy seeks to create.
- 7.9 The site is covered by Policy BC 7 Historic Clerkenwell. This policy sets out the land use and design criteria for development in this area, seeking:
- 'A range of employment uses, including business workspaces suitable for SMEs, affordable workspaces for specialist industries, and small-scale retail and leisure uses, with complementary residential uses provided where appropriate.'*
- 7.10 Once more the proposed workspace is considered to be a useful workspace for Small and Medium Enterprises (SME's). The development includes retail and restaurant units and the creation of five good sized and well located residential units. The proposed development is considered to offer a mixed use redevelopment of the site which is led by employment generating opportunities and it is considered to have met the appropriate balance between creating a urban development which enhances the character and appearance of the site, offers a breadth of different uses and increases significantly the employment generation capabilities of the site as a whole.
- 7.11 The proposal includes 93m<sup>2</sup> of office / workshop space (Class B1) and 250m<sup>2</sup> of A1/A3 use as well as the hotel and residential uses. Micro and small workspaces are considered to be workspaces in business use (B use classes) with a gross internal floor area of around 90m<sup>2</sup> (gross) or less. The proposed office/workshop is would form a highly accessible and useful office/workshop space within this highly accessible location. Small retail units are considered to be individual shop (A1) units of 80m<sup>2</sup> or less (gross), the proposed A1/A3 units are to be 165m<sup>2</sup> and 85m<sup>2</sup>. One of these units would form the hotel restaurant and the planning statement indicates the second unit is likely to become a fine dining restaurant. During the course of the application the one of the larger A1/A3 units has been reduced to two smaller units which is welcome in terms of creating smaller retail units. The amended plans clearly show an A3 unit which would be linked to the proposed hotel and another A1/A3 unit adjacent to the proposed pedestrian cut through over basement and ground levels.

7.12 The units are larger than what policy would usually expect. However the physical dynamics of the site creates limited street frontage but units which are reasonably deep and created over two floors which leads to the creation of two larger units overall. It is considered that both units proposed floor sizes has been justified against policy by creating attractive units which will enliven the Clerkenwell Road and St John's Square frontage at ground floor levels. These considerable benefits are considered to ensure that the proposed units will respect their context and will not undermine the vitality and vibrancy of the wider area.

#### **Principle of the Hotel use**

7.13 Core Strategy Policy 14 part G states that hotels and visitor accommodation will help support the retail and service economy while noting that the appropriate location for hotels and visitor accommodation is in town centres. The council's policies concerning new hotels are further detailed within the Finsbury Local Plan and Development Management Policies.

7.14 Policy BC 8 (Achieving a balanced mix of uses) states:

*'H. Visitor accommodation may be appropriate within the City Fringe Opportunity Area or **in proximity to Farringdon station.***

7.15 Policy DM4.11 (Hotels and visitor accommodation) sets out the criteria for assessing applications for hotels.

*A. Hotels and other visitor accommodation are generally appropriate in the locations specified in the following hierarchy:*

- 1. Designated Town Centres; and*
- 2. Areas within the Central Activities Zone that are within the designated City Fringe Opportunity Area or are in close proximity to national railway hubs.*

Officer response: The application site is located within very close distance to a national railway hub being Farringdon Station and is located within the Central Activities Zone. It is considered that the application site is a suitable location for a hotel use.

*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;*

Officer response: The area is characterised by a wide variety of residential, commercial, offices and hotel uses. There are many examples of residential and office uses with nearby hotels within the vicinity of the site. It is considered that the creation of an additional hotel would complement the mix and variety of uses within this highly accessible location.

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

Officer response: The Finsbury Local Plan defines employment uses to include activities that generate employment including offices, showrooms, hotels, retail, entertainment, educational and health and leisure. The proposed hotel would

create an attractive offer of hotel accommodation with related restaurant facilities which would create economic activity while also activating the streetscene. The proposed hotel would offer a good number of hotel rooms to visitors to the area and London in general all of which would encourage and promote economic activities and expenditure in local businesses and within the London generally.

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

Officer response: It is considered that through the careful detailing of servicing and deliveries and a comprehensive Hotel Management Plan that the proposed use could function satisfactorily without adversely affecting the amenity levels of adjoining occupiers and users within the vicinity of the site. Detailed conditions concerning noise, hours of operation, servicing and delivery hours and controls and a hotel management plan are suggested to ensure that adjoining amenity levels are not adversely affected by the proposed development during both its construction phase and day to day operation.

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

Officer response: The site is located within a highly accessible location within short walking distance to a major transport hub in the form of Farringdon Station. The area is also well served by a variety of modes of public transport from Clerkenwell Road.

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

Officer response: The application site is very well located close to a railway hub and well developed public transport modes. There are no opportunities within the application site or surrounding area to accommodate coach parking facilities. Taxis can drop off patrons along Clerkenwell Road. Detailed servicing and hotel management plans and controls on hours of operation are suggested within Appendix 1 to ensure that the use can function adequately without adversely affecting the amenity of adjoining occupier s/users and safeguarding highways safety around the site.

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);*

Officer response: The proposed development would create a good sized restaurant which can be frequented by both patrons of the hotel and the general public alike. The restaurant use would create an attractive commercial unit which would add to and complement the existing provision of restaurants and places to socialise within the immediate vicinity. The proposed pedestrian cut through would increase the permeability of the site forming a direct access through the site from Clerkenwell Road to St John' s Square. The proposed cut through would enliven the Square and increase footfall through the Square which would benefit the business levels of existing commercial uses within the Square and surrounding area.

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*

Officer response: The proposed hotel has detailed the provision of 21 bedrooms to be fully wheelchair accessible and laid as such. A further condition is suggested to ensure that these rooms are fully equipped for disabled visitors prior to the first occupation of any of the hotel rooms within the scheme.

viii) *provide an adequate standard of amenity for occupants.*

Officer response: The proposed hotel rooms are considered to have adequate room height, room sizes and layouts and access to light and outlook bearing in mind the type of transient use a hotel use involves. The proposed residential units within the scheme accord with the councils room sizes and have good external amenity spaces and good access to daylight and outlook and are all dual aspect.

*D. Applications for major hotel developments must be accompanied by information detailing:*

- i) how any impacts on residential amenity will be mitigated; and*
- ii) arrangements for securing public access to ancillary facilities (e.g. restaurants, gyms and conference facilities suitable for locally arranged events).*

Officer response: The hotel itself and its proposed restaurant use will be accessible by patrons and the general public alike. The pedestrian cut through will open up St John's Square increasing its natural surveillance levels and allow greater footfall of pedestrians through the area who may avail of the existing and developing commercial and restaurants facilities in the surrounding area.

7.16 The proposed hotel is within 300m of Farringdon Station and would support the areas economic function, incorporating publically accessible facilities. There is an existing hotel at a neighbouring building at 88 Clerkenwell Road (The Zetter). It is considered that the creation of an additional hotel in this highly accessible location would not result in an overconcentration of hotel uses within the area. Despite the highly central urban location there is a wide variety of commercial, hotel and residential uses in the surrounding area. It is not considered that the creation of an additional hotel in this location would undermine the commercial and mixed use nature of the area. The site is considered an appropriate location for a hotel. The principle of the proposed redevelopment of the site in the form of a hotel and smaller elements of residential, office and A1/A3 floorspace is considered to accord fully with DM policy 4.11.

#### **Local views**

7.17 The site is covered by three local views: Archway Bridge and Road (LV4 and LV5) and the SW corner of the site is covered by the view from Amwell Street (LV6). Officers are satisfied that the proposed height of the buildings would not infringe on these viewpoints remaining unaffected if the development were to proceed.

*Loss of skyline and views from properties along 45 and 47 Clerkenwell Green of St Paul's Cathedral.*



- 7.18 Concerns have been raised from residents within 45-47 Clerkenwell Green regarding a loss of skyline and views of St Paul's Cathedral. It is important to note that the consented scheme is for a slightly taller scheme and the proposed development is considered to be finished to an acceptable height in townscape terms. The main local viewpoints are unaffected. There is no right to a view in planning terms. The overall height, scale and massing is considered to relate well with the surrounding area and it is not considered that any objections to the height of the proposed built form cannot be sustained in terms of protecting limited views over the site from adjoining properties.

#### **Affordable housing and small sites contributions**

- 7.19 The proposed development includes some provision of housing. The size and number of these units are considered to be acceptable. The applicants have committed to pay an affordable housing contribution as a result of the proposed five residential units (5 x £ 60,000 = £300, 000). This is secured via S106.

#### **Employment provision:**

- 7.20 Within its current use as a car wash facility, the contribution of the current use on the site to the employment needs of this part of Islington is minimal. In addition to providing a vibrant and active use on this long under-utilised site, the hotel operation would generate significant new jobs for the local area. It is expected that the hotel alone would employ approximately 100 staff, with a dedicated training programme being implemented to train and provide the necessary skills for the staff. Furthermore, the provision of Class A1 / A3 units adjoining Clerkenwell Road and the office / workshop floorspace on St John's Square will provide additional job opportunities for the local area. Consequently, the development proposal is expected to significantly contribute to the employment opportunities within the local area.
- 7.21 The applicants have confirmed their commitment to Islington's Code of Local Procurement, along with compliance with the Code of Employment and Training, an agreed sum within the S106 agreement as proposed towards employment and training. All of these points are to be secured in the Section 106 agreement that this application would be subject to, the heads of terms for which have now been agreed.
- 7.22 The associated restaurant use of the hotel is considered to be broadly acceptable in this location as this would comply with the London Plan and Islington Policy DM4.11. A condition would be attached to any consent in order to limit the hours of operation of this restaurant area (condition 25), along with requiring details of any flue or extraction systems (condition 35) to be provided to the Local Planning Authority prior to the use commencing in order to meet the requirements as set out in Part B (iii) of DM4.11.

#### **Flexible Retail /Restaurant Uses**

- 7.23 The application is proposing to provide 250 m<sup>2</sup> of A1-A3 space on the basement and ground floor of the scheme. Policy DM 4.1 seeks to secure small shop units (generally considered to be units of around 80m<sup>2</sup>) for small and independent retailers throughout the borough, with retail development required to provide a good supply of smaller units. The policy also states that:



1. *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 an adjacent borough.*

Officer's comments: The surrounding area is characterised by a mixture of office, restaurants and some A1 units. The creation of a larger hotel related restaurant unit with frontages onto both St John's Square and Clerkenwell Road is considered to improve the vibrancy of the area over the existing non-existent frontage to the site. The units proposed are large in floorspace by reason of their large depth and still represent a relatively narrow frontage onto Clerkenwell Road. The physical dynamics of the site makes the provision of smaller retail units with very small actual Clerkenwell Road frontages difficult and would affect their long term viability. It is considered that the proposed two units in this case have been justified in policy and townscape terms and re therefore considered to be acceptable.

2. *Proposed uses can be accommodated without adverse impact on amenity and*

Officer's comments: The proposed units are not considered to have an unacceptable impact on the amenity levels of adjoining occupiers/users subject to detailed hotel management and restaurant plan which will outline controls on the deliveries, servicing and hours of operation of the restaurant use. The proposed A1 uses hours can also be controlled via conditions 9, 21, 22, 23, 25, 34 7 35.

3. *The proposal would support and complement existing clusters of similar uses within or adjacent to the Central Activities Zone, particularly important retail frontages.*

Officer's comments: It is considered that the creation of a 212 bedroom hotel and five residential units will create a significant increase in the number of people frequenting and visiting the site form day to day activities. The hotel use would enliven the streetscene and promote economic activity around the site. The likely increased economic activity around the site during its construction and operation would complement and intensify economic activity within the surrounding CAZ which is supported in policy terms.

- 7.24 The scheme has reduced the proposed units from three to two units which is considered to be acceptable bearing in mind the limited frontage onto Clerkenwell Road and the imbalance between the actual frontage onto Clerkenwell Road and the depth of the proposed building into St John's Square.
- 7.25 London Plan policy 2.10 states that boroughs should support and improve the retail offer of the CAZ for residents, workers and visitors. Policy 2.11 states that boroughs should identify, enhance and expand retail capacity to meet strategic and local need and focus this on the CAZ frontages. A condition is also recommended limiting the hours of operation of the ground floor retail units in order to protect nearby residential amenity.

**Location and concentration of uses:**

- 7.26 Policy DM 4.3 seeks to resist granting planning permission for cafes, restaurants, drinking establishments, hot food takeaways, nightclubs, casinos and other similar uses where they:

- 1) would result in a negative cumulative impacts due to an unacceptable concentration of such uses in one area or
- 2) would cause unacceptable disturbance or detrimentally affect the amenity, character and function of an area.

7.27 There are a number of restaurants in the immediate vicinity of the site. It is important to note the central location of the site and the dual frontages of the application site has facing onto Clerkenwell Road and St John's Square. The councils licencing officer advises that the site is located within a cumulative impact area where there is a presumption against granting any new licences unless applicants can demonstrate that their use will not add to the cumulative impact of such uses within the area. The councils Licensing Team will consider any future application for a licence on its own merits and based on the details and operation controls that may be suggested by the applicants. The applicants have stated that the preferred licencing hours of operation would be acceptable if applied to the proposed uses in this case. It is considered that with adequate sound/noise insulation, odour controls and controls on operation hours and services and deliveries that the proposed A3 uses could function satisfactorily without adversely affecting the amenity levels of adjoining occupiers/users.

#### *Summary*

7.28 As set out above, the proposed land use as a mixed development of hotel, residential, retail and small office/workshop unit is considered to be acceptable subject to servicing, quality of accommodation, design, sustainability, accessibility and transport which are covered elsewhere in this report.

## **8.0 Design, Conservation and Heritage Considerations (including Archaeology)**

### Policy Context

8.1 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 and the Islington Urban Design Guide (2006).

8.2 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.

8.3 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.

- 8.4 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.
- 8.5 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.

*Demolition and removal of the existing structures on site*

- 8.6 The existing structures on site consist of a single storey kiosk feature and large canopy garage structure and associated equipment. Whilst they are within a conservation area they detract from the character of the conservation area and in visual terms the removal of the existing structures on site is welcomed and will improve the character and appearance of the site which detracts from the visual amenity of the area at present. In this regard the proposed demolition complies with the NPPF and Islington's policies on protecting heritage assets.

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

- 8.7 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. The development has had to balance a series of competing objectives to create a well designed yet comprehensive redevelopment of the site.
- 8.8 The scheme has had extensive officer input and design evaluation during the pre-application and application process. This has included discussions at Design Review Panel on three separate occasions. The design of the development has changed during the course of the application to focus on a tripartite window elevation facing onto Clerkenwell Road including setting back the roof level of the development and recessing the proposed residential balconies within the scheme. Careful consideration has been given to the extant permission on the site which could be implemented at any time until March 2015. That permission granted

permission for a higher building in this location which forms an important consideration in this case. The extant permission varies from 1.2 to 1.6 metres taller in height than the current proposal before members. There are a variety of building heights in the vicinity of the site varying from 5 to 7 storeys with 6 to 7 storeys in the immediate vicinity of the site.

- 8.9 Bearing in mind the shape and scale of the application site and its frontage onto St John's Square and Clerkenwell Road, the local context and the extant permission it is considered that the proposed height of the building is acceptable which rises to a height of eight storeys with a recessed roof floor at 7<sup>th</sup> floor level. The proposed roof level is set off the front and rear parapets of the building would not appear as a top heavy or dominant feature when seen from the surrounding streetscape. Bearing in mind the height of existing adjoining buildings the proposed building height is considered to respond well to these buildings and is considered to be acceptable in visual and townscape terms.

*Design of the Clerkenwell Road elevation*

- 8.10 Extensive discussions have been undertaken to try and create a contextual and successful elevations to the main buildings facades. The proposed tripartite window approach on the Clerkenwell Road elevation is considered to offer a visually interesting and appropriate finish. Detailed discussions were undertaken with the DRP. The main frontage to Clerkenwell Road would be punctuated by a tripartite window arrangement which would cover two floors of the hotel accommodation. The windows would have elements of opaque glazing and a horizontal band delineating the separate floors within each larger window. The DRP raised concerns regarding the final levels of opaque finishes proposed and the internal layouts of the hotel rooms at this level which have the bathrooms towards the front of the windows. It is considered that a further detailed condition can be secured to secure the final extent of opaque glazing and the final internal hotel room configurations in order to ensure that the final appearance of this elevation is of the highest quality.



CGI IMAGE: View of the proposal (hotel) fronting onto Clerkenwell Road during daytime hours and early evening views.

- 8.11 The ground floor level of proposed development offers large glazed entrances and frontages to the hotel, restaurant unit and a separate A1 /A3 unit adjacent to the proposed pedestrian cut through. This section of the proposed Clerkenwell frontage is considered to form an attractive and well surveilled space which would enliven the streetscene. A reduced cornice canopy feature above the units would add more articulation and visual interest to this elevation which is welcomed.
- 8.12 The proposed roof floor is well set off the parapet of the proposed main building if the proposal. The proposed lightweight materials and satisfactory set back are considered to ensure that this proposed floor level would not appear as a dominant feature when seen from the public realm and would complement and respond well to the overall design of the proposed building and wider urban context surrounding the site.

*Design of the St John's Square elevations*

- 8.13 The main elevations facing St John's Square of the hotel and residential spaces are considered to be interesting and subject to the final selection of high quality facing materials would enhance the character and appearance of the square. The application property has an unusual frontage to both Clerkenwell Road and St John's Square located within an irregular shaped site. The proposal has sought to address both these differing elevations in a cohesive manner while creating a visually interesting St John's Square elevation once again the ground floor level is dominated by clear and legible glazed areas for the commercial aspects of the scheme and a reasonably large pedestrian cut through to the Square itself. Once again similar styled windows are proposed for the hotel elements towards the rear of the hotel and residential aspects of the scheme with less of an emphasis on a tripartite window design acknowledging the need to distinguish the different land uses in this section of the proposal with an office space and the recessed balcony areas of the proposed residential units.
- 8.14 The proposal include a large expanse of glazed windows to form an internal atrium linking the main sections of the hotel together and creating a flush elevation to St John's Square. The glazed atrium would have elements of opaque glazing. The GGI image below seeks to illustrate the view of the main atrium area when seen from within St John's Square.





View of central atrium section of the proposal facing onto St John's Square.

8.15 It is considered that careful attention needs to be made to the final selection of the highest quality finishing materials, final window finishes, atrium details and internal room layouts. Many of these important areas were highlighted by the DRP. Officers recommend through conditions 3 & 4, that these areas are submitted for approval prior to the development commencing on site.

- 8.16 It is important to note that the existing site offers little visual interest to the surrounding conservation. The open site creates an unusual and visually harmful break in the street frontage along Clerkenwell Road and St John's Square. The proposed development will reinstate this frontage to better frame Clerkenwell Road and St John's Square which is considered to enhance the character and appearance of the conservation area over the existing situation on site. Concerns raised from residents regarding the potential of the development to overshadow the square and create a gloomy and oppressive space have been fully considered. The proposed buildings main front and rear building lines are consistent with the established building lines of adjacent buildings front and rear elevations on Clerkenwell Road and St John's Square. The roof level of the proposal is well set off the rear elevation which is considered to reduce the bulk of the proposal as a whole and helps maintain a good level of light and open sky to the interior of St John's Square.
- 8.17 It is acknowledged by officers that clearly the redevelopment of the site to any material degree to reinstate the street frontage will inevitably change the outlook and experience of the Square in terms and enclosure and loss of light in comparison to the mainly open site which exists at present. However It is considered that the overall height, scale, massing and detailed design of the proposal have struck an appropriate balance in creating an attractively designed redevelopment of the site which is corresponds with the surrounding built form in terms of design, height and massing without exerting a material adverse impact on the open feel of the Square nor creating an unacceptably enclosed space or any material loss of light to the Square as a result.

#### *Materials*

- 8.18 The applicant has proposed a consistent and high quality selection of materials for the proposed development. The predominant material proposed to be used is glazed finished light coloured brick. Other materials proposed are: concrete panels, metal frame windows, metal aluminium windows and ceramic cornices to the main elevations of the building. 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 with some dark bricks. The proposed materials are considered to be acceptable bearing in mind the local context and subject to the final selection of materials via planning condition and further detailed drawings and samples as recommended by the DRP members. (Conditions 3, 4 and 5).

#### *Pedestrian cut through*

- 8.19 The proposed pedestrian cut through is considered to significantly enhance the permeability and accessibility of St John's Square to the public forming an important visual and physical link from Clerkenwell Road to St John's Square. The pedestrian cut through would allow access to hotel patrons and the general public to St John's Square and the rear of the hotel where there would be able to access a variety of restaurants and facilities for patrons and general public. The pedestrian cut through will significantly enhance the public realm along this section of the Clerkenwell Road and St John's Square. It is envisaged that the passageway would be well used by the public and would be well surveilled from the adjacent ground floor commercial uses with proposed lighting and CCTV measures (condition 9) to further ensure a

safe and secure space is created in this location. Due to the slope of the application site the pedestrian cut through would have steps but would also include a fully operational stair lift (condition 7) to enable wheelchair users to access the area also.

- 8.20 The development is considered to significantly improve the visual amenity of the area, increase surveillance along Clerkenwell Road and St John's Square while also creating a valuable pedestrian cut through 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.
- 8.21 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.

#### *Setting of Nearby Listed Buildings*

- 8.22 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. 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.
- 8.23 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.
- 8.24 There are a number of grade II listed buildings in the immediate vicinity of the site. To the north of the site there is 12 to 14a Clerkenwell Green and 49 to 53 Clerkenwell Road opposite the site. Further north of the site there is the grade I Listed Church of St James and attached railings and the grade I Listed Priory Church of St John of Jerusalem.





Fig 4-10

**Conservation Areas map**  
The Site is indicated in red

**Listed Buildings map**

The Site is indicated in red

Purple – Grade I

Light blue – Grade II\*

Dark blue – Grade II

Yellow – Benedictine nunnery of  
St Mary, Clerkenwell  
(Scheduled Ancient Monument)

1. Priory Church of St John of Jerusalem – Grade I
2. Church of St James and attached railings – Grade II\*
3. Clerkenwell Conference Centre – Grade II\*
4. Nos. 47 and 48 St John's Square – Grade II
5. Nos. 49 and 50 St John's Square – Grade II
6. No. 52 St John's Square – Grade II
7. Nos. 36 and 36a St John's Square – Grade II
8. Nos. 12-14a Clerkenwell Green – Grade II
9. The Crown Tavern Public House – Grade II
10. Comwell House – Grade II
11. Nos. 49-53 Clerkenwell Road – Grade II

Location of Grade I & Grade II Listed buildings in the vicinity of the site.

8.25 Other grade I listed buildings in the vicinity are considered to be far enough away from the proposed development to ensure that their setting would remain unharmed as a result of the development. However the extant permission clearly allowed substantial additional height to the proposed building which was readily visible from Clerkenwell Close and had a clear detrimental impact on the views of the Grade II listed buildings at 12 to 14a Clerkenwell Green. The current application is lower in height with a more recessed roof level which would significantly improve this view and respect the setting of this listed building which is welcomed. The diagram below clearly shows the improvement in visual terms with the current proposal over the extant permission.



CGI images of the extant permission when viewed from Clerkenwell Close.

- 8.26 The grade II listed buildings opposite the site at 49 to 53 Clerkenwell Road are not considered to be adversely affected by the proposed development. The overall height and frontage of the proposed new building is compatible with its immediately adjoining buildings. The roof level has reasonably large set backs off the front elevation facing Clerkenwell Road. The application site is also located on the other side of the road to the grade II listed buildings at 49 to 53 Clerkenwell Road and is not readily seen in tandem. However in views where they are seen together it is considered that the overall appearance and scale of the proposed building would not have any adverse impact on the setting of adjoining grade II listed buildings.
- 8.27 The council's Design and Conservation officer considers that the overall design, scale and finish of the proposed development is acceptable bearing in mind the existing open nature of the application site, the extant permission which includes a slightly higher and more prominent building on the site when seen from Clerkenwell Green and Clerkenwell Close in particular.

*Conclusions relating to design and the setting of designated heritage assets*

- 8.28 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 been reduced as a result of these comments as well as improved in design.
- 8.29 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 enhance the character and appearance of the surrounding area while having no discernible adverse impacts on the setting of nearby listed buildings. Subject to

conditions regarding the final facing materials, details of 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 41, BC 7, Islington's Urban Design Guidance 2006 and Conservation Area Guidelines.

#### Archaeology:

- 8.30 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 30).

#### Rooftop Plant and Screening

- 8.31 The development proposes two basement floors, the proposed lower basement floor has some dedicated spaces for plant and machinery which lessens the need for any large scale installation of additional plant and machinery to be placed on the proposed buildings main roofs. This is welcomed in visual and design terms. A condition is proposed in order to secure the final arrangement and visual appearance of any details for the rooftop plant and associated screening to be submitted to and approved by the Local Planning Authority prior to works commencing on site (condition 6).

#### *Summary*

- 8.32 The proposed design, scale and materials of the proposed development are considered to be acceptable, would respond to the character and appearance of the area and the Clerkenwell Green Conservation area and would offer a positive contribution to the street scene.

### **9.0 Quality of Resulting Hotel/Restaurant Accommodation**

- 9.1 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 acceptable access to natural light, outlook and natural ventilation for a non residential use as proposed. The floor to ceiling heights of the proposed hotel rooms measure 2.65 metres.
- 9.2 The proposed restaurant use would form an attractive amenity for hotel occupiers and the general public who choose to dine there. The creation of a publicly accessible passage way allowing access from Clerkenwell Road to St John's Square is very welcomed and would vastly improve the permeability and accessibility of the site, forming an attractive public realm through around the site. The proposed A1/A3 units fronting onto Clerkenwell Road would further reactivate this frontage and ensure natural surveillance of the both Clerkenwell Road and the passageway itself. The hotel and restaurant uses have very good access to toilet facilities and have good accessibility levels that would create an inclusive and inviting environment for all users and patrons of the site.



## 10.0 Quality of Resulting Residential Accommodation

- 10.1 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.
- 10.2 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.
- 10.3 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.
- 10.4 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).
- 10.5 Four of the five proposed residential units can be considered to be family units. Therefore the council would expect larger amenity spaces for these units as supported by DM policy 3.5. The proposed family units have front recessed balconies measuring 1.5 metres in depth and would measure approx 13 sq metres in total which is considered to be an acceptable amount of family size amenity space 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 3 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.
- 10.6 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 27.

## **11.0 Dwelling Mix**

- 11.1 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.
- 11.2 The proposed development is a mixed use development which is employment led in the form of a hotel and small related workspace. The site allocation for the site does not intend the site to be developed with a large number of residential units. Therefore it is considered that the right mixes of uses have been put forward within this application.
- 11.3 This planning application proposes a total of 5 residential units (4 x 3 beds & 1 x 2 bed) which would all be for private market sale or rent. 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. The five units will contribute the full £300,000 small sites contribution which is considered to be acceptable.

## **12.0 Neighbouring Amenity**

- 12.1 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.
- 12.2 Overlooking / increased enclosure, 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'.
- 12.3 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. Along Clerkenwell Road the prevailing height of buildings ranges from 5, 6 and 7 storeys. The proposed development would reinstate a gap in the street frontage along Clerkenwell Road with an 8 storey plus basement levels building. The building that would remain a consistent height to both existing adjoining properties. There are residential properties directly opposite the site on Clerkenwell Road (no's 49 to 53). It is important to note that the front elevation along this section of Clerkenwell Road would serve hotel rooms with elements of opaque glazing to the front, rear atrium and rear elevation windows of the proposal. These windows would look across a public highway and the Square itself. Therefore the proposed windows would not give rise to any material

incidences in terms of overlooking or loss of privacy as what could reasonably be expected within a central London location.

- 12.4 Towards St John's Square it is clear the proposed built form will bring the building envelope closer to adjoining properties at Spectrum House (57-59 Clerkenwell Road) and 54 St John's Square. However it is important to note that established building lines within the square are generally respected. The atrium feature would mitigate direct overlooking and privacy concerns from the proposed hotel rooms into adjoining properties. It is noted that the residential windows of the scheme would look towards the rear habitable room windows of Spectrum House at a distance of just under 12 metres at the shortest point and over 14 metres towards the eastern section of the residential area of the proposal. However this distance is mirrored in several residential properties in this section of the Square and is considered to be acceptable. The proposed residential unit's balconies have been fully recessed to avoid any undue loss of privacy or overlooking in this case as requested by officers during the assessment and consideration of the current proposal.
- 12.5 To the north of the site is 8 to 9 Clerkenwell Green which is residential use. The proposed rear elevation of the hotel would be located metres away from the nearest rear window of this property. The majority of the rear windows of this building serve bedrooms and have small openings. The rear elevation windows of the hotel will be semi opaque with no proposed rear amenity spaces. There is an existing rear second floor roof terrace for one of the units within 8 to 9 Clerkenwell Green. However this terrace will be set away from the built form as proposed and is not considered to suffer from any increased overlooking or enclosure as a result.
- 12.6 Nos. 10 to 11 Clerkenwell Green is not in residential use at present. Bearing in mind the existing physical dynamics of the site, its central London location and the proposed window arrangements of the proposed hotel and residential units of the scheme, it is not considered that the development would give rise to unacceptable material adverse impacts on adjoining residential properties in terms of overlooking, loss of privacy or loss of outlook.
- 12.7 The proposed height and massing of the development is considered to be acceptable. While rising to a height of 8 storeys in total the building will have large sections of glazing at roof level giving it a lighter appearance and reducing its overall bulk. The 7<sup>th</sup> floor roof level is well set off the front and rear boundaries of the site and is significantly lower in height than the extant permission on the site. Bearing in mind these attributes it is considered that the overall design, scale massing, bulk and height of the development will not give rise to any undue increase in enclosure to adjoining uses/buildings in this case.
- 12.8 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 (with a recessed roof floor) in height would affect the main outlook from residences in 54 St John's Square, 8-9 Clerkenwell Road, Spectrum Court and 49 to 53 Clerkenwell Road. However the changes to these properties outlook are considered to be acceptable with the overall massing of the proposal being considered to be appropriate in townscape terms and also lower in overall height than the consented scheme.

- 12.9 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 improvements 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 9). The site will become more accessible and surveilled by the public and residents as the use functions which is considered to deter potential anti social behaviour which may occur in the square as it becomes more open as a result of the new passageway. 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.
- 12.10 It is considered that the proposed use as a hotel would not create any significant negative impact on the amenity of existing residential properties in terms of security or an increase in antisocial behaviour. However, details of security lighting and CCTV would be required by condition if permission is granted, and a Hotel Management Plan is to be secured by condition 34.
- 12.11 The council acknowledge that the proposed development will create a restaurant, retail use, office, residential and a reasonably large hotel use all of which will exert additional deliveries and servicing needs to the site. These uses will also involve the movement of a material amount of people through the site and St John's Square which will be further increased by the proposed pedestrian cut through. There are a variety of existing residential and commercial uses surrounding the site particularly in St John's Square. Therefore the council suggest detailed conditions as part of any approval to control the operation hours of the proposed commercial uses, controls on the hours of deliveries and servicing and a range of transport measures to be submitted to the council to outline and approve how the hotels requirements and operations can be controlled and managed to ensure that the proposed use of the site can function adequately and safely to create a space that is enjoyed by patrons and existing residents/occupiers alike. Noise and refuse conditions are suggested to ensure once more that amenity levels are not materially affected as a result of the development. (Conditions 21, 22, 23, 25, 28, 35)

*Daylight and Sunlight*

- 12.11 It is considered that one of the main amenity impacts the proposed development would generate over what is currently generated by the site is the impact on daylight and sunlight receipt on existing properties within close proximity of the application site. The application site has been historically underdeveloped, with the existing car wash facilities being an anomaly amongst the more developed surrounding buildings and properties. The applicant has provided a Daylight and Sunlight Report that assesses the proposed development on the existing situation enjoyed by surrounding properties.
- 12.12 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);*

*Daylight Distribution (DD): The area of the working plane in a room which can receive direct daylight is not reduced to less than 0.8 times its former value.*

- 12.13 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:
- 12.14 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.
- 12.15 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.

Sunlight and Daylight Losses for Affected Properties Analysis

- 12.16 Residential dwellings within the following properties have been considered for the purposes of sunlight and daylight impacts as a result of the proposed development.

<b>Properties</b>	<b>Daylight</b>	<b>Sunlight</b>
8-9 Clerkenwell Green	Yes	Yes
49-53 Clerkenwell Road	Yes	No
45-47 Clerkenwell Road	Yes	No
90 Clerkenwell Road / 58 St. John's Square	Yes	No



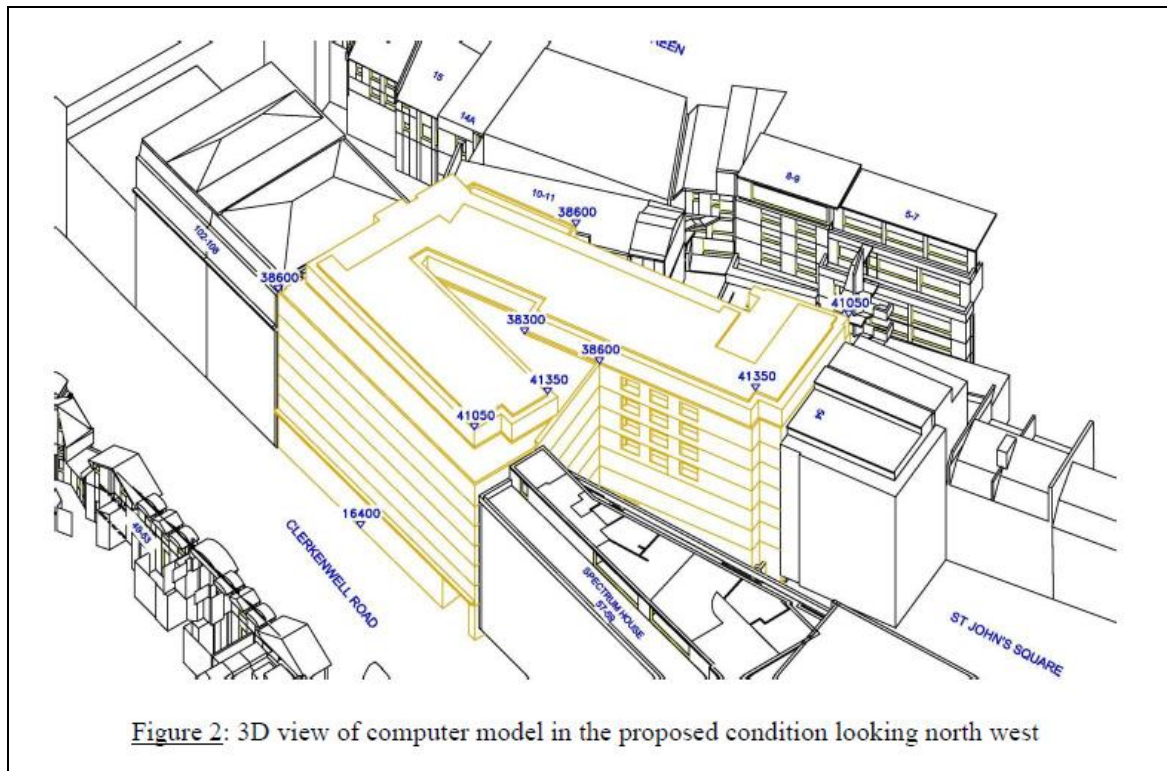


Figure 2: 3D view of computer model in the proposed condition looking north west

Computer model showing main massing of the proposal in relation to existing adjoining properties.

### 8 to 9 Clerkenwell Road

- 12.16 The VSC results confirm that 2 of the 11 windows tested would satisfy the targets set out in the BRE Guide, either by achieving 27% VSC or by retaining at least 0.8 times their former values. For the remaining windows the following can be noted:
- 12.17 With regards to the rear apartment, there are significant VSC reductions in respect of the ground floor glass prisms in the boundary wall, but they are too small to make any meaningful contribution to the daylight in the key open plan living space, the main source of light being the retractable glass roof. The true position can be seen by reference to the Daylight Distribution result.
- 12.18 For the first floor bedroom window to the rear apartment and for the remaining windows up to fifth floor level the VSC reductions will fall below the BRE 0.8 target, with retained VSC values ranging from 0.47 to 0.73 times their former values.
- 12.19 In terms of the Daylight Distribution results show that 4 of the 11 rooms tested would satisfy the BRE guidelines by retaining at least 0.8 times their former values. The seven remaining rooms, the majority of which are located in the middle elevation of the building, would retain daylight areas of between 0.32 and 0.74 times their former values. It should be noted, however, that the main open plan living space would remain sufficiently daylit, retaining 0.89 times its former value when compared to the BRE 0.8 target, with four of the remaining 7 rooms are bedrooms, for which the BRE Guide states are “*less important than main living rooms*”. The remaining three rooms serve habitable rooms.
- 12.20 When comparing these daylight results to those arising out of the consented (extant) scheme for the site, it is clear that they are very similar, with no additional

transgressions in terms of either the VSC or DD tests. The proposed development would have having no additional effect on the existing surrounding properties. It is noted that minimal built form changes have occurred around the site since the extant permission was approved.

- 12.21 For the remaining windows tested, the APSH results confirm that the vast majority will satisfy the BRE Guide in terms of achieving at least 25% total APSH or by retaining at least 0.8 times their existing annual sunlight values. There would be some winter sunlight transgressions, however in all but three instances where the winter APSH results are below the BRE 5% target, those windows would exceed the BRE target of 25% APSH annually.
- 12.22 These sunlight results demonstrate that the south facing windows within 8/9 Clerkenwell Green would generally retain better sunlight values with the Proposed Development in place, in the majority of instances, when compared to the effect of the consented scheme.

#### **49-53 Clerkenwell Road**

- 12.23 This property is located directly opposite the site to the south fronting onto Clerkenwell Road. The VSC results confirm that the majority of windows tested would experience reductions of greater than 0.8 times their former values, however the following should be noted: Given the existing low structures on the site, the majority of existing VSC values are very good for an urban location, such that any meaningful form of development on the site will inevitably give rise to BRE transgressions, if the Proposed Development is to be consistent, in height and massing terms, with the existing neighbouring buildings.
- 12.24 When considering the absolute VSC values, the majority of windows above first floor level would achieve greater than 20% VSC, which is good for an urban location.
- 12.25 The submitted assessments have been carried out based upon a comparison between the existing structures on the site and the proposed development. Whilst that approach is in keeping with the BRE guidelines, it can be very misleading on a site such as this where there is very limited obstruction to light in the existing condition. It is clear that there were buildings on this site historically.
- 12.26 In terms of Daylight Distribution the submitted results, drawing ROL6896\_4\_107 indicate that 7 of the 21 rooms tested would satisfy the BRE guidelines by retaining at least 0.8 times their former values. There would be a number of material reductions with the main change in the daylit areas arises at second floor level where there are smaller dormer openings.
- 12.27 However, it is important to reiterate the fact that this is an inevitable consequence of infilling the Clerkenwell Road frontage. The BRE guide simply works on the basis of a comparison between existing and proposed conditions and the existing condition here - when viewed from 49-53 Clerkenwell Road – is virtually no obstruction to light at all. Reinstatement of a frontage along Clerkenwell Road cannot be achieved with an appropriate townscape height if the BRE guidelines are to be applied rigidly.

12.28 Again, comparing these daylight results to those arising out of the consented scheme for the site, whilst the internal arrangements have been updated since the previous planning application, it is clear that overall the results are very similar, with the proposed development resulting no additional effect on this adjoining property.

#### **45-47 Clerkenwell Road**

12.29 The VSC results confirm that all of the windows tested would satisfy the BRE guidelines, either by achieving 27% VSC or by retaining at least 0.8 times their former values therefore, no tables are provided below. In terms of the Daylight Distribution results, the results indicate that 5 of the 8 rooms tested would satisfy the BRE guidelines by retaining at least 0.8 times their former values. The remaining rooms (R2/21 at first floor level, R2/22 at second floor level and R2/24 at fourth floor level) would retain between 0.64 and 0.78 times its former value and currently relies on oblique light from across the existing site.

12.30 This property was not included within the scope of the daylight and sunlight report that was submitted as part of the 2007 planning consent, however, it is clear that given the similarities in height and massing between the Proposed Development and the consented scheme along the Clerkenwell Road frontage, the daylight and sunlight effects at 45-47 Clerkenwell Road are likely to be virtually identical if a comparative assessment was undertaken.

#### **57 – 59 St. John's Square (Spectrum House)**

12.31 This property is in commercial use at ground floor level, but with residential use on the floors above. The affected windows are in the St John's Square elevation, directly overlooking the rear wing of the development site. Based upon external inspection and floor layouts obtained from a local estate agent, it is understood that the affected rooms overlooking St John's Square are predominantly living rooms and bedrooms.

12.32 The VSC results confirm that 26 of the 45 windows tested would satisfy the targets set out in the BRE Guide, either by achieving 27% VSC or by retaining at least 0.8 times their former values. Of the remaining 19 windows, 1 would experience a ratio reduction only marginally below the BRE 0.8 target (0.77 times its former value), 11 would retain between 0.61 and 0.77 times their former values and 7 windows experience reductions below 0.60 times their former value.

12.33 In terms of Daylight Distribution results show that 32 of the 38 rooms tested would satisfy the BRE guidelines by retaining at least 0.8 times their former values. The remaining 6 rooms would retain between 0.53 to 0.79 times their former values. It should be noted that where daylight reductions exceed the 20% BRE benchmark, it should be recognised that the testing is based upon a comparison with the existing, virtually cleared site conditions.

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

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

#### Evaluation Daylight Impact

12.36 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.

12.37 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 appropriately scaled redevelopment of the site while safeguarding adjoining residential daylight /sunlight levels to an acceptable degree. It is also important to note that the extant permission creates very similar impacts on adjoining properties in terms of sunlight and daylight losses.

#### Summary – Sunlight and Daylight:

12.38 The proposal would make the best or optimum use of a very central London site. It is considered that the proposed adverse impacts of the development in terms of loss of daylight and sunlight, are acceptable within this central London location due to the fact that the site is a gap site and in the context of the consent (extant) of a similar scaled development on the site. It is considered that the reductions proposed as detailed within the submitted daylight/sunlight report are acceptable when considered against the existing context of the site, the extant permission in place, 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.

12.39 *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, controls on noise and operating hours for the restaurant, delivery and servicing hours condition for a hotel use and noise and sound insulation conditions for the proposed new residential aspects of the scheme (conditions 13, 21, 22, 23, 25, 31 & 34). 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.

12.40 *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 27) 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 agreed to be secured within the suggested S106 heads of terms. .

- 12.41 *Light Pollution:* The application being considered does not include any details of external lighting, or illuminated signage. The proposed hotel use would provide internal blinds/curtains and would be considered to be similar to a residential use. A lighting scheme has been recommended as a condition, and details of signage would require separate applications for advertisement consent.
- 12.42 It is considered that the proposed development would not create a material increase in light pollution or spillage from what would be normally expected in a dense central London location. The residential windows of the units would be located away from adjoining residential units over a distance of 12 to 14 metres which is comparable to existing distances between units in the area. A large part of the rear sections and of the hotel and main elevation to St John's Square would be formed of a large glazed atrium which would have elements of opaque glazing with windows of the rear facing hotel windows behind. Given the opaque nature of both the rear windows and the atrium feature and the transient nature of hotel use generally it is not considered that the proposed hotel use would give rise to any material increases in light pollution/spillage to adjoining occupiers and units.
- 12.43 The ground floor commercial units fronting onto both Clerkenwell Road and St John's Square will have expanses of glazing allowing natural surveillance to both frontages. It is considered that subject to controls on the opening hours of these aspects of the scheme that light emanating from these areas would not have any material adverse impacts on adjoining residential units which are concentrated on the upper floors of adjoining properties in this case. Nevertheless a condition is recommended requiring details of any external lighting to be used within the proposal. (Condition 9)

### **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 (22 rooms in total) to be fully wheelchair accessible. The hotel would provide level threshold access to the ground floor reception areas of the hotel with 3 individual lifts accessing all the

upper floor levels of the hotel. The residential units also have level threshold entrances from the street and a lift accessing all of the 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 7, 8 & 10).

- 13.4 The proposed passageway from Clerkenwell Road to St John's Square will need to have steps and would not have a level threshold approach due to the different land levels around the site. However a stair lift would be installed which should allow reasonably easy access for wheelchairs users to use and enjoy this important improvement to the public realm as patrons of the hotel or as members of the general public moving through the site. This is secured by condition 7 also.
- 13.5 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.
- 13.6 The agreed S106 also seeks to create 26 disabled parking spaces in the locality of the site or a contribution of £52,000 towards bays or other accessible transport initiatives in the area which should further increase the accessibility of the development enabling disabled patrons/guests of the hotel, retail or restaurants 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, securing the inclusive design aspects of the public route through the site, it is considered that the development as a whole offers an inclusive development and is welcomed in policy terms.

#### **14.0 Sustainability & Energy Efficiency and Renewable Energy**

- 14.1 All major developments should achieve the highest feasible level of nationally recognised sustainable building standard (in Islington's case this is considered to be BREEAM Excellent or equivalent), this is set out in Core Strategy policy CS10 and Development Management policy DM7.4. The applicants have confirmed a commitment to achieve BREEAM Excellent status, which is supported. A condition is recommended in order to secure this provision. (Condition 15)
- 14.2 All development should demonstrate that it meets best practice water efficiency targets, with non-residential developments demonstrating how they would achieve all credits for water efficiency in the relevant BREEAM scheme.
- 14.3 Core Strategy policy CS10 requires an adequate provision of recycling, with the applicant committing to divert 90% of operational waste from landfill in the first year, which is supported. (Condition 38)
- 14.4 The proposed development incorporates a green/brown roof with wildflower planting, which is supported – though would be secured by condition if permission is granted. The applicants also commit to the provision of bird nesting boxes, which would also be secured by condition. (Condition 20)

#### *Sustainable Urban Drainage (SUDS) and Surface Water Flood Risk*

- 14.5 The submitted flood risk assessment evaluates flood risk, but has not provided a drainage strategy for the proposed development which includes SUDS principles. It

is proposed that a condition be attached to seek further information as to how the scheme would comply with Development Management Policy DM6.6 (Flood Prevention) and the requirements as set out in the London Plan. Information should include how SUDS have been incorporated to reduce run-off rates, including (where necessary) attenuation. The brown roof proposed and greywater recycling would go some way to reduce the amount of water discharged into the sewer system, however other measures such as permeable paving, or attenuation should be provided. This would be sought by condition (condition 17).

- 14.6 The proposed building indicates savings of over 30.37% against the 2010 building regulations. The applicants have submitted an addendum to the Energy Strategy with a low baseline, stating that revised modelling had been undertaken over the original strategy. This baseline has been reviewed by the Council’s Energy Officers and is considered to be appropriate, and the applicants have provided further information expanding and accounting for the difference.
- 14.7 While the applicants propose no solar power in the form of photovoltaics, the proposed development benefits from a Gas fired Combined Heat and Power Engine (CHP), enhanced U values along with WR2 Heat recovery heating and cooling systems, primary heat rejection by roof mounted low profile dry coolers and heat recovery from water cooled pipes. The proposed on-site reduction of CO2 emissions as compared to the 2010 Building Regulations would amount to 30.37% which is welcomed. This can be secured to be achieved by condition (Condition 12).

<b>CO<sub>2</sub> Emissions (kg/Annum)</b>			
	<b>Regulated</b>	<b>Un-regulated</b>	<b>Total</b>
Baseline	378,689	236,597	705,286
Lean (Efficiency Measure)	378,689	326,597	705,286
Clean (Low Carbon)	164,469	326,597	491,066
Green (Renewable Energy)	164,469	326,597	491,066

14.8 It is noted that the application site is located 600 metres from the closest connection point to the Citigen Decentralised Energy Network. Policy DM 4.2 expects major developments to connect to this network when they are located within 250 metres of the nearest connection point. Therefore the proposed development is over double this distance from the Citigen Connection.

14.9 However a recent approval at Farmiloe Buildings (St John’s Street) under planning ref: P2013/5063/FUL granted planning permission on the 8<sup>th</sup> August 2014 for the:

*“Retention and conversion of grade II listed office/showroom/warehouse building including internal and external alterations, demolition of 1930s extension and Atcost building, and erection of a 5-storey building, all to accommodate offices/workspace (B1 use) and flexible commercial (A1/A2/A3/D1 use) floorspace at ground floor.”*

- 14.10 This development if enacted would bring the nearest connection point to citigen within 300 metres of this site. Therefore the council have included in the S106 agreement a clause to secure the connection of the proposed development to this network if economically and physically feasible bearing in mind that the Farmiloe development may be implemented soon and would make the feasibility and the opportunity for this development to connect more probable. Further justification and evidence would need to be submitted by the applicants as they commence the development to prove that the potential connection is not economically or practically feasible. If the connection to the Citigen DEN turns out to be unfeasible the applicants would need to adhere to the proposed total CO2 reduction targets of 30.37% while ensuring the that the system is future proofed for a possible connection into the future. (Condition 11).
- 14.11 The applicants have also agreed within the Section 106 Heads of Terms to provide a financial contribution to mitigate the carbon footprint of the proposed development, to allow the Local Authority to carry out works to reduce the carbon impact of other developments within the borough equating to a contribution of £451,720. This secures compliance with Policy CS10 (A), bringing the scheme to the equivalent of a 'zero carbon' development if the connection to Citigen is secured the CO2 savings would increase and this contribution amount would be reviewed.

## **15.0 Highways and Transportation**

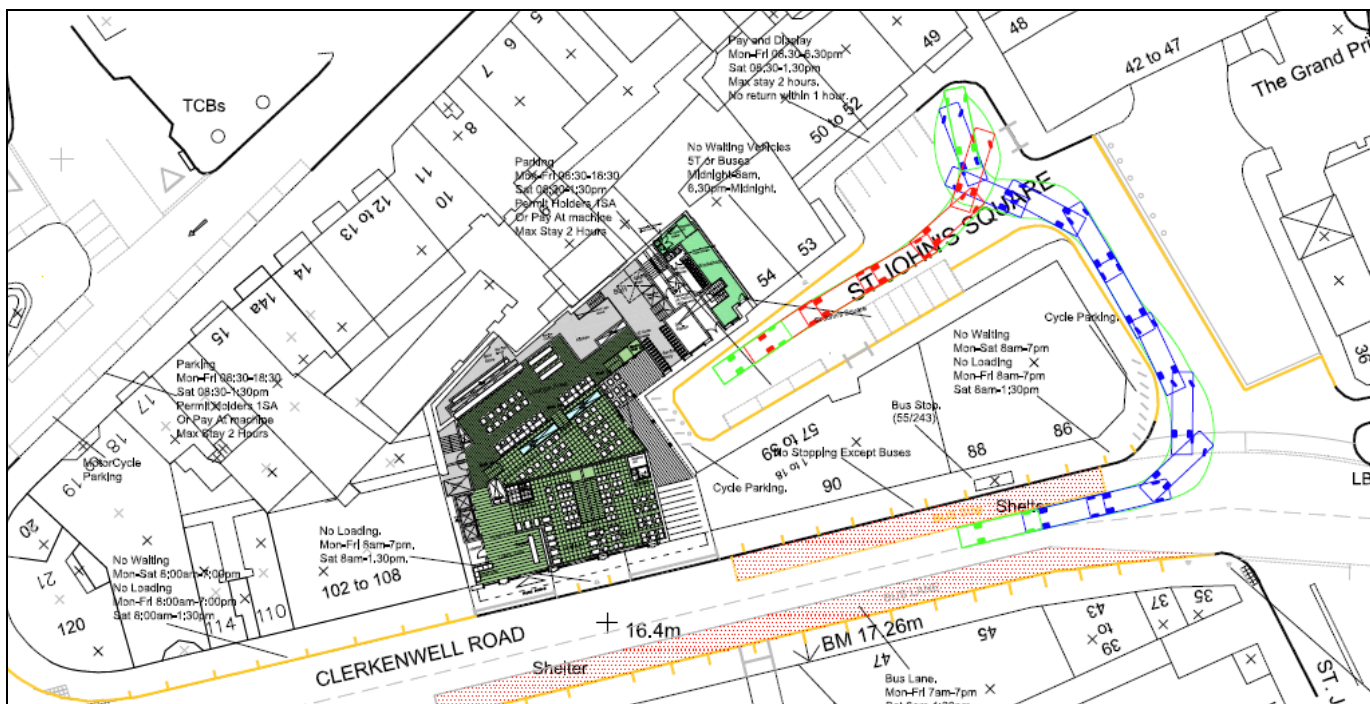
- 15.1 The site is located in the heart of Clerkenwell and the wider City fringe area. It is bounded by Clerkenwell Road (A5201) to the south and St John's Square to the east. The site is currently accessed via two crossovers on Clerkenwell Road. There is currently a wall separating the site from St John Square. The site has excellent access to public transport with a Public Transport Accessibility Level (PTAL) rating of 6b. This is the highest level PTAL rating. It reflects the range of public transport options located within close proximity of the site including national rail, London underground and bus services.
- 15.2 The site is currently used as a hand car wash. It was previously a petrol filling station. Due to this use, there are a number of vehicle movements into the site from Clerkenwell Road and out of the site onto Clerkenwell Road (using the two existing crossovers). This creates additional congestion and creates a potential hazard for pedestrians and cyclists. However, the applicant has not provided an estimate of the current number of turning movement per day.
- 15.3 In 2007, the Council granted planning permission for the demolition of the existing structures and creation of 331sqm commercial space, 2046 sq m B1 office space and 8 residential flats. This proposed development has included some key features of the 2007 permission. Core Strategy Policy CS10 (Sustainable design), Part H seeks to maximise opportunities for walking. As part of this, Development Management Policy DM8.4 (Walking and cycling), Part F states that there should be no road safety conflicts where pedestrians have to share space with vehicles/cyclists.
- 15.4 The applicants have submitted a Transport Assessment explaining the highways and transportation proposals and its likely impacts that has been reviewed by the Council's Spatial Planning and Transport Team. This Transport Assessment was revised during the course of the application to consider the existing traffic and



servicing levels within St John's Square and not just against the predicted levels related to the extant permission.

*Servicing, deliveries and refuse collection*

- 15.5 In line with Development Management Policy DM8.6 (Delivery and servicing for new developments), Part A, delivery/servicing vehicles should be accommodated on-site, with adequate space to enable vehicles to enter and exit the site in forward gear (demonstrated by a swept path analysis). The applicant has proposed on-street servicing along St John Street and Clerkenwell Road. This is in line with previous permission on the site. Furthermore, Development Management Policy DM8.6 (Delivery and servicing for new developments), Part B, requires that, where servicing/delivery vehicles are proposed on street, details need to be provided that demonstrate that the on-street arrangements will be safe and will not cause a traffic obstruction/nuisance. The proposed arrangement needs robust management and mitigation to ensure it complies with DM 8.6. (Conditions 13, 27, 31 & 34)



Large service vehicles swept path analysis image

- 15.6 The applicant has provided information on the number of servicing and delivery events anticipated to take place from St John Square. In the AM peak (8.00-9.00) there were 3 servicing/delivery events and in the PM peak (17.00-18.00), there would be two events. The peak time for the square at present is in fact between 10.00-11.00 where there are 6-7 events per day.
- 15.7 The proposed development would likely generate 18 servicing and delivery trips per day. Fourteen of these are expected to take place on St John Square and four from Clerkenwell Road. Of the fourteen that will take place on St John Square, the hotel would require seven deliveries, the office will require 4 deliveries and the residential units will require 3. The 4 events would be exclusively for the proposed flexible restaurant/retail space. It should be noted that, since the submission of the original application, the number of daily deliveries planned for St John's Square has increased from 10 to 14 following the submission of more accurate and detailed transport surveys and studies. The diagram below shows a proposed estimate of

weekday servicing requirements for the proposed development. The consented scheme was expected to generate 26 servicing/delivery trips with 22 of these to St John's Square daily.

**Table 4B Proposed Servicing Requirements: Weekday**

Servicing Location	Time	Hotel	Residential	B1 Use	Independent Restaurant/Retail Unit	Total
St John's Square	07:00-08:00	-	-	-	-	0
	08:00-18:30	7	-	4	-	11
	18:30-00:00	-	3	(1)	-	3
	Total St John's Square Daily	7	3	4	-	14
Clerkenwell Rd	06:00-08:00	-	-	-	2	2
	08:00-19:00	-	-	-	-	-
	19:00-00:00	-	-	-	2	2
	Total Clerkenwell Rd Daily	-	-	-	4	4

Note [ ] = Existing postal/refuse trips to Clerkenwell Road or St John's Square

15.10 The servicing needs and potential arrangements of each of the proposed uses within the development are outlined below:

15.11 *Hotel Servicing Requirements:* Servicing of the hotel would occur from St John's Square. The hotel operator has advised that deliveries can be scheduled as part of the service management plan. The hotel would receive a total of 7 deliveries as follows:

- 2 x daily delivery by a rigid vehicle of up to 10m in length for linen/laundry;
- 5 x daily delivery by transit vans for food and drink supplies.

15.12 *Residential Servicing Requirements:* The residential units are expected to be serviced mainly in the evening (after 17:00 hours) by, for example, home supermarket shopping deliveries, fast food deliveries. Residential deliveries would also be undertaken from St John's Square.

15.13 *B1 Use Servicing Requirements:* The offices/workshops are expected to be serviced during the daytime (09:00 – 18:00 hours, Monday to Friday only) by transit vans for example by couriers, office suppliers, IT suppliers. Any lease arrangement will limit servicing movements to the days / times noted. The offices would be serviced from St John's Square.

15.14 *Restaurant/Retail Servicing Requirements:* One of the restaurant units would be ancillary to the hotel and therefore the servicing for the restaurant is included within the hotel deliveries. The independent restaurant/retail unit would be serviced from Clerkenwell Road.

*Servicing Strategy: St John's Square*

15.15 The hotel operator is expected to appoint specific contractors for the distribution of their food and drink. Deliveries would be managed to accord with the site specific delivery requirements of the proposed hotel. A member of the hotel operator back of house team will be appointed as a dedicated Banks-man to manage deliveries and logistics. This person would also be responsible for monitoring the cleanliness of the entrance to the servicing area. Contact details will be provided to all residents and local businesses.

*Servicing Restrictions: Clerkenwell Road*

15.16 Servicing of the restaurant unit would be restricted on Clerkenwell Road outside the site between 09:00 – 19:00 hours Monday to Friday and 10:00 – 13:30 hours on Saturday.

#### *Waste Collection Arrangements*

15.17 *Hotel Waste Collection:* The bins for the hotel would be stored at Level -1 (lower ground) and would be brought up to the ground floor level via a service lift to be collected from St John's Square. The hotel operators would seek to work with waste contractors used by existing hotel operators (The Zetter) to coincide refuse collection trips to St John's Square.

15.18 *Residential Waste Collection:* The residential bins would be located in the refuse and waster chamber at ground floor collected from St John's Square. Residential waste would be collected by the existing residential waste collection services operated on St John's Square.

15.19 *B1 Use Waste Collection:* The B1 use bins would also be located at ground floor level brought up to be collected from St John's Square.

15.20 *Restaurant/Retail Waste Collection:* The restaurant/retail units would have bins located at ground floor level. The restaurant/retail waste would be collected from Clerkenwell Road.

15.21 The change in land use has an impact on the proposed trip generation for the development and the servicing requirements. The existing car wash facility does not have vehicle access onto St John's Square. Considering both the current proposal and the consented scheme it is clear both proposals result in an intensified use of the site and John's Square with both schemes increasing the potential vehicle movements through the Square. A detailed delivery and servicing management plan and hotel management plan will be secured via Conditions 13, 27, 31 & 34. The condition should also ensure the provision of both h of the following to mitigate potential traffic safety hazards as the use functions day to day:

- Employ a qualified banksman at all times to manage and monitor servicing/delivery vehicles entering and exiting St John Square.
- Operate and enforce a booking system for all deliveries/servicing events. Each visit must be allocated a specified time slot, during which no other vehicle can arrive. The service management plan must be agreed prior to occupation.

#### *Vehicle parking*

15.22 Core Strategy Policy CS10 (Sustainable development), Part H, requires car free development. It is welcome that the applicant has not proposed any car parking spaces. The rights of residents to apply for on-street parking permits would be removed via S106 Agreement. However, in line with Development Management Policy DM8.5 (Vehicle parking), Part C (Wheelchair accessible parking), the applicant should make a contribution towards on street wheelchair accessible car parking and this is secured in the listed heads of terms.

- 15.23 The applicant has agreed to pay a contribution towards the creation of 26 publicly accessible wheelchair parking bays. It is welcomed that the applicant accepts a contribution should be paid towards the designation of wheelchair parking bays.

*Safety*

- 15.24 A robust and comprehensive service management plan will be essential in managing the servicing and deliveries to the site. As part of this plan, a qualified banksman must be on duty at all times to supervise servicing/delivery vehicles. The plan will be used to deliver, monitor and enforce these arrangements. Effective arrangements, such as having a qualified banksman monitoring deliveries, must be put in place to mitigate this risk. This is proposed to be secured via Condition 13 and form part of the Servicing and Delivery Management Plan.

*Highways works*

- 15.25 Vehicles are proposed to deliver from the rear end of St John Square. There is at present no dropped kerb to assist with the unloading and loading of deliveries. The applicant should bear the costs of putting a dropped kerb in place at this location. The work would be carried out by LBI Highways and secured (including applicants payment for the works) through a S278 Agreement.

*Traffic Congestion and fumes*

- 15.26 Furthermore, in order to reduce potential congestion, a booking system with specified time slots should be put in place. If properly managed and enforced, this would ensure that multiple deliveries do not arrive at the same time and create congestion within St John's Square or along Clerkenwell Road. Furthermore, the plan would help plan deliveries outside of the current morning peak (10.00-11.00) to help avoid future congestion in the square. The booking system would be secured in St John's Square through the Servicing and Delivery Management Plan. It is considered that these controls and the frequency of the proposed vehicle movements related to the proposed use would not create any material increases in noise and fumes coming from the servicing and delivery of the development over what can be normally expected within a central London location.

*Pedestrian access*

- 15.27 Core Strategy Policy CS10 (Sustainable design), Part H seeks to maximise opportunities for walking. As part of this, Development Management Policy DM8.4 (Walking and cycling), Part F states that there should be no road safety conflicts where pedestrians have to share space with vehicles/cyclists.
- 15.28 The proposed development has some features that would enhance pedestrian accessibility in and around the site. The removal of the crossovers on Clerkenwell Road and the re-instatement of the footway would create a safer and more accessible footway along Clerkenwell Road. The proposed development will include a new passage way from Clerkenwell Road to St John's Square. This space would allow the movement of pedestrians and disabled persons via a stairlift through St John's Square. Delivery and servicing controls would be in place to manage the movement of goods and vehicles within the Square which should alleviate any potential conflicts between pedestrians and vehicles using passing through the site

and vehicles manoeuvring out of the end of St John's Square. (Details secured by condition 13 & 34).

*Vehicle Access*

15.29 Vehicle access from Clerkenwell Road into the site would be removed. The crossovers would be removed with the pedestrian footway re-instated. This would be done at the applicant's expense and by LBI Highways.

*On Site Cycle Parking*

15.30 The proposed on-site cycle parking is in line with the requirements set out within Appendix 6 of the Development Management Policies. This is welcome, but the applicant should also confirm that accessible bicycle parking provision will also be made. Further details on accessible bicycle storage are contained within the Council's SPD on Inclusive Design (2014). Development Management Policy DM8.4 (Walking and cycling).

15.31 Development Management Policy DM8.4 (Walking and cycling), Part B requires major developments to contribute to strategic improvements to the cycle network.

Use	Minimum Cycle Parking Standard	Development	Cycle Parking Requirement
C1 Hotels	1/14 bedrooms	225 rooms	16
A3 Restaurant/A1 Retail	1 per 80sqm	200sqm	3
C3 Housing	1 per bedroom	14 beds	14
B1 Office	1 per 80sqm	93sqm	1
<b>Total</b>			<b>34</b>

15.32 Development Management Policy DM8.4 (Walking and cycling), Part F states that there should be no road safety conflicts. The proposed servicing arrangements in St John Square may create a conflict and potential collisions with cyclists accessing the site from St John's Square side or other uses along St John Square. This is supported by the applicant's Transport Assessment that has found that there have been 6 accidents in the past 36 months at the junction between St John Square and Clerkenwell Road. The applicant will need to propose a number of effective mitigation and management measures to reduce the risk of conflict between cyclists and vehicles. This should form part of the service management plan.

*Transport impact of development:*

15.33 The applicant has provided information on the number of trips generated by the existing use during AM peak (8.00-9.00) and PM peak (17.00-18.00) periods. The existing use generates 6 movements in AM peak and 18 movements during peak times. The proposed development may result in 26 vehicle movements in the AM peak and 19 PM peak. In effect the proposed development would lead to an additional 20 vehicle movements in AM peak and 1 more vehicle movement in the PM peak. It should also be considered that the proposed development will lead to less vehicle movements than the permitted development.

15.34 It is also worth considering that St John Square currently accommodates 35 vehicles during the traditional AM peak (8.00-9.00), 47 vehicles during the square's



busiest period (10.00-11.00) and 28 during the evening peak (17.00-18.00). With the proposed development in place, there would likely be an additional 20 vehicle trips in the AM peak (8.00-9.00) and an additional 1 trip in the PM peak (17.00-18.00). LBI Parking and Projects have raised their concerns about the impact of additional vehicle trips upon St John Square in terms of both traffic safety and the impact of vehicles, and in particular larger vehicles, upon the high quality shared surface across St John Square. The actual increase is further complicated as the assessment on vehicle generation is mainly based on existing hotels with car parking facilities (the proposed facility will not have any car parking facilities) rather than car-free hotels. Therefore the proposed levels are likely to over exaggerate the potential transport implications of the development.

- 15.35 Construction Logistics Plan: The applicant has agreed to submit a Construction Logistics Plan which is secured by condition 27. Additionally the S106 would secure compliance within the Code of Construction Practice.

#### *Travel Plan*

- 15.36 In line with DM 8.2 and Appendix 5, a draft framework travel plan has been submitted, updates and monitoring are secured through the agreed S106 heads of terms.

#### *Physical impacts on the on-street network*

- 15.37 The proposed development would result in the removal of two crossovers on Clerkenwell Road. These should be removed at the applicant's expense with the footway re-instated. The works will be carried out by LBI Highways. These details are secured by appropriate S106 heads of terms.

Impacts of the development on the appearance and long term maintenance of the cobbles within St John's Square.

- 15.38 The impact of the servicing/delivery vehicles upon the paved surface may impact upon the paving in St John Square. To ensure that the impact of the paving can be mitigated, the agreed detailed servicing and delivery plan will need to ensure that the number of vehicles accessing St John's Square is controlled in numbers to limit any potential damage and to maintain the current high quality of the surface for all users of the square. While the proposal will involve more deliveries and vehicles movements accessing the site from St John's Square, it is important to note that the movements would be less than the projected movements involved in the functioning of the consented office scheme which is an important consideration. It is considered with detailed Hotel Management Plan, Servicing and Delivery Plan, A Construction Management Plan and Construction logistics plan that the development can be constructed and operate on a day to day basis without materially adversely affecting the long term appearance and long term maintenance of the cobbled Square subject to careful management and monitoring.

## **16.0 Contaminated Land and Air Quality**

### *Contaminated Land*

- 16.1 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.

- 16.2 Policy DM6.1 (Healthy Development) of the Council's Development Management DPD requires adequate treatment of any contaminated land before development can commence. The council's land contamination officer is satisfied with the details provided subject to condition 36 requiring any mitigation measures necessary are attached to any grant of permission.

*Air Quality*

- 16.3 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.

- 16.4 The applicant has submitted an Air Quality Assessment which states that the proposed development is considered to be a Medium Risk Site overall for demolition pollution 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 would be a reasonably short overall construction period. Subject to appropriate conditions (conditions 27 & 40) 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.

**17.0 Planning Obligations, Community Infrastructure Levy and local finance considerations**

- 17.1 The applicants have agreed to enter into a Section 106 agreement, the Heads of Terms of which are documented in Recommendation B of this report. The proposed financial obligations are considered to be in line with the Islington Planning Obligations SPD 2013, along with the National Planning Policy Framework (necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development), and are therefore considered to be acceptable.

*Islington CIL*

- 17.2 The application is subject To the Islington CIL fee regulations. The total Islington CIL liability is separate from the agreed S106 planning obligations outlined below.

*Mayoral CIL*

- 17.3 The application will be liable for the Mayoral CIL. To help implement the London Plan, policies 6.5 and 8.3, the Mayoral CIL came into effect on 1<sup>st</sup> April 2012. The proposed development would be the subject of Mayoral CIL payment.

*Crossrail*

- 17.4 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 applicants have agreed to contribute towards £376,247 less any amount payable by the Owner in relation to the Mayor’s CIL to be secured via the S106 agreement attached to any grant of permission here.

#### *Planning Obligations*

- 17.5 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. Those obligations have been calculated based on the adopted Planning Obligations SPD (2013).

#### *Local employment and training opportunities*

- 17.6 The proposal has secured a S106 contribution of commuted sum of £14,455 towards employment and training for local residents. The S106 will also secure the creation of 12 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 £60,000 in lieu.

### **18.0 National Planning Policy Framework**

- 18.1 The NPPF sets out 12 core planning principles that should underpin decision-taking. Of these, the current proposal is particularly strong in relation to the effective reuse of brownfield land, and is compliant with elements of other core planning principles.
- 18.2 Paragraph 7 of the NPPF sets out 3 dimensions of sustainable development (economic, environmental and social). The proposed development is considered to be compliant with these 3 dimensions.
- 18.3 The proposal is considered to be compliant with the NPPF’s planning policies regarding building a strong, competitive economy (section 1), promoting sustainable transport (section 4), good design (section 7), meeting the challenge of climate change (section 10), conserving and enhancing the natural environment (section 11), and conserving and enhancing the historic environment (section 12).

### **19.0 SUMMARY AND CONCLUSION**

#### **Summary**

- 19.1 A full summary of the proposals is located at paragraphs 1.1 – 1.9 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 small number of good sized residential units all of which are supported by planning policy. The overall design, scale, massing and appearance of the proposed development positively responds



to the architectural character of the surrounding street scene subject to conditions ensuring a high quality design.

- 19.2 The transport infrastructure is capable of accommodating the proposal in this highly accessible location. The proposed design, scale, massing of the proposal is considered to conserve the character and appearance of the area and respect the setting of nearby Grade I and Grade II buildings.
- 19.3 It is accepted that the proposed development would materially change adjoining residents' outlook and their experience of the existing open site. It is acknowledged that the proposed development would have some adverse impacts on some adjoining residents' daylight and sunlight levels to their windows. The impacts have been assessed very carefully. Bearing in mind the specifics of the site and the extant permission in place for a taller redevelopment of the site it is considered the impacts of the development on the amenity levels of adjoining occupiers are within acceptable limits.
- 19.4 The development as a whole offers significant public benefits in terms of urban design, townscape goals and the provision of a high quality development with very good well CO2 emissions reductions strategy, employment generating uses and public realm improvements.

### **Conclusion**

- 19.5 It is recommended that planning permission and be granted subject to conditions and s106 legal agreement heads of terms as set out in Appendix 1.

## 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:

- A contribution of £300,000 towards the provision of affordable housing in the London Borough of Islington.
- A contribution towards Crossrail of £376,247 less any amount payable by the Owner in relation to the Mayor's CIL.
- Payment of a commuted sum of £14,455 towards employment and training for local residents.
- 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 12 work placements during the construction phase of the development, lasting a minimum of 13 weeks, or a fee of up to £60,000 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 £12,203 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 26 accessible parking bays or a contribution of £52,000 towards bays or other accessible transport initiatives
- Removal of eligibility for residents' and commercial premises parking permits.
- A contribution of £451,720 towards offsetting any projected residual CO2 emissions of the development. Note: This amount could be adjusted on the basis of an updated Energy Statement being submitted and approved in conjunction with either
  - I. connection to Citigen being provided or if proven to be unfeasible

- II. Submission of an updated Energy Strategy in accordance with planning condition number being submitted to and approved by the LPA.
- 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.
  - 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 Pedestrian cut through allowing access from Clerkenwell Road to St John's Square 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.
  - Council's legal fees in preparing the S106 and officer's fees for the preparation, monitoring and implementation of the S106.

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:**

<b>1</b>	<b>Commencement</b>
	<p>CONDITION: The development hereby permitted shall begin no later than the expiration 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>
<b>2</b>	<b>Approved plans list</b>
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved drawings and information:</p> <p>Daylight and Sunlight Report by Anstey Horne ref MH/KW/ROL6896 dated 17<sup>th</sup> December 2013, Updated Daylight and Sunlight Report by Anstey Horne ref MH/KW/ROL6896 dated 29<sup>th</sup> September 2013, Updated Sustainable design and construction statement (energy statement) by The Engineering Practice, Planning Statement by DPP One ltd ref 1081LO/R003HC, Land Contamination Assessment by Bureau Veritas, Transport Statement by ADL Transportation Limited, Full Travel Plan Template by ADL Transportation Limited, Heritage Assessment by DPP One LTD Ref 1081LO/R005he, Systems Design Statement by The Engineering Practice, Strucutral Information for planning by MLM Consulting, Ventilation and extraction statement by The Engineering Practice, Fire Safety Overview by MLM Multidisciplinary Consulting, Lighting Assessment by The Engineering Practice, Archaeology Assessment dated April 2014 by Museum of London Archaeology, Noise Assessment by Hepworth Acoustics, Statement of Community Involvement by DPP One Ltd ref 1081LO/R004HC, Air Quality Assessment doc ref MH/771322/R1 dated 17 January 2014, Utilities and Drainage Assessment by The Engineering Practice/MLM consulting, Item 1: Clerkenwell Green Visual Impact Assessment dated May 2014, Design and Accessibility Statement by Stephen Reinke Architects, Urban Design &amp; Spatial Assessment folio by Space Syntax Limited, Townscape and Urban Design Visual Impact by Tavernor Consultancy/Hayes Davidson.</p> <p>Architectural drawings comprising of: 043/M1SK01/Rev P1, A0003A/Rev 08, A0003/Rev 08, A1001A/Rev 08, A1001/Rev 08, A2101/Rev 08, A2102/Rev 08, A2103/Rev 08, A2104A/Rev 08, A2104B/Rev 08, A2105A/Rev 08, A2105B/Rev 08, A2105C/Rev 08, A2106/Rev 08, A2107/Rev 08, A2108/Rev 08, A2114/Rev 08, A2115/Rev 08, A3001/Rev 08, A3002/Rev 08, A3003/Rev 08, A3004/Rev 08, A3005/Rev 08, A3101/Rev 08, A3102/Rev 08, A3006/Rev 08, A5101/Rev 08, A3201/Rev 08, A3202/Rev 08, A3203/Rev 08, A3204/Rev 08, A3205/Rev 08, A3206/Rev 08, A3207/Rev 08, A3208/Rev 08, A3209/Rev</p>

	<p>08, A3210/Rev 08, A3211/Rev 08, A3212/Rev 08, A3213/Rev 08, A3214/Rev 08, A3215/Rev 08, A3216, A3217, A3301/Rev 08, A3302/Rev 08, A3303/Rev 08, A3304/Rev 08, A3305/Rev 08, A3306/Rev 08, A3307/Rev 08, A3308/Rev 08, A3309/Rev 08, A3310/Rev 08, A3311/Rev 08, A3312/Rev 08, A3313/Rev 08, A3314/Rev 08 &amp; A3315/Rev 08.</p> <p>REASON: For the avoidance of doubt and in the interests of proper planning.</p>
<b>3</b>	<b>Materials and Samples</b>
	<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"> <li>a) solid brickwork (including brick panels and mortar courses)</li> <li>b) window treatment (including sections and reveals);</li> <li>c) roofing materials;</li> <li>d) balustrading treatment (including sections);</li> <li>e) any cladding</li> <li>f) steel columns</li> <li>g) cornice details and samples</li> <li>h) spandrel samples and colours</li> <li>i) any other materials to be used.</li> </ul> <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>
<b>4</b>	<b>Further detailed elevational details conditions</b>
	<p>CONDITION: Full details of the design and treatment (including colour schemes and finishes) of all 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> <p>A) Clerkenwell Road elevation:</p> <ul style="list-style-type: none"> <li>1) Typical 3d detail interfaces ceramic frame and window finishes.</li> <li>2) 1:5 key details</li> <li>3) 1:20 section showing bathroom drop down ceilings</li> <li>4) 1:20 part elevation coloured/CGI</li> </ul> <p>B) Atrium Details to include Internal atrium elevation and the atrium elevation</p>

	<p>facing St John's Square.</p> <p>1)1:20 part elevation coloured CGI  2) Typical 3D detail interfaces atrium glazed wall in front of room window/opaque and transparent  3)1:5 typical details</p> <p>C) Pedestrian Passage details</p> <p>1) CGI render view of passage from west side of Clerkenwell Road looking diagonally through passage to St John's Square- daytime and night time.  2) CGI render view of the passage from St John's Square side highlighting interface with atrium façade and passage during daytime hours.</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 Authority may be satisfied with the access arrangements and the street level external appearance / interface of the buildings</p>
<b>5</b>	<b>Scheme of opaque glazing</b>
	<p>CONDITION: Notwithstanding there by approved plans, detailed elevational plans and a detailed scheme of opaque glazing to all the main elevations including the hereby approved atrium windows shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure 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 Authority may be satisfied with the access arrangements and the street level external appearance / interface of the buildings.</p>
<b>6</b>	<b>Roof Level Structures</b>
	<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 interest of good design and also to ensure that the Authority</p>

	<p>may be satisfied that any roof-top plant, ancillary enclosure/structure and/or the lift overruns do not have a harmful impact on the surrounding streetscene.</p>
<b>7</b>	<b>Accessibility details 1</b>
	<p>CONDITION: Notwithstanding the plans hereby approved the scheme shall be constructed in accordance with the the principles of Inclusive Design and Islington's Development Management Policy 4.11. Plans and 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"> <li>a) stairlift facility to allow full accessible access to the hereby approved passageway to St John's Square</li> <li>b) Refuge Areas on all upper and lower floors;</li> <li>c) Cycle storage and changing facilities including: <ul style="list-style-type: none"> <li>i) Provision of accessible cycle storage and mobility scooter storage (with 30 minutes of fire protection);</li> </ul> </li> <li>d) Maximum feasible amount of wheelchair accessible rooms (fully fitted out) up to a minimum of 21 wheelchair accessible bedrooms.</li> <li>d) Details of how each floor plan and layout accords with good inclusive design principles and needs.</li> </ul> <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 facilitate and promote inclusive and sustainable communities.</p>
<b>8</b>	<b>Accessible hotel 2</b>
	<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>
<b>9</b>	<b>Security and general lighting details</b>
	<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 details 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>
<b>10</b>	<p><b>Accessible environment details</b></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"> <li>• Plans (and if necessary elevations) to scale 1:50; and</li> <li>• An accommodation schedule documenting, in relation to each dwelling, how Islington's standards for flexible homes criteria and lifetime homes standards have been met.</li> </ul> <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>
<b>11</b>	<p><b>District Heat Network-Future Proof Connection</b></p> <p>CONDITION: Details of how the communal boiler and associated infrastructure shall be designed to allow for the future connection to any neighbouring heating and cooling network shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site.</p> <p>The communal boiler and associated infrastructure shall be carried out strictly in accordance with the details so approved, installed and operational prior to the first occupation of the development and shall be maintained as such thereafter.</p> <p>REASON: To ensure the facility is provided and so that it is designed in a manner which allows for the future connection to a district system.</p>
<b>12</b>	<p><b>Energy Reduction</b></p> <p>CONDITION: The energy efficiency measures/features and renewable energy technology(s); which shall provide for no less than 30.37% on-site total CO<sub>2</sub> reduction as compared to the 2010 Building Regulations detailed within the 'Energy Strategy' shall be installed and operational prior to the first occupation of the development.</p> <p>Should, following further assessment, the approved renewable energy option be found to be no-longer feasible, then a revised scheme of renewable energy provision within an updated Energy Strategy, which shall provide for no less than 30.37% CO<sub>2</sub> reduction, shall be submitted to and approved in writing by</p>



	<p>the Local Planning Authority prior to any superstructure works commencing on site. Those details shall include:</p> <ol style="list-style-type: none"> <li>a) the resulting scheme, together with any flue/stack details, machinery/apparatus location, specification and operational details;</li> <li>b) a management plan and maintenance strategy/schedule for the operation of the technologies;</li> <li>c) (if applicable) a servicing plan including times, location, frequency, method (and any other details the Local Planning Authority deems necessary);</li> <li>d) (if applicable) a noise assessment and air-quality assessment regarding the operation of the technology; and</li> <li>e) (if applicable) confirmation that ground source heat pumps and ground source cooling system shall be a 'closed loop' system and shall not tap or utilise ground water / aquifer.</li> </ol> <p>The final agreed scheme shall be installed and operational prior to the first occupation of the development and shall be 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 CO<sub>2</sub> emission reduction targets by energy efficient measures/features and renewable energy are met.</p>
<b>13</b>	<p><b>Vehicular Facilities &amp; Servicing and Delivery Management Plan</b></p>
	<p>CONDITION: Detailed design of the proposed servicing area, including the provision of the associated changes to the public highway along Clerkenwell Road and St John's Square, 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"> <li>• Employ a qualified banksman at all times to manage and monitor servicing/delivery vehicles entering and exiting St John Square.</li> <li>• Operate and enforce a booking system for all deliveries/servicing events. Each visit must be allocated a specified time slot, during which no other vehicle can arrive. The service management plan must be agreed prior to occupation.</li> </ul> <p>The development shall be constructed and operated strictly in accordance with the details 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: 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>

<b>14</b>	<b>Green Procurement</b>
	<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 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>
<b>15</b>	<b>BREEAM (Compliance)</b>
	<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>
<b>16</b>	<b>Green and Brown Roofs (Compliance)</b>
	<p>CONDITION: The biodiversity (green/brown) roof(s) shall be:</p> <ul style="list-style-type: none"> <li>a) biodiversity based with extensive substrate base (depth 80-150mm);</li> <li>b) laid out in accordance with plan A2108/REV V08 hereby approved; and</li> <li>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).</li> </ul> <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>
<b>17</b>	<b>Sustainable Urban Drainage System (SUDS)</b>
	<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 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</p>

	<p>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>
<b>18</b>	<b>Rainwater and Greywater Recycling</b>
	<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>
<b>19</b>	<b>CSH LEVEL 4</b>
	<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>
<b>20</b>	<b>Bird and Bat Boxes</b>
	<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>

<b>21</b>	<b>Plant Noise and Fixed Plant</b>
	<p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level <math>L_{Aeq,T}</math> arising from the proposed plant, measured or predicted at 1m from the façade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level <math>L_{AF90,Tbg}</math>.</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>
<b>22</b>	<b>Noise Level from Premises</b>
	<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 <math>LA_{90}</math> (one hour) day and <math>LA_{90}</math> (five minutes) night at one metre from the nearest noise sensitive facade.</p> <p>REASON: In order to protect residential amenity.</p>
<b>23</b>	<b>Noise protection measures</b>
	<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 8233:1999):</p> <p>Bedrooms (23.00-07.00 hrs) 30 dB <math>L_{Aeq}</math>, and 45 dB <math>L_{max}</math> (fast)  Living Rooms (07.00-23.00 hrs) 35 dB <math>L_{Aeq}</math>,  Kitchens, bathrooms, WC compartments and utility rooms (07.00 –23.00 hrs) 45 dB <math>L_{Aeq}</math></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>
<b>24</b>	<b>Lifts</b>
	<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</p>

	of the site.
<b>25</b>	<b>Retail Opening Hours</b>
	<p>CONDITION: The ground floor retail/ professional services / café/ restaurant (A1/A3) hereby approved shall not operate except between the hours of 08:00 and 23:00 on any day unless otherwise agreed in writing with the Local Planning Authority.</p> <p>Outdoor tables and chairs associated with the A1-A3 uses at ground floor level shall be used between 9am – 10pm only unless otherwise approved in writing by the Local Planning Authority.</p> <p>REASON: To ensure that the operation of the retail units do not unduly impact on residential amenity.</p>
<b>26</b>	<b>Shopfront Glass</b>
	<p>CONDITION: The window glass of all ground floor retail 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>
<b>27</b>	<b>Construction Management Plan and Construction Logistics Plan</b>
	<p>CONDITION: No development shall take place unless and until a Construction Management Plan (CMP) and Construction Logistics Plan (CLP) has 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 update 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"> <li>1. identification of construction vehicle routes;</li> <li>2. how construction related traffic would turn into and exit the site</li> <li>3. details of banksmen to be used during construction works</li> <li>4. the parking of vehicles of site operatives and visitors;</li> <li>5. loading and unloading of plant and materials;</li> <li>6. storage of plant and materials used in constructing the development;</li> <li>7. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;</li> <li>8. wheel washing facilities;</li> <li>9. measures to control the emission of dust and dirt during construction;</li> <li>10. a scheme for recycling/disposing of waste resulting from demolition and construction works.</li> </ol> <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 on York Way and Wharfdale Road, local residential amenity and mitigate the impacts of the development.</p>
<b>28</b>	<b>Recycling/refuse storage provision and management</b>
	<p>CONDITION: Full details of refuse/recycling storage locations, dimensions, collection arrangements and management 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>
<b>29</b>	<b>No External Piping</b>
	<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>
<b>30</b>	<b>Archaeology</b>
	<p>CONDITION: In the event of a buried heritage asset being found during site clearance or construction works no further works (including demolition works) shall take place on site unless and until the applicant has undertaken a programme of building recording and historic analysis, which considers building structure, architectural detail and archaeological evidence along with details of mitigation and asset protection.</p> <p>This shall be undertaken in accordance with a written scheme of investigation submitted by the applicant and approved by the Local Planning Authority.</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>
<b>31</b>	<b>Servicing Arrangements - Compliance</b>
	<p>CONDITION: All service vehicle deliveries / collections / visits to and from the development hereby approved must not take place outside hours of:</p>

	<p>Monday - Friday 07:00 to 20:00; and Saturdays 08:00 to 20:00; and Sundays and Public Holidays 10:00 to 17:00</p> <p>REASON: To ensure that resulting servicing arrangements do not adversely impact on existing and future residential amenity.</p>
<b>32</b>	<b>Connection to a District Energy Network Feasibility</b>
	<p>CONDITION: No superstructure works shall be commenced unless and until a feasibility study analysing the potential for the connection to a nearby energy district heating network (or other network) has been submitted to and approved in writing by the Local Planning Authority.</p> <p>Should the study demonstrate that a connection is:</p> <p>a) technically and practically feasible then full details of the connection and infrastructure including the level of CO2 reduction which would be achieved by such a connection shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing onsite;</p> <p>or</p> <p>Should the study demonstrate that a connection is:</p> <p>b) not technically and practically feasible - then the scheme of on-site renewable energy provision as detailed under the Energy and Sustainability Statement and conditions herein shall be implemented.</p> <p>Should the connection be found feasible, the connection shall be provided and operational prior to the first occupation of the development hereby approved and maintained as such thereafter.</p> <p>REASON: To ensure investigation into the potential connection to a nearby district energy network and to secure the on-site provision of the maximum amount of energy efficiency technology should this not be feasible.</p>
<b>33</b>	<b>Thermal modeling details</b>
	<p>CONDITION: Details of internal thermal modelling of the development using the SBEM procedure should be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The modelling shall demonstrate that the development will have a low likelihood of high internal temperature during hot weather, allowing for increasing summer temperatures as a result of projected climate change. The development shall be carried out strictly in accordance with the details so approved, shall be maintained as such thereafter and no change there from shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In the interest of adapting to climate change and to secure sustainable development.</p>
<b>34</b>	<b>Hotel Management Plan</b>

	<p>CONDITION: A Hotel &amp; 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"> <li>• Door policy;</li> <li>• Servicing and delivery times/arrangements;</li> <li>• Bottling out and waste management noise and times;</li> <li>• Control of noise from any designated smoking areas;</li> <li>• Control of noise from amplified music within the building;</li> <li>• Close down policy with gradual lowering of music volume and increasing of lighting;</li> <li>• Visitor Accommodation Operation;</li> <li>• An enforcement strategy for dealing with any breaches of the scheme;</li> <li>• Coach parking arrangements; and</li> <li>• Any other relevant operation of the site.</li> </ul> <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>
<b>35</b>	<b>Details of Flues</b>
	<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>
<b>36</b>	<b>Contaminated Land</b>
	<p>CONDITION: No development/demolition works shall be commenced unless and until details of the following works are be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site:</p> <p>a) Any necessary remedial land contamination works arising from the land contamination investigation.</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</p>



	<p>such thereafter.</p> <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.</p>
<b>37</b>	<b>Cycle Parking (Compliance)</b>
	<p>CONDITION: The hereby approved provision of 22 cycle spaces for the hotel use and 14 cycle spaces for the residential aspects of the scheme as detailed within approved drawing A2103/REV V08 shall be provided 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>
<b>38</b>	<b>Reuse materials target</b>
	<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>
<b>39</b>	<b>Water usage and reduction targets</b>
	<p>CONDITION: The residential development shall achieve 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, in accordance with Core Strategy Policy CS10.</p>
<b>40</b>	<b>Construction Environment Plan</b>
	<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>
<b>41</b>	<b>Control on Hotel occupation</b>
	<p>CONDITION: The hotel accommodation hereby approved shall be retained in a single planning unit and shall not be subdivided into independent residential</p>

	<p>units for the purpose of management or sale. The rooms shall not be occupied other than by hotel visitors on a short stay basis (no greater than 3 months).</p> <p>REASON: To ensure that the facility remains in use as hotel accommodation.</p>
<b>42</b>	<b>Details of final hotel room layouts and elevational alterations</b>
	<p>CONDITION: Notwithstanding the hereby approved plans, detailed plans and information documenting the final layout of the hereby approved hotel rooms detailing the removal of the bathroom areas of the hotel rooms away from the front elevation windows along Clerkenwell Road shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site.</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 order to ensure the visual appearance of the building is enhanced.</p>
<b>43</b>	<b>Non amalgamation of A1/A3 units.</b>
	<p>CONDITION: The two ground and basement floor flexible A1/A3 (shop / restaurant-café) units hereby approved shall be laid out / divided as shown on drawings A2103/REV V08 and A2102/REV V08 hereby approved and shall not be amalgamated or further subdivided.</p> <p>REASON: The consideration of the acceptability of the commercial uses was based on the proposed size of units as shown on the approved plans; the amalgamation or further subdivision of the units is likely to have operational, transportation, security and amenity implications, which would need to be tested under a separate planning application.</p>
<b>44</b>	<b>No rear roof terraces</b>
	<p>CONDITION: The rear first floor flat roof area and flat roof area shown on drawings nos.: A2104A/REV 08 &amp; A2108/REV V08 hereby approved shall not be used other than for essential maintenance or repair, or escape in case of emergency and shall not be used as an amenity or sitting out space of any kind whatsoever.</p> <p>REASON: To prevent the overlooking of neighbouring habitable room windows.</p>

**List of Informatives:**

<b>1</b>	<b>S106</b>
	<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>
<b>2</b>	<b>Superstructure</b>
	DEFINITION OF 'SUPERSTRUCTURE' AND 'PRACTICAL COMPLETION'

	<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>
<b>3</b>	<p><b>Community Infrastructure Levy (CIL) (Granting Consent)</b></p> <p>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 <a href="mailto:cil@islington.gov.uk">cil@islington.gov.uk</a>. The Council would 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: <a href="http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil">www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</a></p> <p><b>Pre-Commencement Conditions:</b></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>
<b>4</b>	<p><b>Sustainable Sourcing of Materials</b></p> <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>
<b>5</b>	<p><b>NPPF</b></p> <p>INFORMATIVE: The LPA and the applicant have worked positively and proactively in a collaborative manner through both the pre-application and the application stages of the development to deliver an acceptable development in line with the NPPF.</p>
<b>6</b>	<p><b>Roller Shutters</b></p> <p>The scheme hereby approved does not suggest the installation of external rollershutters to any entrances or ground floor glazed shopfronts. The applicant is advised that the council would consider the installation of external rollershutters to be a material alteration to the scheme and therefore constitute development.</p>
<b>7</b>	<p><b>No permission for any signage</b></p> <p>Informative: Your attention is drawn to the fact that any signage on the</p>

	approved building would require a separate advertisement consent application to be made to the council
<b>8</b>	<b>Car free development</b>
	INFORMATIVE: (Car-Free Development) 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.

## 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	6 London's transport
Policy 1.1 Delivering the strategic vision and objectives for London	Policy 6.1 Strategic approach
	Policy 6.3 Assessing effects of development on transport capacity
2 London's places	Policy 6.5 Funding Crossrail and other strategically important transport infrastructure
Policy 2.1 London in its global, European and United Kingdom context	Policy 6.7 Better streets and surface transport
Policy 2.2 London and the wider metropolitan area	Policy 6.8 Coaches
Policy 2.10 Central Activities Zone – strategic priorities	Policy 6.9 Cycling
Policy 2.11 Central Activities Zone – strategic functions	Policy 6.10 Walking
	Policy 6.13 Parking
3 London's people	7 London's living places and spaces
Policy 3.9 Mixed and balanced communities	Policy 7.2 An inclusive environment
	Policy 7.3 Designing out crime
4 London's economy	Policy 7.4 Local character
Policy 4.1 Developing London's economy	Policy 7.5 Public realm
Policy 4.5 London's visitor infrastructure	Policy 7.6 Architecture
Policy 4.7 Retail and town centre development	Policy 7.8 Heritage assets and archaeology
Policy 4.8 Supporting a successful and diverse retail sector	Policy 7.11 London View Management Framework
Policy 4.9 Small shops	Policy 7.12 Implementing the London View Management Framework
	Policy 7.14 Improving air quality
5 London's response to climate change	Policy 7.15 Reducing noise and enhancing soundscapes
Policy 5.1 Climate change mitigation	Policy 7.19 Biodiversity and access to nature
Policy 5.2 Minimising carbon dioxide	

emissions	
Policy 5.3 Sustainable design and construction	8 Implementation, monitoring and review
Policy 5.5 Decentralised energy networks	Policy 8.1 Implementation
Policy 5.6 Decentralised energy in development proposals	Policy 8.2 Planning obligations
Policy 5.7 Renewable energy	Policy 8.3 Community infrastructure levy
Policy 5.8 Innovative energy technologies	Policy 8.4 Monitoring and review for London
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 5.18 Construction, excavation and demolition waste	
Policy 5.21 Contaminated land	

## **B) Islington Core Strategy 2011**

Spatial Strategy	Policy CS13 (Employment Spaces)
Policy CS7 (Bunhill and Clerkenwell)	Policy CS14 (Retail and Services)
Strategic Policies	Infrastructure and Implementation
Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment)	Policy CS18 (Delivery and Infrastructure)
Policy CS10 (Sustainable Design)	
Policy CS11 (Waste)	
Policy CS12 (Housing)	

## **C) Development Management Policies June 2013**

Design and Heritage	
DM2.1 Design	Energy and Environmental Standards
DM2.2 Inclusive Design	DM7.1 Sustainable design and construction statements
DM2.3 Heritage	DM7.3 Decentralised energy networks
DM2.4 Protected views	DM7.4 Sustainable design standards
DM2.5 Landmarks	DM7.5 Heating and cooling
Shops, culture and services	
DM4.1 Maintaining and promoting small and independent shops	Transport
DM4.2 Entertainment and the night-time economy	DM8.1 Movement hierarchy
DM4.3 Location and concentration of	DM8.2 Managing transport impacts
	DM8.3 Public transport
	DM8.4 Walking and cycling

uses				DM8.5 Vehicle parking
DM4.4 Promoting Centres	Islington's	Town		DM8.6 Delivery and servicing for new developments
DM4.6 Local shopping Areas				
DM4.8 Shopfronts				Infrastructure
DM4.11 Hotels and accommodation		and visitor		DM9.1 Infrastructure DM9.2 Planning obligations DM9.3 Implementation

#### **D) Site Allocations June 2013**

Finsbury Local Plan  
BC41 & BC 8.

#### **Designations**

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

##### **Islington Local Plan**

Employment Priority Area (General),  
Conservation Area (Clerkenwell Green),  
Site Allocations (KC3)  
Archaeological Priority Area  
Local Views of St Paul's Cathedral from  
Amwell Street, Archway Road and  
Archway Bridge.

##### **London Plan**

Central Activities Zone

#### **Supplementary Planning Guidance (SPG) / Document (SPD)**

The following SPGs and/or SPDs are relevant:

##### **Islington Local Plan**

Environmental Design  
Conservation Area Design Guidelines  
Planning Obligations and S106  
Urban Design Guide  
Streetbook SPD  
Small sites SPD

##### **London Plan**

Accessible London: Achieving and  
Inclusive Environment  
Sustainable Design & Construction  
Planning for Equality and Diversity in  
London

**CONFIDENTIAL**



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Our ref: **DRP/037**

Date: 14 October 2014

Dear Mr Robinson,

**ISLINGTON DESIGN REVIEW PANEL**

RE: 96-100 Clerkenwell Road (application ref: **P2014/0373/FUL**) – 3<sup>rd</sup> Review

Thank you for coming to Islington's Design Review Panel meeting on 16 September 2014 for a follow-up assessment of the above scheme which the Panel previously reviewed on 9 April and 11 June 2013. The proposed scheme under consideration is for provision of a mixed use development of 8 storeys (plus basement) accommodating retail/restaurant uses (A1/A3 use class) to Clerkenwell Road, 224 bedroom hotel and 9 residential units to the St John's Square block (as per Planning Case Officer's briefing note).

**Review Process**

The Design Review Panel provides expert impartial design advice following the 10 key principles of design review established by Design Council/CABE. The scheme was reviewed by Dominic Papa (Chair), Charles Thomson, Philip Cave, Richard Portchmouth, Stephen Archer and Stuart Piercy in the afternoon of Tuesday 16 September 2014 including a presentation from the design team followed by question and answers session and deliberations at Islington's Municipal Offices, 222 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**

- Panel members appreciated that the scheme had been further developed in a positive direction since the previous review and that some of the issues raised then had been addressed, but stressed that the changes fell short of the more fundamental re-design it had wished to see. The Panel remained concerned that the proposal appeared to be principally driven by the need to accommodate a set number of hotel rooms to the detriment of creating a building of distinction with high quality internal communal and private spaces.
- The Panel noted that it is critical to see drawings which adequately describe the design intent of the scheme, particularly on a site of such importance, and was concerned that from the information presented key design details remained outstanding. Please see the final page of this letter for a list of information that the Panel felt should be provided.



- The Panel noted that the design team had done further work in developing the building's façades. On the Clerkenwell Road frontage, the Panel noted the further development of the tripartite approach with a better expression of a base, middle and top. The Panel was however concerned that the plan did not inform the elevation, and that there was a strong sense of both having been developed separately.
- The Panel welcomed the direction taken on the use of interesting materials on the front elevation, but said that further information was required on the detailed design. In particular the use of glazed bricks and how they are detailed on the window returns. The Panel stated that it would like some reassurance around the materials and designs proposed and whether these would be possible to deliver, particularly in relation to the windows. The Panel suggested that a 2 window bay mock-up of the (at 1:1 scale) could help inform whether the proposed designs and materials are appropriate and feasible.
- There was some discussion surrounding the proposed placement of bathrooms within the hotel rooms - the architect described the room layouts with the bathrooms on external wall - and the Panel was, therefore, concerned about their impact on the external faces of the building. It was felt that further clarification of this aspect of the scheme was needed. The Panel reiterated its concern that it is unclear what parts of the elevations were opaque, transparent and translucent and the overall impact this may have on the street elevation. A more detailed coloured elevation and CGI view at a less acute angle would be necessary to assess the appropriateness of the design.
- In relation to the St John's Square frontage, the Panel expressed serious concerns in relation to the elevation. The Panel felt that not enough of a detailed design had been provided to judge whether the design was appropriate, particularly in relation to the functions behind the elevations for example in the southern corner, use of materials and which sections would be transparent, opaque, or solid. The Panel requested very specific design drawings of the back elevation.
- The Panel welcomed improvements made to the arrival area of the upper floors of the hotel. However, the Panel felt that the atrium was a lost opportunity in terms of bringing daylight & views into the corridors of the hotel. The Panel noted that the atrium is very narrow with the windows of the rooms directly facing one another only feet apart.
- Panel members welcomed improvements made to the residential accommodation. Although the Panel welcomed the inset of the balcony, it noted that this had reduced the size and particularly the width of the living rooms.
- The Panel welcomed improvements made to the workshop space, but expressed concern over the lack of daylight.

### **Summary**

As during previous reviews, the Panel welcomed the design intentions of reinstating the fabric on this site and the introduction of permeability from Clerkenwell Road to St John's Square. The Panel noted the scheme had evolved in some areas but felt that the proposal still fell short of delivering a building of exceptional architectural quality to respond to its rich surrounding context.

Although the Panel felt that design had improved, they were concerned that the lack of detailed design drawings of the front and back elevations made it difficult to assess the proposed designs. The Panel would encourage the design team to revisit the above mentioned aspects of the proposal to ensure the final development proposal provides a more adequate scheme.

With regard to assessing the further detailed design response and the façade and atrium details the Panel suggested that a desktop assessment could be explored.

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.

#### **List of further information to be provided**

##### **Clerkenwell Road Elevation**

- 1:20 part elevation coloured / CGI
- Typical 3D detail interfaces ceramic frame /window/opaque and transparent.
- 1:5 key typical details
- 1:20 section showing bathroom drop down ceilings
- CGI render face on to the elevation from across the street - daytime and nighttime

##### **Internal Atrium Elevation**

- 1:20 part elevation coloured / CGI
- 1:5 key typical details
- 3D detail interfaces atrium glazed wall/ room window/opaque and transparent.

##### **Atrium Elevation facing the square**

- 1:20 part elevation coloured / CGI
- 1:5 key typical details
- 3D detail interfaces atrium glazed wall in front of room window/opaque and transparent
- CGI render face on to the elevation (closer than current images) - daytime and night time

##### **Passage**

- CGI render view of passage from west side of Clerkenwell Road looking diagonal through passage to St Johns Sq - daytime and night time.
- CGI render view of the passage from the St. John's Square side highlighting interface with Atrium facade and passage – daytime

#### **Confidentiality**

Please note that as the scheme under review is currently 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.

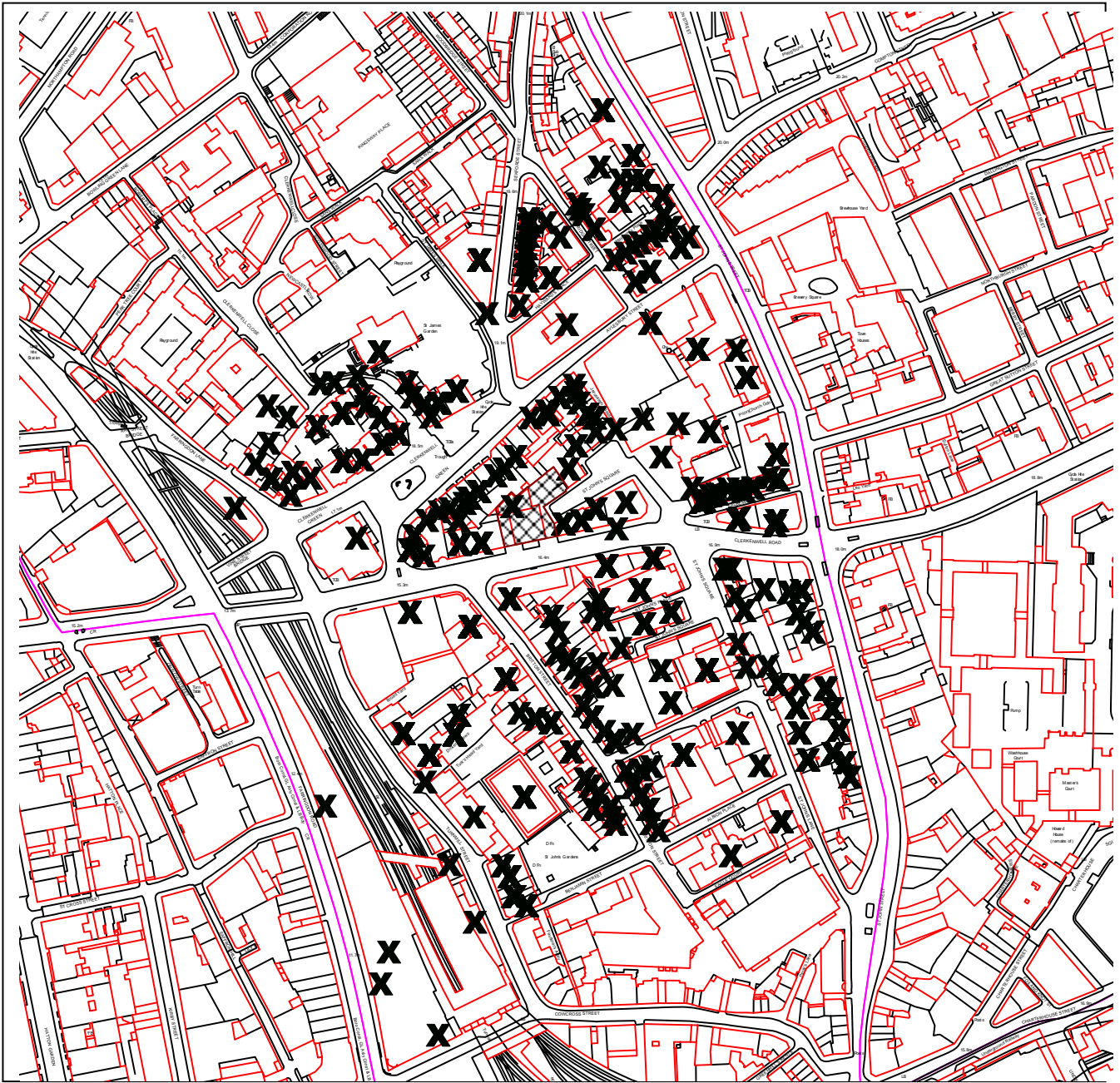
Yours sincerely,



**Luciana Grave**  
Design Review Panel Coordinator  
Design & Conservation Team Manager



# ISLINGTON



DEVELOPMENT MANAGEMENT

PLANNING APPLICATION REF NO: P2014/0373/FUL

LOCATION: 96 - 100 CLERKENWELL ROAD LONDON EC1M 5RJ

SCALE: 1:3500

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