



AGENDA FOR THE PLANNING COMMITTEE

Members of Planning Committee are summoned to a meeting, which will be held in the Council Chamber - Town Hall on **19 May 2016 at 7.30 pm.**

John Lynch
Head of Democratic Services

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Despatched : 11 May 2016

Welcome:

Members of the public are welcome to attend this meeting.

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

Committee Membership

Membership of the Planning Committee will be appointed at the Annual Council meeting on 12 May 2016.

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	
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C. Consideration of other planning matters

D. 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, 14 June 2016

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

www.democracy.islington.gov.uk

PROCEDURES FOR PLANNING COMMITTEE

Planning Committee Membership

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

Order of Agenda

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

Consideration of the Application

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

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

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

What Are Relevant Planning Objections?

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

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

London Borough of Islington

Planning Committee - 19 April 2016

Minutes of the meeting of the Planning Committee held at Council Chamber - Town Hall on 19 April 2016 at 7.30 pm.

Present: **Councillors:** Robert Khan (Chair), Kat Fletcher (Vice-Chair), Martin Klute (Vice-Chair), Tim Nicholls and David Poyser

Councillor Robert Khan in the Chair

190 **INTRODUCTIONS (Item A1)**

Councillor Khan welcomed everyone to the meeting. Members of the Committee and officers introduced themselves and the Chair outlined the procedures for the meeting.

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

Apologies for absence were received from Councillors Convery and Spall.

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

None.

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

None.

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

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

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

RESOLVED:

That the minutes of the meeting held on 10 March 2016 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

196 **DOVER COURT ESTATE, INCLUDING LAND TO NORTH OF QUEEN ELIZABETH COURT AND GARAGES TO WEST OF AND LAND TO NORTH AND EAST OF THREADGOLD HOUSE, DOVE ROAD; GARAGES TO EAST OF ILFORD HOUSE, WALL STREET; ROMFORD HOUSE MITCHISON ROAD; LAND TO EAST OF WESTCLIFF HOUSE AND ONGAR HOUSE, BAXTER ROAD; LAND TO EAST OF GREENHILLS TERRACE; AND GARAGES TO REAR OF AND BALL COURT TO WEST OF WARLEY HOUSE, BAXTER ROAD, LONDON, N1 (Item B1)**

Stopping up of an area of existing highway under Section 247 of the Town and Country Planning Act 1990 to enable the redevelopment of the Dover Court Estate (P2014/3363/FUL).

(Planning application number: P2016/0961/FUL)

In the discussion the following point was made:

- The stopping up would include the small portion of road between Wakeham Street and Tilney Gardens.

RESOLVED:

That the Stopping Up Order be approved subject to the applicant first entering into an indemnity agreement to pay all the council's costs in respect of the stopping up.

197

GARAGES AT THORNTON COURT (TO REAR OF 41-45 HARTHAM ROAD, N7 9JJ) AND UNDERCROFT GARAGES AT 1-12, 43-52 AND 76-98 SURR STREET, LONDON, N7 9EJ (Item B2)

Demolition of 7 single storey garages at Thornton Court; erection of 3 x 4 bedroom, 3 storey townhouses; refurbishment of 39 undercroft garages to form 12 flats (7x1 bed and 5x2 bed); associated landscaping and cycle parking.

(Planning application number: P2015/5073/FUL)

In the discussion the following points were made:

- The planning officer advised that Paragraph 10.53 of the officer report should refer to there being 9 units for social rent and not 12 units as stated in the report.
- Hyde Housing intended to reprovide garages or parking spaces elsewhere on the estate to residents who currently had a garage or parking space. The applicant confirmed that the parking policy was being finalised and the distance between the reprovided parking spaces and garages for disabled people and their homes would be minimised.
- The applicant confirmed that the first letting of the units would be to Hyde Housing residents from Islington, many of which would be downsizing and their current homes would be backfilled. After the first letting, Islington policy would be followed which would allocate 75% to council tenants and 25% to Hyde Housing tenants.
- The conversion of garages into homes was welcomed. It improved surveillance and it was easier to keep the homes above the units warmer when they had heated homes rather than garages below them.
- There was a need to balance the increase in homes with the increase in density and overlooking.

RESOLVED:

That planning permission be granted subject to the conditions and informatives set out in Appendix 1 of the officer report as amended above and subject to 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 of the officer report.

198

PAUL ANTHONY HOUSE, 724 HOLLOWAY ROAD, LONDON, N19 3JD (Item B3)

Demolition of existing building and construction of a part two, part six storey mixed use building providing 1673sqm of B1(a) office floorspace over basement, ground, first and second floors; and 7 residential flats (1x1 bedroom, 5x2 bedroom, 1x3 bedroom) above.

(Planning application number: P2015/4816/FUL)

In the discussion the following points were made:

- The planning officer advised that the last sentence of condition 6 should be amended to read, "Any space that is not provided as physically separate units and is larger than 90sqm requires details to be submitted and approved by the Local Planning Authority, prior to occupation, demonstrating how the floorspace meets the needs of small and micro enterprises through its design, management and/or potential lease terms".

Planning Committee - 19 April 2016

- The planning officer advised that TfL had not raised any objection. TfL would be further consulted during the consultation on Condition 4 – Environmental and Construction Management and Logistics Plan (Details).
- The basement would be used for communal storage for the SME workspace.
- Following concern about construction taking place at the same time as the nearby bridge replacement works, the applicant stated that it was likely that construction would not begin for 12-18 months.
- The scheme provided affordable workspace plus a full contribution to offsite affordable housing.

Councillor Klute proposed a motion to include the word “solid” before “brickwork” in Condition 3. This was seconded by Councillor Poyser and carried.

Councillor Nicholls proposed a motion that the construction management plan be approved by the chair. This was seconded by Councillor Klute and carried.

RESOLVED:

That planning permission be granted subject to the conditions and informatives set out in Appendix 1 of the officer report as amended above and subject to 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 of the officer report.

The meeting ended at 8.30 pm

CHAIR

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Report of: **Assistant Chief Executive – Governance and Human Resources**

Meeting of	Date	Ward(s)
Planning Committee	19 May 2016	All

Delete as appropriate		Non-exempt
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SUBJECT: APPOINTMENT OF PLANNING SUB-COMMITTEES

1. Synopsis

1.1 The purpose of this report is to appoint the Planning Sub-Committees and note its terms of reference.

2. Recommendations

2.1. To confirm the size of the sub-committees and note their terms of reference in Appendix B.

2.2. To determine the allocation of seats on the sub-committees in accordance with the advice set out in this report.

2.3. To appoint members and substitute members of the Planning Committee to serve on each of the Planning Sub-Committees until their successors are appointed.

2.4. To appoint members and substitute members of the Planning Committee as substitute members of the Planning Sub-Committees to which they have not been appointed.

2.5. To appoint members of the Planning Committee as chairs of the Planning Sub-Committees until their successors are appointed.

2.6. To appoint members of the Planning Committee as vice chairs of the Planning Sub-Committees until their successors are appointed.

3. Background

3.1 The Council is required to allocate committee places to political groups according to the “political balance rules” under the Local Government and Housing Act 1989. These are designed to ensure that

PLANNING COMMITTEE

Quorum

The quorum shall be three members.

Terms of Reference

1. To determine any application for planning permission, consent or approval recommended for approval in respect of all major* developments other than an application under section 73 of the Town and Country Planning Act 1990 covered by paragraph 6.
2. To determine any other applications for planning permission, consent or approval falling within the terms of reference of the Planning Sub-Committees which the Planning Committee has specifically indicated it wishes to consider itself.
3. To determine any other application for planning permission, consent or approval referred to it by a planning sub-committee or the Service Director, Development and Planning/Head of Service, Development Management.
4. To determine any other application for planning permission, consent or approval recommended for approval (including any falling within the terms of reference of the Planning Sub-Committees), which the Chair or at least two members of the Council have requested by notice to the Service Director, Development and Planning/Head of Service, Development Management (setting out reasonable planning grounds for the request) be considered by a Planning Committee.
5. To make traffic management and stopping-up orders which are consequent upon the grant of planning permission by the committee.
6. A Section 73 application need not be referred to the committee where the Service Director Development and Planning/Head of Service Development Management, following consultation with the Chair (or in the Chair's absence, the Vice-Chair) considers:
 - i) a condition can be imposed, varied or removed in respect of the permission as a result of which it would not be fundamentally different from or a substantial alteration to the permission which has been previously approved by the Council in relation to the same site;
 - ii) the application relates to minor material amendment(s) and the amended permission will not be substantially different from the

permission which has been previously approved by the Council in relation to the same site.

*As defined in the Town and Country Planning (Development Management Procedure) (England) Order 2010 namely development involving any one or more of the following—

- (a) the winning and working of minerals or the use of land for mineral-working deposits;
- (b) waste development;
- (c) the provision of dwelling houses where:
 - (i) the number of dwelling houses to be provided is 10 or more; or
 - (ii) the development is to be carried out on a site having an area of 0.5 hectare or more and it is not known whether the development falls within paragraph (c)(i);
- (d) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
- (e) development carried out on a site having an area of 1 hectare or more

PLANNING SUB-COMMITTEES

Quorum

The quorum shall be three members.

Terms of Reference

To determine the following matters, unless they are made under section 73 of the Town and Country Planning Act 1990 (and paragraph 14 applies) or are in respect of major developments as defined in the terms of reference of the Planning Committee and are not covered by paragraph 12:

1. Applications recommended for approval which involve the creation of 5 - 9 residential units or 250 - 999sq.m of new office floor space, where relevant planning objections have been received by the proper officer;
2. Applications which are recommended for approval but which do not conform to the Local Development Framework;
3. Applications which involve a legal agreement unless:
 - (i) The heads of terms relate only to securing affordable housing and/or affordable workspace and/or CO2 off-setting in line with planning policy and/or securing highway works in relation to the application site; or
 - (ii) The terms of the agreement are not materially different from any previous agreement approved by the sub-committee in relation to the same site;
4. Alterations: to Grade I or Grade II* listed buildings, (except matters which in the opinion of the Service Director, Development and Planning/Head of Service, Development Management are minor); which involve substantial demolition of a Grade II listed building; where the Council has a difference of opinion with English Heritage;
5. Applications where the Council has an interest (except for matters which in the opinion of the Service Director, Development and Planning/Head of Service, Development Management are minor);
6. Applications submitted by or on behalf of a Member of the Council (or their spouse or partner), or any Council employee (or their spouse or

partner);

7. Decisions which are likely to result in a claim for compensation or the service of a purchase notice;
8. Applications which, in the opinion of the Service Director, Development and Planning /Head of Service, Development Management, should be considered by the appropriate sub-committee;
9. Applications which are recommended for approval where an objection to the current proposal has been received which is based on planning grounds (other than those applications where, in the opinion of the Service Director, Development and Planning/Head of Service, Development Management (in consultation with the Chair of the Planning Committee), the objection can be overcome by imposition of an appropriate condition, or where the application clearly complies with the relevant planning policies in which case the decision may be taken by officers) unless the objection relates to an application made under the procedure for prior approval under part 24 of the General Permitted Development Order;
10. The designation or alteration of conservation areas and making of directions under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995;
11. Traffic management and stopping-up orders which are consequent upon the grant of planning permission by the sub-committee;
12. To determine any applications for planning permission, consent or approval falling within the terms of reference of the Planning Committee which the Planning Committee has specifically indicated it wishes a sub-committee to consider;
13. To determine any other application for planning permission, consent or approval, other than in respect of a major development, which the Chair or at least two members of the Council have requested by notice to the Service Director, Development and Planning/Head of Service, Development Management (setting out reasonable planning grounds for the request) be considered by a Planning Sub-Committee;
14. A Section 73 application need not be referred to the committee where:
 - (a) the Service Director Development and Planning/Head of Service Development Management would not recommend it for approval; or
 - (b) the Service Director Development and Planning/Head of Service Development Management, following consultation with the Chair (or in the Chair's absence, the vice-Chair) considers:
 - i) a condition can be imposed, varied or removed in respect of the permission as a result of which it would not be fundamentally different from or a substantial alteration to the permission which has been previously approved by the Council in relation to the same site;
 - ii) the application relates to minor material amendment(s) and the amended permission will not be substantially different from the permission which has been previously approved by the Council in relation to the same site.

COMMITTEE AGENDA

1 273 Camden Road London N7 0JN

2 4-8 Rodney Street, London, N1 9JH.

3 National Grid site, 1 Pear Tree Street and Land Adjoining, London EC1V 3SB

4 Royal London House, 22 - 25, Finsbury Square London EC2A 1DX

1 273 Camden Road London N7 0JN

Ward: St. Georges

Proposed Development: Demolition of existing building and erection of a 6 storey building to provide 21 residential units (8 x 1-bed, 12 x 2-bed and 1 x 3-bedroom flats) with associated landscaping and amenity space.

Application Number: P2015/5306/FUL

Application Type: Full Planning Application

Case Officer: Amanda Peck

Name of Applicant: Origin Housing Developments Ltd

Recommendation:

2 4-8 Rodney Street, London, N1 9JH.

Ward: Barnsbury

Proposed Development: Redevelopment of the site to provide for a mixed use development comprising of 2,601 square metres (GEA) of Use Class B1 office floorspace (representing an uplift of 996 sq m on existing 1,605 sq m office floorspace) and 1,208 square metres (GEA) of Use Class D1 education floorspace, including the erection of a part 5/part 6-storey building fronting Rodney Street with associated outdoor learning terrace at 6-storey level, along with partial demolition of the building to the rear and ground floor extensions covering the plot of the site, part 2/part 3-storey extensions adjoining the retained building to the rear of the site with external terrace areas at 2nd storey, 3rd storey and roof level, along with associated access and servicing/parking arrangements along Rodney Street.

Application Number: P2016/0199/FUL

Application Type: Full Planning Application

Case Officer: John Kaimakamis

Name of Applicant: Turley

Recommendation:

3 National Grid site, 1 Pear Tree Street and Land Adjoining, London EC1V 3SB

Ward: Bunhill

Proposed Development: Demolition of existing National Grid building and replacement with a 4 and 5 storey building to create circa 4240sqm (gross) B1 office floorspace including 600sqm National Grid office accommodation at part first and second floors and parking at ground floor both associated with depot use.

Application Number: P2015/4725/FUL

Application Type: Full Planning Application

Case Officer: Amanda Peck

Name of Applicant: no information given

Recommendation:

4 Royal London House, 22 - 25, Finsbury Square London EC2A 1DX

Ward: Bunhill

Proposed Development: Use of existing building for Class C1 (hotel) and Class A3 (restaurant) purposes, and associated extensions and external alterations. 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.RECONSULTATION; New information has been received for this application.

Application Number: P2015/4722/FUL

Application Type: Full Planning Application

Case Officer: Rebecca Neil

Name of Applicant: Mr

Recommendation:



PLANNING COMMITTEE REPORT

PLANNING COMMITTEE		
Date:	19 May 2016	

Application number	P2015/5306/FUL
Application type	Full Planning Application
Ward	St. Georges
Listed building	No
Conservation area	No (Hillmarton CA within 50m)
Development Plan Context	TPO tree in front garden area; Nags Head and Upper Holloway Road Core Strategy key area; local view 4 from Archway Road; local view 5 from Archway Road; TLRN (Camden Road)
Licensing Implications	No
Site Address	273 Camden Road London N7 0JN
Proposal	Demolition of existing building and erection of a 6 storey building to provide 21 residential units (8 x 1-bed, 12 x 2-bed and 1 x 3-bedroom flats) with associated landscaping and amenity space.

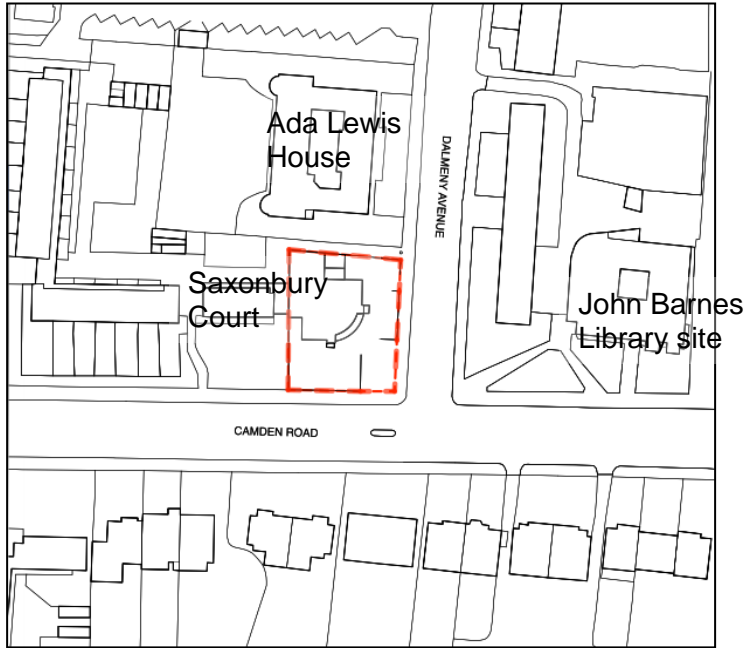
Case Officer	Amanda Peck
Applicant	Origin Housing Developments Ltd
Agent	JLL

RECOMMENDATION

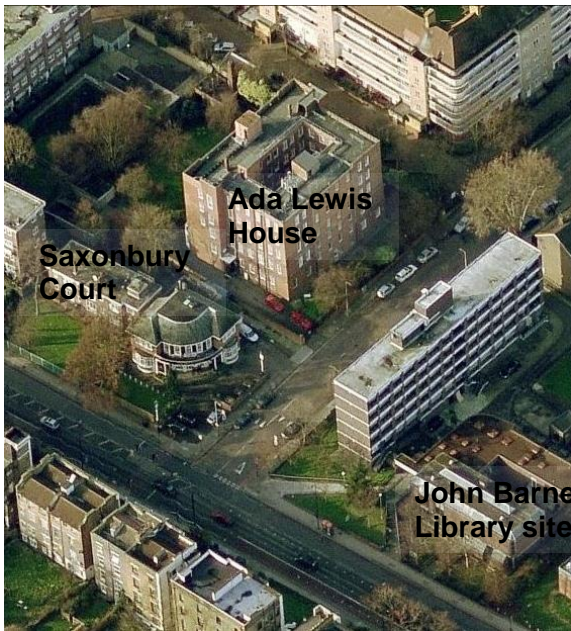
The Committee is asked to resolve to **GRANT** planning permission:

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 black)



PHOTOS OF SITE/STREET



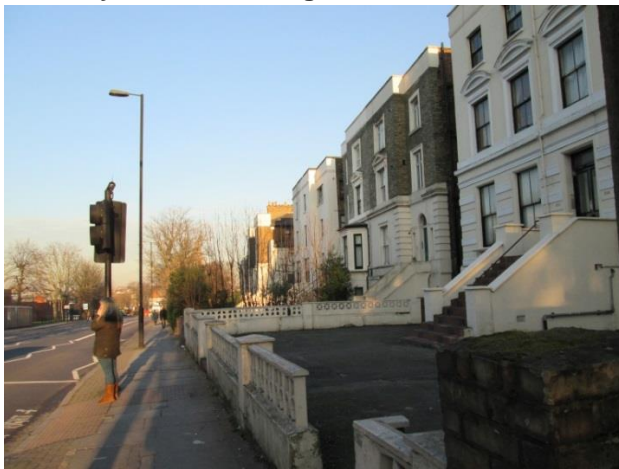
Aerial photographs



Camden Road frontage



Dalmeny Avenue frontage



Existing buildings on opposite side of Camden Road



Saxonbury Court, Camden Road



John Barnes Library site (under construction)



Ada Lewis House (planning permission for redevelopment)

1. SUMMARY

- 1.1 The application site is located on the north western side of Camden Road on the corner of Dalmeny Avenue. The existing building is a two storey former public house (with ancillary accommodation above) previously known as 'The Latin Corner' and 'The Copenhagen' when in use as a public house. The building is currently in use as an A1 retail unit operated by a charity known as 'The Kindness Offensive'. There is an Ash tree protected by a Tree Preservation Order (TPO) in the front garden building. The proposal is for the demolition of the existing building and redevelopment of the site to

provide 21 residential units in a 6 storey building. This application follows a refusal and dismissal at appeal for the erection of a part five/part six storey building on the site, with 422m² of A1 retail floorspace and 22 x residential units (P2013/1933/FUL).

- 1.2 During the course of the application the pedestrian footpath providing access from Camden Road to one of the ground floor units has been amended in order to avoid the TPO tree root protection area. An updated Energy assessment has also been submitted and amendments have been made to address the Energy Officer's comments.
- 1.3 The main issues concern the demolition of the existing building, the proposed change of use from retail to residential and the height and massing of the proposed building. The key reasons for refusal of the previous application (which was subsequently dismissed at appeal) related to the larger ground floor retail unit, the affordable housing mix and the proposed bulk and massing of the building. The Inspector did not agree with the Council's issue regarding the affordable housing mix but upheld the concerns regarding the larger retail unit and the bulk and massing in dismissing the appeal. There was no objection by the Council or the Inspector to the demolition of the existing building and no new information has been provided that has altered the Council's assessment of the building as a potential heritage asset. The current proposal proposes a building that does not include a retail unit and has a smaller footprint and height than the previous building.
- 1.4 A financial viability assessment was submitted with the application, which has been independently reviewed by BPS. The applicant has submitted an amended financial viability appraisal which accepts the view of BPS and increases the amount of affordable housing proposed on site. The proposed affordable housing levels have increased from 6 units (2 x social rent and 4 x shared ownership) to 10 units (2 x social rent and 8 x shared ownership) along with a financial contribution of £29,906. This is considered to represent the maximum reasonable amount of affordable housing that can be secured on site (with a S106 legal agreement).
- 1.5 The proposed change of use of the existing retail floorspace to residential use is considered acceptable. The site is not within any protected primary or secondary retail frontages, town centres, or local shopping areas. Policy DM4.7 protects existing shops located outside of designated Town Centres and Local Shopping Areas and requires vacancy of a building; continuous marketing; other shops within a short walking distance; no impact on the character of the street; and high quality replacement residential units before such changes of use are granted. Marketing information was provided as part of the previous planning application and the property has been let on a 'not for profit' basis to a charity as a book store to avoid vacancy. This is a unique situation whereby the charitable organisation is more akin in its use to property guardians. There is a grocers/off licence on the opposite side of Dalmeny Avenue nearby and a small protected local shopping parade on the corner of Hillmarton Road and Camden Road. Camden Road is characterised by large residential buildings housing purpose build flats and flat conversions, therefore the change from retail use to residential use will not affect the vitality of the area or character of the streetscene or restrict access to services. The proposed residential use is therefore acceptable and in line with policy.
- 1.6 The proposal would introduce a building of a good quality design with an appropriate scale and which successfully references the surrounding context, including the adjacent

conservation area.

- 1.7 The quality of the proposed residential accommodation is considered acceptable as is the dwelling mix. Sustainability measures are proposed and secured by a number of conditions and S106 heads of terms and the remaining CO2 emissions are agreed to be off-set with a financial contribution of £14,845. Residential occupiers of the new units would not be eligible to obtain on-street car parking permits. The scheme is considered not to have any undue impact on nearby residential properties or the area in general in terms of transport/servicing.
- 1.8 The application has been considered with regard to the Development Plan and National Planning Policy Framework (NPPF) and the NPPG and Ministerial Statement dated 28th November 2014, including the presumption in favour of sustainable development. The comments made by residents and consultee bodies have been considered.
- 1.9 The proposal is considered to be acceptable and is recommended for approval subject to conditions and a Section 106 (S106) agreement to secure the necessary mitigation alongside CIL payments.

2. SITE AND SURROUNDING

- 2.1 The application site is located on the north western side of Camden Road on the corner of Dalmeny Avenue. The existing building is a two storey former public house (with ancillary accommodation above) previously known as 'The Latin Corner' and 'The Copenhagen when in use as a public house. The building is currently in use as an A1 retail unit operated by a charity known as 'The Kindness Offensive'. There is an Ash tree protected by a Tree Preservation Order (TPO) in the front garden building. Vehicular access is provided from Dalmeny Avenue to a servicing/raised forecourt area. A hard landscaped area to the corner is also currently used for informal parking with access from Dalmeny Avenue.
- 2.2 The site is within the Nag's Head and Upper Holloway Road Core Strategy key area and Policy CS 3 states that an SPD will be produced to create a masterplan for future development along Camden Road to improve the urban design of the area, but this has yet to be drafted. The existing building is not listed or locally listed and the site is not located within a Conservation Area, although the properties on the opposite side of Camden Road are within the Hillmarton Conservation Area.
- 2.3 The existing building was constructed in the mid-late 1950's in broadly the same materials and style as the neighbouring Ada Lewis House. It addresses the street corner with a curved façade with timber cladding, rendered areas and red brickwork. There are two- storey bookended wings to each street frontage which are largely red brickwork. The building is set back from both street frontages with raised forecourt areas to each street and a wide set of steps on the corner down to a hard landscaped area at pavement level. The steps, boundary walls, timber cladding and rendered areas have all been painted black.
- 2.4 The surrounding area is predominantly residential in character. The adjacent 5 storey Ada Lewis house on Dalmeny Avenue is a vacant women's hostel with planning permission for a residential redevelopment (providing 45 units). A new library and residential scheme (providing 34 units) is currently under construction on the other corner of Camden Road and Dalmeny Avenue, which will include two buildings of 3-4

storeys and 4-6 storeys. Adjacent to the site on Camden Road is a small two storey block of flats (Saxonbury Court) and on the opposite side of Camden Road are 4 storey semi-detached villas. Holloway Prison is located on the other side of the library site on Camden Road.

3. PROPOSAL (IN DETAIL)

3.1 The proposal is for the demolition of the existing building and redevelopment of the site to provide 21 residential units in a 6 storey building (five storey on Camden Road with top floor set back). The two ground floor units have entrances at street level from Dalmeny Avenue and Camden Road and the upper floor units are accessed via an entrance from Dalmeny Avenue. The proposed building line is broadly in line with the existing building to Camden Road and has been brought forward on Dalmeny Avenue, with a garden area provided to Camden Road. Internal cycle parking and refuse storage is provided by the main residential entrance at ground floor level.

Revisions

- The proposed affordable housing levels have increased, from 6 units (2 x social rent and 4 x shared ownership) to 10 units (2 x social rent and 8 x shared ownership) along with a financial contribution of £29,906
- The pedestrian footpath providing access from Camden Road to one of the ground floor units has been amended in order to avoid the TPO tree root protection area;
- An updated Energy assessment has been submitted; and
- Amendments have been made to address the Access Officer's comments including the provision of two wheelchair accessible units at ground floor and storage for two electric scooter vehicles.

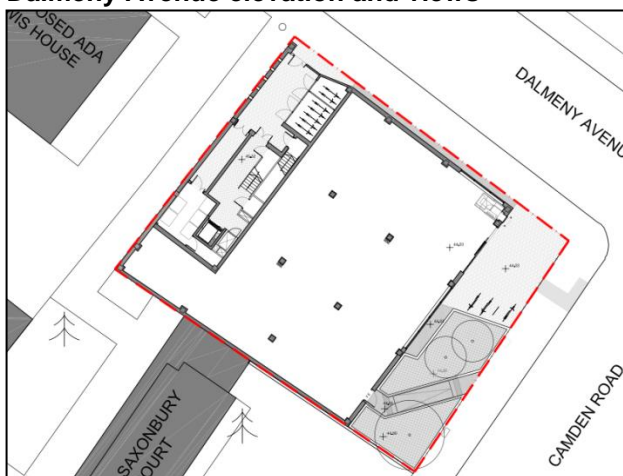
3.2 The current proposal differs from the previous appeal refusal on the site in that the previously proposed ground floor retail unit has been removed from the scheme and it is approximately 1m lower in height (because of the higher floor to ceiling heights required for the previously proposed ground floor retail use). The building has also been set back from both street frontages. The main elevations from the refused scheme are reproduced below for information.



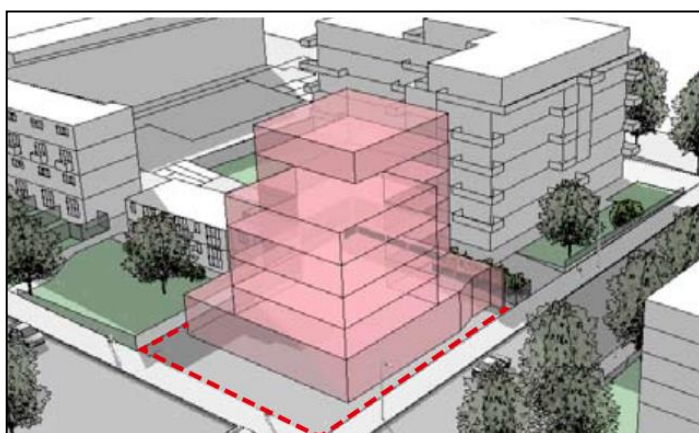
Camden Road elevation and views



Dalmeny Avenue elevation and views



Ground floor plan



3d view

4. RELEVANT HISTORY:

Application site

4.1 Planning applications

- P2013/1552/COL - Certificate of Lawfulness for proposed change of use of the ground floor from A4 (Public House) to A1 (Shops). Approved 08/07/2013.
- P2013/1933/FUL - Demolition of the existing building on site and the erection of a new building comprising basement, ground and part four/part five storeys providing 422sq m (Class A1) retail floorspace and 22 residential units (Class C3) with associated landscaping, cycle parking, plant signage and ATM. Refused 06/09/2013 and dismissed at appeal 14/07/2014.
- P2014/2215/COLP – Certificate of Lawfulness (proposed) to change the use of the first floor from public house (A4) to retail unit (A1). Refused 05/08/2014.

4.2 Pre application advice

- Q2014/4220/MIN –Pre application advice was provided in November 2015 for the erection of a 5 storey residential building (20 flats)

4.3 Request to locally list the building

A letter and supporting information was sent from local residents on 23 September 2015 requesting that the existing building be added to Islington's Local List of heritage assets. The Council responded on 6 January 2016 as follows:

“For a building to be added to the Local List it must meet at least three of the following five selection criteria:

- I. Architectural Significance*
- II. Historic Significance*
- III. Artistic Significance*
- IV. Age, Rarity and Integrity*
- V. Local Character and Distinctiveness*

The pub was designed by Leonard Senyard ARIBA for the brewers Ind Coope. It was built at a cost of £54,000 and opened in 1965. It is constructed of red brick and has a distinctive curved façade which could be likened to art deco/moderne buildings.

No new information has been provided that has altered the Council’s assessment of the building as a potential heritage asset. While the building has a distinctive appearance the design itself looks back to art deco/moderne buildings of the 1920s/30s and is not considered to be innovative for its time nor architecturally significant. Senyard is not known to have designed any buildings which have been recognised as being architecturally significant. The recent date of construction does not provide the building with sufficient historic significance. It is understood that originally the building’s interiors may have had artistic significance but the interiors have been substantially altered and do not now possess any artistic significance. The building is not of great age, it is not so unique in its design that it could be considered important in terms of rarity and it has been altered since it was first built undermining its integrity. The building makes a limited contribution to local character and distinctiveness. Consequently the building does not meet the selection criteria for local listing. I am sorry that this is not the response that you were hoping for.”

Adjacent sites

4.4 Planning applications

- **Ada Lewis House** = P2013/1564/FUL - Demolition of existing hostel building on the site and the construction of part 5, part 6 storey residential building providing 45 residential dwellings. Associated landscaping, hard standing and access alterations/works. Approved at appeal 01/10/2014.
- **John Barnes Library and land to the rear** = P2013/4758/FUL - Demolition of existing John Barnes Library building and redevelopment of the site to re-provide a Library and provide residential dwellings through the erection of two buildings on the site. Building A is a L shaped building fronting onto Camden Road which is part 6, 5 and 4 storeys in height. Building B is a freestanding part 4 and 3 storey building at the rear of the site in the vicinity of the location of the recently demolished Bramber House. The proposal comprises of 34 residential units and includes the provision of a central amenity space on the site and other landscaping works. Granted 19/08/2014.

5. **CONSULTATION**

Public Consultation

- 5.1 Letters were sent to occupants of 514 adjoining and nearby properties on 06/01/2016. A site notice and press advert were displayed on 06/01/2016. The public consultation of the application therefore expired on 28/01/2016, however it is the Council’s practice to continue to consider representations made up until the date of a decision.
- 5.2 A 635 signature petition has been received with the following covering letter:

“Viewed from the conservation area across the road, we have witnessed the library being demolished and soon we will see Ada Lewis House being torn down

Only 273 Camden Road is left of this corner view and now they want to remove that lovely building as well. This proposal would destroy the view totally from our conservation area and destroy a valuable asset to the community. Should this not be protected?

Much effort has been made by Islington Council to secure the opinion and views of local residents and we are assured that objections will not be ignored. It is felt that progress should not involve tearing everything down and much loved buildings should be preserved.

The petition represents very strong opinion so we ask that each voice here be considered seriously and that this proposed plan be denied

We are opposed to the current plan which involves the demolition of the old pub building at 273 Camden Road, London N7 0JN.

It was erected as a memorial to those who died in World War 2, especially those who lost their lives in the bombing of its namesake, the Copenhagen Pub, which it was built to replace. It has a unique design, and is pleasant to the eye, unlike what is planned to replace it. Its demolition would be a great and permanent loss of the community.

This building should be given locally listed status. Building should be preserved”.

5.3 At the time of the writing of this report a total of 3 responses had been received from the public with regard to the application. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):

Design/conservation

- The scheme would result in the loss of a unique building The existing building should be listed because of its history and aesthetic contribution to an area that is rapidly being bulldozed into oblivion (**see para. 8.9**);
- The proposal is close to a conservation area and the building does not respect this. The new building will have an adverse effect on the character and appearance of the Conservation Area and the listed building in the Conservation Area (**Officer comment:** The listed building has not been identified. The nearest listed buildings in the area are the Camden Road Baptist Church one block away on the corner of Hilldrop Road and Camden Road and the St Lukes Church a few blocks away on the corner of Hillmarton Road and Penn Road (**See para. 8.10-8.19**);
- The proposed structure proposed is immense, four storeys higher than the present building. The proposed development is over-bearing, out-of-scale and out of character in terms of its appearance compared with existing development in the vicinity (**see para. 8.10-8.19**);
- The proposed design is unappealing and does not enhance this corner site or bring anything but bleak utility to it. It will lower the character of the neighbourhood (**see para. 8.20-8.21**);
- Lack of information showing the development alongside the new proposed library/residential development so it does not seem that the scheme has been considered alongside this (**Officer comment:** CGIs have been submitted with the application showing the approved buildings on Camden Road and Dalmeny Avenue

and the scheme has been assessed in the context of these approvals. **Also see paras. 8.10-8.19);**

- Recent granted applications for high buildings on both sides of this proposed development would add up to unacceptably high density / overdevelopment of this immediate area (**see para. 8.10-8.19);**
- Can the Council ensure high quality external materials are used as the approved residential development on the corner of Camden Road and Brecknock Road is an example of poor materials and looks cheap (**see para. 8.21);**

Transport

- All construction traffic should access the site via Camden Road only and not Dalmeny Ave and this should be secured in the Construction Management Plan (CMP) (**see paras. 8.80 & 8.81);**
- A draft CMP should be submitted with the application (**see para. 8.80);**
- Can the Council ensure a car free development (**see para. 8.78);**

Amenity

- It will have adverse effect on the residential amenity of neighbours, by reason of overlooking, loss of privacy, overshadowing, etc of the adjoining area and the conservation area just across the road (**see para. 8.54-8.68);**
- The loss of existing views from neighbouring properties would adversely affect the residential amenity of neighbouring owners, many of which have signed a petition opposing this development (**Officer comment: The loss of existing views is not a planning consideration. The objections raised in the petition have been taken into consideration as part of the assessment of the application. See paras. 8.9 and 8.54-8.68).**

External Consultees

5.4 Transport for London

The site of the proposed development is on the A503 Camden Road, which forms part of the Transport for London Road Network (TLRN). TfL is the highway authority for the TLRN. There is unlikely to be an unacceptable residual adverse impact on TLRN due to the development and there is no objection to the proposal, subject to the following conditions being adhered to:

- During construction, the footway and/or carriageway on Camden Road must not be blocked. Temporary obstructions during the construction period must be kept to a minimum and should not obstruct pedestrian movement or the flow of traffic on Camden Road. **Officer comment:** This can be addressed with the submission of a Construction and Demolition Logistics Plan which covers construction and demolition traffic movements (condition 6). The developer will also need to obtain licenses from the transport authority if they wish to erect hoardings on the pavement or road.
- No skips or construction materials shall be kept on the carriageway on Camden Road at any time. **Officer comment:** This can be addressed with the submission of a Construction and Demolition Logistics Plan which covers construction and demolition traffic movements (condition 6).
- All vehicles associated with the development must only park/ stop at permitted locations and within the time periods permitted by existing on-street restrictions. **Officer comment:** This issue is covered by existing highway/transport legislation and associated enforcement measures that ensure existing on site restrictions are followed.

An informative is also requested reminding the applicant that licences may be required

from TfL as highway authority for Camden Road.

5.5 **Thames Water**

No objection to the application with regard to water infrastructure capacity or sewerage infrastructure. Requested a condition stating that no piling can take place until measures to prevent damage to water infrastructure have been approved. Requested informatives to address protection to sewerage systems during construction and storm conditions; approval being required by Thames Water to discharge into a public sewer; and water pressure.

5.6 **London Fire and Emergency Planning Authority**

The brigade is satisfied with the proposals as long as the requirements of B5 of approved document B are met and strongly recommends that sprinklers are considered.

Internal Consultees

5.7 **Highways**

Removal of the crossover would be required as well as repair to any damage to the highway through construction.

5.8 **Biodiversity Officer**

- There is demolition proposed, but no bat survey to show whether bats are present in the building. This must be addressed to ensure the applicant is acting within the law in relation to the Wildlife and Countryside Act.
- The provision of two Schwegler 2HW bird nesting boxes and a Schwegler 1WI inbuilt bat box within the new development should be factored into the design, to provide bird nesting and bat roosting/hibernating habitat that may not otherwise be available and a condition is recommended to secure this.

5.9 **Access Officer**

Initial comments

- Further information/confirmation required from the developer regarding the level of category 3 (wheelchair accessible) units and category 2 (lifetime homes) units proposed. If any category 3 units are provided above ground floor then 2 lifts will be required.
- Confirmation that shared facilities and common parts will need to comply with the requirements of Category 3 of ADM and the Inclusive Design SPD. Communal gates and paths will need to comply with Category 2 and 3 requirements. All fob access and security controls will need to meet the needs of any disabled person that may need to use them. Level thresholds are also required to all balconies and any other amenity facilities.

Comments on revised details

- The wheelchair accessible units need to comply fully with ADM, Volume 1, category 3(b) as a minimum.
- The ramp gradients shown appear to be 1:15 which is within acceptable limits for the approaches to Category 3 dwellings (all the approaches should be to this standard)
- The requirement for specific numbers of Category 2 and Category 3 dwellings should be secured with a Planning Condition.
- Lift detail needs to be secured with a Planning Condition and comply with the requirements of Category 2 and Category 3 dwellings.

5.10 Policy Officer

- Principle of residential on site is supported.
- Affordable housing should be provided on site at a level in line with advice given by BPS. Further information should be provided with regard to service charges for the ground floor social rent units as compared to the shared ownership and private units.

5.11 Housing Officer

- Affordable housing should be provided on site as there is no justification for a financial contribution.
- Further information is required with regard to the mix of tenures across the floors, particularly with regard to management charges and service charge.
- Proposed mix of tenures for affordable housing is considered acceptable.

5.12 Tree Officer

Initially objected to the application due to the impacts on the TPO protected large ash tree (T1) through harm caused by the position of a proposed footpath close to the tree involving soil removal, excavation and root loss.

- A smaller conifer may be removed if adequate mitigation replanting is offered.

Comments on revised details

- The path now skirts the Root Protection Area and no longer threatens the retention of the protected tree, T1. An arboricultural method that outlines how the impact to the tree will be minimised and the mitigation for incursion into the trees RPA should be submitted.

5.13 Energy Conservation Officer

Initial comments

- The Energy Statement proposes a CO2 reduction for regulated emissions only of 35% against Building Regulations 2013 in line with London Plan policy. The Energy officer welcomes this target.
- The Energy Statement proposes a CO2 reduction for regulated and unregulated missions of 17% against Building Regulations 2013. Council policy target is for a 27% reduction and therefore request the applicant considers the viability of further measures to reduce CO2 emissions to meet this target.
- The Energy Statement states that a communal heating system is “not a practical or desirable solution on this development” and “provision has not been made for future connection to a district heating network. This is because there is no reasonable expectation that the development will be served by a district heating network in the future.” Although there is currently no existing or planned heat network within 500m of the site the council does consider the area an opportunity for district heating to be developed in the future. The development of a heat network within this area could be instigated by the likely medium term redevelopment of the Holloway Prison site which is within 100m of the development site boundary. Therefore it is expected that the development incorporates a communal heating system which is designed to connect to a district heating network in future.
- The Energy Statement does not propose a Shared Heat Network (SHN) due to the scale of the proposed development and lack of local CHP plant within neighbouring developments. It is noted that the neighbouring approved development at 275 Camden Road has proposed a 20kWth CHP energy centre to supply heat to the 34 residential units at that site, however due to the small scale of both sites it is unlikely

that there would be sufficient capacity to share heat efficiently, and therefore it is accepted that a SHN is unlikely to be viable.

- The Energy Statement does not provide an assessment of CHP, but concludes that the heat demand and profile is unlikely to make CHP viable due to the small scale of the site. We support this conclusion.
- Support the selected solar pv but request the applicant provide a drawing to show where the panels will be located and to confirm the total available roof space available for solar pv to be installed.
- Green performance plan needs to be submitted.

Comments on revised details

- Communal heating analysis = Query some of the costs included in the report such as the Initial Installed Capital Costs, Replacement Costs and Operation and Maintenance Costs and believe that the lifetime cost difference of communal versus individual systems at this site are less than shown in the analysis. But this still indicates an increased cost for a communal vs. individual system. Overall, in pure technical terms and looking at the site on an individual basis, communal heating is less feasible. The site should be future proofed however, as it is adjacent to two other confirmed developments (Ada Lewis House and John Barnes library) and the potential future redevelopment of Holloway Prison, which presents the opportunity for a local network or connections and from this perspective, a communal system makes a lot more sense.
- No artificial cooling is proposed and this is acceptable.

5.14 Public Protection

The site is subject to high ambient noise levels and in the noise assessment advises noise levels of 67dBA during the day and 65dBA at night which would be Noise Exposure Category C in the former PPG24 guidance; where planning permission should not normally be granted and conditions imposed to protect against noise. If planning permission is granted due to other policy considerations a number of conditions are recommended:

- Internal noise targets within residential units and sound insulation/mitigation measures to achieve this;
- Ventilation details required;
- Land contamination investigation and remedial works; and
- Construction Environmental Management Plan.

6. RELEVANT POLICIES

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

National Guidance

- 6.1 The National Planning Policy Framework 2012 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals. Since March 2014 planning practice guidance for England has been published online.
- 6.2 Under the Ministerial Statement of 18 December 2014, the government seeks to increase the weight given to SuDS being delivered in favour of traditional drainage

solutions. Further guidance from the DCLG has confirmed that LPA's will be required (as a statutory requirement) to consult the Lead Local Flood Authority (LLFA) on applicable planning applications (major schemes).

- 6.3 On 1 October 2015 a new National Standard for Housing Design was introduced, as an enhancement of Part M of the Building Regulations, which will be enforced by Building Control or an Approved Inspector. This was brought in via
- Written Ministerial Statement issued 25th March 2015
 - Deregulation Bill (amendments to Building Act 1984) – to enable 'optional requirements'
 - Deregulation Bill received Royal Assent 26th March 2015

Development Plan

- 6.4 The Development Plan is comprised of the London Plan 2015 (Consolidated with Alterations since 2011), Islington's Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.

Designations

- 6.5 The site has the following designations under the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations June 2013.

Islington Local Plan

Nag's Head and Upper Holloway Road Core Strategy key area
local view 4 from Archway Road
local view 5 from Archway Road
Within 50m of Hillmarton Conservation Area

London Plan

Camden Road TLRN

Supplementary Planning Guidance (SPG) / Document (SPD)

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

7. ENVIRONMENTAL IMPACT ASSESSMENT

- 7.1 No EIA screening/ scoping opinion was requested by the applicant. The development does not fall within 'Schedule 1' and is not within a sensitive area (SSSI, AONB, World Heritage Site). It does not fall within Schedule 2 (being an urban development project on a site smaller than the 0.5ha or 150 dwelling threshold). Using the criteria and thresholds for Schedule 2 schemes (characteristics of development, location of development and characteristics of the potential impact), it is considered that the scheme would not constitute a 'major development' of more than local importance, be within an 'environmentally sensitive location' or 'create any unusual or hazardous effects' pursuant to the selection criteria of Schedule 3 of the EIA 2011 Regulations.

8. ASSESSMENT

- 8.1 The main issues arising from this proposal relate to:
- Land use
 - Design and Appearance

- Affordable Housing and Financial Viability
- Quality of residential accommodation and dwelling mix
- Amenity impacts
- Accessibility
- Highways and transportation
- Sustainability, Energy Efficiency and Renewable Energy

Land-use

Existing retail use

- 8.2 The proposal seeks to redevelop the site with the loss of the existing 248sqm of ground floor retail floorspace (along with 163sqm of first floor ancillary space) and its replacement with 21 residential units. The existing building is a purpose built former public house currently in use as an A1 retail unit operated by a charity ('The Kindness Offensive'). The property has a lawful use as an A1 retail unit but for completeness the policies related to public house use are also assessed below.
- 8.3 The site is located within the Nags Head and Upper Holloway Road Core Strategy Key Area. Core Strategy (2011) policy CS 3 seeks amongst other things, to focus retail uses along the main high streets of Holloway Road and Seven Sisters Road; encourage development of underused land within the area; improve public realm; encourage evening economy and leisure activities within the town centre; and protect and enhance the historic character of the area. This policy also states that a Supplementary Planning Document will be produced to create a masterplan for future development along Camden Road but to date this has not been produced.
- 8.4 The site is not within any protected primary or secondary retail frontages, town centres, or local shopping areas. Policy DM4.7 protects existing shops located outside of designated Town Centres and Local Shopping Areas and states that changes of use from retail will only be allowed where the premises has been vacant for a continuous period of at least 2 years; where there is accessible provision of essential daily goods within short walking distance; where any residential use provide high quality dwellings with a high standard of residential amenity; and where the change of use would not detrimentally affect the character of the street. Policy DM4.10 seeks to protect Public Houses in the borough and states that change of use of public houses will only be allowed where the premises has been vacant for a continuous period of at least 2 years; the alternative use will not affect the vitality of the area and the character of the streetscene; the proposal does not constitute the loss of a service of a particular value to the local community; and significant historic features are retained.
- 8.5 As part of the previous planning application (P2013/1933/FUL) documents were submitted to show that when the property was in public house it was marketed between November 2011 and March 2013 by the previous owners for a public house, shop or restaurant use and that the only interest had been from residential developers. To avoid having a vacant building the new owner (Origin Housing) has let the property on a 'not for profit' basis to a charity as a book store and it has therefore been in A1 retail use since spring 2013 by the same charitable organisation. Whilst the current use is technically A1 use and the building has not been vacant for 2 years, it is a unique situation whereby the charitable organisation is more akin to property guardians during the planning application process.
- 8.6 In line with the rest of policies DM4.7 and DM4.10 there is a grocers/off licence on the

opposite side of Dalmeny Road nearby and a small protected local shopping parade on the corner of Hillmarton Road and Camden Road. Camden Road is characterised by large residential buildings housing purpose built flats and flat conversions, therefore the change from retail use to residential use will not affect the retail vitality of the area or character of the streetscene. The quality of residential accommodation is discussed below in paragraphs 8.36-8.53).

Proposed residential use

- 8.7 Policy CS 12 (Meeting the Housing Challenge) encourages residential development in the borough, with a range of unit sizes and tenures including affordable housing. The principle of residential use at the site is acceptable. The surrounding area is predominantly residential, with residential use along Camden Road and Dalmeny Avenue and the John Barnes Library and Holloway Prison to the east along Camden Road.

Design and Appearance

- 8.8 The site is surrounded by buildings along Camden Road and Dalmeny Avenue of a generally consistent building height at four and five storeys. The properties on the opposite side of Camden Road are within the Hillmarton Conservation Area. The Conservation Area Guidance states that “the area has a spacious scale, with wide streets and grand houses...” and this part of the Conservation Area Camden Road is characterised by pairs of four storey semi-detached villas of varying design, a number of which are in use as flats. The existing building and adjacent block at Saxonbury Court are unusual at only 2 storeys in height. Recent approvals at adjacent sites at Ada Lewis House and John Barnes Library are for five and six storey buildings.

Demolition

- 8.9 It is noted that there has recently been a request to locally list the building (see paragraph 4.3) and there have been many objections to the demolition of the building. The demolition of the building was not considered to be an issue during the assessment of the previous planning application (P2013/1933/FUL) and the loss of the building did not form one of the reasons for refusal. Since this application and associated appeal, the Design and Conservation Team have again assessed the architectural, historic and artistic significance of the building along with its ‘age, rarity and integrity’ and ‘local character and distinctiveness’ and have concluded that the building does not meet the selection criteria for local listing. The building is not located within a conservation area and there is no policy basis for its retention as the buildings are not locally or statutorily listed. The demolition of the building is therefore not resisted.

Previous appeal decision

- 8.10 One of the reasons for refusal of the previous application was because the massing, siting (inappropriate building lines) and detailed design (removal of a high quality, TPO tree) of the previous building would harm the character and appearance of the streetscene as well as the character and appearance of the nearby Hillmarton Conservation Area. The appeal was dismissed on 14 July 2014 and the Inspector’s relevant design/height related conclusions are reproduced below and have been considered as part of the current assessment:

- 8.11 “*The 5 storey block of the appeal scheme, in contrast, would be bulky, high and prominent seen from either direction in the Camden Road street scene; and would also be conspicuous on the corner seen along Dalmeny Avenue and from the Victorian buildings in the CA. The appellants acknowledges that the whole development is*

designed to be a 'prominent marker' in the words of the Design and Access Statement. In seeking this, the 5 storey element would stand forward more than any other building in the road by a significant margin.

- 8.12 *Furthermore, the building would significantly reduce the ability to appreciate the grand villas in the CA seen from Dalmeny Avenue; and far from improving the experience of moving into Camden Road, would introduce a poor and abrupt transition. Whilst the massing of buildings in Dalmeny Avenue itself may in principle be able to absorb the new proposal (taking into account their height and the proposed replacement for the adjoining Ada Lewis House) there is nothing comparable in Camden Road. The proposed replacement for the subdued and subservient John Barnes library to the north would be high and prominent but would not be on a corner site and would not be at the top of the rise.*
- 8.13 *I conclude that the area is characterised by generous frontages that complement and add to the heritage significance of the conservation area. The proposed development would project too far into the street scene and would seriously compromise the sense of spaciousness that defines Camden Road and the CA and would significantly lessen the ability to appreciate the character and appearance and the setting of the CA.*
- 8.14 It is concluded that the Inspector's comments do not preclude a building of a similar mass to Dalmeny Avenue properties adjacent to Ada Lewis House (6 storeys) and that the proposed height for the previous scheme was made unacceptable because of its excessive forward projection onto Camden Road rather than an in principle objection to its height in relation to neighbours.

Design and height

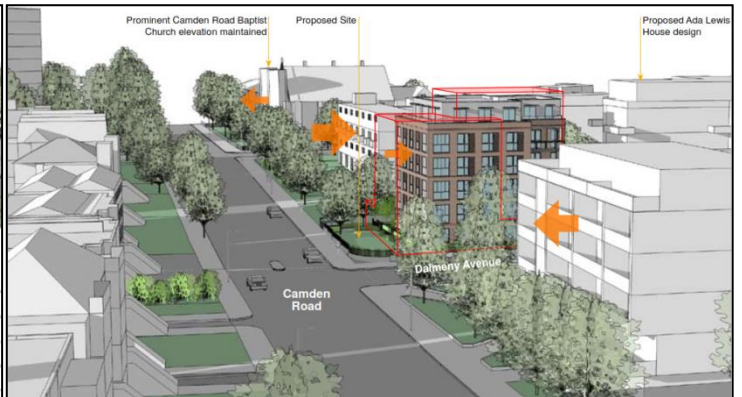
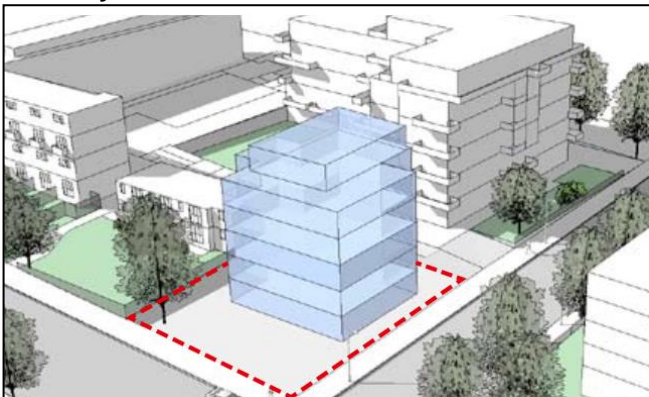
- 8.15 Policy DM2.1 requires high quality, inclusive design for all developments. The Islington Urban Design Guide states that new buildings should reinforce the character of an area by creating an appropriate and durable fit that harmonises with their setting. New buildings should create a scale and form of development that is appropriate in relation to the existing built form so that it provides a consistent / coherent setting for the space or street that it defines. Policy DM2.3 B(i) advises that new development within the setting of a conservation area is required to be of high quality contextual design in order to conserve or enhance a conservation area's significance. Paragraph (iii) says that the Council will resist the loss of spaces, street patterns, views, vistas, uses, trees and landscapes which contribute to the significance of a conservation area.
- 8.16 The scheme has been subject to pre-application advice between March and July 2015. The proposal has been revised following these discussions and the submitted scheme now has the top storey set back from the side and front elevations; projecting balconies have been replaced with inset balconies; the ground floor elevations and the fenestration pattern has been amended. During the course of this application the pedestrian footpath providing access from Camden Road to one of the ground floor units has been amended in order to avoid the TPO tree root protection area.



Camden Road elevation and view



Dalmeny Avenue elevation and view



3d views



Proposed ground floor

Height/massing

- 8.17 The proposed building at an overall 6 storeys is the same number of storeys as the previous appeal scheme, but is lower in height because of the higher floor to ceiling heights required for the previously proposed ground floor retail use (by just over 1m). The top floor has also been reduced in prominence by being set in from the side and front elevations and has a more lightweight appearance than the lower floors with a different design treatment.
- 8.18 The building has also been set back from both street elevations since the previous appeal scheme and is now between 10 and 16m from the site boundary on Camden Road and between 4 and 8m from the site boundary on Dalmeny Avenue. As a comparison the appeal scheme was between 5.8 and 6.8m from the site boundary on Camden Road and between 0.6 and 1.31m from the site boundary on Dalmeny Avenue.
- 8.19 3D views have been submitted along Camden Road and from Dalmeny Avenue looking towards Camden Road as this is the view that was of particular concern at the time of the appeal. The proposed building is considered to be much less prominent than the appeal scheme and respects existing (and approved) building lines on both Camden Road and Dalmeny Avenue. The height and positioning of the top floor are considered appropriate and acceptable. The proposal is seen as being consistent with the conclusions and comments of the appeal decision in relation to the building mass/height as it has overcome the bulk and prominence of the previous scheme by being set back rather than reducing in height.

Detailed design

- 8.20 The proposed architectural language and consistent fenestration pattern is considered to be in keeping with the character of the surrounding area and the proposed building is considered to sit comfortably within its context. The proposed boundary treatment is considered to be as open as possible.

Materials

- 8.21 The building is proposed to be predominantly brick with recessed brick panels adjacent to the central columns of windows on both elevations. The colour of the brick is not stipulated but the drawings indicate beige or yellow. Zinc standing seam cladding is proposed to the top floor. The material palette is generally acceptable however condition 8 is recommended requiring the submission of all materials. A number of balconies are proposed to provide private amenity space to each of the residential units. Details of balustrade and glazing treatment will be secured by condition 8.

Trees

- 8.22 There is an existing TPO mature Ash tree in front of the existing building on Camden Road. The previous application was refused because it required the removal of this protected tree. The Inspector concluded that: *"Its removal would significantly lessen the overall impression of a generous tree lined boulevard, especially in view of the gap in tree provision on the opposite side of the road to the north. Whilst all trees have a limited life, it has not been shown that this particular tree needs to be disposed of now. It does not meet the criteria set out in paragraph 14 of Islington's Tree Policy. More particularly, it is the forward projection of the new building towards Camden Road that I have found unacceptable that necessitates its removal. New tree planting could, in time, put something back in terms of greenery but would not compensate for the removal of much of the open frontage space that currently exists between buildings and*

the public domain. New trees would also take more than a decade to make a similar contribution. This matter weighs against the scheme.

- 8.23 The scheme has been amended and the building line has been set back which means that the protected tree can be retained. The tree officer was concerned about the location of the pedestrian access path close to the tree and its impact on the root protection area and this has consequently been amended. Condition 3 is recommended requiring compliance with the Arboricultural Impact Assessment on this. The proposal therefore has no detrimental impact on the protected tree.
- 8.24 The proposal is considered to be in accordance with policies 7.4, 7.6 and 7.8 of the London Plan 2015, CS 1 and CS 9 of the Core Strategy 2011, Policies DM2.1 (Design) and DM2.3 (Heritage) of the Development Management Policies 2013 and the Urban Design Guide.

Affordable Housing and Financial Viability

- 8.25 London Plan policies 3.9 (mixed and balanced communities), 3.12 (negotiating affordable housing) and 3.13 (affordable housing thresholds) seek to provide a more balanced mix of tenures in all parts of London and that the maximum reasonable amount of affordable housing should be sought for all planning applications. Policy CS 12 (G) states that Islington will meet its housing challenge to provide more affordable homes by:
- requiring that 50% of additional housing to be built in the borough over the plan period should be affordable.
 - requiring all sites capable of delivering 10 or more units gross to provide affordable homes on-site. Schemes below this threshold will be required to provide financial contribution towards affordable housing provision elsewhere in the borough.
 - seeking the maximum reasonable amount of affordable housing, especially Social Rented housing, from private residential and mixed-use schemes, taking account of the overall borough-wide strategic target of 50% provision.
 - delivering an affordable housing tenure split of 70% social housing and 30% intermediate housing'
- 8.26 For the previous appeal scheme, while the appeal was dismissed the Inspector concluded that the provision of all 21 units as shared ownership units, with no social rented units was acceptable. The Inspector concluded that: *“a deliverable 100% intermediate scheme on this site would make a very useful contribution to housing need in Islington in a reasonably central and very sustainable location. Acknowledging the strong policy bias in favour of social rented accommodation and the large number of people waiting for such housing, there is no persuasive evidence to show that such a scheme could be made to work in practical and financial terms on this site. Accordingly the development of 100% intermediate units would not conflict with the relevant requirements of policy CS 12 and would provide a meaningful and useful contribution to meeting the great demand for affordable housing.”*
- 8.27 A financial viability assessment was submitted with the application which originally proposed the provision of 6 affordable units (2 x ground floor social rent – 1 x 2b, 1 x 3b and 4 x shared ownership units – 2 x 1b, 2 x 2b) which equated to 29% when calculated using unit numbers and 30% when calculated using habitable rooms. This provision has now increased over the course of the application to 2 x ground floor social rent and 8 x shared ownership units, which equates to 48% when calculated using unit numbers and 48% when calculated using habitable rooms. Further analysis of this is provided below.

- 8.28 Independent Financial Viability Review: The Council appointed BPS Chartered Surveyors to undertake a review of both financial viability appraisals for this scheme (the original submission and the addendum). The reviews sought to determine the deliverability and viability of the proposed scheme and are attached at Appendix 4.
- 8.29 BPS have reviewed the inputs and assumptions in the original appraisal and the addendum. The key results of the BPS report show that BPS do not accept the applicant's public house use benchmark for the site of approximately £1million and are of the view that this benchmark land value should be £664,000. CIL cost estimates by the Council and BPS are lower than the applicant's estimate by approximately £40,000. BPS also reviewed the submitted cost plan and are of the opinion that costs are set at a realistic market level and are adequately justified. BPS believe that the residential sales values could be increased from £7,459/sqm to £7,804/sqm. The assumptions that BPS have made regarding the affordable housing values accord with the values included in the financial viability appraisal.
- 8.30 The changes recommended by BPS mean that they consider the scheme to be more viable than the applicant, as follows:
- The applicant's viability appraisal concludes that the scheme will be £352,700 in deficit and BPS believe that it will be £450,640 in profit.
 - This profit could be translated into the provision of more affordable housing units on site with an additional 2 units (1 x 1b shared ownership and 1 x 2b social rent), plus a financial contribution.
- 8.31 The applicant has submitted an amended financial viability appraisal responding to the BPS report which broadly accepts the view of BPS and increases the amount of affordable housing proposed on site. The amended viability appraisal has decreased the benchmark value and increased the sales values in line with the BPS opinion, but has stopped short of accepting the same benchmark value and sales values as BPS. The council's Development Viability Team has asked the applicants to sign a statutory declaration to verify the deliverability of the project and at the time of writing this report Origin Housing were seeking legal advice on this "*due to the new nature of the requirement and its uniqueness.*"
- 8.32 The scheme now provides 4 additional shared ownership units at upper floor level. The applicant has stated that it is not practical to include an additional social rented unit because this could only be accommodated on the upper floors of the building and would require three tenures to share the same core (note that there are 19 shared ownership and private units on the upper floors sharing a single core) and supporting information has been submitted with regard to the service charges indicating that the estimated service charge for the ground floor social rent units would be approximately half that of the shared ownership/private units. The two social rent units are located at ground floor with their own entrances at street level, with their own cycle storage and bin store areas. The shared ownership and private units are located to the upper floors with a shared entrance, lift, cycle storage and bin store area. Therefore there are different service charge levels proposed for the social rent and shared ownership/private units because of their different facilities and it would be difficult to manage the scheme if there was one social rent unit to the upper floors with different service charge levels to the social rent units on the ground floor. The applicant has proposed 4 additional shared ownership units in place of the 1 social rent unit because of the increased costs associated with the provision of social rented units.

- 8.33 The London Plan seeks an overall percentage of affordable housing split 60% social housing 40% intermediate provision and Islington’s Core Strategy seeks a split of 70% / 30% (calculated on a habitable room basis). The proposal, with 2 x social rent units and 8 x shared ownership units, provides a 26% / 74% split. Whilst this split is not policy compliant, given the exceptional scheme-specific issues outlined above regarding the difficulty in providing a single social rent units on the upper floors, in this instance the proposed tenure split is considered acceptable.
- 8.34 In conclusion, the provision of 2 social rent (1 x 2b, 1 x 3b) and 8 shared ownership units on site (4 x 1b, 4 x 2b), along with a financial contribution of £29,906 is considered acceptable and represents the maximum reasonable amount of affordable housing that can be secured on site and this can be secured with a S106 legal agreement (with a minimum initial equity share of 25% and a maximum 2.5% rent on the unsold equity for the shared ownership units).
- 8.35 Viability Review Mechanism: In line with the recently adopted Development Viability SPD a head of term is recommended in the S106 legal agreement requiring a financial viability review mechanism towards the end of the construction process (on sale of 75% of private residential units). Essentially, an updated Financial Viability Assessment would be required to be assessed and agreed by the Council. Any uplift in the viability of the development would be secured to provide an additional financial contribution capped at the equivalent of the Council’s affordable housing target (50%).

Dwelling Mix and Quality of Resulting Residential Accommodation

- 8.36 Core Strategy Policy CS 12 (Meeting the Housing Challenge) encourages residential development in the borough, with a range of unit sizes and tenures including affordable housing. Part E 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. Policy DM3.1 parts A. and B state that all sites should provide a good mix of housing sizes and the housing mix required on all residential developments will be based on Islington’s Local Housing Needs Assessment, (or any updated assessment prepared by or on behalf of the council). The current Housing Needs Assessment seeks the housing size mix (by habitable rooms) that is indicated alongside the proposed mix table below (referenced as policy DM3.1 target).
- 8.37 For the previous appeal scheme, the proposal included 1 x studio, 16 x 1b and 4 x 2b units and the Council had concerns that no family sized accommodation was provided and that more 1 bed units were proposed than would normally be acceptable. The Inspector concluded that: *“if the 100% intermediate scheme is acceptable in principle, I find no reason to conclude that the proposed mix in this small scheme would be unacceptable. The development would not conflict with the dwelling mix aims of policies CS 12, DM3.1 or DM3.4.”*
- 8.38 This planning application proposes a total of 21 residential units of which 11 would be for market sale and 10 units would be affordable units (2 social rent and 8 shared ownership units). The proposal is set out below, with a comparison to the policy target:

Dwelling Type	Social Rent	Policy DM3.1 Target	Inter-mediate	Policy DM3.1 target	Private	Policy DM3.1 Target
Studio	0	0	0	0	0	0

One Bedroom (2 person)	0	0	4 (50%)	65%	4 (36%)	10%
Two Bedroom (3 and 4 person)	1 (50%)	20%	4 (50%)	35%	7 (64%)	75%
Three Bedroom (4, 5 and 6 person)	1 (50%)	30%	0	0	0	15%
4 bedrooms or more	0	50%	0	0	0	0
TOTAL	2		8		11	

- 8.39 There is an identified strong demand for 2 bed units within the market tenure and the scheme provides this, although there is a higher proportion of 1 bed units. There is an identified strong demand for larger units (3 and 4 beds) within the social rented tenure within the borough and the scheme provides this, although it provides a 2 bed unit rather than a 4 bed unit. There is an identified strong demand for 1 bed intermediate units and the scheme provides this, although there is a higher proportion of 2 bed units.
- 8.40 The National Planning Policy Framework acknowledges the importance of planning positively for high quality and inclusive design for all development, and requires the boroughs to deliver a wide choice of quality homes. The London Plan (2015) recognises that design quality is a fundamental issue for all tenures and that the size of housing is a central issue affecting quality. Policy DM3.4 states that all new housing developments are required to provide accommodation of adequate size and layout with consideration of aspect, outlook, noise, ventilation, privacy and light; functional and useable play, amenity and garden space; sufficient space for storage and utility purposes; built to accessible standards.
- 8.41 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’. Most of the proposed units are dual aspect with four single aspect units at first to fourth floor levels. It would be difficult to provide dual aspect to the entire scheme without substantially changing the unit size mix and on balance this is considered acceptable.

Daylight/sunlight

- 8.42 The assessment is carried out with reference to the 2011 Building Research Establishment (BRE) guidelines which are accepted as the relevant guidance. The supporting text to Policy DM2.1 identifies that the BRE ‘provides guidance on sunlight layout planning to achieve good sun lighting and day lighting’. The BRE Guidelines provide numerical guidelines, the document though emphasises that advice given 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.
- 8.43 **Daylight:** the BRE Guidelines stipulates that for proposed residential units the ADF test should be used for daylight (with 1% for bedrooms, 1.5% for living rooms and 2% for kitchens)
- 8.44 **Sunlight:** the BRE Guidelines confirm that windows that do not enjoy an orientation within 90 degrees of due south do not warrant assessment for sunlight losses. For those windows that do warrant assessment, it is considered that there would be no real

noticeable loss of sunlight where:

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

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

- 8.45 The applicant has submitted a daylight/sunlight report which concludes that the proposal is acceptable because a large number of rooms passed the relevant tests. The report states that there is a good level of adherence, with only small areas where rooms fall below the target criteria and that the levels of light achieved are consistent with an inner city context.
- 8.46 Officers have assessed the results and these show that the kitchen to the ground floor 3 bed unit does not meet the ADF test of 2% (with a result of 1.23%); the living / kitchen / dining to the first, second and third floor rear 2 bed units do not meet the ADF test of 2% (with results of 1.29%); the living / kitchen / dining to the living/kitchen/dining to the first, second and third floor Camden Road 1 bed units do not meet the ADF test (with results of 1.07%). Whilst there are 6 units affected they are all rooms located underneath proposed overhanging balconies and the daylight levels are affected by the balconies. On balance, given that the other rooms within these units meet the BRE guidelines and that the balconies provide good quality amenity space, it is considered that the overall daylight levels achieved in the units is acceptable.
- 8.47 A Noise Assessment has been submitted that identifies the site as being within the former PPG24 (and Policy DM3.7) noise category C (daytime and nighttime). Whilst these categories are not referred to in the NPPG they are relevant to policy DM3.7. For sites within Category C guidance advises that planning permission should not normally be granted, but where it is because there are no alternative, quieter sites available, conditions should be imposed to ensure a commensurate level of protection against noise.
- 8.48 The Noise Assessment concludes that the site falls within the 'upper limit' of noise category C and mitigation measures include double glazing. The Pollution Officer agrees that the site is within noise category C and condition 16 is recommended regarding noise levels within the units.

Air quality

- 8.49 The submitted Air Quality report, concludes that concentrations of NO₂ exceeds the Air Quality Objectives and that mechanical ventilation is therefore required to the units facing Camden Road at ground and first floor levels and a condition requiring the submission of further details on this is recommended (condition 20).
- 8.50 Flat sizes – Policy DM3.4 details minimum space standards for all new residential developments with sufficient storage, separate kitchens and sufficient floor to ceiling heights. The submitted sections of all of the residential units show attainment of the minimum floor to ceiling height of 2.6 metres. The proposed residential units all meet the required internal space standards and are therefore in compliance with local and

national standards: the one bedroom units being between 50 and 50.05sqm (against a policy requirement of 50sqm), the two bedroom units being between 72 and 73, 89sqm (against a policy requirement of 70sqm) and the three bedroom unit being 96sqm (5 person unit) (against a policy requirement of 86sqm and 95sqm). There are two x 2 bed units which are undersize on the top floor at 61sqm but it is not possible to make the top floor any larger because of design issues and if these units were converted to large 1 bedroom units the mix would not be suitable.

Overlooking

- 8.51 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'. There are some instances where there are distances of below 18m between proposed windows and existing residential units as follows:
- There are existing windows at Ada Lewis House in the side elevation facing the application site, which are 11m away from the side elevation of the proposed building. There are also windows and balconies to this elevation in the approved scheme at Ada Lewis House which would be 6.3m away from the side elevation. There are no windows proposed in this side elevation for the current application under consideration, but there are balconies facing the street and these will all have full height privacy screens to the corner to avoid any overlooking from the existing or approved building at Ada Lewis House. Condition 4 is recommended to ensure that these privacy screens are provided.
 - There are 5 bedroom windows in total (one per floor at first, second, third, fourth and fifth floors) to the rear elevation that faces the side elevation at Ada Lewis House. These are not directly opposite existing windows but at an angle are 15m away from existing staircase windows and 17m away from existing bedroom windows. Whilst there is potential for overlooking between the bedroom windows, given that the existing building is vacant and due for development and the windows are not directly opposite each other there is not considered to be any undue overlooking issues.
 - The proposed building is smaller than the existing building along this elevation and there are no windows directly facing the proposed bedroom windows. There are, however, proposed balconies at Ada Lewis House at first, second, third and fourth floor levels, two of which face the application site and two of which have the side of the balconies facing the application site. These four balconies will be 15m away from the proposed bedroom windows at their closest point. In both cases only the corner most part of the balconies are 15m away and the majority of the balcony area is either over 18m away. Given the fact that the proposed bedroom windows have been set away from the rear boundary by 7m, that the building cannot be pulled any further away without there being concerns about the bulk on Camden Road, that there are only 4 windows affected and that it is only marginally below the 18m distance there is not considered to be any undue overlooking issue.
 - The proposed balconies to the Camden Road elevation are approximately 3m away from existing windows at Saxonbury Court, albeit not directly facing each other. Full height privacy screens are also proposed to the corner of these balconies to avoid any overlooking. Condition 4 is recommended to ensure that these privacy screens are provided.
 - Windows are proposed in the side elevation facing the side of Saxonbury Court which are 0.9m away from the boundary. There are no windows facing these at Saxonbury Court but they are proposed to be obscure glazed anyway to avoid any future overlooking issues. The bedrooms that are served by these obscure glazed windows also have windows in the rear elevation. Condition 5 is recommended to

ensure that the obscure glazing is provided.

8.52 Amenity space - Policy DM3.5 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'. Part C of the policy states 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. Outdoor amenity space has been provided for the two ground floor units with terraces of 31sqm and 93sqm. The upper floor units have balconies and winter gardens of between 5 and 8sqm (with the three top floor units having balconies of 10-12sqm). In addition there is a landscaped area fronting Camden Road with approximately 166sqm of amenity space. In this urban location the proposed amenity space is therefore considered acceptable with the benefit of there being a large landscaped area around the building.

8.53 In conclusion, despite there being air quality issues and the need for mechanical ventilation to the ground and first floor units facing Camden Road, on balance an acceptable standard of accommodation is provided with generously sized units with acceptable levels of daylight/sunlight and amenity space and some obscure glazing and balcony privacy screens required.

Neighbouring Amenity

8.54 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.

8.55 The surrounding area is predominantly residential in character. The adjacent 5 storey Ada Lewis house on Dalmeny Avenue is a vacant women's hostel with planning permission for a residential redevelopment (providing 45 units). A new library and residential scheme (providing 34 units) is currently under construction on the other corner of Camden Road and Dalmeny Avenue, which will include two buildings of 3-4 storeys and 4-6 storeys. Adjacent to the site on Camden Road is a small two storey block of flats (Saxonbury Court) and on the opposite side of Camden Road are 4 storey semi-detached villas. Holloway Prison is located on the other side of the library site on Camden Road.

Sunlight and Daylight

8.56 Concern has been raised by local residents regarding loss of light to surrounding residential properties. A daylight and sunlight study has been submitted in support of this application, with windows being tested at residential properties at Kimble House (opposite the site on Dalmeny Avenue), 354 and 356 Camden Road (opposite the site on Camden Road), Saxonbury Court (adjacent to the site on Camden Road) and Ada Lewis House (adjacent to the site on Dalmeny Avenue - as existing and as approved).

8.57 The daylight/sunlight assessment is carried out with reference to the 2011 Building Research Establishment (BRE) guidelines which are accepted as the relevant guidance. The supporting text to Policy DM2.1 identifies that the BRE 'provides guidance on sunlight layout planning to achieve good sun lighting and day lighting'.

- 8.58 **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); or

The daylight distribution, as measured by the No Sky Line (NSL) test where the percentage of floor area receiving light is measured, is not reduced by greater than 20% of its original value.

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

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

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

- 8.60 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 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.

Sunlight and daylight losses for affected properties analysis

- 8.61 The daylight/sunlight report concludes that the proposal is acceptable because there is no impact on adjoining residential units at Kimble House, 354-356 Camden Road and Saxonbury Court in terms of overshadowing. It concludes that there is some impact on a “small number” of windows/rooms at the existing and permitted Ada Lewis House, but that on balance the effects are considered acceptable. Officers have assessed the results of the Daylight/Sunlight report and agree with this conclusion. The results for Ada Lewis House are discussed below:

Daylight

Ada Lewis House (as existing)

- The windows tested were in the side elevation facing the application site. The ground floor rooms serve non habitable ancillary rooms associated with the hostel use and not habitable rooms and were therefore not tested.
- Of the six windows tested on each of the first, second and third floor levels none of the windows meet the VSC criteria at first or second floor and one does not meet the criteria at third floor with results of retained VSC levels of between 16 and 26% and reductions of between 31% and 42%.
- Of the three rooms tested on each of the first, second and third floor levels, two rooms at first floor and one room at second floor levels do not meet the NSL criteria

with reductions of 40%, 31% and 21%.

Ada Lewis House (as permitted)

- Three windows on each floor at first, second and third floor levels do not meet the VSC criteria with results of retained VSC levels of between 5.67 and 25.26% and reductions of between 29% and 58%.
- Two windows on each floor at first, second and third floor levels do not meet the NSL criteria with reductions of between 43% and 64%.

Sunlight

Ada Lewis House (as existing)

- The windows tested were in the side elevation facing the application site. The ground floor rooms serve non habitable ancillary rooms associated with the hostel use and not habitable rooms and were therefore not tested.
- Of the three rooms tested on each of the first, second and third floors, one room at first floor level does not meet the APSH test with results of 17% and 24% to each window serving this room and reductions of 56% and 53%.

Ada Lewis House (as permitted)

- Two windows at second floor level do not meet the APSH test with results of 11% and 16% and reductions of 61% and 68%.

Overall daylight/sunlight impact to Ada Lewis House

Ada Lewis House (as existing)

- The windows at second and third floor level that do not meet the VSC tests meet the NSL tests and therefore meet the BRE criteria.
- The six windows at first and second floor level that do not meet the NSL test serve three single aspect hostel bedrooms. The two other windows that do not meet the APSH test serve one single aspect hostel bedroom.
- The hostel building is currently vacant and it is likely that the approved residential scheme will be implemented. Even in the unlikely event that the hostel use is bought back into use on the site it is considered that the daylight/sunlight impact on four rooms that provide temporary accommodation, in a building that provides 80 rooms is not significant enough to warrant refusal of the current application.

Ada Lewis House (as permitted)

In understanding the impact upon the proposed residential units, the approved layout plans have been assessed below:

- Three of the nine windows that do not meet the VSC test serve a LKD room on each floor. Each of these rooms also have windows in the rear elevation, which all meet the BRE tests.
- The remaining six windows that did meet the NSL test serve bedrooms in six different units. These bedrooms are located within units where all other rooms in the unit meet the BRE tests.
- The two windows that have sunlight issues serve one bedroom and LKD room in the same unit. As above the LKD room also has windows in the rear elevation that met the APSH test.
- There is therefore one bedroom at second floor level that did not meet the sunlight or daylight test, this will not have an unacceptable impact on the overall standard of accommodation to this unit

8.62 In conclusion, the result of the BRE analysis shows that there is no impact on adjoining residential units at Kimble House, 354-356 Camden Road and Saxonbury Court. While there is an impact on the existing and approved windows at Ada Lewis House it is considered that this will not have such an unacceptable impact on the overall standard

of accommodation for the existing hostel accommodation or the new residential units as to justify refusal of planning permission.

Privacy, Overlooking

- 8.63 Concern has been raised by local residents regarding overlooking and loss of privacy to existing residential units in the area. 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 (living rooms and bedrooms, sometimes kitchens if they are large dining kitchens but excluding bathrooms and staircases). This does not apply across the public highway; overlooking across a public highway does not constitute an unacceptable loss of privacy.
- 8.64 There are not considered to be any overlooking issues to properties surrounding the site, if suitable mitigation measures are provided, because:
- As outlined in paragraph 8.51 obscure glazing and privacy screens are required by conditions 4 and 5 to prevent overlooking to balconies at the approved or existing Ada Lewis House and at Saxonbury Court;
 - As outlined in paragraph 8.51 there are four balconies at the proposed Ada Lewis House where the corners of the balconies will be 15m away from four bedroom windows in the proposed scheme. Given the fact that the proposed bedroom windows have been set away from the rear boundary by 7m, that the building cannot be pulled any further away without there being concerns about the bulk on Camden Road, that there are only 4 balconies affected and that it is only marginally below the 18m distance there is not considered to be any undue overlooking issue;
 - The street elevations to Camden Road and Dalmeny Avenue have windows and balconies and the existing buildings opposite are across a public highway.

Outlook/sense of enclosure

- 8.65 The closest residential properties are at Saxonbury Court and Ada Lewis House. Whilst the proposed building is taller than the existing building and is close to the boundary with both properties it is considered that there will not be a detrimental impact on outlook from these residential units, because:
- The building line is in the same location or further away from the boundary with Saxonbury Court when compared to the existing building and there are no windows at Saxonbury Court that face the application site; and
 - The existing windows facing the site at Ada Lewis House are approximately 10m away from the proposed building. The approved scheme at Ada Lewis House also has windows facing the site, but these are between 7.5 and 9.5m away from the proposed building and the units have windows to the front and rear elevation as well.

Noise

- 8.66 The demolition and construction periods are generally responsible for the most disruptive impacts affecting residential amenity and this issue has been raised by objectors. Conditions requiring the submission of a Construction & Demolition Logistics Plan (No 6), a Construction Environmental Management Plan (No 7) and an informative advising of restriction to hours for 'noisy' works (No 6) have been included as part of the recommendation, in order to mitigate and reduce the impacts of demolition and construction.
- 8.67 Balconies are proposed to most units, given their relatively small size and the distance away from existing residential units, it is considered that there will not be any noise or

disturbance issues from these balconies or terraces.

- 8.68 In conclusion, there is not considered to be any adverse material impact on residential amenity to neighbouring properties in terms of loss of light, loss of privacy, sense of enclosure, overlooking or noise as a result of the proposed development, subject to the conditions set out in this report.

Accessibility

- 8.69 As a result of the changes introduced in the Deregulation Bill (Royal Assent 26th March 2015), Islington is no longer able to insist that developers meet its own SPD standards for accessible housing, therefore we can no longer apply our flexible housing standards nor local wheelchair housing standards.

A new National Standard

- 8.70 The new National Standard is broken down into 3 categories; Category 2 is similar but not the same as the Lifetime Homes standard and Category 3 is similar to our present wheelchair accessible housing standard. Planning must check compliance and condition the requirements. If they are not conditioned, Building Control will only enforce Category 1 standards which are far inferior to anything applied in Islington for 25 years.
- 8.71 Planners are only permitted to require (by Condition) that housing be built to Category 2 and or 3 if they can evidence a local need for such housing i.e. housing that is accessible and adaptable. The GLA by way of Minor Alterations to the London Plan 2015, has reframed LPP 3.8 Housing Choice to require that 90% of new housing be built to Category 2 and 10% to Category 3 and has produced evidence of that need across London. In this regard, as part of this assessment, the London Plan policy is given weight and informs the approach below.

Accessibility Assessment:

- 8.72 The applicant has submitted a Design and Access Statement and has outlined how inclusive design has been considered, including that each floor of the proposed building will have level access from the street. There is a central lift which serves first, second, third, fourth and fifth floors and 2 x category 3 units are provided at ground floor level (2 x 2b, 1 x 3b). These units are secured with condition 13.
- 8.73 The applicant has confirmed that there is space in the ground floor cycle storage area for a mobility scooter. The Access Officer has stated that the communal gates and paths, lift, ramp gradients, shared facilities and common parts, level thresholds to balconies and other amenity facilities should be provided in line with Category 2 and Category 3 of the National Standard for Housing Design. lift dimension and Condition 12 requires this.

Highways and Transportation

- 8.74 The site has a Public Transport Accessibility Level (PTAL) of 6a, which is 'excellent' and is located within walking distance to Caledonian Road Archway Station and various bus routes on Camden Road, Hillmarton Road and Holloway Road.

Transport Statement

- 8.75 A Transport Statement has been submitted with the application (the scheme is not large enough for a full transport assessment). Vehicle movements associated with the residential use has been estimated as being 11 two way trips during the AM peak and 7 two way trips during the PM peak. The existing public house use would have attracted

trips throughout the day and the Transport Statement concludes that there would not be a detrimental impact on the local highway network as a result of journeys associated with the residential use. A residential travel plan has also been submitted to encourage residents to minimise the use of private cars.

Servicing and refuse

- 8.76 Policy DM8.6 (Delivery and servicing for new developments), Part A states that for commercial developments over 200 square metres, 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). Where servicing/delivery vehicles are proposed on street, Policy DM8.6 (Delivery and servicing for new developments), Part B, requires details to be submitted to demonstrate that on-site provision is not practical, and show that the on-street arrangements will be safe and will not cause a traffic obstruction/nuisance.
- 8.77 The Transport Statement states that the site will be serviced via Dalmeny Avenue on street, with an estimate that the residential units will attract 2 deliveries per day. A refuse storage area is provided at ground floor within the building accessed via Dalmeny Avenue and refuse collection will be on street via Dalmeny Avenue. Condition 15 secures the provision of the refuse storage area.

Vehicle parking

- 8.78 The development would be car free, as required by Core Strategy Policy CS10 and as per a S106 head of term, which restricts future occupiers of the residential units from obtaining parking permits. This will ensure that there is no undue impact or increased demand for existing on street parking.

Cycle parking

- 8.79 Cycle storage is provided at ground floor level by the communal entrance and in the rear garden of the 3 bed ground floor unit accommodating 35 cycles which meets the requirements set out in Appendix 6 of the Development Management Policies; Condition 6 secures the provision of these spaces.

Construction impact

- 8.80 Objections have been raised regarding the potential construction traffic using Dalmeny Avenue with requests that a Construction Management plan is secured and that construction traffic should only use Camden Road to access the site. Condition 6 requires the submission of a Demolition and Construction Logistics plan to cover potential transport issues, condition 7 requires the submission of a Construction and Environment Management Plan to cover environmental health issues and a S106 Head of term secures compliance with the Code of Construction Practice (and a monitoring fee). An informative advising of the restriction to hours for 'noisy' works (No 6) has also been included.
- 8.81 It should be noted that permissions granted for nearby sites including the John Barnes Library and Ada Lewis House in August and October 2014 did not include restrictions on construction traffic routes and secured the submission of standard demolition and construction plans as detailed above.
- 8.82 In conclusion, there is not considered to be any adverse highways or transportation impact in terms of loss of servicing, car parking, cycle parking and construction impact, subject to the conditions set out in this report.

Sustainability, Energy Efficiency and Renewable Energy

Sustainability

- 8.83 All major developments should achieve the highest feasible level of nationally recognised sustainable building standard (in Islington's case this is considered to be Code for Sustainable Homes (CfSH) level 4 and BREEAM Excellent or equivalent). This is set out in Core Strategy policy CS10 and Development Management policy DM7.4.
- 8.84 Under the Ministerial Statement of 25 March 2015, the government has closed down the CfSH standard. Unlike many other Local Authorities whose only sustainability requirements are to achieve minimum levels of the Code, Islington have a separate layer of policies that run in parallel to the former Code requirements (that require an 'or equivalent' sustainability standard to be achieved). Some of these additional policies cross over with elements covered by the CfSH. Most applicants continue to demonstrate compliance with these policies with the submission of a CfSH assessment, as the applicant has done. The CfSH Pre Assessment has confirmed a commitment to achieve CfSH Code Level 4. This is welcomed and conditions 8, 10, 22, 23, 24 are recommended requiring specific elements of the code to be secured (green procurement, pv panels, green roofs suds and water).
- 8.85 Development proposals should protect the existing ecology and make the fullest contribution to enhancing biodiversity (CS10, DM6.5) e.g. by maximising the inclusion of green roofs, ecological landscaping, greening of facades and artificial nesting sites. Policy DM6.5 requires the maximisation of provision of green roofs and requires major developments to use all available roof space for green roofs (subject to other planning considerations). The scheme includes two green roof areas on the main roof adjacent to the PV cells. It does not appear that the area of green roof has been maximised as it is usual to combine green roofs and PV cells across the main roof area. The drawing also indicates that the green roofs will be sedum roofs and they should be biodiversity based extensive substrate roofs with a minimum substrate depth of 80-150mm. Condition 22 is recommended to ensure that green roofs have been maximised and that the details are acceptable.
- 8.86 Government legislation has recently changed with regards to sustainable urban drainage SUDs (6 April 2015) and the expectation is that where appropriate, SUDs should be provided for all major developments following consultation with the lead Local Flood Authority. Policy DM6.6 expects all major development to include details to demonstrate that SUDs has been incorporated and this new legislation gives additional weight to this as well as introducing the issue of maintenance of the SUDs system. The applicant has confirmed that there will be a decrease in the impermeable area of the site and that the peak surface water run off and volume of surface water run off will be less than existing. The drainage system will be designed in accordance with the SUDs Management Train and the ground floor plan indicates an area underneath the landscaping on Dalmeny Avenue where an attenuation tank will be provided. Condition 23 is therefore recommended requiring SUDs details to be submitted.

Energy Efficiency and Renewable Energy

- 8.87 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 30% saving compared with Building Regulations 2010 and 39% compared with the 2013 Building Regulations) is required of major development in areas where connection to a decentralised energy network (DEN) is possible.

- 8.88 The GLA's guidance on preparing energy assessments (April 2014) states, that the Mayor will apply a 35% carbon reduction target beyond Part L 2013 of the Building Regulations - this is deemed to be broadly equivalent to the 40% target beyond Part L 2010 of the Building Regulations, as specified in Policy 5.2 of the London Plan for 2013-2016.
- 8.89 The Sustainable Design and Construction Statement (including Energy Assessment) (dated 13/10/15) states that a 35.6% reduction in regulated CO2 emissions (based on 2013 Building Regulations baseline) and a 17% total (regulated and unregulated) reduction can be achieved, with a Carbon offset financial contribution of £14,845 which will be secured with a S106 head of term. The proposal includes the use of Solar PVs for the renewable energy which will be secured with condition 10. The Council's Energy Officer has confirmed that this is in line with policy.
- 8.90 Policy DM7.3 requires all major developments to be designed to be able to connect to a District Energy Network (DEN), and connection is required if a major development site is within 500 metres of an existing or a planned future DEN. The Energy Strategy states that there is no reasonable expectation that the development will be served by a district heating network in the future. The Council's Energy Officer has stated that there is no existing or planned heat network within 500m and that the area is not identified as a 'cluster' within the Council's latest energy master planning. The development of a heat network in this area could be instigated by the redevelopment of the Holloway Prison. The applicant has submitted a Communal Heating Analysis which concludes that a communal heating system would be unviable. Whilst the Council's Energy Officer has queried some of the costs in this analysis they agree that there are increased costs for the communal system and that it is less feasible. In order to ensure that the inclusion of individual boilers does not preclude any future connection the Council's Energy Officer has advised that the system should be designed to be future proofed (with the system designed for low flow and return and typical pressure requirements of a DHN supply; with the flats being designed to be suitable for retrofit of a HUI; and with protected riser space and a route for pipework) and this will be secured with a S106 legal agreement.
- 8.91 The policy goes on to state that where connection to a DEN is not possible developments should connect to a Shared Heat Network (SHN). The neighbouring John Barnes Library scheme includes a CHP energy centre but the energy officer accepts that there is unlikely to be sufficient capacity to share heat efficiently and has accepted that a SHN is unlikely to be viable.
- 8.92 London Plan policy 5.6a requires development to evaluate the feasibility of CHP systems and examine opportunities to extend the system beyond the site boundary. The Energy Strategy states that a site wide CHP is not considered feasible due to the small heat loads of the development and the Council's Energy Officer has confirmed that based on the likely heat loads they would not expect an on site CHP system to

be installed.

Planning Obligations, Community Infrastructure Levy and local finance considerations

- 8.93 Islington's CIL Regulation 123 infrastructure list specifically excludes measures that are required in order to mitigate the direct impacts of a particular development. This means that the measures required to mitigate the negative impacts of this development in terms of carbon emissions, lack of accessible parking spaces and local accessibility cannot be funded through Islington's CIL. Separate contributions are therefore needed to pay for the necessary carbon offset, accessible transport, highway reinstatement and local accessibility investment required to ensure that the development does not cause unacceptable impacts on the local area.
- 8.94 None of the financial contributions included in the heads of terms represent general infrastructure, so the pooling limit does not apply. Furthermore, none of the contributions represent items for which five or more previous contributions have been secured.
- 8.95 The carbon offset and accessible transport contributions are site-specific obligations, both with the purpose of mitigating the negative impacts of this specific development. The carbon offset contribution figure is directly related to the projected performance (in terms of operation emissions) of the building as designed, therefore being commensurate to the specifics of a particular development. This contribution does not therefore form a tariff-style payment. Furthermore, in the event that policy compliant on-site accessible car parking spaces had been provided by the development (or other accessibility measure) a financial contribution would not have been sought. Therefore this is also a site-specific contribution required in order to address a weakness of the development proposal, thus also not forming a tariff-style payment.
- 8.96 The highway and footway reinstatement requirement is also very clearly site-specific. The total cost will depend on the damage caused by construction of this development, and these works cannot be funded through CIL receipts as the impacts are directly related to this specific development.
- 8.97 None of these contributions were included in Islington's proposed CIL during viability testing, and all of the contributions were considered during public examination on the CIL as separate charges that would be required in cases where relevant impacts would result from proposed developments. The CIL Examiner did not consider that these types of separate charges in addition to Islington's proposed CIL rates would result in unacceptable impacts on development in Islington due to cumulative viability implications or any other issue.
- 8.98 The agreement will include the following agreed heads of terms:
- Prevention of wasted housing supply. To require all dwellings to be fully furnished and equipped for use as a home; dwellings not to be left unoccupied for any continuous period of 3 consecutive months or more (plus additional – as per the wording in the Wasted Housing Supply SPD). The applicant agrees to include obligations in sales and marketing information and also agrees to have the s106 requirements written in to any head lease or sublease should they be granted;
 - On site provision of 2 social rented units (1 x 2b, 1 x 3b) and 8 shared ownership units (4 x 1n, 4 x 2b) and with a minimum initial equity share of 25% and a maximum 2.5% rent on the unsold equity;

- Financial contribution of £29,906 towards the provision of affordable housing;
- Viability review in line with the Islington Development Viability Supplementary Planning Document (2016). Submission of residential sales values and build cost information at an advanced stage of the development process on sale of 75% of private residential units. Reasonable fees of consultant appointed by the council to be paid for by the applicant. In the event of an improvement in viability, a financial contribution towards the provision of affordable housing to be paid to the council, to be determined in accordance with the SPD and capped at the equivalent of the council's affordable housing target;
- CO2 offset contribution of £14,845;
- Car free residential units – removal of future residents rights to obtain an on street parking permit;
- 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.
- The provision of 2 additional accessible parking bay or a contribution towards bays or other accessible transport initiatives of £4,000;
- Compliance with Code of Employment and Training including delivery of 1 work placements during the construction phase of the development, lasting a minimum of 13 weeks. London Borough of Islington Construction Works Team to recruit for and monitor placements. Developer/ contractor to pay wages (must meet London Living Wage). If these placements are not provided, LBI will request a fee of £5,000;
- Compliance with the Code of Local Procurement;
- Compliance with the Code of Construction Practice, including a monitoring fee of £2,100 and submission of a site-specific response document to the Code of Construction Practice for approval of LBI Public Protection, which shall be submitted prior to any works commencing on site;
- Green Performance Plan;
- The repair and re-instatement of the footways and highways adjoining the development. The cost is to be confirmed by LBI Highways, paid for by the applicant and the work carried out by LBI Highways. Conditions surveys may be required;
- Council's legal fees in preparing the S106 and officer's fees for the monitoring and implementation of the S106.

8.99 Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), the Mayor of London's and Islington's Community Infrastructure Levy (CIL) will be chargeable on this application on grant of planning permission. This will be calculated in accordance with the Mayor's adopted CIL Charging Schedule 2012 and the Islington adopted CIL Charging Schedule 2014 and is likely to be £44,479.76 for the Mayoral CIL and £207,510.18 for the Islington CIL. This will be payable to the London Borough of Islington after the planning consent has been implemented. The affordable housing is exempt from CIL payments and the payments would be chargeable on implementation of the private housing.

9. SUMMARY AND CONCLUSION

Summary

9.1 In accordance with the above assessment the comments made by residents and consultee bodies have been taken into account and it is considered that the proposed development is consistent with national policies and the policies of the London Plan, the Islington Core Strategy, the Islington Development Management Policies and associated Supplementary Planning Documents.

- 9.2 The proposal is considered to be acceptable in terms of land use, urban design, the quality of the proposed residential accommodation, dwelling mix, affordable housing and sustainability/energy and is considered not to have any undue impact on nearby residential properties or the area in general in terms of amenity or transport/servicing. Conditions are recommended and a Section 106 (S106) agreement, the Heads of Terms of which have been agreed with the applicant.

Conclusion

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

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

- Prevention of wasted housing supply. To require all dwellings to be fully furnished and equipped for use as a home; dwellings not to be left unoccupied for any continuous period of 3 consecutive months or more (plus additional – as per the wording in the Wasted Housing Supply SPD). The applicant agrees to include obligations in sales and marketing information and also agrees to have the s106 requirements written in to any head lease or sublease should they be granted;
- On site provision of 2 social rented units (1 x 2b, 1 x 3b) and 8 shared ownership units (4 x 1n, 4 x 2b) and with a minimum initial equity share of 25% and a maximum 2.5% rent on the unsold equity;
- Financial contribution of £29,906 towards the provision of affordable housing;
- Viability review in line with the Islington Development Viability Supplementary Planning Document (2016). Submission of residential sales values and build cost information at an advanced stage of the development process on sale of 75% of private residential units. Reasonable fees of consultant appointed by the council to be paid for by the applicant. In the event of an improvement in viability, a financial contribution towards the provision of affordable housing to be paid to the council, to be determined in accordance with the SPD and capped at the equivalent of the council's affordable housing target;
- CO2 offset contribution of £14,845;
- Car free residential units – removal of future residents rights to obtain an on street parking permit;
- 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.
- The provision of 2 additional accessible parking bay or a contribution towards bays or other accessible transport initiatives of £4,000;
- Compliance with Code of Employment and Training including delivery of 1 work placements during the construction phase of the development, lasting a minimum of 13 weeks. London Borough of Islington Construction Works Team to recruit for and monitor placements. Developer/ contractor to pay wages (must meet London Living Wage). If these placements are not provided, LBI will request a fee of £5,000;
- Compliance with the Code of Local Procurement;
- Compliance with the Code of Construction Practice, including a monitoring fee of £2,100 and submission of a site-specific response document to the Code of Construction Practice for approval of LBI Public Protection, which shall be submitted prior to any works commencing on site;
- Green Performance Plan;
- The repair and re-instatement of the footways and highways adjoining the development. The cost is to be confirmed by LBI Highways, paid for by the applicant and the work carried out by LBI Highways. Conditions surveys may be required;
- Council's legal fees in preparing the S106 and officer's fees for the monitoring and implementation of the S106.

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 B

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

List of Conditions:

1	<p>Commencement</p> <p>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>
2	<p>Approved plans list</p> <p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>214023/001; /120 A; /121; /122; /110; /130 A; /131 A; /132 A; /133 A; 140; 141; 010; /020; /021; /030; /031; /032; /033; /040; /041; Arboricultural Impact Assessment DFCP 3686 prepared by DF Clark Bionomique Ltd dated 22.10.15; Design and Access Statement prepared by KKM Architects undated; HIA screening Assessment undated; Planning Statement prepared by JLL dated December 2015; Phase 1 Desk Top Study Report rev A prepared by Herts & Essex Site Investigations; Daylight and Sunlight Report MC/KW/ROL7355 prepared by Anstey Horne dated 2 November 2015; Transport Assessment prepared by TTP Consulting dated November 2015; Travel Plan prepared by TTP Consulting dated November 2015; Ecology Report DFCP 3686 prepared by DF Clark Bionomique dated 11th November 2015; Air Quality Assessment H2111 V01 prepared by Hawkins Environmental dated 21st October 2015; Noise Assessment H2111 V01 prepared by Hawkins Environmental dated 21st October 2015; Overheating Assessment prepared by Brooks Development dated 04/04/2016; Sustainable Design and Construction Statement including Energy Assessment 3rd submission prepared by Brooks Development dated 04/04/2016; Whole life cost assessment comparing the costs of installing communal heating with individual gas boilers prepared by Callaway Energy Consulting undated.</p> <p>REASON: To comply with Section 70(1) (a) of the Town and Country Planning Act</p>

	1990 as amended and also for the avoidance of doubt and in the interest of proper planning.
3	<p>Trees</p> <p>CONDITION: The construction methodology and tree protection measures (including root protection areas) shall be carried out strictly in accordance with the Arboricultural Impact Assessment (22.10.15 DFCP 38=686) hereby approved prior to works commencing on site, and shall be maintained for the duration of the works.</p> <p>Any amendments to the construction methodology or tree protection measures (including root protection areas) require details to be submitted to and approved in writing by the Local Planning Authority prior to the relevant works taking place on site.</p> <p>REASON: In the interest of the protection of trees and to safeguard visual amenities.</p>
4	<p>Balcony screening (details and compliance)</p> <p>CONDITION: Details of the boundary to</p> <ul style="list-style-type: none"> • The side and corner of the balconies at first, second, third, fourth and fifth floor at the side boundary with Ada Lewis House; and • The side and corner of the balconies at first, second, third, fourth and fifth floor at the side boundary with Saxonbury Court. <p>shall be submitted prior to any superstructure works commencing on site. These details shall include a 1.7m high screen or planters and planting which shall be provided prior to first occupation of the development.</p> <p>The development shall be carried out strictly in accordance with the details so approved and maintained as such thereafter.</p> <p>REASON: To prevent the undue overlooking of neighbouring habitable room windows or balconies.</p>
5	<p>Windows Obscured and Fixed Shut / Angled as Shown on Plans (Compliance)</p> <p>CONDITION: All of the following windows shown on the plans hereby approved shall be permanently obscure glazed and fixed shut up to a height of 1.7m above the floor of the room in which the windows are installed prior to the first occupation of the development:</p> <ul style="list-style-type: none"> • South western elevation bedroom windows to the 1 bedroom units at first, second, third and fourth floor levels at the side boundary facing Saxonbury Court. <p>All obscurely glazed windows shall be restricted in their ability to open fully, unless revised plans are submitted to and approved in writing by the Local Planning Authority which confirm that those windows could open to a degree, which would not result in undue overlooking of neighbouring habitable room windows.</p> <p>The development shall be carried out strictly in accordance with the details so approved and maintained as such thereafter.</p> <p>REASON: To prevent the undue overlooking of neighbouring habitable room windows.</p>
6	<p>Construction and Demolition Logistics Plan (Details)</p> <p>*CONDITION: A report assessing the planned demolition and construction vehicle routes and access to the site including addressing environmental impacts (including</p>

	<p>(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 (in consultation with TfL) prior to any works commencing on site.</p> <p>The report shall assess the impacts during the demolition and construction phases of the development on the Transport for London controlled Camden Road, nearby residential amenity and other occupiers together with means of mitigating any identified impacts.</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: In order to secure highway safety and free flow of traffic on Holloway Road, local residential amenity and mitigate the impacts of the development.</p>
7	<p>Construction Environmental Management Plan (CEMP) (details)</p>
	<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.</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: In the interests of residential amenity, highway safety and the free flow of traffic on streets.</p>
8	<p>Materials</p>
	<p>CONDITION: Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on site. The details and samples shall include:</p> <ul style="list-style-type: none"> a) solid brickwork including recessed brick panels (including brick panels and mortar courses) b) window and door treatment (including sections and reveals); c) balustrading treatment (including sections); d) balcony screening; e) banding detail; f) cladding system to top floor; g) boundary treatment; h) green procurement plan; and i) any other materials to be used. <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>

9	<p>Landscaping</p>
	<p>CONDITION: A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The landscaping scheme shall include the following details:</p> <ul style="list-style-type: none"> a) an updated Access Statement detailing routes through the landscape and the facilities it provides; b) a biodiversity statement detailing how the landscaping scheme maximises biodiversity; c) existing and proposed underground services and their relationship to both hard and soft landscaping; d) proposed trees: their location, species and size; e) soft plantings: including grass and turf areas, shrub and herbaceous areas; f) topographical survey: including earthworks, ground finishes, top soiling with both conserved and imported topsoil(s), levels, drainage and fall in drain types; g) enclosures: including types, dimensions and treatments of walls, fences, screen walls, barriers, rails, retaining walls and hedges; h) hard landscaping: including ground surfaces, kerbs, edges, ridge and flexible pavings, unit paving, furniture, steps and if applicable synthetic surfaces; and i) any other landscaping feature(s) forming part of the scheme. <p>All landscaping in accordance with the approved scheme shall be completed / planted during the first planting season following practical completion of the development hereby approved. The landscaping and tree planting shall have a two year maintenance / watering provision following planting and any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of completion of the development shall be replaced with the same species or an approved alternative to the satisfaction of the Local Planning Authority within the next planting season.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p>
10	<p>Photovoltaic panels (details)</p> <p>CONDITION: Prior to first occupation of the development hereby approved, details of the proposed Solar Photovoltaic Panels shall be submitted to and approved in writing by the Local Planning Authority. These details shall include but not be limited to:</p> <ul style="list-style-type: none"> - Location; - Area of panels; and - Design (including angle of panels and elevation plans). <p>The solar photovoltaic panels as approved shall be installed prior to the first occupation of the development and retained as such permanently thereafter.</p> <p>REASON: In the interests of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard of design.</p>

11	<p>Pipes</p> <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>
12	<p>Access (compliance)</p> <p>CONDITION: Notwithstanding the plans hereby approved the scheme shall be constructed in accordance with the principles of Inclusive Design. To achieve this the development shall incorporate/install:</p> <p>a) Communal gates and paths, lift, ramp gradients, shared facilities and common parts, level thresholds to balconies and other amenity facilities provided in line with Category 2 and Category 3 of the National Standard for Housing Design.</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 facilitate and promote inclusive and sustainable communities.</p>
13	<p>Wheelchair housing (compliance)</p> <p>CONDITION: Notwithstanding the Design and Access Statement and plans hereby approved, 19 of the residential units shall be constructed to Category 2 of the National Standard for Housing Design as set out in the Approved Document M 2015 'Accessible and adaptable dwellings' M4 (2) and 2 units (1 x 2b, 1 x 3b) shall be constructed to Category 3 of the National Standard for Housing Design as set out in the Approved Document M 'Wheelchair user dwellings' (3).</p> <p>Building Regulations Approved Plans and Decision Advice Notice, confirming that these requirements will be achieved shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works beginning on site. The development shall be constructed strictly in accordance with the details so approved.</p> <p>REASON: To secure the provision of visitable, adaptable and wheelchair accessible homes appropriate to meet diverse and changing needs, in accordance with London Plan policy 3.8.</p>
14	<p>Cycle Parking Provision (Compliance)</p> <p>CONDITION: The bicycle storage area(s) shown on drawing No. 214023/120 rev A hereby approved, shall be secure and provide for no less than 35 bicycle spaces and 1 disability tricycle space and shall be provided prior to the first occupation of the development hereby approved and maintained as such thereafter.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport.</p>
15	<p>Waste Management</p>

	<p>CONDITION: The dedicated refuse / recycling enclosure(s) shown on drawing no. 214023/120 rev A 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 adhered to.</p>
16	<p>Sound Insulation and Noise Control Measures</p>
	<p>CONDITION: A scheme for sound insulation and noise control measures shall be implemented prior to the first occupation to ensure the following internal noise targets (in line with BS 8233:1999):</p> <ul style="list-style-type: none"> - Bedrooms (23.00-07.00 hrs) 30 dB L_{Aeq}, and 45 dB L_{max} (fast) - Living Rooms (07.00-23.00 hrs) 35 dB L_{Aeq}, - Kitchens, bathrooms, WC compartments and utility rooms (07.00 –23.00 hrs) 45 dB L_{Aeq} <p>The sound insulation and noise control measures 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 due to the noise levels on Holloway Road and commercial use at ground floor level</p>
17	<p>Contamination (details)</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, must be produced which is subject to the approval 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>

18	<p>Lift Shaft Insulation</p> <p>CONDITION: Prior to the first occupation of the residential accommodation hereby approved sound insulation shall be installed to the lift shaft sufficient to ensure that the noise level within the dwellings does not exceed NR25(Leq) 23:00 - 07:00 (bedrooms) and NR30 (Leq. 1hr) 07:00 - 23:00 (living rooms) and a level of +5NR on those levels for the hours of 07:00 - 23:00.</p> <p>REASON: To secure an appropriate future residential environment.</p>
19	<p>Lift Installation</p> <p>CONDITION: The lift serving all floors of the proposed development hereby approved shall be installed and operational prior to the first occupation of the residential dwellings 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 that adequate access is provided to the residential units at all floors.</p>
20	<p>Ventilation</p> <p>* CONDITION: Prior to commencement of the relevant part of the development, full details of ventilation for the residential accommodation shall be submitted to and approved in writing by the Local Planning Authority. 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 secure an appropriate future residential environment.</p>
21	<p>Energy Strategy (compliance/details)</p> <p>CONDITION: The energy measures as outlined within the approved Energy Strategy shall together provide for no less than a total 17% (regulated and unregulated) on-site regulated CO2 emissions in comparison with total emissions from a building which complies with Building Regulations 2013.</p> <p>Should, following further assessment, the approved energy measures be found to be no longer suitable, a revised Energy Strategy shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site.</p> <p>The revised energy strategy shall provide for no less than a 35% on-site regulated CO2 emissions and a 17% on-site total CO2 reduction in comparison with total emissions from a building which complies with Building Regulations 2013.</p> <p>The final agreed scheme shall be installed and 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: In the interest of sustainable development and to ensure that the Local Planning Authority may be satisfied that the CO2 emission reduction targets are met.</p>

22	<p>Green and Brown Roofs (Details)</p>
	<p>CONDITION: Details of the biodiversity (green/brown) roof(s) shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The biodiversity (green/brown) roof(s) shall be maximised and be :</p> <p>a) biodiversity based with extensive substrate base (depth 80-150mm); and planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum).</p> <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>
23	<p>Sustainable Urban Drainage System (SUDS) (details)</p>
	<p>CONDITION: Details of a detailed 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 maximise water quality, amenity and biodiversity benefits in accordance with DM Policy 6.6 and the National SuDS Standards. The submitted details shall:</p> <ol style="list-style-type: none"> i. provide information about the design storm period and intensity, the method employed (SuDS management train) to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; ii. include a timetable for its implementation; and iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. <p>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 and minimise the potential for surface level flooding.</p>
24	<p>Water Use (Compliance)</p>
	<p>CONDITION: The development shall be designed to achieve a water use target of no more than 105litres per person per day, including by incorporating water efficient</p>

	<p>fixtures and fittings.</p> <p>REASON: To ensure the sustainable use of water.</p>
25	<p>BIRD/BAT BOXES (DETAILS)</p> <p>CONDITIONS: Details of bird and/or bat nesting boxes/bricks shall be submitted to and approved in writing by the Local Planning Authority prior to construction works commencing on site. 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>
26	<p>Thames Water and Piling</p> <p>CONDITION: No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.</p> <p>Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure and piling has the potential to impact on this infrastructure.</p>

List of Informatives:

1	<p>S106</p> <p>SECTION 106 AGREEMENT</p> <p>You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.</p>
2	<p>Superstructure</p> <p>DEFINITION OF 'SUPERSTRUCTURE' AND 'PRACTICAL COMPLETION'</p> <p>A number of conditions attached to this permission have the time restrictions 'prior to superstructure works commencing on site' and/or 'following practical completion'. The council considers the definition of 'superstructure' as having its normal or dictionary meaning, which is: the part of a building above its foundations. The council considers the definition of 'practical completion' to be: when the work reaches a state of readiness for use or occupation even though there may be outstanding works/matters to be carried out.</p>
3	<p>Community Infrastructure Levy (CIL) (Granting Consent)</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</p>

	<p>submitting an Assumption of Liability Notice to the Council at cil@islington.gov.uk. The Council will then issue a Liability Notice setting out the amount of CIL that is payable.</p> <p>Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed. The above forms can be found on the planning portal at: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</p> <p>Pre-Commencement Conditions:</p> <p>These conditions are identified with an 'asterix' * in front of the short description. These conditions are important from a CIL liability perspective as a scheme will not become CIL liable until all of these unidentified pre-commencement conditions have been discharged.</p>
4	<p>Car-Free Development</p> <p>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.</p>
5.	<p>Roof top plant</p> <p>The applicant is advised that any additional roof top plant not shown on the approved plans will require a separate planning application.</p>
6	<p>Construction works</p> <p>Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Pollution Team, Islington Council, 222 Upper Street London N1 1XR (Tel. No. 020 7527 3258 or by email pollution@islington.gov.uk) or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.</p>
7	<p>Thames Water</p> <p>You are advised to refer to the consultation letter of 29 December 2015 from Thames Water with regard to groundwater discharge into the public sewer; groundwater risk management permit; surface water drainage; prior approval to discharge into a public sewer; and water pressure. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of the piling method statement covered in Condition 26.</p>
8	<p>TfL licences</p> <p>Licences may be required from TfL as highway authority for Camden Road. Further information can be found on the TfL website at: https://tfl.gov.uk/info-for/urban-planning-and-construction/highway-licences</p>
9	<p>Highways Requirements</p> <p>Compliance with sections 168 to 175 and of the Highways Act, 1980, relating to "Precautions to be taken in doing certain works in or near streets or highways". This relates, to scaffolding, hoarding and so on. All licenses can be acquired through streetworks@islington.gov.uk</p>

Compliance with section 174 of the Highways Act, 1980 - "Precautions to be taken by persons executing works in streets." Should a company/individual request to work on the public highway a Section 50 license is required. Can be gained through streetworks@islington.gov.uk

Compliance with section 140A of the Highways Act, 1980 – "Builders skips: charge for occupation of highway. Licenses can be gained through streetworks@islington.gov.uk

Compliance with sections 59 and 60 of the Highway Act, 1980 – "Recovery by highways authorities etc. of certain expenses incurred in maintaining highways". Haulage route to be agreed with streetworks officer. Contact streetworks@islington.gov.uk

Joint condition survey required between Islington Council Highways and interested parties before commencement of building works to catalogue condition of streets and drainage gullies. Contact highways.maintenance@islington.gov.uk Approval of highways required and copy of findings and condition survey document to be sent to planning case officer for development in question.

Temporary crossover licenses to be acquired from streetworks@islington.gov.uk. Heavy duty vehicles will not be permitted to access the site unless a temporary heavy duty crossover is in place.

Highways re-instatement costing to be provided to recover expenses incurred for damage to the public highway directly by the build in accordance with sections 131 and 133 of the Highways Act, 1980.

Before works commence on the public highway planning applicant must provide Islington Council's Highways Service with six months notice to meet the requirements of the Traffic Management Act, 2004.

Development will ensure that all new statutory services are complete prior to footway and/or carriageway works commencing.

Works to the public highway will not commence until hoarding around the development has been removed. This is in accordance with current Health and Safety initiatives within contractual agreements with Islington Council's Highways contractors.

Alterations to road markings or parking layouts to be agreed with Islington Council Highways Service. Costs for the alterations of traffic management orders (TMO's) to be borne by developer.

All lighting works to be conducted by Islington Council Highways Lighting. Any proposed changes to lighting layout must meet the approval of Islington Council Highways Lighting. NOTE: All lighting works are to be undertaken by the PFI contractor not a nominee of the developer. Consideration should be taken to protect the existing lighting equipment within and around the development site. Any costs for repairing or replacing damaged equipment as a result of construction works will be the responsibility of the developer, remedial works will be implemented by Islington's public lighting at cost to the developer. Contact streetlights@islington.gov.uk

	<p>Any damage or blockages to drainage will be repaired at the cost of the developer. Works to be undertaken by Islington Council Highways Service. Section 100, Highways Act 1980.</p>
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Water will not be permitted to flow onto the public highway in accordance with Section 163, Highways Act 1980

Public highway footway cross falls will not be permitted to drain water onto private land or private drainage.

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 practice guidance for England has been published online

2. **Development Plan**

The Development Plan is comprised of the London Plan 2015, 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 2015 – Spatial Development Strategy for Greater London, Consolidated with Alterations since 2011

1 Context and strategy

Policy 1.1 Delivering the strategic vision and objectives for London

2 London's places

Policy 2.9 Inner London

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 and mixed use schemes

Policy 3.13 Affordable housing thresholds

Policy 3.15 Coordination of housing development and investment

Policy 5.14 Water quality and wastewater infrastructure

Policy 5.15 Water use and supplies

Policy 5.17 Waste capacity

Policy 5.18 Construction, excavation and demolition waste

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

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 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
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

8 Implementation, monitoring and review

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

B) Islington Core Strategy 2011

Spatial Strategy

Policy CS 3 Nag's Head and Upper Holloway Road
Policy CS 8 (Enhancing Islington's Character)

Policy CS 14 (Retail and Services)
Policy CS 15 (Open Space and Green Infrastructure)
Policy CS 16 (Play Space)

Strategic Policies

Policy CS 9 (Protecting and Enhancing Islington's Built and Historic Environment)
Policy CS 10 (Sustainable Design)
Policy CS 11 (Waste)
Policy CS 12 (Meeting the Housing Challenge)

Infrastructure and Implementation

Policy CS 18 (Delivery and Infrastructure)
Policy CS 19 (Health Impact Assessments)
Policy CS 20 (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

DM6.5 Landscaping, trees and biodiversity
DM6.6 Flood prevention

Housing

DM3.1 Mix of housing sizes
DM3.2 Existing housing
DM3.4 Housing standards
DM3.5 Private outdoor space
DM3.6 Play space

Energy and Environmental Standards

DM7.1 Sustainable design and construction statements
DM7.3 Decentralised energy networks
DM7.4 Sustainable design standards
DM7.5 Heating and cooling

Transport

DM3.7 Noise and vibration (residential use)

Shops, culture and services

DM4.3 Location and concentration of uses

DM4.4 Promoting Islington's Town Centres

DM4.10 Public Houses

Health and open space

DM6.1 Healthy development

DM6.2 New and improved public open space

DM8.1 Movement hierarchy

DM8.2 Managing transport impacts

DM8.3 Public transport

DM8.4 Walking and cycling

DM8.5 Vehicle parking

DM8.6 Delivery and servicing for new Developments

Infrastructure

DM9.1 Infrastructure

DM9.2 Planning obligations

DM9.3 Implementation

3. **Designations**

The site has the following designations under the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013 and Site Allocations June 2013.

Islington Local Plan

Nag's Head and Upper Holloway Road Core Strategy key area

local view 4 from Archway Road

local view 5 from Archway Road

Within 50m of Hillmarton Conservation Area

London Plan

Camden Road TLRN

4. **Supplementary Planning Guidance (SPG) / Document (SPD)**

The following SPGs and/or SPDs are relevant:

Islington Local Development Plan

- Accessible Housing in Islington
- Car Free Housing
- Development Viability SPD
- Environmental Design SPD
- Inclusive Design in Islington SPD
- Inclusive Landscape Design SPD
- Planning Obligations (Section 106) SPD
- Preventing Wasted Housing Supply 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
- Social Infrastructure SPG
- Sustainable Design and Construction SPG

APPENDIX 3 – BPS reports

273 Camden Road, Islington, London, N7 0JN

Application Ref: 2015/5306/FUL

Independent Review of Assessment of Economic Viability

19 February 2016



1.0 Introduction

- 1.1. BPS Chartered Surveyors has been instructed by The London Borough of Islington ('the Council') to review a viability assessment prepared by HEDC Limited on behalf of Origin Housing Group ('the applicant') in respect of the former Latin Corner public house at 273 Camden Road, Islington, N7 0JN.
- 1.2. The property is located on the corner of Camden Road and Dalmeny Avenue in the Holloway part of the borough. The site is approximately 0.186 acres (754 m²) with hardstanding fronting Camden Road and the building set back towards the rear of the site. The building itself is a two-storey structure built in the 1950s in an Art Deco style.
- 1.3. The site borders Camden Road to the east and Dalmeny Avenue to the North with buildings on the southern and western boundaries. The surrounding buildings are predominantly residential and range from Georgian town houses to 6 storey apartment buildings. The site is fairly well served by transport links with buses along Camden Road and three different Underground stations approximately a 10-15 minute walk away.
- 1.4. The application is for the;

'Demolition of existing building and erection of a 6 storey building to provide 21 residential units (8 x 1-bed, 12 x 2-bed and 1 x 3-bedroom flats) with associated landscaping and amenity space.'
- 1.5. The viability assessment seeks to demonstrate that the current affordable housing offer of 28.57%, which equates to 6 units (2 x Social Rent and 4 x Shared Ownership), is the maximum that can reasonably be provided on-site.
- 1.6. Our review has sought to scrutinise the cost and value assumptions that have been applied in the HEDC viability appraisal in order to determine whether the current affordable housing offer represents the maximum that can reasonably be delivered given the viability of the proposed development.

2.0 Conclusion and Recommendations

- 2.1. Based upon our review of the viability assessment we are of the view that the scheme could provide an increased level of on-site affordable housing.
- 2.2. The benchmark land value is based on a report produced by Sint & Co. The figure applied in the viability assessment is £1 million. We are of the opinion that this figure is inappropriate for the purposes of establishing viability as it is dependent upon assumptions which are largely unverified by market evidence given the assumptions applied in the report.
- 2.3. The property has received consent to convert the ground floor from A4 use to A1 and is currently used as a charity bookshop. The upper floors remain zoned for A4 use ancillary to the ground floor. However with the loss of ground floor A4 use the upper floor use is effectively redundant. In consequence an EUV approach would not maximise land value.
- 2.4. We have undertaken a valuation of the building based on the building used in its entirety for A4 use effectively bringing the upper floors into use. This reflects the property's past consent for this use which has effectively established the acceptability of this use in planning terms. We are of the view that this approach would represent an acceptable benchmark for planning viability purposes. Our opinion of the AUV of the property assuming this change of use is £664,000.
- 2.5. Our Cost Consultant, Neil Powling, has reviewed the cost plan for the application scheme and he is of the opinion that the costs appear reasonable which benchmarked against BCIS. Neil's full report can be found at Appendix A.
- 2.6. We have calculated the total CIL liability as £261,300 as opposed to the estimated £300,000 applied in the appraisal.
- 2.7. With regards to residential sales values we are of the opinion that given the available evidence we are of the opinion that the sales values could be marginally increased to represent a rate of £7,804 per m² (£725 per ft²). We highlight that this is still below a number of second hand units in the local area and significantly lower than local new build stock.
- 2.8. We are of the opinion that the affordable housing values applied in the appraisal are reasonable.
- 2.9. The ground rental income has been calculated at a range of rates from £300 per annum for one bedroom units up to £400 per annum for the two bedroom units. The total annual rent has been capitalised at a rate of 5%. In our opinion the assumptions applied are reasonable and are broadly in line with current market trends.
- 2.10. The summary of our position compared with HEDC's position is as follows:

Scenario	Benchmark	Residual Value	Surplus/ (Deficit)
HEDC	£1,000,000	£647,300	(£352,700)
BPS	£664,000	£1,114,640	£450,640

- 2.11. It is therefore clear that in our opinion the current proposed scheme is making a significant development surplus of £450,640.

2.12. We have examined the impact on viability of the inclusion of an additional 2 units, one shared ownership (1 bed) and one social rent (2 bed). When this scenario is evaluated through an appraisal the residual land value is £736,283 which would result in a surplus of £72,283 when compared to our opinion of an appropriate benchmark land value. We are therefore of the view that the site could support 8 units of affordable housing and still remain viable.

3.0 Planning Policy Context

3.1. We have had reference to national planning policy guidance including the National Planning Policy Framework. We have also had regard to the regional planning policy context including the London Plan Further Amendments 2015.

3.2. Islington Core Strategy Policy CS12 requires the maximum reasonable level of affordable housing that can be achieved with a target of 50% of new housing to be affordable.

3.3. CS12 requires a tenure split of 70% social rent and 30% intermediate tenure. CS12 also includes the requirement that affordable housing units are designed to a high quality with the Development Management Policies encouraging design to be 'tenure blind'.

3.4. We have also had due regard to the Council's emerging SPD in respect of Planning viability.

4.0 Planning History

4.1. 2013/1552/COL - Certificate of Lawfulness for proposed change of use from A4 (Public House) to A1 (Shops). Approve with no conditions.

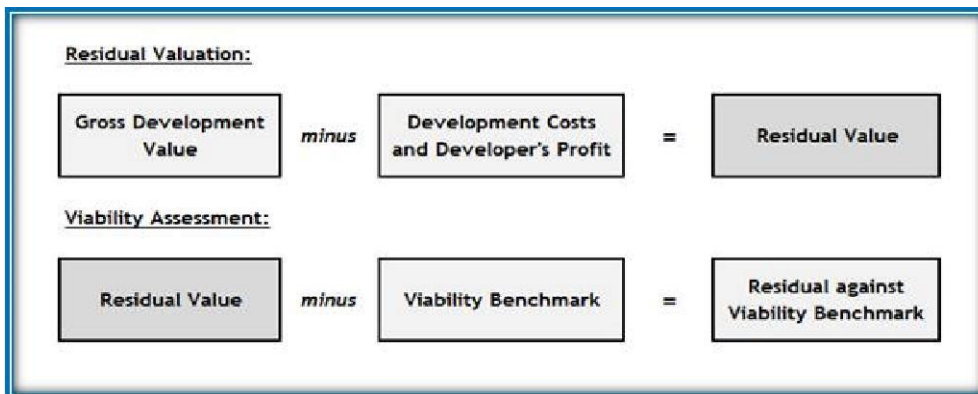
4.2. 2013/1933/FUL - Demolition of the existing building on site and the erection of a new building comprising basement ground and part four/part five storeys providing 422sq m (Class A1) retail floorspace and 22 residential units (Class C3) with associated landscaping, cycle parking, plant signage and ATM. Refusal of Permission. Subsequently dismissed at Appeal on 14/07/2014.

4.3. 2014/2215/COLP - Certificate of Lawfulness (proposed) to change to change the use of the first floor from public house (A4) to retail unit (A1). Ground floor already has A1 use. Refusal of Permission.

5.0 Principles of Viability Assessment

5.1. Assessment of viability for planning purposes is based on the principle that if a proposed scheme cannot generate a value that equals or exceeds the current site value, it will not proceed. Financial viability for planning purposes is defined by the RICS Guidance as an "objective financial viability test of the ability of a development project to meet its costs including the cost of planning obligations, while ensuring an appropriate site value for the landowner and a market risk adjusted return to the developer in delivering that project." This reflects the NPPF principle that in order to ensure viability, developments should provide competitive returns to a willing land owner and willing developer to enable them to be deliverable.

- 5.2. A fundamental issue in considering viability assessments is whether an otherwise viable development is made unviable by the extent of planning obligations or other requirements.
- 5.3. Existing Use Value has been generally recognised by many LPA's and the GLA as the standard recognised basis for establishing viability as it clearly defines the uplift arising from the grant of the planning consent sought and is currently referred to as the preferred basis for benchmarking schemes in the Council's recently adopted planning policies.
- 5.4. RICS Guidance¹ suggests that “the site value benchmark should equate to the market value subject to the following assumption: that the value has regard to development plan policies and all other material planning considerations and disregards that which is contrary to the development plan”. The purpose of a viability appraisal is to assess the extent of planning obligations while also having regard to the prevailing property market.
- 5.5. In this context it is highly relevant to consider the degree to which planning policy has been reflected in the land transactions promoted and whether they are themselves considered to represent market value as distinct from overbids.
- 5.6. Viability appraisals work to derive a residual value to indicate viability. This approach can be represented by the simple formula set out below:



- 5.7. Development costs include elements such as planning obligations, professional fees, finance charges and contingencies as well as the necessary level of ‘return’ that would be required to ensure developers are capable of obtaining an appropriate market risk adjusted return for delivering the proposed development.
- 5.8. Residual appraisals are used either to assess a return from the proposed project (where the cost of acquiring the site is an appraisal input) or to establish a residual land value after taking account of the level or return (profit) required.
- 5.9. A scheme's residual value is then compared to the site value benchmark figure and if the residual value equals or exceeds this benchmark then the scheme can be said to be viable. It is therefore important in assessing viability for the site value benchmark (“base value”) to be set at a figure which can be substantiated.
- 6.0 Viability Benchmark

¹ RICS, Financial Viability in Planning, 1st Edition Guidance Note, August 2012

- 6.1. The benchmark land value used by HEDC Ltd is based on a report produced by Sint & Co. This 'open market realisation estimate' states that the existing property is worth £1,000,000 before refurbishment and £1,400,000 after a £400,000 refurbishment.
- 6.2. As discussed above the current use of the ground floor space is A1 retail with the upper floor being designated for A4 use. Therefore we are unsure as to whether valuing the property as existing A4 use is indeed suitable. Also we note that Sint & Co have provided an 'estimate' based on the open market realisation of the property. This does not constitute a RICS red book valuation nor does it attempt to generate a site value for redevelopment purposes.
- 6.3. Sint & Co's report sets out the valuation assumptions which it has been instructed to adopt in preparing its view of value. Critical assumptions include:
- A) that the property is let to a 'major triple A rated UK multiple pub leisure chain' B) the building is fully fitted and available to trade immediately
- 6.4. There is no evidence of demand from a national multiple for this property as such the assumption of tenancy appear unjustified. Similarly the property is clearly not fully fitted or available for immediate occupation
- 6.5. If the applicant wishes to examine A4 use as a possible benchmark then it should reflect this approach as an AUV. We have assumed that an application for the change of use from A1 to A4 is acceptable and have factored in time for an application for change of use into our anticipated void period.
- 6.6. We have also assumed that once the permission has been granted the property would have to be refurbished and fitted out. Our Cost Consultant is of the opinion that the £400,000 global cost estimate assumed to refurbish the pub is broadly realistic and as such we have applied this figure in our workings together with a 12 month conversion/refurbishment period and a 6 month void period.
- 6.7. The location is not, in our opinion, prime for use as a public house as evidenced by the fact that building has changed from the Copenhagen (A4) to the Latin Corner (A4) and is now in use as a book shop - all within a 6 year period. We have therefore reflected this apparent trading history into account when determining the AUV.
- 6.8. We have had regard to the following evidence of public house lettings in the area, some of which was provided by Sint & Co:

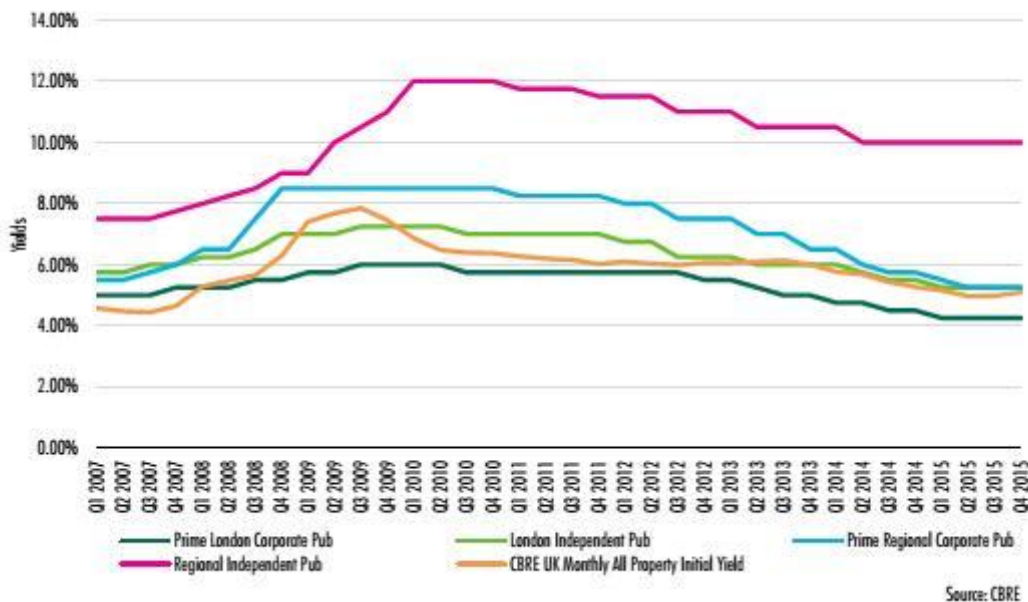
Address	Deal Date	Size m ² (ft ²)	Rent	£/m ² (ft ²)	Floors
Holloway Castle, 392 Camden Road, N7 0SJ	Sep-15	419 (4,513)	£56,760	£135 (£13)	LG, G
178 Hoxton Street, N1 2XH	Sep-15	232 (2,496)	£77,614	£335 (£31)	LG, G
55 White Lion Street, N1 9PP	Sep-15	229 (2,465)	£75,000	£328 (£30)	
The Prince of Wales, 139 Graham Street, N1 8LB	15/09/14	149 (1,604)	£70,000	£470 (£44)	LG, G
3 Chapel Market, N1 9EZ	09/03/15	167 (1,798)	£54,679	£327 (£30)	LG, G, 1st
Lindsey House, 40-42 Charterhouse Street, EC1M 6JN	29/09/13	168 (1,808)	£54,500	£324 (£30)	G
Duke Of Edinburgh, 20 Fonthill Road,	30/06/13	174 (1,873)	£30,000	£172 (£16)	LG, G

N4 3HU					
Berkshire House, 168-173 High Holborn, WC1V 7AA	15/04/14	190 (2,045)	£125,000	£658 (£61)	G
28 Maple Street, W1T 6HP	15/10/14	251 (2,702)	£110,000	£438 (£41)	LG, G
Slug & Lettuce, 1 Islington Green, N1 2XH	24/05/14	306 (3,294)	£124,969	£408 (£38)	
Marquis Of Granby, 142 Shaftesbury Avenue, WC2H 8HJ	01/08/13	467 (5,027)	£350,000	£749 (£70)	
Average				£395 (£37)	

- 6.9. The Castle Bar at 392 Camden Road is in close proximity, approximately 0.1 miles, to the subject site. The accommodation above is provided on a bed and breakfast basis. In analysing the rent we have only included the lower ground and ground floors, if the upper floors were included then the rent equates to a rate of £89 per m² (8.29 per ft²). The rental level supports our view that this area is a secondary location for a public house and would in consequence be below not achieve anything like headline rental levels.
- 6.10. 178 Hoxton Road is in a prominent corner location and is home to the Howl at the Moon public house. The pub is in very good condition and we would expect that the subject site would achieve rents close to this if it were in a refurbished state.
- 6.11. 55 White Lion is home to the Craft Beer Co. which specialises in micro-brewed beer with a wide variety on offer. This pub is in a superior location and is in a good condition.
- 6.12. The public house at 139 Graham Street is a corner unit, similar to the subject site, but with two stories of residential above. It is a similar size to the subject site but is situated in a superior location with a more prominent façade.
- 6.13. 3 Chapel Market is an end of terrace building which is currently operating as a cocktail bar. The area is in general mixed use with most nearby units having residential over ground floor retail. It has a similar small trading floor size and consequently similar trading limitations.
- 6.14. Lindsey House has A4 use on the ground floor and B1 use on the upper storeys. The location is generally good as it is in close proximity to Smithfield market.
- 6.15. The Duke of Edinburgh at 20 Fonthill Road is in a generally poor state of repair and the rent reflects this. The property has changed names numerous times in the past 10 years and this would suggest a similar number of changes in management / ownership of the lease which in turn would suggest that it has not performed well over the years. The current leasehold is a branded Yates wine bar. The potentially tied leaseholder and the apparent state of the premises at the point of letting would go some way to explaining the abnormally low rental value.
- 6.16. The ground floor of Berkshire House, a 12 storey block mainly of office use, was let in early 2014 to Craft Beer Co. The location is better than a number of the comparable pubs identified, in central London on High Holborn. The Craft Beer Company operates a number of sites across London and is free from ties, offering various craft beers and as a result of this and the superior location we would expect rents here to be significantly above the subject site.

- 6.17. 31 Maple Street is in the Fitzrovia area of Central London and is on the corner of Maple Street and Fitzroy Street. The available space is provided over the ground and lower ground levels of a four storey building. The majority of the space available was at the lower ground level which is likely to have impacted the rental value although the site was available free of tie.
- 6.18. The Slug and Lettuce Group Limited secured a new 25 year lease on this site in Islington Green in mid-2014. There are a number of drinking/dining establishments in the immediate area and given the lease length and covenant strength of the tenant the rent passing at £408 per m² (£38 per ft²) would appear to be reasonable.
- 6.19. The location of the unit at 142 Shaftesbury Avenue contributes somewhat towards the higher rental value. This unit benefits from a very large first floor dining area with a good sized bar area on the ground floor also. The free from tie lease at £749 per m² (£70 per ft²) is significantly above what we would expect the subject site to achieve and shows the premium that can be achieved by a large independent dining area with ample bar space in a good location. In short we would expect the subject site to achieve rents far lower than the rent achieved at this site.
- 6.20. We are of the opinion that a public house in this location would achieve a rent of £323 per m² (£30 per ft²). This gives a rental value of £60,000 for the ground floor space, including the storage space which could be discounted further, to which we have added £15,000 for the accommodation above as per 55 White Lion Street resulting in a total rental value of £75,000.
- 6.21. Chart 1 below has been taken from CBRE research² and shows the investment yield of various classes of public house. The light green line represents the London Independent Pub yield and is 5.25%.

Chart 1: UK Pub Investment Yield Tracker



- 6.22. Taking the location into account, which is viewed to be inferior when compared to a more central retail location with high footfall, we are of the opinion that an

² CBRE Research, Marketview United Kingdom Pubs, Q4 2015, London

appropriate yield for this site would be 6%. This is based on the assumption of an independent tenant taking a 15 year lease with 5 yearly upward only reviews.

- 6.23. We are therefore of the opinion that the capital value before refurbishment costs are detected would be £1,064,000 based on the capitalised rent deferred 18 months with a standard 5.8% allowance for purchaser's costs. With the inclusion of £400,000 of refurbishment costs the value is reduced to £664,000 and that is, in our opinion, a suitable figure for the AUV. Our calculations are shown below:

Ground Floor	60,000	
First Floor	15,000	
Total RV		75,000
Yield	6%	
Cap Rate	16.6667	
Deferred 18 Months	0.9031	
Capital Value		1,128,827
less Purchasers Error! Hyperlink	65,472	
net		1,063,355
say		1,064,000
less refurbishment	400,000	
Total Value		664,000

7.0 Costs

- 7.1. Our Cost Consultant, Neil Powling, has reviewed the cost plan for the application scheme. Neil's findings are summarised below and his full report can be found at Appendix A:

'Our adjusted benchmarking, making due allowance for demolitions and site clearance and external works, shows the Applicant's costs to be reasonable.'

- 7.2. The developers profit has been applied at 20% on the GDV of the private housing and 6% on the GDV of the affordable housing. We agree that these are reasonable figures.
- 7.3. Professional fees and other cost have been included at a rate of 15% which is stated to include all design works, surveys and NHBC fees amongst others.
- 7.4. Sales agent fees of 1.5%, sales legal fees of 0.35% and marketing fees of 2% have been applied in the appraisal and we agree that these are broadly in line with market norms.
- 7.5. An all-inclusive finance rate of 7% has been included in the appraisal, we agree that this is a commonly accepted figure and is therefore suitable in this case.

7.6. Mayoral and Borough CIL has been included at a combined estimate rate of £300,000. We have estimated that the total CIL liability would be £261,300 consisting of £217,750 Borough CIL and £43,550 Mayoral CIL. This calculation is based on the proposed scheme GIA of 1,652m² less 446m² of affordable housing and 335m² of existing floorspace resulting in a chargeable area of 871m².

8.0 Residential Sales Values

8.1. The private residential sales values have been provided on a unit by unit basis by a local agent, Robinsons, and are briefly summarised below:

Type	Count	Average Area m ² (ft ²)	Price	£ per m ² (ft ²)
1 Bedroom	6	51.4 (554)	£372,875	7,254 (673.7)
2 Bedrooms	9	69.4 (747)	£483,444	6,988 (649)

8.2. Robinsons has based the sales values on a number of transactions across the local area. They have listed 6 properties with further information provided on three of them. The comparable evidence provided can be summarised below:

Address	Date	Price
F27 Southside, 32 Carleton Rd. N7	19/03/15	£355,000
F5 Carleton Road, N7 OET	27/03/15	£399,995
F1, 53 Hilldrop Road, N7 OJE	15/05/15	£590,000
82 Brecknock Road, N7 ODB	12/06/15	£305,000
20B Hillmarton Road, N7 9JN	16/04/15	£449,950
F2, 11 Hillmarton Road, N7 9JE	24/04/15	£550,500

8.3. Carleton Road is a short distance from the proposed site and is split by Dalmeny Road. To the east of Dalmeny Avenue the units are mainly semi-detached period properties with a mix of flats and semi-detached units to the west of Dalmeny Avenue. Further details have been provided on flat 5, 55 Carleton Road. This unit is situated towards the eastern end of the road in a semi-detached house and consist of 45.8m² (493ft²) of floorspace with a sales rate of £8,734 per m² (£811 per ft²).

8.4. The apartment on Brecknock Road is situated in a purpose built block constructed in the 1950s by the local council. This, in our opinion, constitutes fairly average second hand stock and this is reflected in the achieved price of £305,000 which equates to £7,077 per m² (£657 per ft²).

8.5. The unit at Hamilton Road is situated in a block of 8 flats that again appear to be constructed as local authority housing and would be considered as average second hand stock. The price achieved for a 67m² (725ft²) two bedroom unit was £499,950 which equates to a rate of £7,425 per m² (690 per ft²).

8.6. From the evidence provided it is difficult to ascertain whether or not the prices applied are reasonable. We have therefore undertaken our own research into the local market of both new build and second hand stock in order to further support the figures applied.

8.7. In terms of new build stock there are a limited number of schemes in the local area that would be appropriate to examine.

- 8.8. The redevelopment of 19 Fortess Road with the conversion, under PDR, of the ground floor to residential gives a good indication as to prices newly built/ refurbished units in the area. This site is approximately a mile for the subject site and is close to Kentish Town station which would give it a distinct advantage over the subject site. The two bedroom unit is listed at a price ranging from £690,000 to £715,000 with one bedroom units ranging in price from £495,000 to £390,000 for a studio.
- 8.9. The Harper Building on Holloway Road is situated to the east of the subject site and again, like the above property, benefits from being situated close to good transport links, in this case Holloway Road station. We are of the opinion that this scheme is in a superior location to the subject scheme but nonetheless we are of the opinion that the prices should be taken into account. We list the asking prices for the units on offer below:

Beds	Average Area m ² (ft ²)	Asking Price	£ per m ² (ft ²)
Studio	27 (294)	£327,500	£11,992 (£1,114)
1 Bed	49 (526.5)	£452,500	£9,279 (£862)
2 Bed	69 (742.3)	£621,250	£9,031 (£839)

Second Hand Sales

- 8.10. We have considered the following evidence located within half a mile of the proposed site and sold within the last six months:

One Bedroom

Address	Sale price	Date	Area m ² (ft ²)	£ per m ² (ft ²)
95 Buckler Court, N7	£435,000	10/08/15	51 (548)	£8,546 (£794)
F33 253 Hungerford Rd, N7	£392,000	16/09/15	46 (495)	£8,522 (£792)
115 Carronade Court, N7	£375,000	31/07/15	49 (527)	£7,653 (£711)
F4 2 Nichollsfield Walk, N7	£350,000	11/08/15	48 (517)	£7,292 (£677)
11 Keighley Close, N7	£350,000	30/10/15	53 (570)	£6,604 (£614)
F1 Fairdene Court, Camden Rd, N7	£325,000	13/08/15	46 (495)	£7,065 (£656)
F1 Hilton House, Parkhurst Rd, N7	£410,000	19/10/15	53 (570)	£7,736 (£719)
61 Carronade Court, N7	£377,500	04/09/15	45 (484)	£8,389 (£779)
22 Fairweather House, Parkhurst Rd, N7	£325,000	02/10/15	43 (463)	£7,558 (£702)
Average	£371,056		48 (519)	£7,707 (£716)

- 8.11. The above properties vary in quality with many being superior in location to the subject site. Regardless of this the average value of £7,707 per m² (£716 per ft²) is someway in excess of the average value of the one bedroom flats suggested by Robinsons of £7,254 per m² (£674 per ft²). The average price achieved at £371,056 is broadly in line with the average sales prices of the proposed scheme of £372,875.

Two Bedrooms

Address	Sale	Date	Area m ²	£ per m ² (ft ²)
---------	------	------	---------------------	---

	price		(ft ²)	
Flat 18 453 Caledonian Rd N7	£675,000	26/08/15	72 (775)	£9,375 (£871)
163 Widdenham Rd N7	£665,000	06/08/15	77 (829)	£8,636 (£802)
33 Chris Pullen Way N7	£600,000	26/08/15	74 (793)	£8,146 (£757)
73A Tufnell Park Rd N7	£599,950	04/09/15	72 (775)	£8,333 (£774)
60 Carronade Court N7	£555,000	27/10/15	75 (812)	£7,361 (£684)
83 Carronade Court N7	£500,000	10/09/15	65 (698)	£7,705 (£716)
Flat 7 Bakersfield Crayford Road N7	£515,000	09/10/15	66 (710)	£7,803 (£725)
10 Miho Apartments 565 Caledonian Rd N7	£510,000	18/09/15	59 (635)	£8,644 (£803)
Flat 17 3 Cottage Rd N7	£475,000	13/11/15	63 (678)	£7,540 (£700)
Flat 3 Holbrooke Court Parkhurst Rd N7	£507,500	18/08/15	72 (775)	£7,049 (£655)
Average	£560,245	-	69 (748)	£8,059 (£749)

8.12. Again we appreciate that the above properties vary in terms of quality and location but the average sales rate reflects £8,059 per m² (£749 per ft²) with is considerably greater than the £6,988 per m² (£649 per ft²) suggested by Robinsons. In this case that average sales price of £560,245 is far in excess of the average of £483,444 applied to the units at the subject site.

8.13. In determining whether the residential sales values should be increased based on the evidence at hand we have considered that firstly the location is not as desirable as a number of the comparable being further from transport links, in particular rail and underground stations. Secondly we appreciate that the mix of affordable and private housing in a single unit can have a detrimental effect on the private sales values.

8.14. We are of the opinion that given the evidence at hand we are of the opinion that the sales values could be marginally increased to represent a rate of £7804 per m² (£725 per ft²). We highlight that this is still below a number of second hand units in the local area and significantly lower than local new build stock.

9.0 Affordable Housing

9.1. The proposed scheme includes 2 social rented apartments and 4 shared ownership apartments on the ground and first floors respectively.

9.2. The two social rented units consist of a two bedroom and a three bedroom unit. These units have a sales rate of £1,076 per m² (£100 per ft²) in the viability appraisal. We note that this figure has been determined by the applicants based on £107,850 per unit. Our calculations show that this rate is broadly reasonable.

9.3. The four shared ownership units, 2x one bedroom and 2x two bedroom, have a sales rate of £4,036 per m² (£375 per ft²). This rate is based on a 25% initial sale with rent payable on the unsold equity at an undisclosed rate.

10.0 We are of the opinion that the affordable housing values applied in the appraisal are reasonable.

11.0 Ground Rent

11.1. The ground rental income has been calculated at a range of rates from £300 per annum for one bedroom units up to £400 per annum for the two bedroom units. This gives an average income of £353 per unit which equates to a total annual income of £5,295. Capitalising the figure at a rate of 5% results in a capital sum of

£105,900. In our opinion the assumptions applied are not unreasonable and are broadly in line with current market trends.

Project: 273 Camden Road, Islington N7 0JN
P2015/5306

Independent Review of Assessment of Economic Viability

Interim Draft Report
Appendix A Cost Report

1 SUMMARY

- 1.1 Refer to our attached file “Elemental analysis and BCIS benchmarking”. Our adjusted benchmarking making due allowance for demolitions and site clearance and external works; the benchmarking shows the Applicant’s costs to be reasonable.

2 METHODOLOGY

- 2.1 The objective of the review of the construction cost element of the assessment of economic viability is to benchmark the applicant costs against RICS Building Cost Information Service (BCIS) average costs. We use BCIS costs for benchmarking because it is a national and independent database. Many companies prefer to benchmark against their own data which they often treat as confidential. Whilst this is understandable as an internal exercise, in our view it is insufficiently robust as a tool for assessing viability compared to benchmarking against BCIS.
- 2.2 BCIS average costs are provided at mean, median and upper quartile rates (as well as lowest, lower quartile and highest rates). We generally use mean or upper quartile for benchmarking depending on the quality of the scheme. BCIS also provide a location factor compared to a UK mean of 100; our benchmarking exercise adjusts for the location of the scheme. BCIS Average cost information is available on a default basis which includes all historic data with a weighting for the most recent, or for a selected maximum period ranging from 5 to 40 years. We generally consider both default and maximum 5 year average prices; the latter are more likely to reflect current regulations, specification, technology and market requirements.
- 2.3 BCIS average prices are also available on an overall £ per sqm and for new build work (but not for rehabilitation/ conversion) on an elemental £ per sqm basis. We

generally consider both. A comparison of the applicants elemental costing compared to BCIS elemental benchmark costs provides a useful insight into any differences in cost. For example: planning and site location requirements may result in a higher than normal cost of external wall and window elements.

- 2.4 If the application scheme is for the conversion, rehabilitation or refurbishment of an existing building, greater difficulty results in checking that the costs are reasonable, and the benchmarking exercise must be undertaken with caution. The elemental split is not available from the BCIS database for rehabilitation work; the new build split may be used instead as a check for some, but certainly not all, elements. Works to existing buildings vary greatly from one building project to the next. Verification of costs is helped greatly if the cost plan is itemised in reasonable detail thus describing the content and extent of works proposed.
- 2.5 BCIS costs are available on a quarterly basis - the most recent quarters use forecast figures, the older quarters are firm. If any estimates require adjustment on a time basis we use the BCIS all-in Tender Price Index (TPI).
- 2.6 BCIS average costs are available for different categories of buildings such as flats, houses, offices, shops, hotels, schools etc. The Applicant's cost plan should keep the estimates for different categories separate to assist more accurate benchmarking.
- 2.7 To undertake the benchmarking we require a cost plan prepared by the applicant; for preference in reasonable detail. Ideally the cost plan should be prepared in BCIS elements. We usually have to undertake some degree of analysis and rearrangement before the applicant's elemental costs can be compared to BCIS elemental benchmark figures. If a further level of detail is available showing the build-up to the elemental totals it facilitates the review of specification and cost allowances in determining adjustments to benchmark levels. An example might be fittings that show an allowance for kitchen fittings, bedroom wardrobes etc that is in excess of a normal benchmark allowance.
- 2.8 To assist in reviewing the estimate we require drawings and (if available) specifications. Also any other reports that may have a bearing on the costs. These are often listed as having being used in the preparation of the estimate. If not provided we frequently download additional material from the documents made available on the planning website.
- 2.9 BCIS average prices per sqm include overheads and profit (OHP) and preliminaries costs. BCIS elemental costs do not include these. Nor do elemental costs include for external services and external works costs. Demolitions and site preparation are excluded from all BCIS costs. We consider the Applicants detailed cost plan to determine what, if any, abnormal and other costs can properly be considered as reasonable. We prepare an adjusted benchmark figure allowing for any costs which we consider can reasonably be taken into account before reaching a conclusion on the applicant's cost estimate.

3 GENERAL REVIEW

3.1 We have been provided with and relied upon:

- HEDC Explanatory Notes dated December 2015
- Argus Developer Summary dated 17th December 2015

- Robsons Covering letter 7th December 2015 together with three further files of pricing, comparables and location
 - RLF Build cost estimated in the amount of £4,300,000
 - Sint & Co valuation of existing public house
- 3.2 We have also downloaded several files from the planning web site including drawings, the Design & Access Statement and the Planning Statement.
- 3.3 The cost is described as an “Initial Budget Estimate” - it has apparently been priced on a m² of ground floor area for the substructure and m² of NIAs for the flats and communal areas. Separate allowances of about £1500 per unit have been made for a tenure uplift for the private sales and shared ownership units. The specification to the Robson Valuation notes white goods to the kitchens of the private sale and shared ownership units, but not the affordable rent. Drainage and external works have been separately priced but without any detailed build-up. What are described as site specific abnormals have been estimated - these include demolitions, asbestos works, roof terraces and balconies. We have treated the demolitions and external works as abnormal costs in our benchmarking, but not the roof terraces and balconies. The Estimate states it includes for Code 4 compliance and we note the roof plan in the D&A statement shows PV panels but no specific allowance has been made for sustainability. There is insufficient detail in the estimate for us to undertake an elemental analysis.
- 3.4 Preliminaries have been priced at 14% and overheads and profit at 8% both of which are reasonable. Contingencies are 5% which is reasonable. Design fees are 8% which are reasonable although we show the item in our analysis as a separate addition to (not included with) the construction cost.
- 3.5 The construction cost included in the appraisal is £4,300,000 - the same as the 4Q2015 total of the budget estimate.
- 3.6 We have downloaded current BCIS data for benchmarking purposes including a Location Factor of 132 that has been applied in our benchmarking calculations.
- 3.7 Refer to our attached file “Elemental analysis and BCIS benchmarking”. Our adjusted benchmarking making due allowance for demolitions and site clearance and external works; the benchmarking shows the Applicant’s costs to be reasonable.

BPS Chartered Surveyors
Date: 19th January 2016

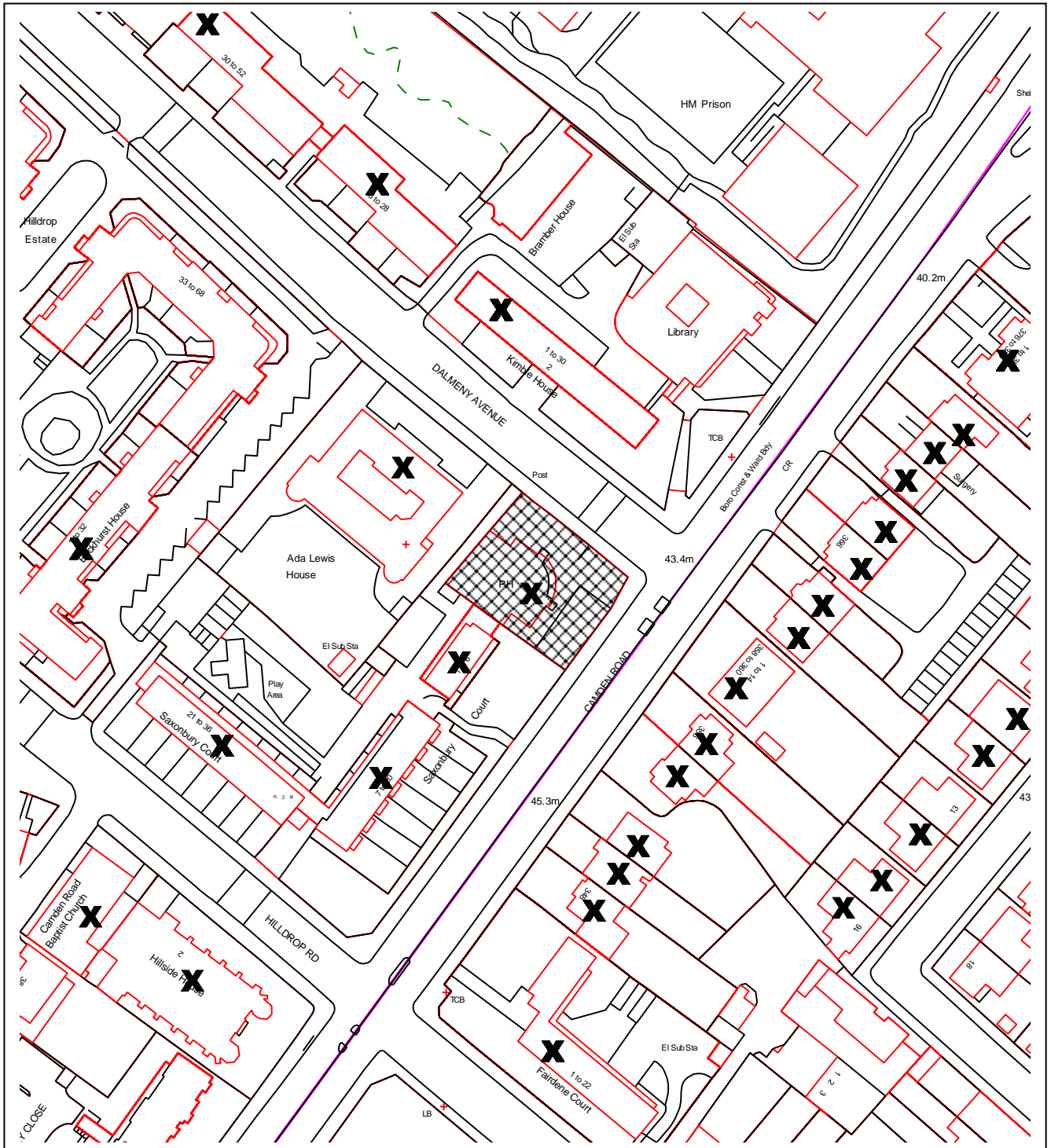
**273 Camden Road, Islington N7 0JN Elemental
analysis & BCIS benchmarking**

		GIA m ²	1,652	LF100	LF132
		£	£/m ²	£/m ²	£/m ²
	Demolitions	135,000	82		
1	Substructure	75,000	45	122	161
2A	Frame			153	202
2B	Upper Floors			81	107
2C	Roof			71	92
2D	Stairs			26	32
2E	External Walls			190	251
2F	Windows & External Doors			76	100
2G	Internal Walls & Partitions			54	71
2H	Internal Doors			49	65
2	Superstructure	2,608,000	1,579	700	924
3A	Wall Finishes			57	75
3B	Floor Finishes			52	69
3C	Ceiling Finishes			33	42
3	Internal Finishes	0		142	187
4	Fittings			58	77
5A	Sanitary Appliances			24	32
5B	Services Equipment (kitchen, laundry)			13	17
5C	Disposal Installations			11	15
5D	Water Installations			30	40
5E	Heat Source			23	30
5F	Space Heating & Air Treatment			97	128
5G	Ventilating Systems			22	29
5H	Electrical Installations (power, lighting, emergency lighting)			82	108
5I	Gas Installations			5	7
5J	Lift Installations	75,000	45	35	46
5K	Protective Installations (fire fighting, sprinklers, lightning protection)			11	15
5L	Communication Installations (burglar, panic alarm, fire alarm, cctv, door entry, public address, data cabling, tv/satellite, telecommunication systems)			30	40
5N	Special Installations - (window cleaning, BMS, medical gas)			26	32
5O	BWIC with Services			9	12
5O	Builders Profit % Attendance on Services			4	5
5	Services	75,000	45	422	557
6A	Site Works	65,000	39		
6B	Drainage	18,000	11		
6C	External Services	66,000	40		
6D	Minor Building Works - tree surgery	5,000	3		
6	External Works	154,000	93		
	Roof terracing & balconies	100,000	61		
	SUB TOTAL	3,147,000	1,905	1,444	1,906
7	Preliminaries 14%	441,000	267		
	Overheads & Profit 8%	253,000	153		
	SUB TOTAL	3,841,000	2,325		
	Price & Design Risk				
	Contingencies 5%	158,000	96		
	TOTAL	3,999,000	2,421		
	Add Design fees 8%	253,000	153		
	Grand Total	4,252,000	2,574		
	say	4,300,000	2,603		

Benchmarking		2,146
Add demolitions and site clearance	82	
Add external works	93	
	175	
Add preliminaries 14%	24	
Add OHP 8%	16	215
Total adjusted benchmark exc contingency & design fees		2,362

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Islington SE GIS Print Template



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PLANNING COMMITTEE REPORT

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

PLANNING COMMITTEE		
Date:	19 May 2016	NON-EXEMPT

Application number	P2016/0199/FUL
Application type	Full Planning Application
Ward	Barnsbury
Listed building	Not Applicable
Conservation area	Not Applicable
Development Plan Context	<ul style="list-style-type: none"> - Site Allocation KC1 Pentonville Road, Rodney Street and Cynthia - Employment Growth Area (Development Management Policies) - Kings Cross & Pentonville Road Key Area (Core Strategy) - Article 4 for Flexible Uses - Controlled Parking Zone - Not located within the Central Activities Zone (CAZ) - Within 200 metres of RS2 Crossrail 2 - Site within 100m of a TLRN Road - LV7 Local view from Dartmouth Park Hill - Within 50m of New Rover Conservation Area - Within 50m of Chapel Market/Baron Street Conservation Area
Licensing Implications	Not Applicable
Site Address	4-8 Rodney Street, London, N1 9JH.
Proposal	Redevelopment of the site to provide for a mixed use development comprising of 2,601 square metres (GEA) of Use Class B1 office floorspace (representing an uplift of 996 sq m on existing 1,605 sq m office floorspace) and 1,208 square metres (GEA) of Use Class D1 education floorspace, including the erection of a part 5/part 6-storey

	building fronting Rodney Street with associated outdoor learning terrace at 6-storey level, along with partial demolition of the building to the rear and ground floor extensions covering the plot of the site, part 2/part 3-storey extensions adjoining the retained building to the rear of the site with external terrace areas at 2nd storey, 3rd storey and roof level, along with associated access and servicing/parking arrangements along Rodney Street.
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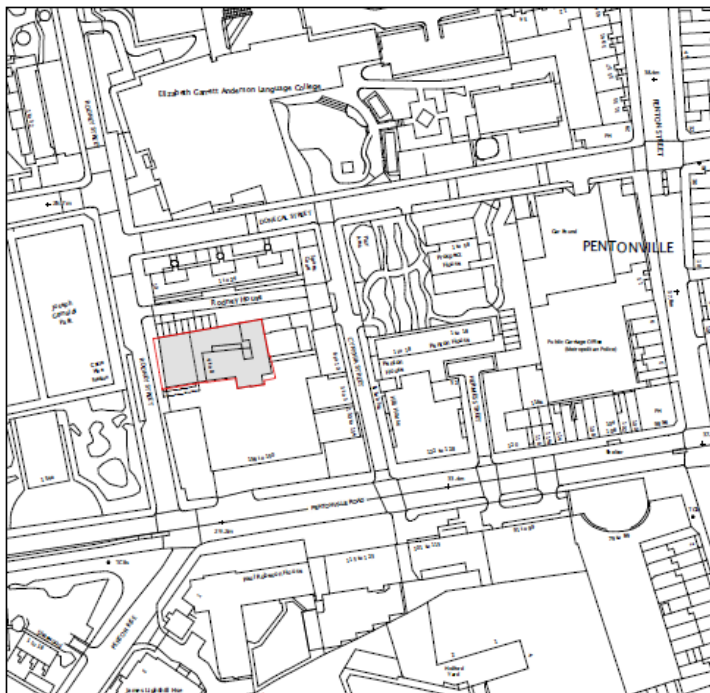
Case Officer	John Kaimakamis
Applicant	c/o Agent
Agent	Turley Associates

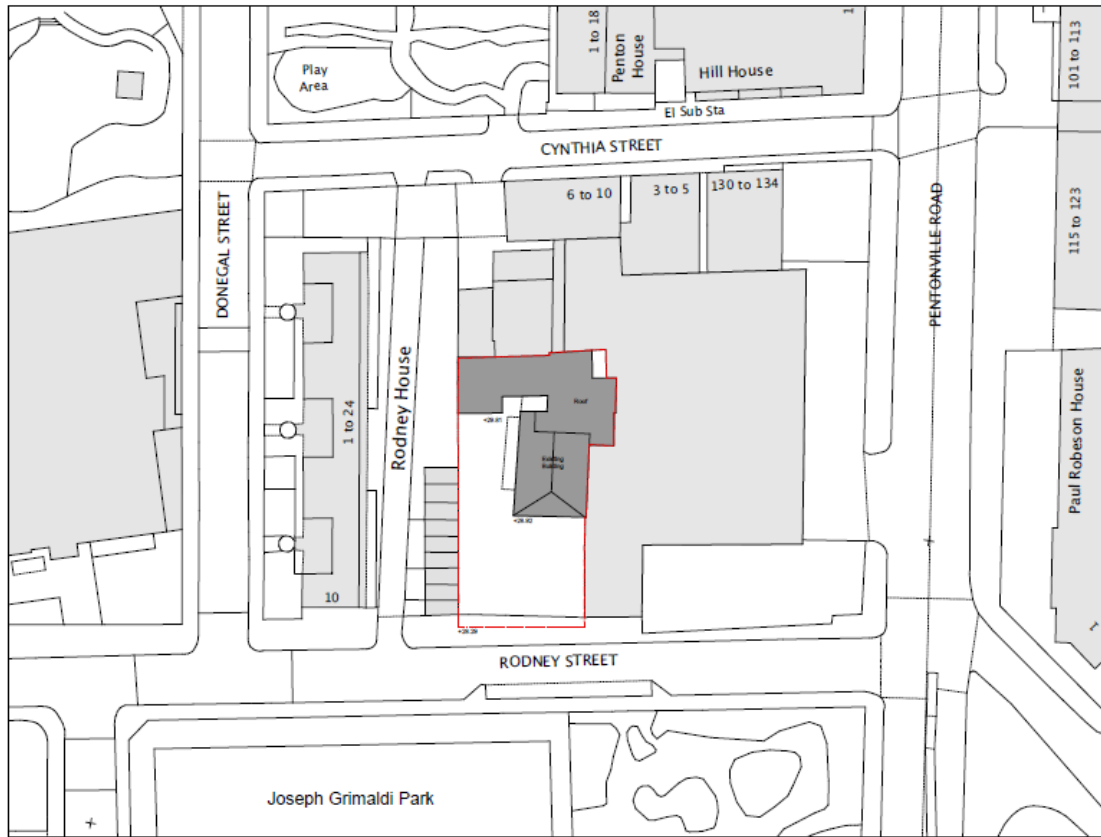
1. RECOMMENDATION

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;

2. SITE PLAN (site outlined in red)





3. PHOTOS OF SITE/STREET





4. SUMMARY

- 4.1 The proposed mixed use scheme for business floorspace and a school is considered appropriate and acceptable.
- 4.2 In general terms, an office-led mixed use development is broadly consistent with the sites policy context. There is no in-principle objection to an element of D1 use given the objectives for the site allocation and Employment Growth Area are met. The provision of the school at this location would offer a number of policy benefits specific to this proposal. In weighing up the scheme that proposes an increase in the quantum of business floorspace compared to existing (with a welcomed qualitative improvement) alongside an education use that offers clear benefits in terms of providing a special needs school, it is considered that the proposal would be broadly consistent with the development plan policies.
- 4.3 The design of the building including its height, scale, appearance and relationship to street scene is acceptable, subject to appropriately worded conditions to secure aspects of the detailed design of its external appearance and materials to be of a high quality. The scheme maximises the efficient use of the site and in this location with an excellent public transport accessibility rating.
- 4.4 The proposals do result in the loss of sunlight and daylight to the properties to some south facing windows of Rodney House, in excess of the BRE guidelines. The design of those buildings themselves worsen the degree of losses (recessed windows to Rodney House). The proposed building opposite Rodney House is appropriate in townscape terms and as such balancing the

townscape and other benefits against the sunlight and daylight losses to these properties, the harm to these properties is on-balance accepted.

- 4.5 The scheme comprehensively considers environmental sustainability and proposes a range of energy efficient and renewable measures to tackle climate change.
- 4.6 No significant transport and parking impacts are posed by the scheme having regard to access, servicing, parking, trip generation, potential public transport impact, promotion of sustainable transport behaviour (through the green travel plan), and potential impacts during the construction period.
- 4.7 The application is supported by a comprehensive s106 planning agreement and contributions related to and mitigating impacts of the scheme. For these reasons and all the detailed matters considered in this report, the scheme is acceptable subject to conditions, informatives and the s106 legal agreement.

5. SITE AND SURROUNDING

- 5.1 The application site is located on the eastern side of Rodney Street near the junction with Pentonville Road and is positioned approximately halfway between Kings Cross (to the west) and Angel (to the east) London Underground stations which are both within walking distance of the site.
- 5.2 To the rear of the application site there is a part 4, part 5-storey building with the fifth level covering part of the site given the lower ground floor level and different levels across the site. The existing building contains approximately 1,600 (GEA) square metres of office space and contains a forecourt to the front of the site. The application site sits between a vehicle hire garage and printing works to the south on Rodney Street and a row of garages to the north which serves Rodney House, a residential block.
- 5.3 The site is very well located in relation to public transport and has a PTAL rating of 6b, the highest rating (www.webptals.org.uk). The site is located approximately 650 metres from Angel Underground Station, which provides London Underground services on the Northern Line (Bank branch). The site is located approximately 800 metres away from King's Cross Station, which provides London Underground Services on the Northern, Piccadilly, Victoria, Metropolitan, Circle and Hammersmith and City lines. It also provides East Coast and First Capital Connect services to various destinations in England and Scotland.
- 5.4 St Pancras International Station is located slightly further from the site (approximately 950 metres), and provides East Midlands and First Capital Connect services to various destinations in England, and Eurostar Services to France and Belgium. The site is also well located in relation to buses, with five bus routes extending along this stretch of Pentonville Road (30, 73, 205, 214 and 476).

- 5.5 The site is not located within a conservation area, whilst the building is not statutorily listed, nor is it a scheduled monument. The site is not located within but adjoins the boundary of the Central Activities Zone.

6. PROPOSAL (IN DETAIL)

- 6.1 The proposal as originally submitted sought planning permission for the redevelopment of the site, which included a new part-5/part-6 storey building to the front of the site, ground floor extensions covering the plot of the site, and part-2/part-3 storey extensions adjoining the existing building to the rear of the site.
- 6.2 The new building to the front of the site includes an outdoor learning terrace at 6-storey level for the education use, whilst the buildings to the rear of the site contained four external terrace areas at 2nd storey, 3rd storey and roof level. Following the submission of revised plans, two of these terraces adjoining the residential properties at Rodney House to the north have been omitted.
- 6.3 The new buildings would provide for 2,601 square metres (GEA) of Use Class B1 office floorspace (representing an uplift of 996 sq m on existing 1,605 sq m office floorspace) and 1,208 square metres (GEA) of Use Class D1 education floorspace.
- 6.4 All servicing arrangements along with pick up/drop off of students will take place in front of the site along Rodney Street. The proposal as originally submitted included a parking lay-by space at the front of the site, however this element of the scheme has been omitted following the submission of revised plans.

7. RELEVANT HISTORY

Planning Applications

- 7.1 The following previous planning applications relating to the application site are considered particularly relevant to the current proposal:

Front Part of the Site

- 7.2 P100915: Development of vacant car park site to construct a five-storey building comprising two B1 units on the ground floor and eight flats on the upper floors (7 x 2 bed and 1 x 1 bed) was granted consent on 18 January 2012. This permission lapsed earlier this year in January.

Rear Part of the Site

- 7.3 P2014/1129/PRA: Prior Approval application for change of use of Business Centre, 4-8 Rodney Street of existing B1[a] office floorspace to fourteen (14) residential units Class C3 [8 X 1 bedroom, 5 X 3 bedroom, 1 x 3 bedroom] was granted consent on 15 May 2014. This prior approval consent was granted on the basis of new regulations introduced by central government in 2013.

7.4 Other Relevant Planning Applications

- 7.5 P2014/1017/FUL: 130-154, 154A, Pentonville Road, (Including, 5A Cynthia Street, 3-5, Cynthia Street, 2, Rodney Street): (Adjoining Site)

Planning permission for comprehensive redevelopment of the site to provide for a mixed use development consisting of 3,879sq m (GIA) of a Car Hire Facility (sui generis use class) comprising of offices and 150 parking spaces and 873sq m (GIA) of office (B1 use class) floor space and 118 residential units (C3 use class), along with associated communal amenity space, children's play space, landscaping, cycle spaces, refuse storage. The building would consist of the following storey heights: - Rodney Street: part 5 and part 7 storeys;- corner of Rodney and Pentonville Road: 10 storeys;- Pentonville Road: part 5, part 6 and part 7 storey's with a setback floors at 8th and 6th floor levels; and- Cynthia Street: 4 storeys with a setback 5th. Planning permission was granted on 12 December 2014.

Enforcement

- 7.6 Not Applicable

8. **CONSULTATION**

Public Consultation

- 8.1 Letters were sent to occupants of 145 adjoining and nearby properties on 05 February 2016. A site notice and press advert were displayed on 11 February 2016. The public consultation of the application therefore expired on 03 March 2016, however it is the Council's practice to continue to consider representations made up until the date of a decision.
- 8.2 At the time of the writing of this report no objections had been received from the public with regard to the application.

External Consultees

- 8.3 **Historic England (Greater London Archaeology Advisory Service)** recommended that no archaeological requirement was necessary. They concluded that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest. As such, no further assessment or conditions are necessary with regard to archaeological considerations.
- 8.4 **Thames Water** stated that the developer is responsible for making proper provision for drainage. No objection in relation to sewerage and water infrastructure capacity. They have recommended a condition (*Condition 32*) requiring details of impact piling method statement, and an informative relating to minimum pressure in the design of the development.
- 8.5 **Transport for London** have stated that the development is car free and consider that there will be no adverse impacts upon the TLRN or SRN. They have stated that all servicing is proposed from Rodney Street and TfL would

expect a Delivery and Service Plan (DSP) to be secured by condition (*Condition 27*). In terms of construction impacts, TfL requests that the applicant commits to ensuring that all vehicles travelling to site during construction are at least FORS Silver accredited. TfL considers that way-finding in the area could be enhanced with additional Legible London signage and a site specific contribution may be requested. The level of cycle parking proposed fails to comply with London Plan (2015) standards. Cyclist facilities (showers, lockers and changing areas) should be provided for staff and students (*Condition 25*). It is TfL's view that the development is unlikely to have an adverse impact upon bus capacity. They have stated a travel plan will be required, to be agreed by the Council, in consultation with TfL, prior to first occupation of the development. They add that the site is also in the area where S106 contributions for Crossrail will be sought. They have raised concerns with the proposed inset bay along Rodney Street to act as a mini bus and taxi/private hire vehicle drop off and pick up facility. TfL is concerned with the capacity of this facility in addition to pedestrian manoeuvrability generally. TfL expects that this facility is designed to ensure that a wheel chair can be deployed and for pedestrians to pass with no street clutter. Traffic orders will need to be introduced to carefully manage delivery timings.

Internal Consultees

- 8.6 **Access Officer** requested clarification on a number of matters relating to inclusive design and whether the proposal would meet the requirements set out in the Council's Inclusive Design SPD. Whilst further information was provided that clarifies these matters, a condition is recommended requesting details to be provided to demonstrate how the requirements of the Council's Inclusive Design SPD are met. (*Condition 9*)
- 8.7 **Design and Conservation Officers** have stated that it is felt that with the current design of the main front building, the top floor does not appear to relate to the main façade below and as proposed is considered inappropriate. They go on to add that although the materials and proportions do indeed relate to that of the front elevation, the floors below are a consistent symmetrical block with a strong horizontal emphasis and the top storey addition is considered to unbalance the front elevation. Of particular concern are the views from within the park opposite. They felt that if an additional fifth floor extension is to be considered acceptable, it should be pushed further back so as to reduce visibility and the impact on the overall street scene. The adjoining development (yet to be completed) appears to have been deliberately stepped down as it heads north up Rodney Street and so for this building to then step up again seems illogical and unjustified. A suggestion was made that it may be possible to break the main façade up into three bays, divided by a vertical strip of a different material (perhaps opaque glazing) or by a slight recess (various options should be explored). Concerns were raised regarding the blank flank wall fronting Rodney House. Although a pattern is proposed to the concrete, there are still considerable concerns over the large expanse of blank, flat flank wall and its impact on Rodney Street and particularly Rodney House. It is felt that more interest and depth should be added to this elevation to reduce its impact. (*Condition 7*)

- 8.8 **Energy Conservation Officer** has recommended a condition to state they will target at least 18% reduction in total CO2 but investigate further options to improve on this given it falls short of the Council's target of 27% and provide evidence that they have maximised all opportunities. Have also recommended a condition requiring the submission of a feasibility study into being supplied with low carbon heat from the neighbouring 130 Pentonville Road development, and appropriate S106 clauses for a Shared Heat Network (if viable) is made (*Condition 22*). The on-site CHP proposed is acceptable provided that a shared heat connection is not possible and viable.
- 8.9 **Public Protection Division (Noise Team)** have recommended conditions with regard to mechanical plant to mitigate the impact of noise and a Construction Environmental Management Plan given the considerable demolition, ground works and construction proposed in order for the methods and mitigation to be carefully considered (*Condition 10*). Finally, conditions are recommended to limit the hours of use and maximum number of persons on these terraces at any given time to mitigate against the impact of noise that may arise from the use of these areas (*Conditions 11,12*).
- 8.10 **Public Protection Division (Land Contamination)** have stated that Phase I and Phase II studies have been carried out. The site is currently proposed to be excavated to basement level across the whole site. With the elevated levels of lead, BAP and dibenzo(a)pyrene, they advise a contaminated land condition is applied to any permission granted. (*Condition 15*)
- 8.11 **Spatial Planning and Transport (Transport Officer)** support the fact that the development is car free, however have requested further details with regard to cycle parking numbers that can be provided on site to meet policy standards along with servicing and delivery plan in accordance with the requirements of local policies (*Conditions 23, 24, 25, 26 and 27*). Have raised objections along with the local Highways Authority to the proposed drop off and pick up area along Rodney Street on the basis that the need for this bay has not been demonstrated and the current restrictions on Rodney Street do not prevent the development from dropping off and picking up pupils. Additionally, they have stated objections to the width of the bay given it would require the Council to adopt some of the footway. This bay is now no longer being considered as part of the proposal.
- 8.12 **Street Environment Division** have requested further details with regard to refuse and recycling (*Condition 26*).
- 8.13 **Sustainability Officer** has stated that further details are required with regard to sustainable urban drainage systems, green/brown roofs, rainwater harvesting, materials and bird and bat boxes. They support commitment to achieving 'Excellent' BREEAM rating and recommend a condition for this to be secured, whilst they also support the commitment to reduce the notional baseline water efficiency level by 55%. A Site Waste Management Plan to be conditioned. (*Conditions 16, 17, 18, 19, 20 and 21*)

Other Consultees

- 8.14 The Design Review Panel, which consists of a panel of architects, urban designers, landscape architects and other relevant professionals commented on the scheme in October 2015 during the pre-application stage. A summary of their comments is quoted below and their response in full is attached under Appendix 3.
- 8.15 The panel members were very supportive of the ambition of the project and felt that the principle of introducing new buildings to compliment the Chocolate Factory was an interesting idea. The Panel felt that the new buildings adjoining and around it would create very rewarding juxtapositions. The Panel were generally supportive of the material approach and simple elegant building, but felt that the detail would enrich it further and therefore that the detailing of this building was very important. Panel members acknowledged that the daylight/sunlight issue needed to be resolved between architects and Islington. In terms of urban design and massing and the contribution to the streetscape the panel were supportive.

9. RELEVANT POLICIES

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

National Guidance

- 9.1 The National Planning Policy Framework 2012 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.
- 9.2 Since March 2014 Planning Practice Guidance for England has been published online.
- 9.3 Under the Ministerial Statement of 18 December 2014, the government seeks to increase the weight given to SuDS being delivered in favour of traditional drainage solutions. Further guidance from the DCLG has confirmed that LPA's will be required (as a statutory requirement) to consult the Lead Local Flood Authority (LLFA) on applicable planning applications (major schemes).

Development Plan

- 9.4 The Development Plan is comprised of the London Plan 2015 (Consolidated with Alterations since 2011), Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.

Designations

9.5 The site has the following designations under the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:

- Site Allocation KC1 Pentonville Road, Rodney Street and Cynthia
- Employment Growth Area (Development Management Policies)
- Kings Cross & Pentonville Road Key Area (Core Strategy)
- Article 4 for Flexible Uses
- Controlled Parking Zone
- Not located within the Central Activities Zone (CAZ)
- Within 200 metres of RS2 Crossrail 2
- Site within 100m of a TLRN Road
- LV7 Local view from Dartmouth Park Hill
- Within 50m of New River Conservation Area
- Within 50m of Chapel Market/Baron Street Conservation Area

Supplementary Planning Guidance (SPG) / Document (SPD)

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

10. ASSESSMENT

10.1 The main issues arising from this proposal relate to:

- Principle (Land Use)
- Design, Conservation and Heritage Considerations (including Archaeology)
- Accessibility
- Neighbouring Amenity
- Sustainability
- Energy Efficiency and Renewable Energy
- Highways and Transportation
- Contaminated Land
- Planning Obligations, Community Infrastructure Levy and local finance considerations

Land-use

10.2 The application site is allocated in the Site Allocations DPD as set out above in allocation KC1. The allocation is purposefully broad within the parameters of the council's strategic priorities for the site and wider area (see also Core Strategy Policy CS6). The allocation for "*mixed use redevelopment, including employment and residential uses*" is not intended to be exhaustive or exclude the possibility of D1 use within the allocation boundary.

10.3 There is a stated objective to intensify office-led development and to this end the Allocation as a whole must deliver uplift in office floorspace. A comprehensive scheme across the whole allocation is unlikely as the site is split between different landowners, with a recent major planning permission covering the majority of the allocation site (referred to hereafter as 'the Groveworld site'). The objective of the Allocation was to deliver uplift and intensification in office floorspace.

10.4 A key objective of Islington's Local Plan is to provide for employment growth with business floorspace making up a significant proportion of this. Policies consequently seek to maximise opportunities for the provision of new business space, particularly within Town Centres and Employment Growth Areas (EGAs); this has been further magnified by a significant further loss of business floorspace as a result of permitted development rights. There is a strong policy basis for business-led development on this site.

10.5 Core Strategy Policy CS6 identifies that the King's Cross area will be expected to accommodate jobs growth, with York Way and Pentonville Road the principle locations for office-led mixed use development to achieve this. Although this part of the site is along Rodney Street it is identified as being within a commercial corridor within the Core Strategy

and the focus on office-led mixed use development is applicable. SMEs are particularly encouraged.

- 10.6 Development Management Policy DM5.1 requires in Employment Growth Areas, where redevelopment of existing business floorspace is proposed: *“the maximum amount of business floorspace reasonably possible on the site, whilst complying with other relevant planning considerations”*. It is noted that the ‘front part of the site’ is not contained within the Employment Growth Area, however the Site Allocation (KC1) covers the entire site and within the allocation and justification it requires *“as part of any redevelopment there should be a net increase in office floorspace (subject to viability)”*.
- 10.7 The supporting text to Policy DM 5.1 states that *“Within Town Centres and Employment Growth Areas, where proposals involve the Change of Use or redevelopment of existing business floorspace, applicants must demonstrate that the amount of proposed business floorspace has been optimised. For major developments, where there is no viable potential for business floorspace above the existing amount, evidence in the form of a market demand analysis (either standalone or forming part of a viability assessment), produced by a suitably qualified and impartial organisation, is required to be submitted. In making its assessment, the council will also have regard to other planning considerations, including London Plan policies on mixed use development. See Appendix 11 for more details.”*
- 10.8 Site Allocation KC1 identifies Nos. 4-8 Rodney Street alongside the adjacent Groveworld Site as part of the same allocation. The allocation is for mixed use redevelopment, including employment and residential uses, with any future redevelopment resulting in a net increase in office space (subject to viability). It is noted that the Groveworld site has a separate permission for mixed use development and is therefore likely to come forward for development separately. Nevertheless the objective of the allocation (consistent with the above policy context) is to deliver an uplift and intensification of office space.
- 10.9 Policy DM 5.1 is relevant given the sites location within an EGA. Part A is clear that proposals for redevelopment are required to incorporate the maximum amount of business floorspace reasonably possible on site. It is stated that the proposal would represent a 58% uplift in B1(a) office space .
- 10.10 In terms of the overall balance and mix of uses, considered in GIA, 2207m² of business floorspace represents around two thirds of the overall 3301m² of floorspace when the D1 use is included. The proposal can be considered business-led, reflecting its location in an Employment Growth Area. A scheme that proposes an increase in the quantum of business floorspace compared to existing (with a welcomed qualitative improvement) alongside an education use that offers clear benefits in terms of providing a special needs school would be broadly consistent with the development plan policies.

- 10.11 DM Policy 5.1, part F, sets out the requirements for the design of new business floorspace to allow for future flexibility. Paragraph 5.10 of Development Management Policies clarifies what will be expected in terms of flexible design features to help ensure adaptability to changing economic conditions and occupants (including small and medium businesses), this includes:
- adequate floor to ceiling heights (at least 3 metres of free space);
 - Strategic lay-out of entrances, cores, loading facilities and fire escapes to allow a mix of uses;
 - Grouping of services, plumbing, electrics, cabling, communications infrastructure and circulation;
 - Flexible ground floor access systems, and
 - Good standards of insulation.
- 10.12 A key issue in considering the design of the B1 space, consistent with DM Policy 5.1, is the extent to which the B1 and D1 uses could function independently should the tenants change as well as to ensure that the sensitive school use is clearly separate from the main general office accommodation. As such, the scheme requires a clear distinction between the B1 use floor areas and the D1 school use areas, so that they are two independent planning units. Should the Anna Freud Centre depart the site in terms of using it for its central offices but still maintain the school on the site, the layout and floorplans would require to be clearly separated so as to not prejudice the B1 use floorspace being occupied by any potential or future occupier. The floorplans submitted show a distinction between the uses whereby the areas shaded in blue are B1 office floorspace and the areas shaded in green represent the D1 school use floorspace. This is to be conditioned so as to ensure that the arrangement would work as two separate planning units (*Conditions 3 and 4*).
- 10.13 The planning statement suggests that the B1 space has been designed flexibly to enable subdivisions and amalgamations. The floorplans suggest a very specific arrangement for the needs of the occupants and the co-location of the two uses on the same site. There is a strong policy emphasis on the provision of space suitable for SMEs as set out in Core Strategy Policy 6, Core Strategy Policy S13 and DM Policy 5.4. DM 5.4, part A, in particular sets out that within EGAs major development proposals for employment floorspace must incorporate an appropriate amount of affordable workspace and/or workspace suitable for SMEs. The planning statement highlights, part E of DM5.4, which looks to offset the provision of public education use against the overall floorspace requirement. The educational floorspace accounts for a third of the overall floorspace. This would effectively offset the overall increase in B1 floorspace.
- 10.14 However, a particular consideration will be how the floorspace can work for SMEs and multiple tenants should the tenant change. Therefore, clarification via condition will be sought how specifically the B1 unit could work flexibility for multiple tenants and SMEs. The applicant's submission does not clarify how the proposed business floorspace would be suitable for occupation by micro and small enterprises by virtue of its size and

design, however the submitted floorplans have areas that could accommodate business floorspace divided into units of 90sqm (GIA) or smaller. This would allow for suitable accommodation for micro and small enterprises without the quality (including natural lighting) of the remaining business floorspace being compromised, although no separate street entrance or core could be provided due to the constraints of the site. Therefore, a condition is recommended requiring the submission of floorplans demonstrating how 5% of the business floorspace could be subdivided to provide accommodation for such enterprises (*Condition 5*).

- 10.15 With regard to the proposed D1 education floorspace, Policy DM4.12 is very supportive of new social and community infrastructure provision, which the proposed school would represent. The school would be re-locating from a site in the immediate area, and provides a valuable service in this locality, which the council would wish to support and encourage. Policy DM4.12C sets out criteria for new social infrastructure, which must:
- i) be located in areas convenient for the communities they serve and accessible by a range of sustainable transport modes, including walking, cycling and public transport;*
 - ii) provide buildings that are inclusive, accessible, flexible and which provide design and space standards which meet the needs of intended occupants;*
 - iii) be sited to maximise shared use of the facility, particularly for recreational and community uses; and*
 - iv) complement existing uses and the character of the area, and avoid adverse impacts on the amenity of surrounding uses.*
- 10.16 In general terms, an office-led mixed use development is broadly consistent with the sites policy context. There is no in-principle objection to an element of D1 use given the objectives for the site allocation and EGA are met. It is understood that the school is relocating from White Lion Street.
- 10.17 In terms of location and character (criteria i) and iv) this location on the very fringe of the CAZ, with a PTAL of 6B (the highest possible) is considered to be very convenient for the community it would serve – being currently located in close proximity - and is accessible by a significant range of sustainable transport modes. Criteria ii) and iii) are assessed elsewhere in this report under sections relating to accessibility and neighbourhood amenity.
- 10.18 Therefore it is possible to say that the provision of the school at this location would offer a number of policy benefits specific to this proposal. As it is, in weighing up a scheme that proposes an increase in the quantum of business floorspace compared to existing (with a welcomed qualitative improvement) alongside an education use that offers clear benefits in terms of providing a special needs school, it is considered that the proposal would be broadly consistent with the development plan policies.

Design, Conservation and Heritage Considerations (including Archaeology)

- 10.19 London Plan policies seek for development proposals to achieve the maximum intensity of use compatible with local context, the design principles in chapter 7 of the London Plan and with public transport capacity. The Islington Core Strategy Policy CS6F states that *'The area's historic character will be protected and enhanced with high quality design encouraged to respect the local context of Kings Cross and its surroundings'*.
- 10.20 Islington's Site Allocations document states *"Future uses and design should respect the amenity of residential properties within the vicinity of the site. Frontages should be positioned along the site boundary and be active frontages, particularly along Pentonville Road."* It goes on to state that *"the setting of nearby conservation areas must be conserved and enhanced and views up Penton Rise and along Pentonville Road must be maintained"*.
- 10.21 Core Strategy Policy CS9E states: *"New buildings and developments need to be based on a human scale and efficiently use the site area, which could mean some high density developments. High densities can be achieved through high quality design without the need for tall buildings. Tall buildings (above 30m high) are generally inappropriate to Islington's predominantly medium to low level character, therefore proposals for new tall buildings will not be supported"*.
- 10.22 The proposal consists of a new part-5/part-6 storey building to the front of the site, ground floor extensions covering the plot of the site, and part-2/part-3 storey extensions adjoining the existing building to the rear of the site. The proposals were subject to lengthy pre-application discussions and in principle the proposed 5 storey building is considered acceptable. Additionally, the extensions adjacent to the Chocolate Factory are also considered acceptable, whilst the retention of the existing building to the rear (Chocolate Factory) are seen as appropriate.
- 10.23 However, Council's Design officers have raised concerns with the six-storey extension proposed to the new building at the front of the site. They consider that the top floor does not appear to relate to the main façade below and as proposed is considered inappropriate. They go on to add that although the materials and proportions do indeed relate to that of the front elevation, the floors below are a consistent symmetrical block with a strong horizontal emphasis and the top storey addition is considered to unbalance the front elevation. They felt that if an additional fifth floor extension is to be considered acceptable, it should be pushed further back so as to reduce visibility and the impact on the overall street scene.
- 10.24 They consider that further work is required in order to improve the design of the roof top addition and in order to consider a sixth storey acceptable in principle. They consider the proposed sixth storey and its impact on the overall building design as undesirable and as such object to the roof top addition. They recommended that the architect should explore options

where the top addition is set back as far as possible, without compromising the school's funding, in order for officers to assess the potential reduction in the impact of the roof addition.

- 10.25 Furthermore, Design officers consider that a more lightweight, frameless glazed structure is most likely to be the most appropriate treatment for this top storey. This would help reduce the visual impact of this storey in relation to the adjoining building and the impact on the main façade of the proposed building on this site. Where solid areas are required, opaque/semi-opaque glass could be used.
- 10.26 In response, the applicant revised the proposal to introduce more glazing to the sixth-storey extension. Additionally, further information was put forward stating that the floorspace area achieved by the extension as part of the whole school achieved a minimum amount of education floorspace that was required in order to secure funding from the ESF and that any reductions in floorspace could jeopardise this funding. The constraints of the site do not allow for additional education floorspace to be placed at the rear of the site, as this part of the application site is within the Employment Growth Area and would also potentially jeopardise any uplift in business floorspace. It should also be noted that the proposed sixth-storey extension would be less taller than the adjoining approved consent at the Groveworld site to the site. Given the above, it is not considered that the objections raised by Design officers in this instance with regard to the extension would warrant refusal of the application. Given the funding of the school is also dependant on the amount of education floorspace required, on balance it is not considered that the harm caused by the sixth-storey extension would outweigh the planning benefits derived from this employment-led mixed use development.
- 10.27 Design officers have also raised concerns with regard to the blank flank wall fronting Rodney House. Although a pattern is proposed to the concrete, there are still considerable concerns over the large expanse of blank, flat flank wall and its impact on Rodney Street and particularly Rodney House. It is felt that more interest and depth should be added to this elevation to reduce its impact.
- 10.28 These concerns were also highlighted by the Design Review Panel, who stated that “that this wall was a significant challenge, but believed this could be overcome with further development. Panel members felt that this aspect needed a sophisticated response and, although the architects indicated that they have begun addressing this, the Panel advised that further consideration and detailed studies are required to demonstrate a good outlook is provided for Rodney House. The Panel felt that the treatment to the flank wall should be carefully considered to ensure that it will age as intended.” As such, this is to be secured via the imposition of a condition should permission be granted (*Condition 7*).
- 10.29 In addition to the above, further conditions are recommended with regard to design detail elements and materials so as to ensure the proposed scheme results in an acceptable appearance and delivers a high quality design

(*Condition 6*). Furthermore, details of the roof top extension will be requested via condition to ensure this structure is more lightweight and frameless (*Condition 8*).

- 10.30 In summary, the site has a number of constraints due to the site allocation and the need to secure education funding on the basis of a minimum level of education floorspace. In this context, it is considered that the proposal would be in the form of a contemporary design and it would sit comfortably and harmoniously integrate with the site and within the streetscene and not detract from or compete with the significance of the streetscene character of adjoining or nearby buildings.

Accessibility

- 10.31 London Plan Policy 7.2 states development should achieve the highest standards of accessible and inclusive design, ensuring that developments can be used safely, easily and with dignity by all regardless of disability, age gender ethnicity or economic circumstances.
- 10.32 Such requirements are also required by Islington Core Strategy CS12 and Accessible Housing SPD. Further, Development Management Policy DM 2.2 seeks all new developments to demonstrate inclusive design. The principles of inclusive and accessible design have been adopted in the design of this development in accordance with the above policies.
- 10.33 Council's Access officers requested clarification on a number of matters relating to inclusive design and whether the proposal would meet the requirements set out in the Council's Inclusive Design SPD. These considerations related to internal corridors, types of glazing, clearance width of doors, security systems, inclusive receptions, provision of lifts and turning circles outside lift areas, accessible WC facilities, shared refreshment facilities, stair types, internal ramps and level landings within the development.
- 10.34 The applicant has provided further information which clarifies these matters, however this was in a written form and no detailed plans with these matters submitted. Therefore, a condition is recommended requesting details being provided to demonstrate how the requirements of the Council's Inclusive Design SPD are met (*Condition 9*).

Neighbouring Amenity

- 10.35 The proposal site is in relatively close proximity to a number of adjoining properties. Residential amenity comprises a range of issues which include daylight, sunlight, overlooking and overshadowing impacts. These issues are addressed in detail below. The Development Plan contains adopted policies that seek to safeguard the amenity of adjoining residential occupiers including Development Management Policy DM 2.1.

Daylight

- 10.36 The British Research Establishment (BRE) has produced guidance assessing the impact of proposals on the daylight, sunlight and overshadowing received from adjoining properties. The Council's policies and the daylight/sunlight report submitted with the application all refer to the BRE guidance as a point of reference, and this guidance will be used to assess the impacts of the proposals.
- 10.37 In respect of impact upon light and overshadowing, the application is supported by a Daylight, Sunlight and Overshadowing technical assessment. Daylight impacts to residential neighbours have been considered using the Vertical Sky Component (VSC). Sunlight impacts to neighbours are considered using Annual Probable Sunlight Hours (APSH). These tests are detailed in the BRE 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' (2011) referred to in policy DM 2.1.
- 10.38 The introduction to the BRE guide however stresses that it should not be used as an instrument of planning policy and should be interpreted flexibly because lighting is only one design factor for any scheme and should factor in site context. Sunlight and daylight target criteria as found in the BRE guidance have been developed with lower density suburban situations in mind. In denser inner urban contexts, sunlight and daylight levels may struggle to meet these target criteria in both existing and proposed situations. The target criteria cannot therefore be required for dwellings in denser inner urban locations as a matter of course.
- 10.39 The BRE guidance identifies three methods which can be used to assess the impact of developments on the daylight received by affected dwellings. The 'Vertical Sky Component' assessment (VSC) is a measure of the amount of daylight available at the centre point to the external pane of a window. However this assessment does not take into account room dimensions or other windows which may also provide daylight to the room. A good level of daylight is considered to be 27%. Daylight will be adversely affected if after a development the VSC is both less than 27% and less than 0.8 of its former value.
- 10.40 *Vertical Sky Component (VSC)*
- 10.41 The daylight/sunlight report submitted with the application considered the impact of the proposals on the daylight received of adjoining sites. The residential properties to the north at Rodney House were considered along with the Primary School to the east at No. 10 Cynthia Street.
- Rodney House
- 10.42 A total of 96 individual windows serving 69 rooms were considered at Rodney House across 5 levels of the building. In total 17 windows out of the 96 considered had a VSC less than the BRE recommended level of 27% and a loss of greater than 20% of its former value.
- 10.43 Specifically:

- Ground Floor: All 3 windows on this floor below VSC 27% would have losses less than 20% of its former value in accordance with the recommended levels of the BRE Guidelines.
- First Floor: 12 out of 24 windows on this floor serving 15 rooms would have would have losses between 22~53% of its former value. These rooms serve kitchen/living/dining room areas along with bedrooms. Some of these windows are set in behind the frontage of the building and therefore are already affected by the existing building given they are under a projected built form in the same manner as affected by balconies. Were one to make allowances for this circumstance and square off the undershot windows, then all windows would come under losses of less than 20% of its former value in accordance with BRE recommended levels of transgressions.
- Second Floor: 5 out of 36 windows on this floor serving 27 rooms would have losses between 22~53% of its former value. These rooms serve kitchen/living/dining room areas along with bedrooms. The 5 windows affected on this floor are windows set in behind the frontage of the building and therefore are already affected by the existing building given they are under a projected built form in the same manner as affected by balconies. Were one to make allowances for this circumstance and square off the undershot windows, then all windows would come under losses of less than 20% of its former value in accordance with BRE recommended levels of transgressions.
- Third & Fourth Floors: All 36 windows on this floor below VSC 27% would have losses less than 20% of its former value.

No. 10 Cynthia Street (Primary School)

- 10.44 A total of 25 individual windows serving 11 rooms were considered at the Primary School and all windows to this building below VSC 27% would have losses less than 20% of its former value in accordance with the recommended BRE guidelines.

Daylight Distribution (No Sky Line)

- 10.45 The 'no sky line' method assesses the impact which a development will have on the position in an affected room where the sky is no longer visible. This method takes into account room dimensions in the calculations.

Rodney House

- 10.46 A total of 69 rooms were considered at Rodney House across 5 levels of the building. In total 8 rooms (serving bedrooms or kitchen/living/dining areas) out of the 69 considered had a reduction in the amount of direct daylight they receive in excess of 20% of their former value. The losses ranged between 22% and 32%.
- 10.47 Specifically:

- Ground Floor: Two of the 3 rooms on this floor had a reduction in the amount of direct daylight they receive in excess of 20% of their former value with losses of 22% and 29% respectively.
- First Floor: 5 out of 15 rooms on this floor had a reduction in the amount of direct daylight they receive in excess of 20% of their former value with losses of 27%, 26%, 32%, 27% and 25% respectively. Some of these rooms are set in behind the frontage of the building and therefore are already affected by the existing building given they are under a projected built form in the same manner as affected by balconies. Were one to make allowances for this circumstance and square off the undershot rooms, then only one room at 29% would transgress the recommended levels and all other rooms would come under losses of less than 20% of its former value in accordance with BRE recommended levels.
- Second Floor: Only 1 room out of 15 rooms on this floor would have a reduction in the amount of direct daylight they receive in excess of 20% of their former value with a marginal loss of 21%. Given this room is set in from the frontage, making an allowance for this circumstance and squaring off the undershot room, then the loss would come under less than 20% of its former value in accordance with BRE recommended levels.
- Third & Fourth Floors: All 27 rooms on this floor would have losses less than 20% of its former value.

No. 10 Cynthia Street (Primary School)

- 10.48 A total of 11 rooms were considered at the Primary School and all rooms to this building below would be less than 20% of its former value in accordance with the recommended BRE guidelines.

Sunlight

- 10.49 The BRE guidance recognises that sunlight is less important than daylight in the amenity of a room and is heavily influenced by orientation. North facing windows may receive sunlight on only a handful of occasions in a year and windows facing eastwards or westwards will only receive sunlight for some of the day. In order for rooms to achieve good sunlight the BRE target criteria is that rooms should receive 25% of Annual Probable Sunlight Hours (APSH) in total, including 5% in winter. Where rooms receive less than the recommended APSH then the BRE guidance states that reduction of more than 20% would be noticeable.
- 10.50 Rodney House
- 10.51 A total of 96 individual windows serving 69 rooms were considered at Rodney House across 5 levels of the building. No windows would have a year round APSH at less than the overall 25% threshold and a loss of more

than 20% of its former value. However, 7 of the 96 windows would have a reduction in winter sunlight to figures below the recommended 5% and in excess of 20% of its former value. It should be noted that these windows are very small supplementary windows to rooms which contain other windows that would benefit from appropriate winter sunlight. Additionally, when one makes allowances that they are also recessed then the reductions would fall within the recommended levels of the BRE guidelines.

- 10.52 It is not considered that the above transgressions in relation to sunlight figures for this property would warrant refusal of the scheme. In light of the above, the proposals are therefore not considered to result in any undue loss of sunlight to adjoining dwellings.

No. 10 Cynthia Street (Primary School)

- 10.53 Only one window at first floor level would have a reduction of over 20% of its former value in terms of winter sunlight but this window would still have over 5% of the recommended level of winter sunlight.

Summary

- 10.54 The proposal would result in some daylight losses that are greater than 20% of the existing levels and to a lesser extent some losses in terms of sunlight, 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 at this site compared to the immediate surroundings. The proposal would repair the urban grain by restoring appropriate building lines, making better use of this central site through efficiently developing this brownfield site.
- 10.55 Therefore, this situation requires a balance to be struck. It is considered that making more efficient use of this central and highly accessible site, securing townscape improvements through the high quality design of these buildings and the provision of a new school and uplift in employment floorspace on the site is finely balanced but that these wider benefits outweigh the degree of daylight loss and resulting harm to the amenity of the facing residential occupiers.
- 10.56 Further, these losses of daylight and to a lesser extent sunlight as a result of these proposals, the recessed window positions have an impact on their ability to receive good amounts of light. When making allowances for the recessed windows, the levels of transgressions are minimal and within the recommended BRE guidelines. For the reasons set out above, the impacts are considered, on balance to be acceptable.
- 10.57 Noise and External Amenity Terrace Areas
- 10.58 As submitted, the new building to the front of the site includes an outdoor learning terrace at 6-storey level for the education use, whilst the buildings to the rear of the site contained four external terrace areas at 2nd storey, 3rd storey and roof level. Following concerns raised by planning officers

with regard to the amount of terrace areas with particular regard to those adjacent to Rodney House, revised plans were submitted with two of these terraces adjoining the residential properties at Rodney House to the north omitted.

- 10.59 These concerns related to the scale and number of outdoor terrace areas proposed by the development and the potential long hours of operation. A large terrace area in close proximity to residential with use until 23:00 would more than likely lead to complaints and significant impacts upon the nearby residential. Nevertheless, the proposal has been revised to take into account the above concerns and now proposes the outdoor learning centre with two external terrace areas for the business use at 2nd storey level and roof level.
- 10.60 The development as submitted proposes no limit to the number of people on the terraces or management of the terraces proposed. The submitted Noise Assessment offers figures for people using each of the terraces. It is noted that Building Control have advised that the spaces could accommodate more than the figures tested within the submitted Noise Assessment, and therefore it is difficult to see how representative these figures are. The sound power spectrum for one person's voice is comparable to the ANSI standard for a raised voice leaving aside the Lombard effect or alcohol if later at night and seems reasonable.
- 10.61 The Noise Assessment submitted states LBI "does not specify any noise criteria for entertainment noise during the day and evening but specifies that venues expected to apply for an entertainment licence should ensure that emitted noise is inaudible within nearby noise sensitive premises after 2300hours". However, the Council's licensing guidance for entertainment noise does include day time levels. Additionally, the Noise Assessment quotes that LBI "specifies that potential noise from industrial and commercial uses within residential areas should be assessed in accordance with BS4142:1997 and states that complaints will be likely where there is a difference of around +10dB or more between the measured background noise level and rating level". Whilst the Council would advise using the methodology of 4142, the Council does not accept that a 10dB increase in noise level due to the terrace use would be an acceptable impact.
- 10.62 The noise model within the Noise Assessment predicts that without mitigation people noise from the terraces would exceed the background noise levels by 10dB. This would be an unacceptable impact for residential neighbours. Therefore mitigation would be required to reduce this impact to an acceptable level, which will require an acoustic barrier, control of numbers on the terraces and limitation of hours of use and a management plan for the spaces. The two remaining terrace areas to the business floorspace are located away from the residential properties and due to the design of the building enclosing these areas, would not require further visual barriers that would add to the bulk of the building. However, to mitigate the impact of the terraces conditions limiting the maximum number of users will be imposed on the business terraces to no more than 20 and

60 persons respectively, whilst the outdoor learning centre will be limited to a maximum number of 20 persons (*Condition 11*). Furthermore, the business floorspace external areas will be limited to use between 8am and 7pm, whilst the outdoor learning centre for the school will be limited to use between 8am and 4pm (*Condition 12*). Finally, a condition requesting the submission of a Noise Management Plan will also be imposed (*Condition 10*).

Sustainability

- 10.63 London Plan Chapter 5 policies are the Mayor's response to tackling climate change, requiring all development to make the fullest contribution to climate change mitigation. This includes a range of measures to be incorporated into schemes pursuant to Policies 5.9-5.15. Sustainable design is also a requirement of Islington Core Strategy Policy CS10. Details and specific requirements are also provided within the Development Management Policies and Islington's Environmental Design SPD, which is supported by the Mayor's Sustainable Design and Construction Statement SPG.
- 10.64 The development is located in an urban area where people can access services on foot, bicycle or public transport. It is a mixed use development satisfying key sustainability objectives in promoting the more efficient use of land, and reducing the need to travel.
- 10.65 The BREEAM pre-assessments submitted demonstrate that both the office and education parts of the development would be capable of achieving a BREEAM 'Excellent' rating, which is supported and in accordance with planning policies requiring all development to meet the highest standards of design and construction. It is recommended that the requirement to achieve a BREEAM 'Excellent' rating is required by condition (*Condition 16*).
- 10.66 The proposal includes a commitment to reduce notional baseline water efficiency performance level by 55%, which is supported. The use of low fixtures and fittings proposed are also supported. The BREEAM assessment refers to the provision of rainwater harvesting to service WCs, which is supported, however no details are provided and these are to be sought via the imposition of a condition (*Condition 17*).
- 10.67 London Plan policy 5.3 and Core Strategy policy CS10 require developments to embody the principles of sustainable design and construction. As part of this proposal consideration has been given to the use of sustainably sourced, low impact and recycled materials. However, a target level of non-hazardous waste to be diverted to landfill and a target level of materials to be derived from recycled and reused content should be provided. These details are to be sought via condition seeking a Site Waste Management Plan setting out how these targets will be achieved (*Condition 18*).
- 10.68 London Plan policies 5.10 and 5.11 seek to promote green infrastructure in major developments and policy CS10D of the Core Strategy requires

existing site ecology to be protected and for opportunities to improve upon biodiversity to be maximised. The existing site is of no biodiversity or ecology value and although the proposed buildings would occupy 100% of the site, thereby precluding any potential for mature tree planting, proposals to create accessible terraces with associated soft landscaping would represent an improvement over the existing situation. Two green roofs are proposed, whilst the omission of two terraces from the proposal provides further opportunity to maximise green/brown roofs across the site. A condition shall be imposed for details of the proposed green roofs along with further details demonstrating that green roofs have been maximised across the site (*Condition 21*). It is considered that the two omitted amenity terrace areas provide the potential for further green roofs as part of the proposal. Further, the provision of bird and bat boxes across the site will be sought via condition (*Condition 20*).

- 10.69 Planning proposals are required to prioritise sustainable drainage solutions before relying on hard engineered solutions such as that which is proposed. Green/brown roofs are one SUDS option amongst others that should be fully explored before the drainage strategy with attenuation tank is relied upon. It is recommended that green roofs with additional drainage volume (drainage layers) are integrated into the scheme in order to comply with DM Policies 6.5 and 6.6. Given two amenity terrace areas opposite Rodney House have been omitted from the scheme under revised plans, these two areas provide further opportunity for an appropriate SUDS strategy to be incorporated into the scheme. A revised drainage strategy will be sought via condition in order for the quantity and quality standards of DM Policy 6.6 to be met (*Condition 19*).
- 10.70 Finally, a Green Performance Plan has been submitted in draft, however full details will be secured through a section 106 obligation.

Energy Efficiency and Renewable Energy

- 10.71 The London Plan and Core Strategy require development proposals to make the fullest possible contribution to minimising carbon dioxide emissions in accordance with the energy hierarchy; be lean, be clean, be green. Policy 5.2 of the London Plan requires the submission of a detailed energy assessment setting out efficiency savings, decentralised energy options and renewable energy production.
- 10.72 Policy CS10A of Islington's Core Strategy requires onsite total CO2 reduction targets (regulated and unregulated) against Building Regulations 2010 of 30% where connection to a decentralised energy network is not made and 40% where connection to a decentralised energy network is possible. These targets have been adjusted for Building Regulations 2013 to of 39% where connection to a decentralised energy network is possible, and 27% where not possible. The London Plan sets out a CO2 reduction target, for regulated emissions only, of 40% against Building Regulations 2010.

- 10.73 The Energy Report presents the base line (2013 regs) regulated carbon emissions and the reductions at proposed which aim to achieve a 41% reduction in relation to London Plan policy which is supported. However, with regard to Islington Core Strategy Policy, the applicant provided further details with regard to the breakdown of unregulated and total carbon emissions at each stage of the energy hierarchy and the percentage reductions with the aim of targeting a 27% reduction in total (regulated and unregulated) carbon emissions.
- 10.74 The total reduction in CO2 emissions is 18%, which is short of the council's target for 27%. Therefore, a condition is to be included to state that a target of at least 18% reduction in total CO2 will be achieved but further investigation into options to improve on this to be exhausted with evidence and justification that all opportunities have been maximised (*Condition 22*).
- 10.75 In accordance with the Council's Zero Carbon Policy, the council's Environmental Design SPD states "after minimising CO2 emissions onsite, developments are required to offset all remaining CO2 emissions (Policy CS10) through a financial contribution". "All" in this regards means both regulated and unregulated emissions. The Environmental Design SPD states "The calculation of the amount of CO2 to be offset, and the resulting financial contribution, shall be specified in the submitted Energy Statement."
- 10.76 In this instance, a contribution of £48,392 is secured towards offsetting any projected residual CO2 emissions of the development, to be charged at the established price per tonne of CO2 for Islington (currently £920).
- 10.77 The proposals address the energy hierarchy of 'be lean, be clean, be green' in the following way:
- BE LEAN
- Energy efficiency standards*
- 10.78 The Energy Report proposes a number of energy efficiency measures for the new build and refurbished retained building which is supported, including best practice u-values for thermal elements, best practice air tightness, MVHR with mixed mode ability, passive cooling design and measures. LED lighting is proposed throughout to target 70 lm/W.
- 10.79 The Energy Report Jan-16 provides evidence that dynamic thermal modelling has been carried out in accordance with council policy.
- BE CLEAN
- District heating*
- 10.80 The site is not within 500m of an existing or planned heat network. It is however within an area of opportunity where district heating is anticipated to be developed in the short-medium term as evidenced in the Energy Masterplan study. However energy officers agree with the conclusion of the

Energy Report that it is not currently feasible for connection to a heat network.

Combined Heat and Power

- 10.81 The Energy Report proposes CHP with gas boilers with heating delivered through an underfloor system.

Shared Energy Network

- 10.82 The Energy Report does not consider any opportunities for shared heating with other local sites. The site is located next to a recently approved development at 130-154 Pentonville Road (ref: P2014/1017/FUL) for a mixed use development (offices, hotel) which proposes a CHP energy centre. It is recommended that the applicant investigates the viability of being supplied with heat from this CHP energy centre rather than creating a new energy centre, in accordance with council policy DM Policy 7.3. This is to be secured via the section 106 agreement.

BE GREEN

Renewable energy technologies

- 10.83 The Energy Report states solar photovoltaics could be installed and a system of 6.9kWp of 20 high efficiency 345W monocrystalline PV panels, which requires around 32m² of unshaded roof area subject to viability.
- 10.84 In summary it is considered that the preferred option of connecting to a shared network (subject to feasibility) is considered appropriate, and should this prove unfeasible then the option of a Gas CHP with additional energy measures to achieve a Council target of 27% under a revised energy strategy is an appropriate alternative for the scheme. These are to be secured via conditions and s106 obligations.

Highways and Transportation

- 10.85 The site is very well located in relation to public transport and has a PTAL rating of 6b, the highest rating. The site is located approximately 650 metres from Angel Underground Station, which provides London Underground services on the Northern Line (Bank branch). The site is located approximately 800 metres away from King's Cross Station, which provides London Underground Services on the Northern, Piccadilly, Victoria, Metropolitan, Hammersmith and City and Circle Lines. It also provides East Coast and First Capital Connect services to various destinations in England and Scotland.
- 10.86 St Pancras International Station is located slightly further from the site (approximately 950 metres), and provides East Midlands and First Capital Connect services to various destinations in England, and Eurostar Services to France and Belgium. The site is also well located in relation to buses, with five bus routes extending along this stretch of Pentonville Road (30, 73, 205, 214 and 476).

- 10.87 There is an existing cycle hire docking station opposite the site with a capacity of 30 cycles, which is currently experiencing high demand. Additionally, the site has excellent links to local cycle networks.

Vehicular Parking

- 10.88 The development does not propose any car parking in accordance with Core Strategy Policy CS10 (Sustainable development), Part H, which requires car free development.

Cycle Parking

- 10.89 Development Management Policy 8.4 (Walking and Cycling), Part C requires the provision of secure, sheltered, integrated, conveniently located, adequately lit, step-free and accessible cycle parking. For schools, cycle parking should be provided at a rate of one space per seven members of staff and one space per 10 students.
- 10.90 The proposal includes the provision of 25 cycle parking spaces: 15 spaces in the basement of the building (accessed via lift) and 5 Sheffield stands in the forecourt area to provide 10 spaces. The amount of cycle parking does not meet the requirements of Development Management Policy 8.4 and Appendix 6 of the Development Management Policies, which require 28 spaces for the office use and 5 for the education use.
- 10.91 Whilst the 10 outdoor spaces in front of the building are a welcome addition, they do not meet the qualitative tests of Part C of DM Policy 8.4, which requires cycle parking to be secure, sheltered, integrated and adequately lit and therefore only 15 spaces meeting this element of the proposal have been provided. The floorplans highlight that areas within the site would be available to increase the provision of cycle parking within the site. The Sheffield stands may be retained for visitor use.
- 10.92 Therefore, should planning permission be granted a condition requesting the provision of 28 cycle spaces for the B1 use and 5 spaces for the D1 use within the building will be imposed, along with the necessary details meeting the requirements of the above policy. Additionally, the cycle provision will be required to include an adequate element of parking suitable for accessible bicycles and tricycles. Student cycle/tricycle parking should also be located on-site and meet the qualitative tests. The applicant has submitted information stating that the type of school being provided does not usually have students who cycle to the school. However, the planning permission being sought is for a D1 use and should the school be vacated by the intended occupier at a future date and another school operator take its place, then the above provision would be required and hence the suitability of the condition (*Conditions 23 and 24*).
- 10.93 A condition requesting cyclist facilities (showers, lockers and changing areas) should be provided for staff and students of both the office and school uses shall also be secured in accordance with the comments provided by TfL (*Condition 25*).

Refuse and Recycling

- 10.94 Storage is appropriately located within the development for both uses proposed at the front of the site at ground floor level and bins would be wheeled to the kerb-side of Rodney Street for collection. However, no details have been submitted with regard to whether an adequate number of bins and type of bins have been provided for the extent of floorspace being proposed. Furthermore, refuse and recycling arrangements are not clear and these details along with the number and type of bins are to be secured by conditions (*Condition 26*).

Servicing and Deliveries

- 10.95 Part A of DM Policy 8.6 (Delivery and servicing for new developments) requires that delivery/servicing vehicles are accommodated on-site, with adequate space to enable vehicles to enter and exit the site in forward gear (demonstrated by a swept path analysis). Where servicing/delivery vehicles are proposed on-street, Development Management Policy DM8.6 (Delivery and servicing for new developments) Part B requires details to be submitted to demonstrate that on-site provision is not practical, and show that the on-street arrangements will be safe and will not cause a traffic obstruction/nuisance. The proposals for delivery and servicing do not accord with this policy.
- 10.96 However, on-site servicing was considered at pre-application stage and it was not considered practical for this site from a design perspective and it would conflict with the 3 key design objectives:
- a) Frontages should be positioned along the site boundary and be active frontages in accordance with the KC1 Site allocation. The length of the frontage is limited and the creation of a servicing bay at ground floor level would conflict with design principles. Furthermore, it would impact on optimising the development potential of the site; and
 - b) The need to respect the established building lines along Rodney Street;
- 10.97 Further, provision of off-site servicing on site would be at the expense of maximising the employment floorspace on the site and the benefits associated with the provision of a school on the site.
- 10.98 Therefore, it is considered that sufficient justification has been provided to demonstrate the benefits of not providing on-site servicing.
- 10.99 The applicant has identified positions on Rodney Street that could accommodate the office and residential servicing. The proposal has been revised to remove the parking/drop off bay to the front of the site to address other highway concerns detailed further below. As such, servicing and deliveries would take place within existing kerbside controls on Rodney Street. Highway officers have stated that the levels of servicing expected to be generated by the totality of these proposals could be accommodated within existing restrictions.

10.100 Nevertheless, a delivery and servicing plan is secured by condition to ensure that the development has no adverse impact on the highway. This condition will require details to be submitted as required by Development Management Policy 8.6 and the servicing and delivery plan addressing the list of required information at section 8.39 of the Development Management Policies SPD (*Condition 27*).

Highways

10.101 The proposal as submitted included a designated drop-off/pick-up bay at the front of the site, which could also be used as a parking space. The Local Highways Authority raised objections to the proposed drop off and pick up area along Rodney Street on the basis that the need for this bay had not been demonstrated and no restrictions on Rodney Street would prevent minibuses from dropping off and picking up pupils, parents and carers from the single yellow lines on the eastern side of the road. Further, the current restrictions along Rodney Street would not inhibit servicing and deliveries or take place to the proposed buildings.

10.102 A further concern by the Local Highways Authority related to the proposed width of the public highway footpath as it was below the minimum standard width at its narrowest point due to the proposed drop-off bay, and as such was not acceptable. In order to achieve an acceptable width, this would have required the Council to adopt some of the footway, however this was not considered an acceptable solution considering that the need for a drop-off bay and the narrowing of the footway had not been fully justified. Given the current restrictions along Rodney Street would not have an impact on the proposed usage of the school and offices, the parking drop-off bay was omitted from the scheme with amended plans submitted.

10.103 In addition to the above conditions and section 106 obligations the following has also been secured as part of the planning application

- The provision of 3 accessible parking bays or a contribution of £6,000 towards bays or other accessible transport initiatives given 3 accessible parking bays cannot be provided on site or on street.
- Submission of a final Travel Plan
- The repair and re-instatement of the footways and highways adjoining the development. Cost to be confirmed by LBI Highways, paid for by the applicant and the work carried out by LBI Highways.

Contaminated Land

10.104 The applicant has submitted an initial desktop survey that was carried out on the potential for contaminated land at the site. Council's Pollution Project Team have reviewed the report and advised that there is a high likelihood of there being contamination within the site due to historic polluting land uses at this site. As such, they have recommended the

Council's standard land contamination condition be applied should planning permission be granted (*Condition 15*).

Planning Obligations, Community Infrastructure Levy and local finance considerations

- 10.105 Islington's CIL Regulation 123 infrastructure list specifically excludes measures that are required in order to mitigate the direct impacts of a particular development. This means that the measures required to mitigate the negative impacts of this development in terms of carbon emissions, lack of accessible parking spaces and local accessibility cannot be funded through Islington's CIL. Separate contributions are therefore needed to pay for the necessary carbon offset, accessible transport, highway reinstatement and local accessibility investment required to ensure that the development does not cause unacceptable impacts on the local area.
- 10.106 None of the financial contributions included in the heads of terms represent general infrastructure, so the pooling limit does not apply. Furthermore, none of the contributions represent items for which five or more previous contributions have been secured.
- 10.107 The carbon offset and accessible transport contributions are site-specific obligations, both with the purpose of mitigating the negative impacts of this specific development. The carbon offset contribution figure is directly related to the projected performance (in terms of operation emissions) of the building as designed, therefore being commensurate to the specifics of a particular development. This contribution does not therefore form a tariff-style payment. Furthermore, in the event that policy compliant on-site accessible car parking spaces had been provided by the development (or other accessibility measure) a financial contribution would not have been sought. Therefore this is also a site-specific contribution required in order to address a weakness of the development proposal, thus also not forming a tariff-style payment.
- 10.108 The highway and footway reinstatement requirement is also very clearly site-specific. The total cost will depend on the damage caused by construction of this development, and these works cannot be funded through CIL receipts as the impacts are directly related to this specific development.
- 10.109 None of these contributions were included in Islington's proposed CIL during viability testing, and all of the contributions were considered during public examination on the CIL as separate charges that would be required in cases where relevant impacts would result from proposed developments. The CIL Examiner did not consider that these types of separate charges in addition to Islington's proposed CIL rates would result in unacceptable impacts on development in Islington due to cumulative viability implications or any other issue.
- 10.110 The application site is located outside of the Central Activities Zone (CAZ) boundary and therefore collection of a Crossrail contribution is not required.

- 10.111 The Mayoral Infrastructure Levy does apply to this development however the total payable would be adjusted to show the education use relief. This is an estimate however and must be arrived at through formal CIL charging processes. An informative is attached providing guidance on this process.
- 10.112 The officer recommendation of approval is subject to the Heads of Terms as set out in Appendix 1 – Recommendation B, to be included in a Section 106 Agreement attached to any planning permission, in order to secure compliance with planning policy and mitigate the impacts of the development on surrounding infrastructure.
- 10.113 These contributions are necessary to make the development acceptable in planning terms; the impacts are directly related to the development and fairly and reasonably related in scale and kind to the proposals.

Other Matters

- 10.114 The applicant has put forward a section 106 obligation whereby 50% of school placements would be reserved for Islington residents. In the event LBI do not require 50% of placements in a given year, then these placements would be offered elsewhere.
- 10.115 Whilst in this instance the offer is beyond policy requirements, it is considered a positive benefit to the proposal given it would be offered in perpetuity as part of being secured under the legal agreement.

11. SUMMARY AND CONCLUSION

Summary

- 11.1 The redevelopment of this site to provide an employment led mixed use scheme with business floorspace and a school would be appropriate in this highly accessible location. The proposed building would make a positive contribution to the local townscape and in terms of height, form and scale would not detract from the setting of surrounding buildings or the character or appearance of the surrounding area.
- 11.2 The development would be highly sustainable and energy efficient in compliance with relevant planning policies. Subject to appropriate contributions the development would mitigate its impacts on local infrastructure and would contribute towards the provision of off-site housing. Suitable cycle storage facilities have also been secured.
- 11.3 Whilst the proposed development would cause some demonstrable harm to the amenities of any neighbouring occupiers in terms of loss of daylight and sunlight, on balance the harm to these properties is considered acceptable given the townscape and other benefits that would be derived from the scheme.
- 11.4 The scheme is therefore considered acceptable and recommended for approval subject to appropriately worded conditions and s106 obligations and contributions to mitigate against its impact.

Conclusion

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

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

1. The repair and re-instatement of the footways and highways adjoining the development. The cost is to be confirmed by LBI Highways, paid for by the applicant and the work carried out by LBI Highways. Conditions surveys may be required.
2. Compliance with the Code of Employment and Training.
3. Facilitation, during the construction phase of the development, of the following number of work placements:
4. Each placement must last a minimum of 26 weeks. The London Borough of Islington's approved provider/s to recruit for and monitor placements, with the developer/contractor to pay wages. Within the construction sector there is excellent best practise of providing an incremental wage increase as the operative gains experience and improves productivity. The contractor is expected to pay the going rate for an operative, and industry research indicates that this is invariably above or well above the national minimum wage and even the London Living Wage (£9.15 as at 04/04/15).
If these placements are not provided, LBI will request a fee of £10,000.
5. Compliance with the Code of Construction Practice, including a monitoring fee of £919 and submission of site-specific response document to the Code of Construction Practice for approval of LBI Public Protection, which shall be submitted prior to any works commencing on site.
6. The provision of an additional number of 3 accessible parking bays or a contribution towards bays or other accessible transport initiatives of £6,000.
7. A contribution towards offsetting any projected residual CO2 emissions of the development, to be charged at the established price per tonne of CO2 for Islington (currently £920). Total amount: £48,392
8. 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.

9. Submission of a Green Performance Plan.
10. Council's legal fees in preparing the S106 and officer's fees for the preparation, monitoring and implementation of the S106.

All payments to the Council are to be index-linked from the date of Committee are due upon implementation of the planning permission.

11. 50% of school placements would be reserved for Islington residents. In the event LBI do not require 50% of placements in a given year, then these placements would be offered elsewhere

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 B

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

List of Conditions:

1	Commencement
	<p>CONDITION: The development hereby permitted shall 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>
2	Approved Plans List
	CONDITION: The development hereby approved shall be carried out in

	<p>accordance with the following approved plans:</p> <p>Drawing Nos. 649-PL-001 Rev D; 649-PL-002 Rev C; 649-PL-003 Rev D; 649-PL-008 Rev C; 649-PL-009 Rev E; 649-PL-010 Rev E; 649-PL-011 Rev E; 649-PL-012 Rev D; 649-PL-013 Rev D; 649-PL-014 Rev E; 649-PL-015 Rev A; 649-PL-020 Rev A; 649-PL-021 Rev A; 649-PL-022 Rev A; 649-PL-023 Rev A; 649-PL-024 Rev A; 649-PL-025 Rev A; 649-PL-026 Rev A; 649-PL-027 Rev A; 649-PL-028 Rev A; 649-PL-029 Rev A; 649-PL-030 Rev D; 649-PL-031 Rev C; 649-PL-032 Rev B; 649-PL-033 Rev C; 649-PL-034 Rev C; 649-PL-035 Rev B; 649-PL-040 Rev C; 649-PL-041 Rev D; 649-PL-042 Rev D; 649-PL-050 Rev B; 649-PL-051 Rev B; 649-PL-052 Rev B; 649-PL-053 Rev B; 649-PL-054 Rev B; 649-PL-055 Rev B; 649-PL-060 Rev A; 649-PL-061 Rev A; 649-PL-062 Rev A; 649-PL-063 Rev A; 649-PL-064 Rev A; 649-PL-065 Rev A and 649-PL-066 Rev A.</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>
3	<p>Class B1 Use Restrictions – A Single Planning Unit</p> <p>CONDITION: The B1 (Business) floorspace shall be confined to the areas shaded in blue on the approved plans list and shall be strictly limited to uses within Use Class B1(a) and B1(b). No planning permission is hereby granted for purposes within Use Class B1(c) – for any industrial process – of the Schedule to the Town and Country Planning (Use Class) Order 1987 as amended 2005 (or the equivalent use within any amended/updated subsequent Order).</p> <p>REASON: The restriction of the use invokes the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995.</p>
4	<p>Class D1 Use Restrictions (Excluding Place of Worship) – A Single Planning Unit</p> <p>CONDITION: The D1 (non-residential institutions) floorspace shall be confined to the areas shaded in green on the approved plans list and shall be strictly limited to uses within Use Class D1 (a - g). No planning permission is hereby granted for purposes within Use Class D1 (h) – place of worship – of the Schedule to the Town and Country Planning (Use Class) Order 1987 as amended 2005 (or the equivalent use within any amended/updated subsequent Order).</p> <p>REASON: It is considered that the operation of an unfettered place of worship in this location may have impacts, which should be subject of public consultation and a full planning application. The restriction of the use invokes the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995.</p>
5	<p>Micro and small enterprises (Details)</p> <p>CONDITION: Details, including floorplans, of business accommodation suitable for occupation by micro and small enterprises shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any of the development's business floorspace. The details shall confirm that no less than 5% of the development's business floorspace shall be suitable for</p>

	<p>occupation by micro and small enterprises.</p> <p>Should the applicant (Anna Freud Centre) vacate the B1 single planning unit, then the above details of the development shall be carried out strictly in accordance with the details so approved prior to the occupation of any subsequent occupier of the B1 single planning unit and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure adequate provision of business accommodation suitable for occupation by micro and small enterprises.</p>
6	Materials – Further Details Required
	<p>CONDITION: Notwithstanding the plans hereby approved, details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority, prior to any superstructure work commencing on site. The details and samples shall include:</p> <ul style="list-style-type: none"> a) Pre-cast concrete panelling; b) window treatment (including sections and reveals); c) roofing materials; d) all glazing; e) balustrading treatment (including sections); f) All louvered area; g) Soffit details; and h) any other materials to be used. <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
7	Typical Elevations
	<p>CONDITION: Notwithstanding the plans hereby approved, full details of the design and treatment of the entire north elevation 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 a better articulated elevation with more depth and interest.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
8	Roof Extension – Design Detail
	<p>CONDITION: Notwithstanding the plans hereby approved, full details of the detailed design of the sixth storey roof extension including the type of glazing</p>

	<p>and sealing of the glazing 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 and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
9	Inclusive Design
	<p>CONDITION: Notwithstanding the drawings hereby approved, prior to commencement of any works above ground level, details (including plans and sections) of the development against all relevant requirements of Islington's Inclusive Design SPD and other relevant policies and guidance 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 details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure the development is of an inclusive design.</p>
10	Noise Management Plan
	<p>CONDITION: A Noise Management Plan (NMP) for the noise from the use of the outdoor terrace areas shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development.</p> <p>The NMP shall identify measures to reduce the impact of the noise on the community. The NMP shall be submitted to and approved prior to the commencement of the use to which this consent relates. The NMP shall be fully implemented and operated at all times in accordance with the approved details.</p> <p>REASON: To ensure that the use of the outdoor terrace areas do not have a detrimental impact on residential amenity.</p>
11	Outdoor Terrace Areas – Restrictions on Use
	<p>CONDITION: The maximum number of persons accommodated at any one time on the outdoor terrace areas shall not exceed the following: Terrace 2: 30 Terrace 5: 60 Outdoor Learning Centre: 20.</p> <p>REASON: To ensure that the use of the outdoor terrace areas do not have a detrimental impact on residential amenity.</p>
12	Outdoor Terrace Areas – Restrictions on Use
	<p>CONDITION: The outdoor spaces shall not be used outside the following times: Terrace 2 and 5: 0800-1900 hours</p>

	<p>Outdoor Learning Centre: 0800-1600hours.</p> <p>REASON: To ensure that the use of the outdoor terrace areas do not have a detrimental impact on residential amenity.</p>
13	Construction Environmental Management Plan
	<p>CONDITION: A Construction Environmental Management Plan assessing the environmental impacts (including (but not limited to) noise, air quality including dust, smoke and odour, vibration and TV reception) of the development shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site. The report shall assess impacts during the construction phase of the development on nearby residents and other occupiers together with means of mitigating any identified impacts. The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.</p>
14	Fixed Plant (Compliance)
	<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: 2014.</p> <p>REASON: To ensure that the operation of fixed plant does not have an adverse impact on residential amenity.</p>
15	Contaminated Land
	<p>CONDITION: 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>a) A programme of any necessary remedial land contamination remediation works arising from the land contamination investigation. The development shall be carried out strictly in accordance with the investigation and any scheme of remedial works so approved and no change therefrom shall take place without the prior written approval of the Local Planning Authority.</p> <p>b) Following completion of measures identified in the approved remediation scheme a verification report, that demonstrates the effectiveness of the remediation carried out, must be produced which is subject to the approval in writing of the Local Planning Authority in accordance with part a).</p> <p>REASON: Given the history of the site the land may be contaminated,</p>

	investigation and potential remediation is necessary to safeguard the health and safety of future occupants.
16	BREEAM
	<p>CONDITION: Evidence confirming that the development achieves a BREEAM rating (2008) of no less than 'Excellent' shall be submitted to and approved in writing by the Local Planning Authority. The evidence shall be provided in the following formats and at the following times:</p> <p>a) a design stage assessment, supported by relevant BRE interim certificate(s), shall be submitted at pre-construction stage prior to commencement of superstructure works on site; and</p> <p>b) a post-construction assessment, supported by relevant BRE accreditation certificate(s), shall be submitted following the practical completion of the development and prior to the first occupation.</p> <p>The development shall be carried out strictly in accordance with the details so approved and achieve the agreed rating(s). The development shall be maintained as such thereafter.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development.</p>
17	Rainwater recycling (Details)
	<p>CONDITION: Details of the rainwater recycling system shall be submitted to and approved in writing by the Local Planning Authority prior any superstructure works commencing onsite. The details shall also demonstrate the maximum level of recycled water that can feasibly be provided to the development.</p> <p>The rainwater 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 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 sustainable use of water.</p>
18	Green Procurement Plan (Site Waste Management Plan)
	<p>CONDITION: No development shall take place unless and until a Green Procurement Plan (Site Waste Management 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 will 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>

19	<p>Sustainable Urban Drainage System (SUDS)</p> <p>CONDITION: No development shall take place unless and until details of an updated drainage strategy for a sustainable urban drainage system and maintenance and management plan has been submitted to and approved in writing by the Local Planning Authority.</p> <p>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 minimise flood risk and maximise water quality, amenity and biodiversity benefits in accordance with DM Policy 6.6 and the National SuDS Standards. The submitted details shall:</p> <ul style="list-style-type: none"> i. provide information about the design storm period and intensity, the method employed (SuDS management train) to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; ii. include a timetable for its implementation; and iii. provide a management and maintenance plan for the lifetime of the development which shall specify who is responsible for the on-going maintenance of the system and include any other arrangements necessary to secure the operation of the system throughout the lifetime of the development. <p>No building(s) hereby approved shall be occupied unless and until the approved sustainable drainage scheme for the site has been installed/completed strictly in accordance with the approved details.</p> <p>The scheme shall be implemented and thereafter be managed and maintained in accordance with the approved details.</p> <p>REASON: To ensure that sustainable management of water and minimise the potential for surface level flooding.</p>
20	<p>Nesting Boxes (Details)</p> <p>CONDITION: Details of 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.</p> <p>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>
21	<p>Green/Brown Biodiversity Roofs</p> <p>CONDITION: Notwithstanding the plans hereby approved, a biodiversity (green/brown roofs) strategy demonstrating how green/brown roofs have been maximised across the site shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The biodiversity (green/brown roofs) strategy shall also include the following details:</p> <ul style="list-style-type: none"> a) biodiversity based with extensive substrate base (depth 80-150mm); b) laid out in accordance with plans hereby approved; and c) planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum). <p>The biodiversity (green/brown) 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 biodiversity roofs 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>
22	<p>Renewable Energy</p> <p>CONDITION: A revised Energy Strategy, which shall provide the energy measures contained within the submitted (updated) Energy Strategy for no less than a 18% on-site total CO2 reduction in comparison with total emissions from a building which complies with Building Regulations 2013, and investigating additional energy efficiency measures to reduce regulated and unregulated carbon emissions each stage of the energy hierarchy and the percentage reductions with the aim of targeting a 27% reduction in total (regulated and unregulated) carbon emissions, shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The final agreed scheme shall be installed and operational prior to the first occupation of the development.</p> <p>REASON: In the interest of sustainable development and to ensure that the Local Planning Authority may be satisfied that CO2 emission reduction targets by energy efficient measures/features and renewable energy are met.</p>
23	<p>Visitor Cycle Parking Provision</p> <p>CONDITION: Details of the visitor's cycle parking, which shall comprise no less than 10 spaces shall be submitted to and approved in writing by the Local Planning Authority, and installed, prior to the first occupation of the development</p>

	<p>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 visitor cycle parking is available to support the resulting use(s) and to promote sustainable modes of transport.</p>
24	Cycle Parking Provision
	<p>CONDITION: Notwithstanding the approved drawings, details of the layout, design and appearance (shown in context) of the bicycle storage area(s) shall be submitted to the Local Planning Authority and approved in writing prior to any superstructure works commencing onsite. The storage shall be covered, secure and provide for no less than 28 spaces for the B1 Use and 5 spaces for the D1 use.</p> <p>The bicycle storage area(s) shall be provided strictly in accordance with the details so approved, provided/erected 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, as well as to reduce opportunities for crime.</p>
25	Cycle Facilities
	<p>CONDITION: Details of shower and changing facilities (including lockers) that would help promote cycling as a mode of transport shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of superstructure works.</p> <p>The facilities shall be installed and operational prior to first occupation of that part of the development and maintained as such permanently thereafter.</p> <p>REASON: In the interests of ensuring that sustainable forms of travel to work (cycling) is promoted and robustly encouraged.</p>
26	Refuse and Recycling
	<p>CONDITION: Details of the site-wide waste strategy for the development shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing onsite. The details shall include:</p> <ul style="list-style-type: none"> a) the layout, design and appearance (shown in context) of the dedicated refuse/recycling enclosure(s); b) a waste management plan <p>The development shall be carried out and operated strictly in accordance with the details and waste management strategy so approved. The physical enclosures shall be provided/erected prior to the first occupation of the development 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 adhered to.</p>
27	<p>Delivery & Servicing Plan</p> <p>CONDITION: A delivery and servicing plan (DSP) detailing servicing arrangements including the location, times and frequency shall be submitted to and approved in writing by the Local Planning Authority (in consultation with TfL) prior to the first occupation of the development hereby approved.</p> <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: To ensure that the resulting servicing arrangements are satisfactory in terms of their impact on highway safety and the free-flow of traffic.</p>
28	<p>No Plumbing or Pipes</p> <p>CONDITION: No plumbing, down pipes, rainwater pipes or foul pipes shall be located/fixed to the external elevation(s) of the building hereby approved.</p> <p>REASON: The Local Planning Authority considers that such plumbing and pipes would detract from the appearance of the building.</p>
29	<p>Lifts</p> <p>CONDITION: All lifts serving the development hereby approved shall be installed and operational prior to the first occupation of the building.</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 adequate access is provided to all floors.</p>
30	<p>Roof-Top Plant & Lift Overrun</p> <p>CONDITION: Details of any roof-top structures/enclosures 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> <ul style="list-style-type: none"> a) roof-top plant; b) ancillary enclosures/structure; c) lift overrun; and d) photovoltaics <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 may be satisfied that any roof-top plant, ancillary enclosure/structure and/or the</p>

	lift overruns do not have a harmful impact on the surrounding streetscene.
31	No Obscuring of Ground Floor Frontage
	<p>CONDITION: The window glass of all ground floor commercial units shall not be painted, tinted or otherwise obscured and no furniture or fixings which may obscure visibility above a height of 1.4m above finished floor level 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>
32	Piling Method Statement – Thames Water
	<p>CONDITION: No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.</p> <p>REASON: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure.</p> <p><i>The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of the piling method statement.</i></p>

List of Informatives:

1	S106
	<p>SECTION 106 AGREEMENT</p> <p>You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.</p>
2	Superstructure
	<p>DEFINITION OF ‘SUPERSTRUCTURE’ AND ‘PRACTICAL COMPLETION’</p> <p>A number of conditions attached to this permission have the time restrictions ‘prior to superstructure works commencing on site’ and/or ‘following practical completion’. The council considers the definition of ‘superstructure’ as having its normal or dictionary meaning, which is: the part of a building above its foundations. The council considers the definition of ‘practical completion’ to be: when the work reaches a state of readiness for use or occupation even though there may be outstanding works/matters to be carried out.</p>
3	Community Infrastructure Levy (CIL) (Granting Consent)
	<p>INFORMATIVE: Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this</p>

	<p>development is liable to pay the Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at cil@islington.gov.uk. The Council will then issue a Liability Notice setting out the amount of CIL that is payable.</p> <p>Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed. The above forms can be found on the planning portal at: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</p> <p>Pre-Commencement Conditions: 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	Thames Water
	<p>INFORMATIVE: 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.</p>
5	Car-Free Development
	<p>INFORMATIVE: All new developments are car free in accordance with Policy CS10 of the Islington Core Strategy 2011. This means that no parking provision will be allowed on site and occupiers will have no ability to obtain car parking permits, except for parking needed to meet the needs of disabled people.</p>
6	Roller Shutters
	<p>ROLLER SHUTTERS: The scheme hereby approved does not suggest the installation of external roller shutters to any entrances or ground floor glazed shopfronts. The applicant is advised that the council would consider the installation of external roller shutters to be a material alteration to the scheme and therefore constitute development. Should external roller shutters be proposed a new planning application must be submitted for the council's formal consideration.</p>

APPENDIX 2: RELEVANT POLICIES

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

1 National Guidance

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

Since March 2014 Planning Practice Guidance for England has been published online.

2. Development Plan

The Development Plan is comprised of the London Plan 2015, 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 2015 - Spatial Development Strategy for Greater London, Consolidated with Alterations since 2011

1 Context and strategy

Policy 1.1 Delivering the strategic vision and objectives for London

2 London's places

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

Policy 2.2 London and the wider metropolitan area

Policy 2.5 Sub-regions

Policy 2.9 Inner London

Policy 2.13 Opportunity areas and intensification areas

Policy 2.14 Areas for regeneration

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

3 London's people

Policy 3.1 Ensuring equal life chances for all

Policy 3.2 Improving health and addressing health inequalities

Policy 3.16 Protection and enhancement of social infrastructure

Policy 3.18 Education facilities

4 London's economy

Policy 4.1 Developing London's economy

Policy 4.2 Offices

Policy 4.3 Mixed use development and offices

Policy 4.10 New and emerging economic sectors

Policy 4.11 Encouraging a connected economy

Policy 4.12 Improving opportunities for all

5 London's response to climate change

Policy 5.1 Climate change mitigation

Policy 5.2 Minimising carbon dioxide emissions

Policy 5.3 Sustainable design and construction

Policy 5.4 Retrofitting

Policy 5.19 Hazardous waste

Policy 5.21 Contaminated land

Policy 5.22 Hazardous substances and installations

6 London's transport

Policy 6.1 Strategic approach

Policy 6.2 Providing public transport capacity and safeguarding land for transport

Policy 6.3 Assessing effects of development on transport capacity

Policy 6.4 Enhancing London's transport connectivity

Policy 6.5 Funding Crossrail and other 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 6.12 Road network capacity

Policy 6.13 Parking

Policy 6.14 Freight

7 London's living places and spaces

Policy 7.1 Building London's neighbourhoods and communities

Policy 7.2 An inclusive environment

Policy 7.3 Designing out crime

Policy 7.4 Local character

Policy 7.5 Public realm

Policy 7.6 Architecture

Policy 7.7 Location and design of tall and large buildings

Policy 7.8 Heritage assets and archaeology

Policy 7.9 Heritage-led regeneration

Policy 7.11 London View Management Framework

Policy 7.12 Implementing the London View Management Framework

Policy 7.13 Safety, security and resilience to emergency

Policy 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 7.14 Improving air quality
 Policy 7.15 Reducing noise and enhancing soundscapes
 Policy 7.18 Protecting local open space and addressing local deficiency
 Policy 7.19 Biodiversity and access to nature
 Policy 7.20 Geological conservation
 Policy 7.21 Trees and woodlands
 Policy 7.22 Land for food
 Policy 7.23 Burial spaces

8 Implementation, monitoring and review

Policy 8.1 Implementation
 Policy 8.2 Planning obligations
 Policy 8.3 Community infrastructure levy
 Policy 8.4 Monitoring and review for London

B) Islington Core Strategy 2011

Spatial Strategy

Policy CS6 (King's Cross)

Strategic Policies

Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment)
 Policy CS10 (Sustainable Design)
 Policy CS11 (Waste)
 Policy CS13 (Employment Spaces)
 Policy CS14 (Retail and Services)

Policy CS15 (Open Space and Green Infrastructure)
 Policy CS16 (Play Space)
 Policy CS17 (Sports and Recreation Provision)

Infrastructure and Implementation

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

C) Development Management Policies June 2013

Design and Heritage

DM2.1 Design
DM2.2 Inclusive Design
DM2.3 Heritage
DM2.4 Protected views
DM2.5 Landmarks

DM6.5 Landscaping, trees and biodiversity
DM6.6 Flood prevention

Shops, culture and services

DM4.12 Social and strategic infrastructure and cultural facilities

Energy and Environmental Standards

DM7.1 Sustainable design and construction statements
DM7.3 Decentralised energy networks
DM7.4 Sustainable design standards
DM7.5 Heating and cooling

Employment

DM5.1 New business floorspace
DM5.2 Loss of existing business floorspace
DM5.4 Size and affordability of workspace

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

Transport

DM8.1 Movement hierarchy
DM8.2 Managing transport impacts
DM8.3 Public transport
DM8.4 Walking and cycling
DM8.5 Vehicle parking
DM8.6 Delivery and servicing for new developments

Infrastructure

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

D) Site Allocations June 2013zxcbg

KS1 Pentonville Road, Rodney Street and Cynthia Street

3. Designations

The site has the following designations under the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:

- Site Allocation KC1 Pentonville Road, Rodney Street and Cynthia
- Employment Growth Area (Development Management Policies)
- Kings Cross & Pentonville Road Key Area (Core Strategy)
- Article 4 for Flexible Uses
- Controlled Parking Zone
- Not located within the Central Activities Zone (CAZ)
- Within 200 metres of RS2 Crossrail 2
- Site within 100m of a TLRN Road
- LV7 Local view from Dartmouth Park Hill
- Within 50m of New Rover Conservation Area
- Within 50m of Chapel Market/Baron Street Conservation Area

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

The following SPGs and/or SPDs are relevant:

Islington Local Plan

- Environmental Design (Oct 2012)
- Conservation Area Design Guidelines
- Inclusive Landscape Design (Jan 2010)
- Inclusive Design in Islington (Feb 2014)

London Plan

- Accessible London: Achieving and Inclusive Environment
- Sustainable Design & Construction
- Planning for Equality and Diversity in London
- City Fringe Opportunity Area Planning

- Planning Obligations & S106 (Nov 2013) Framework
- Islington Urban Design Guide (Dec 2006)
- Streetbook (Oct 2012)
- King's Cross Neighbourhood Framework (July 2005)

APPENDIX 3: DESIGN REVIEW PANEL COMMENTS



CONFIDENTIAL

ATT: Mr Oliver Jefferson
The Charlotte Building
17 Gresse Street
London W1T 1QL

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Planning and Development
PO Box 333
222 Upper Street
London
N1 1YA
T 020 7527 2389
F 020 7527 2731
E Luciana.grave@islington.gov.uk
W www.islington.gov.uk

Our ref: DRP/76

Date: 04 November 2015

Dear Oliver Jefferson,

ISLINGTON DESIGN REVIEW PANEL

RE: 4-8 Rodney Street, London, N1 9JH – in connection with Q2015/1918/MJR

Thank you for attending Islington's Design Review Panel meeting 14 October 2015 for a review of the above scheme. The proposed scheme under consideration is for a mixed-use scheme of offices (B1a), research and development (B1b) and education (D1). The scheme includes a new part-5/part-6 storey building of the front of the site, renovation of the existing building, infill of the whole plot of the site at ground floor level and part-2/part-3 storey extensions adjoining the existing building to the rear (officer's description).

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 Richard Portchmouth (chair), Charles Thomson, Ben Gibson, Paul Reynolds, Thomas Lefevre and Marcus Lee on 14 October 2015 including a site visit, a presentation from the design team followed by a question and answers session and deliberations at the offices of the London Borough of Islington. The views expressed below are a reflection of the Panel's discussions as an independent advisory body to the council.

Panel's observations

The Panel was generally supportive of the ambition of the project and the design approach, but felt further development was required to several areas in order to reduce or remove the concerns raised by the Council.

Neighbouring buildings and context

The Panel felt it would have been very helpful to have been shown the proposed design in the context of the approved scheme (P2014/1017/FUL) on the adjoining site (2 Rodney Street) in order to fully understand the future context of the scheme.

Panel members raised concerns over potential daylight/sunlight issues with Rodney House and also with the consented scheme adjacent to the site at 2 Rodney Street.

The Panel welcomed the retention of the Chocolate Factory, but commented that the relationship between the Chocolate Factory and the new building needed to be carefully considered. With the proposed changes in levels surrounding the Chocolate Factory building it is likely that its foundations will be exposed and need to be carefully accommodated within the new development. Panel members also felt that the relationship between the old and the new could be very interesting and enjoyable.

The Panel suggested that it would be interesting to find out what is planned for the car parking between the site and Rodney House as this could impact on the proposals to this site or could potentially be incorporated into the scheme.

Front Facade

Panel members welcomed the idea of creating a transparent elevation “borrowing” and connecting with the landscape from the park opposite. However, some concerns were raised about the design of the front façade, and in particular the functional challenges of the openable frameless glass panels and the possible need for frames and the acoustic impact.

The Panel suggested that it may be worth exploring the relocation of the front entrance and flipping the ground floor plan so that the access is not adjacent to the Europcar entrance, but accepted that this may be difficult due to rights of lights issues with Rodney House.

Panel members did not object to the set back ground floor, but felt this was another area that needed to be explored further within the context of the approved scheme next door.

Panel members felt that further details would be required for the boundary between the formal outdoor play space and the green roof at roof level.

Flank wall

The Panel also expressed concerns with the impact of the proposed large blank wall which will front Rodney House. Panel members acknowledged that this wall was a significant challenge, but believed this could be overcome with further development. Panel members felt that this aspect needed a sophisticated response and, although the architects indicated that they have begun addressing this, the Panel advised that further consideration and detailed studies are required to demonstrate a good outlook is provided for Rodney House.

The Panel felt that the treatment to the flank wall should be carefully considered to ensure that it will age as intended.

Panel members asked whether an overhang or picture window to the flank elevation, that did not look into Rodney House but onto the park, could be negotiated.

Summary

In conclusion, panel members were very supportive of the ambition of the project and felt that the principle of introducing new buildings to compliment the Chocolate Factory was an interesting idea. The Panel felt that the new buildings adjoining and around it would create very rewarding juxtapositions. The Panel were generally supportive of the material approach and simple elegant building, but felt that the detail would enrich it further and therefore that the detailing of this building was very important. Panel members acknowledged that the daylight/sunlight issue needed to be resolved between architects and Islington. In terms of urban design and massing and the contribution to the streetscape the panel were supportive

and thought the building sat comfortably in its context. The Panel also acknowledged that the blank flank wall fronting Rodney House was also a significant challenge in terms of the design. Panel members enjoyed the design proposals, but felt there were certain areas that needed to be developed and embellished further.

Thank you for consulting Islington's Design Review Panel. If there is any point that requires clarification please do not hesitate to contact me and I will be happy to seek further advice from the Panel.

Confidentiality

Please note that since the scheme is at pre-application stage, the advice contained in this letter is provided in confidence. However, should this scheme become the subject of a planning application, the views expressed in this letter may become public and will be taken into account by the council in the assessment of the proposal and determination of the application.

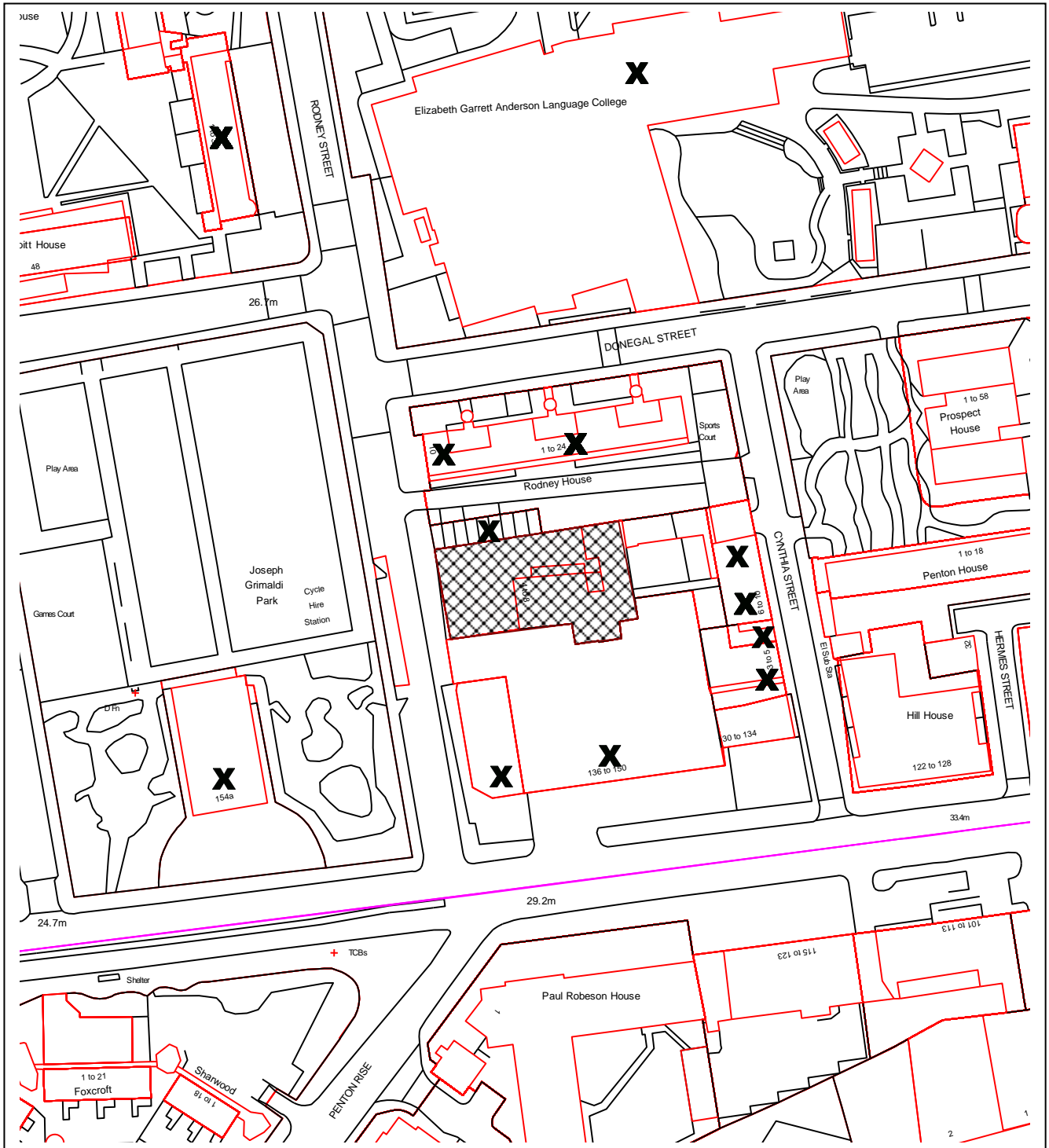
Yours sincerely,

A handwritten signature in black ink, appearing to read 'Lucy', written in a cursive style.

Luciana Grave
Design Review Panel Coordinator
Design & Conservation Team Manager

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Islington SE GIS Print Template



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PLANNING COMMITTEE REPORT

Development Management Service
 Planning and Development Division
 Environment and Regeneration Department
 PO Box 3333
 222 Upper Street
 LONDON N1 1YA

PLANNING COMMITTEE		
Date:	19 April 2016	

Application number	P2015/4725/FUL
Application type	Full Planning Application
Ward	Bunhill
Listed building	No
Conservation area	No (Hat and Feathers CA within 50m)
Development Plan Context	Bunhill & Clerkenwell Core Strategy Area, Central Activities Zone, Employment Priority Area (General), Pear Tree Street site allocation, adjacent to Seward St playground site allocation
Licensing Implications	No
Site Address	National Grid site, 1 Pear Tree Street and Land Adjoining, London EC1V 3SB
Proposal	Demolition of existing National Grid building and replacement with a 4 and 5 storey building to create circa 4,240sqm (gross) B1 office floorspace including 600sqm National Grid office accommodation at part first and second floors and parking at ground floor both associated with depot use.

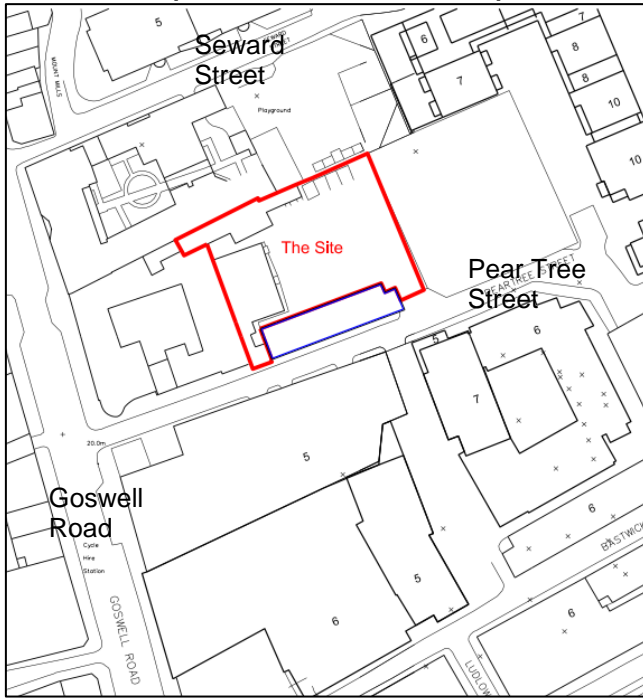
Case Officer	Amanda Peck
Applicant	no information given
Agent	GML Architects

RECOMMENDATION

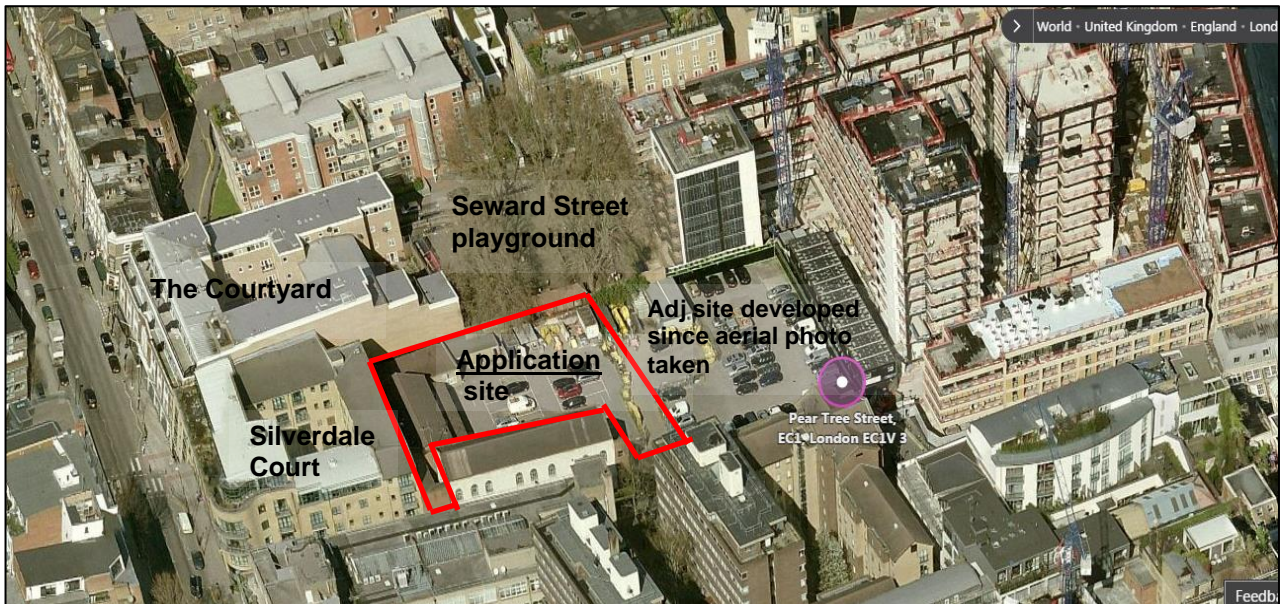
The Committee is asked to resolve to **GRANT** planning permission:

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 black)



PHOTOS OF SITE/STREET



Aerial photograph



Existing vehicles and buildings on site



Existing entrance from Pear Tree Street



view looking west along Pear Tree Street



Views looking east along pear tree street



Existing buildings on opposite side of Pear Tree Street



View from Seward Street looking south towards playground and rear of site

1. SUMMARY

- 1.1 The application site is located on the northern side of Pear Tree Street between Goswell Road and Central Street. The site is currently in use by National Grid as a depot to support and carry out emergency repairs for National Grid gas infrastructure in and around central London. There is an existing vehicular entrance from Pear Tree Street, a car park and small single and two storey buildings on site associated with the National Grid operation. The application site is phase 2 of site allocation BC16 and is adjacent to site allocation BC15 at the Seward Street playground. This application follows the recent redevelopment of phase 1 of site allocation BC16 to the east and the street frontage building to Pear Tree Street forms part of phase 2 to the south.
- 1.2 The proposal is for the demolition of the existing buildings and redevelopment of the site to provide a building with 5 storeys to the centre of the site stepping down to 4, 3 and 1 storeys. The site is surrounded by buildings and only has very limited street frontage to Pear Tree Street, with a 5m frontage forming the proposed B1 entrance at ground floor and a 6m frontage forming the proposed National Grid vehicular and office entrance. The majority of the building is proposed to be in general B1 office use (approximately 4,240sqm total GEA) with the approximately 600sqm (GEA) of self contained National Grid offices to part of the 1st and 2nd floors and parking at ground floor, both associated with the re-provided depot use.
- 1.3 During the course of the application the proposal has been amended with the building being reduced in height by one storey to the Pear Tree Street frontage adjacent to the Orchard Building; being set back further at the rear at first and second floor levels by 1.8m away from the TPO trees at the rear; and being brought forward at fourth floor level at the rear western corner by 4.6m. Additional information has also been submitted with a construction method statement detailing that the existing boundary wall will be retained and the piling method adjacent to the TPO trees and the arboricultural report has been amended in line with this. Amendments have also been made to the sunlight/daylight assessment, energy assessment and transport statement.
- 1.4 The land-use is considered to be acceptable as it will deliver a quality office development that would re-provide and improve the existing National Grid office floorspace as well as providing additional general office (B1a) floorspace on the site, and provide 2 small workspace units suitable for small and micro enterprises (SME's) (equivalent to 5% of the overall floorspace, in line with policy). The application would contribute financially towards the Council's delivery of affordable housing on Council-owned sites with a contribution of £264,000 and secure an employment and training contribution of £33,175.
- 1.5 The proposal would introduce a building of a good quality design with an appropriate scale and which successfully references the surrounding context. The top storey would be visible from surrounding residential buildings but would barely be visible from Pear Tree Street and neighbouring streets given the tight knit street layout. The development adjoins the Seward Street playground, which is already surrounded by residential buildings of a similar height to the east and west. The existing view from the playground looking south onto the application site is of the long, mainly blank, masonry rear elevation of the recently constructed adjacent frontage building. The view from the playground could therefore be enhanced with the new building. In addition, the ground floor wall facing the playground is proposed to have a decorative brick pattern in order to provide some visual interest at playground level.
- 1.6 The site will continue to be used as a depot to support and carry out emergency repairs for National Grid gas infrastructure in and around central London. The number of staff on site varies day by day and week to week based on the number of emergency call outs

required and staff travel from other depots when needed. National Grid's requirement is for 14 operational vehicles on site made up of a mixture of vans and on call emergency responders. They also require storage space for trailers, mini-diggers, transformers, generators and traffic management equipment. The vehicles are parked on site until they are required to deal with incidents and once work has been carried out the vehicles and associated equipment are returned to the site. Vehicle movements associated with the National Grid use will be similar to existing and for the new general office floorspace the Transport Statement concludes that the new office use will not generate additional private car trips as staff will either walk or use public transport.

- 1.7 The proposal does result in the loss of sunlight and daylight ground floor windows at the Orchard Building servicing 2 units in excess of the traditional BRE guidelines, but if the more site specific 'mirror image' test is used the scheme meets BRE guidelines. 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 the immediate surroundings. The building has been designed to step away from surrounding existing buildings at upper floors and the proposal would repair the urban grain by restoring appropriate building lines on Pear Tree Street on either side of the existing frontage building. Balancing the townscape and other benefits against the sunlight and daylight losses to these properties, the harm to the 2 ground floor residential units at the Orchard Building is on-balance accepted.
- 1.8 The application has been considered with regard to the Development Plan and National Planning Policy Framework (NPPF) and the NPPG and Ministerial Statement dated 28th November 2014, including the presumption in favour of sustainable development. The comments made by residents and consultee bodies have been considered.
- 1.9 The proposal is considered to be acceptable and is recommended for approval subject to conditions and a Section 106 (S106) agreement to secure the necessary mitigation alongside CIL payments.

2. SITE AND SURROUNDING

- 2.1 The application site is located on the northern side of Pear Tree Street between Goswell Road and Central Street. The site is currently in use as a National Grid as a depot to support and carry out emergency repairs for National Grid gas infrastructure in and around central London. There is an existing vehicular entrance from Pear Tree Street, a car park and small single and two storey buildings on site associated with the National Grid operation.
- 2.2 The surrounding area is mixed with residential apartments (many in recently completed developments) to the east along Pear Tree Street and in the adjacent buildings on Goswell Road. There are offices to the ground floor of some of the recent developments and a printing/packaging premises opposite the site on the southern side of Pear Tree Street.
- 2.3 The site is located close to the Hat and Feathers Conservation Area to the west, with the adjacent Silverdale Court and properties along Goswell Road falling within the Conservation Area. The site is also within Bunhill & Clerkenwell Core Strategy key area, the Central Activities Zone and the Great Sutton Street Employment Priority Area (General). The application site is phase 2 of site allocation BC16 and is adjacent to site allocation BC15 at the Seward Street playground.
- 2.4 Site allocation BC16 is for large site on Pear Tree Street and the application site falls within the western end (phase 2). The eastern end has recently been developed as

phase 1 of BC16 with residential buildings known as the Orchard Building and Dance Square and a new public square/route connecting Pear Tree Street and Seward Street (P110653 see planning history below). The site allocation acknowledges that planning permission has been granted for the eastern end as a phase 1 and refers to the western end as phase 2. For phase 2 a mixed use development incorporating a substantial element of business floorspace, alongside residential uses and associated amenity space is expected. The site allocation refers to the following with regard to the design considerations and constraints on the entire site:

- New buildings should respect the wider context and intimate character of Pear Tree Street;
- Care will need to be taken with the relationship of new buildings with TPO trees located in the Seward Street playground;
- Buildings should provide a positive frontage and overlooking onto Seward Street playground; and
- Improved north-south access linking Pear Tree Street to Seward Street playground should be provided.

2.5 Phase 2 has consequently been divided further, with the narrow street frontage building on Pear Tree Street being recently redeveloped with a 5 storey building with commercial office space at ground and first floor and 8 flats to the upper floors (P120025 see planning history below). The application site is the remainder of phase 2, being bounded by the side and back elevations of surrounding developments (the Courtyard Building to the north, Silverdale Court to the west, the phase 2 street frontage building to the south and the Orchard Building/Dance Square to the east).

3. PROPOSAL (IN DETAIL)

3.1 The proposal is for the demolition of the existing buildings and redevelopment of the site to provide a building with 5 storeys to the centre of the site stepping down to 4, 3 and 1 storeys. The site is surrounded by buildings and only has very limited street frontage to Pear Tree Street, with a 5m frontage forming the proposed B1 entrance at ground floor and a 6m frontage forming the proposed National Grid vehicular and office entrance. The majority of the building is proposed to be in general B1 office use (approximately 4240sqm total GEA) with the approximately 600sqm (GEA) of self contained National Grid offices to part of the 1st and 2nd floors and parking at ground floor, both associated with the re-provided depot use.

Revisions

3.2 The application has been revised since submission as follows:

- Reduction in height by one storey to part of the building along Pear Tree Street frontage adjacent to the Orchard Building;
- Building line set back further at the rear at first and second floor levels by 1.8m, away from the existing TPO trees;
- Building line brought forward at fourth floor level at the rear western corner by 4.6m;
- Additional information has also been submitted with a construction method statement detailing that the existing boundary wall will be retained and the piling method adjacent to the TPO trees and the arboricultural report has been amended in line with this; and
- Additional information has been submitted with an amended sunlight/daylight assessment, energy assessment and transport statement.

4. RELEVANT HISTORY

Application site

4.1 Planning applications

Two applications for temporary single storey office buildings (81/2007) and a 2 storey amenity block (82/1127) at the “North Thames Gas Depot” in 1981 and 1982.

4.2 Pre-application advice

- Q2015/1532/MJR – Pre application meetings were held on 11 June 2015 and 21 August 2015 for the demolition and replacement with a 4 and 5 storey office building (including national grid offices) to create B1 floorspace and National Grid office accommodation. Pre-application advice was provided on 6 July, 13 July and 21 August 2015 and it was advised that the principle of an office development appeared acceptable along with the provision of affordable workspace and a financial contribution towards affordable housing. The bulk and height appeared acceptable subject to further discussion on the detailed design. The applicant was advised that the trees in the Seward Street playground at the rear are protected by a TPO and any development must not impact on the roots or tree canopy of these trees.

Nearby sites

4.3 Planning applications

1 Pear Tree Street (to the front of application site)

- P2013/4817/S73 – Minor material amendment to Planning Permission Ref P120025 dated 30/3/12 including increase in footprint of 4th floor and alterations to elevations. Approved 5 February 2014.
- P120025 – Demolition of existing 2 storey building and erection of a 5 storey mixed use building to provide 446m² of commercial office space (Use Class B1) at ground and first floor and 8 flats above (comprising 1 x four-bed, 6 x two-bed and 1 x one-bed flats). Approved 30 March 2012.
- P112369 – Erection of a five storey building with office use (Use Class B1) on ground floor and first floor; 8 flats, 6 two bedroom flats at second and third floor, 1 one bedroom flat and 1 four bedroom flat at fourth floor (including demolition of existing two storey office/industrial building (Use Class B1/B8). Refused 8 December 2011 and allowed at appeal 27 June 2012.

1 Pear Tree Street (to the east of application site)

- P2013/0927/NMA - Non material minor amendment of planning permission reference P110653 dated 9 November 2011. The amendments involve: (i) Replacement of cycle cages with 2 tier cycle racks (ii) Reduction in height of gates leading to rear courtyard (iii) reduction in height of metal grills connecting the building to the neighbouring development. Approved 24 April 2013.
- P110653 - Erection of part 5, part 6-storey building providing for 45 dwellings and 354sqm business (class B1) floorspace together with the creation of public realm/open space and associated works. Approved 9 November 2011.

122 Goswell Rd and 15 Bastwick St (to the south of the application site on Pear Tree St)

- P111829 - Redevelopment of the site to provide student accommodation (805 rooms), sports centre (3,175sqm), university teachings space (2,525sqm) and associated works and landscaping. Approved 30 March 2012.

5. CONSULTATION

Public Consultation

5.1 Letters were sent to occupants of 233 adjoining and nearby properties on 15/12/15. A site notice and press advert were displayed on 17/12/15. The public consultation of the application therefore expired on 07/01/16, however it is the Council's practice to continue to consider representations made up until the date of a decision.

5.2 At the time of the writing of this report a total of 15 responses had been received from the public with regard to the application. The issues raised can be summarised as follows

(with the paragraph that provides responses to each issue indicated within brackets):

Amenity impact on Orchard Building and Silverdale Court

- Noise from 24 hour operation by National Grid (noisy vans, waste bin collections) **(see para. 8.43-8.45);**
- Impact on daylight/sunlight as proposal does not comply with BRE standards for the Orchard Building **(see paras. 8.28-8.38);**
- Impact on daylight/sunlight to windows that face internal courtyard at Silverdale Court (some of which are single aspect units) **(see paras. 8.28-8.38);**
- Impact on the daylight/sunlight to courtyard at Silverdale Court and communal garden at the Orchard Building **(see paras. 8.28-8.38);**
- Height should be reduced to overcome issues above **(see paras. 8.20 & 8.28-8.38);**
- Overlooking impact from roof terraces and windows **(see paras. 8.39 & 8.40);**
- Clarity needed on floor levels in relation to existing residential **(Officer comment; annotated sections have been submitted by the applicant showing the relationship with surrounding buildings);**
- Aerial photos and location plans do not show this building as they are out of date **(Officer comment: The aerial photos are out of date but this has not impacted upon the assessment of the scheme as the plans and elevations are up to date and officers have carried out site visits);**
- Error in daylight/sunlight report as Silverdale Court is 4 storeys at boundary and is not taller than the proposed development **(Officer comment: The daylight/sunlight report has been corrected);**

Trees

- Impact on trees at Seward Street Playground **(see para. 8.22-8.25);**

Use

- No need for offices in the area but there is a need for housing instead **(see paras. 8.2-8.4);**

Transport

- Pear Tree Street should be reverted to one way traffic due to the increase in traffic, the narrowness of the road and the presence of a nursery in the square adjacent to the Orchard Building **(see para. 8.61);**

Construction impact

- Construction impact on road surface as after months of repair work the road is now in excellent condition **(see paras. 8.55 & 8.56);**
- Construction hours should be restricted **(see paras. 8.55 & 8.56);**
- Construction would block emergency vehicles **(see paras. 8.55 & 8.56);**

General

- Inaccuracy of drawings – existing elevation 3 (north) is inaccurate as not all windows are shown and reglit glass planks do not exist **(officer comment: The drawings have been amended and are now correct);**
- There is a litter problem in the area and the proposal will increase this. The new building should be required to provide adequate rubbish bins **(see para. 8.52).**

External Consultees

5.3 Transport for London

- TfL notes that the office use proposed is car free, which is supported. The Council, in conjunction with the developer, should assess whether this development will trigger the need for additional blue badge parking.
- A car park will be provided for operational fleet vehicles associated with the existing National Grid building. The use of this car park solely for operation vehicles only should be secured in the planning conditions/Section 106 agreement.
- Car parking should also be equipped with electric vehicle charge points to accord with London Plan standards and company cars should also be exempt from parking

- permits in a Controlled Parking Zone (except for blue badge holders).
- Cycle parking should comply with London Plan standards (short stay and long stay provision).
- Cycle changing facilities (such as showers) should be provided for staff and secured by planning condition.
- A Construction and Logistics Plan and Delivery and Service Plan should be secured by condition.
- TfL also expects that a Travel Plan will be secured as part of the application.

Internal Consultees

5.4 Policy Officer

- London Plan and Council Policies require residential accommodation to be provided on-site where major office developments are proposed in the CAZ. Only when on-site residential is not appropriate should an off-site financial contribution be considered. The applicants have justified making an off-site contribution due to the difficulty in providing on-site dwellings, primarily around the provision of separate entrances and cores. It is accepted that residential units are not appropriate at this site and a contribution lieu of on-site provision should be sought.
- There is a further policy requirement for residential when looking at the BC16 site allocation as a whole, which requires mixed use development. Previous consents have delivered residential which have satisfied this element.
- The BC16 site allocation refers to improved north-south access linking Pear Tree Street to Seward Street playground. The development of adjacent sites has provided this pedestrian link and therefore there is no requirement for this scheme to provide it.
- There is a significant uplift in B1 floorspace and this uplift is welcomed and supported in policy terms and appears to incorporate the maximum amount of business floorspace reasonably possible on site, in line with policy.
- Policies require the provision of retail or leisure uses at ground floor, alongside non B1 floorspace, floorspace that may be suitable for accommodation by micro and small enterprises and/or affordable workspace. There is no retail or leisure proposed on the site but this is not of any concern given the overriding priority to maximise business floorspace and the close proximity of these uses elsewhere. Affordable or SME workspace should be secured via a S106.
- The scheme should be car free. Parking for non-residential development will only be permitted where it is operationally essential and integral to the nature of the business or service. It is understood that National Grid operates a fleet of vehicles already from this site, as its Central London Emergency Operations Centre. As this is a new development the parking proposed must be justified to satisfy policy and a S106 should be used to ensure that spaces are not used for ordinary staff parking.

5.5 Design and Conservation Officer

- The applicant has responded to some of the detailed design suggestions made at pre-app stage. Given that the principal new elevations are to the rear of the property and the designs proposed are in keeping with those of the adjacent properties, any improvements to the design can be secured by condition rather than refusing the application on design grounds.
 - Pv panels should not be visible from Seward Street;
 - High quality yellow stock brick should be used or a textured brick within the same/similar colour palette as the frontage building;
 - Window designs should be amended to avoid visual duality and the proportions of the windows could be amended by adding panes, mullions, transoms, horizontal or vertical panels; and
 - Terraces should be easily accessible.

5.6 Tree Officer

Initial comments

- There are two London plane trees directly adjacent to the site that will be affected by the development. These trees contribute materially to the amenities of the locality, playing an important part in providing a sense of scale, maturity and textural diversity to the immediate vicinity. They are protected by a tree preservation order LBI TPO (NO.370) 2007 and pre-date the surrounding developments.
- The submitted detail does not adequately consider the above and below ground impacts on these trees and the tree constraints have not been adequately considered in the proposed design. The juxtaposition between the development and the trees creates conflicts which cannot be resolved other than by setting the building back further from the trees:

Below ground

- The root protection area (RPA) is shown as unobstructed circle and this should be amended to consider the underground constraints of the existing buildings and the existing boundary wall as they could have deflected the roots.
- The foundations for the new rear boundary wall will dissect the RPA of the trees and this is not mentioned in the assessment. The loss of roots and rooting volume will be inappropriate and unacceptable.
- The report suggests that the existing hard boundary and surface will be retained as protection for the RPA and this is not the case.
- There is limited detail on the proposed surface treatment within the RPAs. Although this detail will be irrelevant if all the root ingress onto the site is removed to facilitate the foundations.
- Spot levels for the proposed ground floor and the adjacent playground have not been included.

Above ground

- There is no proposed tree pruning to facilitate construction in the report, but from the measurements provided and the plans there is conflict between the canopy of T1 and the rear elevation at 1st and 2nd floors and pruning will be required to facilitate construction along with post development pressure on these trees for continued pruning.
- The trees have enjoyed largely unobstructed light from the aspect the proposal would now block. The impact of the loss of light on the trees and the playground do not appear to have been considered.

Comments on revised details

- The construction method statement states that the boundary wall is to be retained and QuadraPile helical piles are to be used and this detail is sufficient to alleviate concerns regarding the proposed boundary treatment on the TPO trees. Above ground.
- The amended arboricultural assessment and an officer site visit has confirmed that the tree canopy is further away from the building than initially thought. The applicant has confirmed that the tree will be pruned to ensure a 2m clearance between the rear elevation and the tree canopy and this is acceptable.

5.7 Access Officer

- Accessible parking should be provided: there should be at least one space for visitors and one space for any employee who needs it.
- The gates that lead to the car park should be suitable for use by disabled people (preferably without the disabled person having to leave the car). The pedestrian gate should have a flush threshold and an effective clear width of at least 1000mm.
- Various requirements for minimum widths to internal and external doors including cycle storage doors as well as **manifestations**.

- Cycle parking area requires an adequate element of parking suitable for accessible/adapted bicycles and tricycles.
- Various requirements for the reception area and counter, WC/shower facilities, shared refreshment facilities, internal stairs will need to comply with Approved Documents M of the Building Regulations (ADM) and the Council's SPD.
- The route into the accessible WC is potentially awkward for wheelchair users as they have to negotiate the two doors and lobby.
- There do not appear to be any ambulant disabled WC cubicles provided.
- Welcome the provision of 2 lifts, one should be suitable for use for evacuation.

5.8 Energy Conservation Officer

Initial comments

- The scheme meets London Plan target for regulated CO2 emission reduction and this is welcomed.
- The scheme falls short of the Council's policy requirement for total CO2 emission reduction at 23% rather than 39% where connection to a decentralised energy network is possible or 27% where it is not possible. Further measures to meet the council's CO2 reduction target should be explored (improved window u values.
- An CO2 offset contribution of £80,831 should be secured with a S106 agreement.
- BREEAM assessment shows an interim design stage score target of 72.02% (excellent).
- Dynamic thermal modelling results are required along with clarification on capacity output of boiler system; lighting system controls; further information on the cooling hierarchy.
- The report incorrectly states that the Bunhill Heat Network is not in operation and it has been in operation since 2012. Further evidence is needed regarding the viability of connection to the heat network.
- Further clarification required regarding communal heating viability and future proofing the site.
- PV panels are an appropriate choice for this development and the applicant has demonstrated how their use has been maximised.
- Green Performance Plan required.
- Clarification of current heating proposals for the commercial area.

Comments on revised details

- The amended energy statement now proposes connection to the Bunhill Network and this is supported and the CO2 offset contribution of £80,831 should be secured with a S106 agreement

5.9 Street Environment Services

Satisfied with the proposal for refuse collection from Pear Tree Street.

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

- 6.3 Under the Ministerial Statement of 18 December 2014, the government seeks to increase the weight given to SuDS being delivered in favour of traditional drainage solutions. Further guidance from the DCLG has confirmed that LPA's will be required (as a statutory requirement) to consult the Lead Local Flood Authority (LLFA) on applicable planning applications (major schemes).

Development Plan

- 6.5 The Development Plan is comprised of the London Plan 2015 (Consolidated with Alterations since 2011), Islington's Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.

Designations

- 6.6 The site has the following designations under the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations June 2013.

Islington Local Plan

Bunhill & Clerkenwell Core Strategy key area
Central Activities Zone
Great Sutton Street Employment Priority Area (General)
Within 50m of Hat and Feathers Conservation Area
Site allocation BC16 "NCP car park, 1 Pear Tree Street"
Within 50m of site allocation BC15 "Seward Street playground"

London Plan

Central Activities Zone

Supplementary Planning Guidance (SPG) / Document (SPD)

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

7. ENVIRONMENTAL IMPACT ASSESSMENT

- 7.1 No EIA screening/ scoping opinion was requested by the applicant and no formal decision has been made by the Council. The development does not fall within 'Schedule 1' and is not within a sensitive area (SSSI, AONB, World Heritage Site). It does not fall within Schedule 2 (being an urban development project on a site smaller than the 5ha or 150 dwelling threshold). Using the criteria and thresholds for Schedule 2 schemes (characteristics of development, location of development and characteristics of the potential impact), it is considered that the scheme would not constitute a 'major development' of more than local importance, be within a 'environmentally sensitive location' or 'create any unusual or hazardous effects' pursuant to the selection criteria of Schedule 3 of the EIA 2011 regulations.

8. ASSESSMENT

- 8.1 The main issues arising from this proposal relate to:
- Land use
 - Design and appearance
 - Amenity impacts
 - Accessibility
 - Highways and transportation
 - Sustainability, Energy Efficiency and Renewable Energy

Land-use **Employment**

- 8.2 Core Strategy Policy CS7 states that employment development within Bunhill and Clerkenwell will contribute to a diverse local economy, which supports and complements the Central London economy. The entire site is within the designated Central Activities Zone (CAZ). Policy CS13 encourages new employment floorspace to locate in the CAZ, protects existing employment space and requires development to provide jobs and training opportunities.
- 8.3 The 'Finsbury Local Plan (Area Action Plan for Bunhill and Clerkenwell)' June 2013 (FLP) is applicable for the site. FLP Policy BC8 'Achieving a balanced mix of uses', as supported by Figure 16, applies and identifies this site as being located within an Employment Priority Area (General) (the Great Sutton Street area). Part A(ii) requires proposals to incorporate the maximum amount of business floorspace reasonably possible on site. Part B states that the employment floorspace component of a development should not be unfettered office (B1a) use and must, where appropriate, include retail or leisure uses at ground floor alongside specified other uses such as non-B1 business or business-related floorspace (e.g. workshops, galleries); and/or small retail units/offices; and/or affordable workspace.
- 8.4 The additional office floorspace proposed is in line with policy and the maximum amount of business floorspace has been provided on site. The site is located off of a main road, with a minimal street frontage and the scheme provides two office entrances (one for the general office and one for the National Grid offices) as well as the National Grid operational parking. It is therefore considered that there is no scope to provide an additional use that requires a street frontage or entrance, just as retail or leisure.
- 8.5 The scheme includes the re-provision of the National Grid office floorspace which is associated with the existing depot use and is currently housed in single and 2 storey buildings within the site.
- 8.6 Site allocation BC16 states that for phase 2 a mixed use development incorporating a substantial element of business floorspace, alongside residential uses and associated amenity space should be provided. It is considered that, together, the development of the front part of the site for residential units (approved under P120025) and the application part of the site for office floorspace (with this current separate planning application) would achieve this overall site aim. Please also refer to the paragraphs 8.9-8.12 regarding the requirement for residential floorspace in line with policy DM5.1 and BC8.
- 8.7 Policy DM5.4 states that major development proposals for employment floorspace must incorporate an appropriate amount of affordable workspace and/or workspace suitable for occupation by micro and small enterprises. Part B of Policy BC8 states that for proposals in excess of 10,000sqm this should be equivalent to at least 5% of the total amount of employment floorspace. The proposal is for approximately 3,220sqm (NIA) of office floorspace (including approximately 500sqm (GIA) replacement National Grid floorspace). In accordance with policy this includes approximately 161sqm of workspace suitable for small and micro enterprises (SME) at ground floor level, equivalent to 5% of the total amount of employment floorspace. This is provided as 2 units of less than 90sqm each (one at 90sqm and one at 71sqm) which are accessed via the main office entrance and are located behind the reception area.
- 8.8 A key issue is to ensure that this space is suitable for SME's and this will be secured with a S106 Head of Term to ensure that the space is leased in accordance with the provisions of policy DM5.4A and C and BC8B(ii) (either as small units or with information to demonstrate that the floorspace will meet the needs of small or micro enterprises). Conditions 3 and 4 are also recommended to ensure that the units cannot be let to a

single occupant or amalgamated with the rest of the office floorspace in the building.

Residential

- 8.9 Part D of policy CS7 states that housing growth will be sought across the area with a wide range of dwelling types, affordable tenures and family sized homes. Part D of DM5.1 and part D of policy BC8 states that within the CAZ where major development proposals result in a net increase in office floorspace, housing should be included and the total amount of housing floorspace should be equivalent to at least 20% of the total net increase in office floorspace. Policy DM5.1 allows for a financial contribution towards affordable housing instead, where it is not appropriate for housing to be provided on site.
- 8.10 At pre-application stage options were submitted that included one floor of residential accommodation. These options illustrated the problems with providing the additional residential entrance and lift/stair core as the B1 office entrance would be unacceptably compromised and the residential entrance would also be of an unacceptable design. In addition the location of the necessary refuse and cycle storage areas for each use would be difficult to accommodate and access. Given these site constraints it is considered more appropriate to require a financial contribution towards the off-site provision of affordable housing in this instance. The financial contribution required is £264,000 and is calculated in line with the Planning Obligations SPD.
- 8.11 The applicant has agreed to this financial contribution and a viability assessment has therefore not been required. The contribution will be secured with a S106 legal agreement.
- 8.12 In summary, the land-use is considered to be acceptable as it will deliver a quality office development that would re-provide and improve the existing National Grid office floorspace as well as providing additional general office (B1a) floorspace on the site, and provide 2 small workspace units suitable for SME's. The application would contribute financially towards the Council's delivery of affordable housing on Council-owned sites with a contribution of £264,000 and secure an employment and training contribution of £33,175.

Design and appearance

- 8.13 The site is surrounded by buildings along Pear Tree Street that are 4, 5 and 6 storeys in mainly recent developments, rising to a 10 storey element in phase 1 to the east. Goswell Road is predominantly 4 and 5 storeys. The Seward Street Playground to the rear of the site and is characterised by large mature trees.
- 8.14 The site is not located within a conservation area, but the adjacent buildings at Silverdale Court and a number of buildings on this part of Goswell Road are located within the Hat and Feathers Conservation Area. There is no policy basis for the retention of any of the buildings on site as they are not locally or statutorily listed. The demolition of the buildings is therefore not resisted.
- 8.15 The scheme has been subject to pre-application advice in Summer 2015. The proposal has been revised since the pre application discussions with the top floor set back in line with the adjacent recently constructed frontage building and the rear elevation design being worked up in more detail. During the course of this application the scheme has also been amended with a reduction in height at the front adjacent to the Orchard Building and the rear building line has been set by 1.8m away from the nearby TPO trees.
- 8.16 Policy DM2.1 requires high quality, inclusive design for all developments. The Islington Urban Design Guide states that buildings should reinforce the character

of an area by creating an appropriate and durable fit that harmonises with their setting. New building should create a scale and form of development that is appropriate in relation to the existing built form so that it provides a consistent / coherent setting for the space or street that it defines.

Layout

- 8.17 The site allocation (BC16) refers to improved north-south access linking Pear Tree Street to Seward Street playground. The site allocation relates to a site larger than the application site and the new north-south access has already been provided as part of phase 1 to the east (Orchard Building/Dance Square). There is therefore no requirement to provide a separate pedestrian access/through route as part of this scheme.

Height

- 8.18 Policy BC9 (Tall Buildings and contextual considerations for building heights) sets out areas where tall buildings may be considered appropriate and this site is not within such a location. Elsewhere building heights must respond to the local context and the plan accompanying policy BC9 identifies this area as being characterised by a platform building height of around 6 storeys.
- 8.19 The proposal is for 5 storeys in total with the taller element being behind the existing building which fronts Pear Tree Street. The building has been stepped down towards the rear towards the Seward Street Playground and adjacent residential buildings. The top storey would be visible from surrounding residential buildings but would barely be visible from Pear Tree Street and neighbouring streets given the tight knit street layout. The development adjoins the Seward Street playground, which is already surrounded by residential buildings of a similar height to the east and west. The existing view from the playground looking south onto the application site is of the long, mainly blank, masonry rear elevation of the recently constructed adjacent frontage building. The view from the playground could therefore be enhanced with the new building. In addition, the ground floor wall facing the playground is proposed to have a decorative brick pattern in order to provide some visual interest at playground level.
- 8.20 Objections have been raised regarding the proposed height and the potential associated amenity impacts, along with requests that the building is reduced in height to overcome these potential impacts. The objections do not relate to the proposed design or height and the amenity impact issues is addressed below at paragraphs 8.28-8.38.

Elevation design and materials

- 8.21 The detailed design takes its cue from the industrial nature of the area and the new development to the east of the site. Yellow stock brick is proposed with large glazed windows of a similar size and vertical emphasis to adjacent buildings on Pear Tree Street. Condition 15 is proposed to secure appropriate materials. The submitted drawings show the ground floor wall facing the Seward Street playground to be demolished and rebuilt with a decorative brick pattern, with columns and blank 'windows' in order to provide some articulation to the playground. During the course of the application it has been confirmed that where the boundary wall still exists it will be retained. Condition 15 is therefore required to ensure details are submitted showing the retained and new elements.

Landscaping/trees/biodiversity

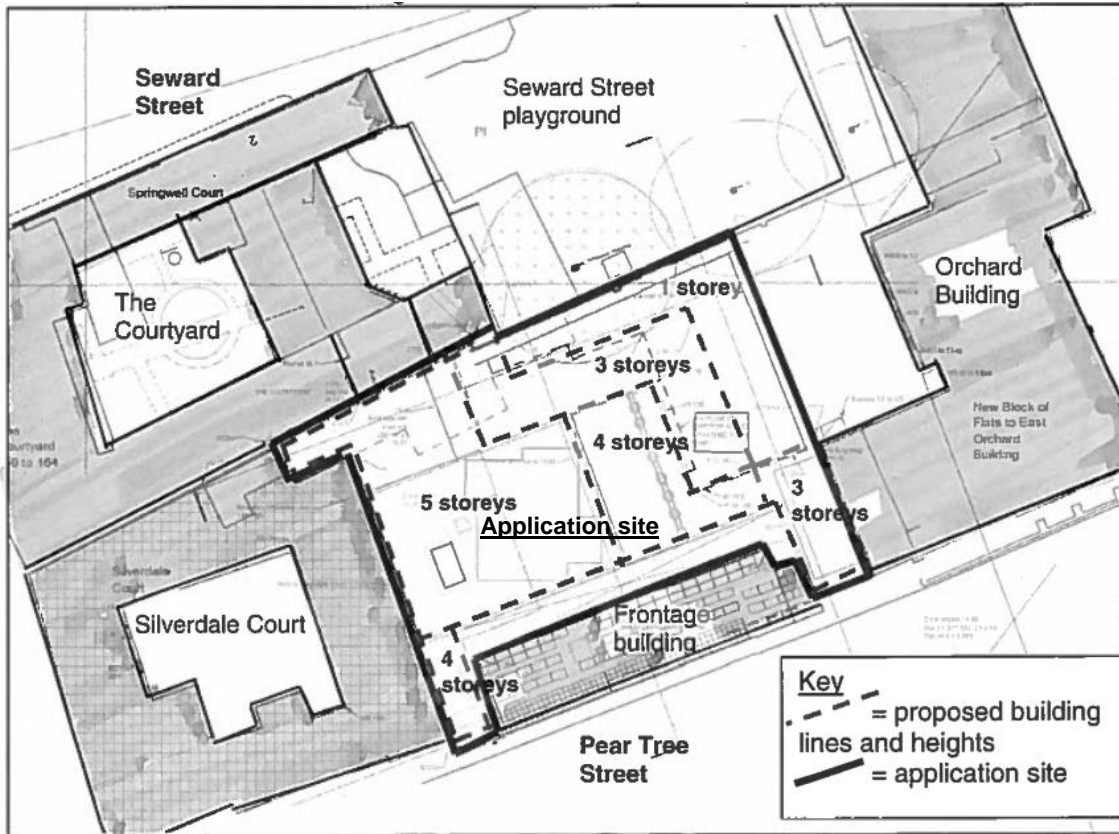
- 8.22 Site allocation BC15 states that the adjacent public open space (Seward Street playground) should be greened to provide amenity and informal play space with the potential to improve access for a greater range of users. The playground is due to re-open in Summer 2016 following a scheme to improve the playground and provide play

structures that are supported by the trees (which has been funded by S106 contributions in the area).

- 8.23 There are 6 trees protected by a Tree Preservation Order in the Seward Street playground, 3 of which are located close to the rear boundary of the application site. The applicant has submitted an Arboricultural report and Construction Method Statement to show that there will not be an impact from the proposed construction or the new building on the roots or tree canopy of these protected trees. During the course of the application the building was set back further at the rear at first and second floor levels by 1.8m away from these trees in order to keep enough clearance for the tree canopies. The applicant has also confirmed that the existing boundary wall with the Seward Street playground will be retained and that QuadraPile helical piles will be used. The Council's tree officer is happy with the information submitted and amendments made to the scheme and condition 14 is recommended to ensure that the scheme is carried out in accordance with the submitted details.
- 8.24 In accordance with policy DM6.5, the development should contribute to and enhance the landscape and biodiversity value and growing conditions of the site and surrounding area by maximising the inclusion of green roofs, ecological landscaping, greening of facades and artificial nesting sites. The proposal incorporates green/brown roofs on the top floor and 3rd floor and condition 25 is recommended to ensure that the details of these roofs are acceptable. Condition 27 is also recommended to secure bird and bat boxes, landscaping. Given the site's location adjacent to the playground and TPO trees the incorporation of shrubs and trees to the roof terraces will be secured with condition 26.
- 8.25 The proposal is considered to be in accordance with policies 7.4, 7.6 and 7.8 of the London Plan 2015, CS 1 and CS 9 of the Core Strategy 2011, Policies DM2.1 (Design) and DM2.3 (Heritage) of the Development Management Policies 2013 and the Urban Design Guide.

Neighbouring Amenity

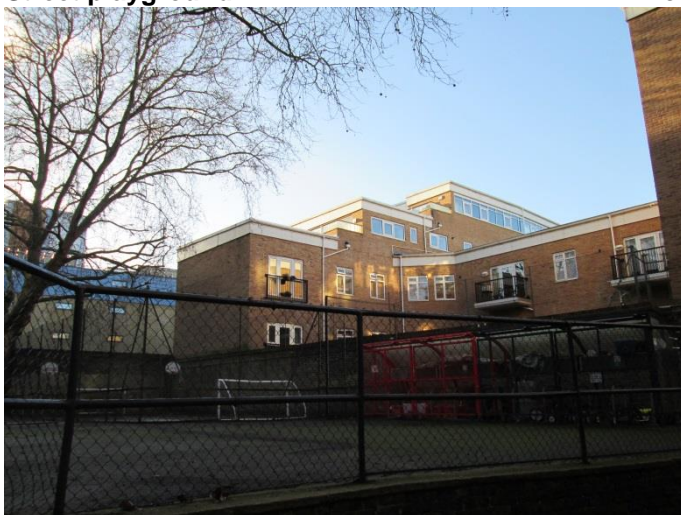
- 8.26 London Plan policy 7.6 identifies that buildings should not cause unacceptable harm to the amenity of in particular, residential buildings in respect of matters including privacy and overshadowing. Policy DM2.1 of the Development Management Policies Document 2013 identifies that satisfactory consideration 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.
- 8.27 The site is bounded by residential units on Pear Tree Street to the east (the Orchard Building) and by residential units on Goswell Road to the north and west (The Courtyard and Silverdale Court). To the south are residential units at the frontage building at 1 Pear Tree Street. These buildings are shown on the plan and photos below.



Orchard Building looking south across Seward Street playground



Orchard Building looking east from Pear Tree Street during construction (prior to construction of frontage building)



The Courtyard looking south across Seward St playground



The Courtyard viewed from within the site



Silverdale Court internal courtyard looking east



Silverdale Court Pear Tree Street elevation

Sunlight and Daylight

- 8.28 A daylight and sunlight study has been submitted in support of this application, with windows being tested at residential properties at the Orchard Building (5 windows on each floor at ground, 1st, 2nd, 3rd, 4th and 5th floors), Silverdale Court (2 windows at each floor at ground, 1st, 2nd, 3rd and 4th floors) and at The Courtyard (2 windows/doors to roof terraces at 2nd and 3rd floors). The communal garden at the Orchard Building, the courtyard gardens at Silverdale Court and The Courtyard were also tested as well as the Seward Street playground.
- 8.29 The daylight/sunlight assessment is carried out with reference to the 2011 Building Research Establishment (BRE) guidelines which are accepted as the relevant guidance. The supporting text to Policy DM2.1 identifies that the BRE ‘provides guidance on sunlight layout planning to achieve good sun lighting and day lighting’. 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 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.
- 8.30 **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); or
- The daylight distribution, as measured by the No Sky Line (NSL) test where the percentage of floor area receiving light is measured, is not reduced by greater than 20% of its original value. It should be noted that whilst the BRE guidelines suggest a 20% reduction in NSL would represent an acceptable loss of daylight within a room.
- 8.31 **Sunlight:** the BRE Guidelines confirm that windows that do not enjoy an orientation within 90 degrees of due south do not warrant assessment for sunlight losses. For those windows that do warrant assessment, it is considered that there would be no real noticeable loss of sunlight where:

In 1 year the centre point of the assessed window receives more than 1 quarter (25%) of annual probable sunlight hours (APSH), including at least 5% of Annual Winter Probable Sunlight Hours (WSPH) between Page 158 21 March – being winter; and less than

0.8 of its former hours during either period; and

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

8.32 For gardens and amenity areas the BRE test is as follows:

At least 50% of the garden/amenity area should receive at least 2 hours of sunlight on 21 March..... if a detailed calculation cannot be carried out and the area is a simple shape, it is suggested that the centre of the area should receive at least 2 hours of sunlight on 21 March. If as a result of a new development an existing garden/amenity space does not meet the above and the area which can receive 2 hours of sun on 21 March is less than 0.8times its former value, then the loss of sunlight is likely to be noticeable.

8.33 Appendix F of the BRE guide allows for alternative values for daylight and sunlight to be assessed based on the special requirements of the proposed development or its location and states:

“To ensure that new development matches the height and proportions of existing buildings, VSC and APSH targets for these windows could be set to those for a ‘mirror-image’ building of the same height and size, an equal distance away on the other side of the boundary”

8.34 The daylight/sunlight report has therefore used the more traditional tests outlined in paragraphs 8.30, 8.31 and 8.32 for Silverdale Court, The Courtyard and Seward Street playground and the more site specific ‘mirror image’ test outlined in paragraph 8.33 for the Orchard Building. The report has concluded that the proposal is acceptable because there is no impact on adjoining residential units in terms of overshadowing. Officers have assessed the results of the Daylight/Sunlight report and agree with this conclusion. The results are discussed below:

The Orchard Building

Windows in the east facing elevation, which is approximately 12m away from the side boundary with the application site have been tested as well as the amenity space to the west of this building (in between the application site and the existing building at the Orchard Building). At ground floor level the 5 windows that have been tested serve 2 units (1 x 2b and 1 x 1b)

Daylight

- There is no impact on the 1st, 2nd, 3rd or 4th floor windows because the proposed scheme does not cut the 25 degree line from these windows.
- W2, W3, W4, W5 at ground floor windows meet the VSC criteria with reductions of 18% and 20%.
- W1 at ground floor does not meet the VSC criteria with a reduction of 23%.

Sunlight

- There is no impact on the 1st, 2nd, 3rd or 4th floor windows because the proposed scheme does not cut the 25 degree line from these windows.
- W1, W2, and W4 do not meet the APSH with results of 6% (reduction of 63%), 12.5% (reduction of 34%), and 22% (reduction of 36%).
- The WSPH is met for W1, W2, W3 and W4 with results of 5%, 9.5%, 14% and 19%.
- W3 and W5 meet all the BRE criteria with a reduction of 20% and a result of 26% APSH and 19% and 20% WSPH respectively.
- At least 50% of the garden/amenity space does not receive at least 2 hours of sunlight on 21 March with results of 17% at noon and 29% at 2pm and a reduction of

44% and 49.2% respectively.

8.35 As noted above, the BRE guidance states that targets could justifiably be set to allow for a 'mirror-image' development to be located opposite a site. This then allows for a mirror image of the Orchard Building to be superimposed on the application site and for the results from such a building to be used as the targets for a proposed development. While the above daylight and sunlight impacts are recognised when compared to the 'mirror image' results the impact is within the BRE limits;

Daylight

- W1 meets the BRE criteria with the same result as the mirror image scheme which has a 23% impact.

Sunlight

- W1, W2, W3 and W4 meet the BRE criteria with the same or better results than the mirror image scheme with the mirror image results of:
 - APSH results of 6%, 12%, 19% and 22%.
 - WSPH results of 5%, 9%, 13% and 16%.
 - W4 APSH of 22% and WSPH of 16%.
- On 21 March the BRE criteria is met with better results than the mirror image scheme which receives 17% at noon and 27% at 2pm.

Silverdale Court

There are no windows in the side boundary wall adjoining the application site. The west facing elevation within the courtyard has therefore been tested as well as the courtyard garden itself (which is enclosed on 4 sides by the buildings at Silverdale Court).

Daylight

- There is no impact on the 2nd, 3rd or 4th floor windows because the proposed scheme does not cut the 25 degree line from these windows.
- On the ground and 1st floor the VSC test is met with reductions of 8.5% and 10% at ground floor and 8.5% and 12% at 1st floor. It should be noted that from the officer site visit there are no windows located in this elevation at ground floor, so it is only the 1st floor results that are relevant.

Sunlight

- Sunlight provision to the windows in the west elevation is not an issue since these are not within 90 degrees of south and do not need to be tested.
- On 21st March the courtyard area receives sunlight only after 11am and, because the application site is to the east of this courtyard, the sun will have passed the roof of the proposed development and there will be no reduction in sunlight to the courtyard.

The Courtyard

There are no windows in the side boundary wall adjoining the application site. The south facing elevation within the courtyard 2 roof terrace windows/doors have therefore been tested as well as the courtyard garden itself (which is enclosed on 4 sides by the buildings at The Courtyard).

Daylight

- There is no impact on the 2nd, 3rd or 4th floor windows because the proposed scheme does not cut the 25 degree line from these windows.
- The applicant has submitted a cross section through the existing buildings and this shows that the proposed building is not visible from the ground or 1st floor windows as it is blocked by the existing buildings. Therefore, there will be no overshadowing of these windows as a result of the development.
- The VSC test has been met for the windows/doors to the 2 roof terraces with results of 28.3% and 40%.

Sunlight

- The applicant has submitted a cross section through the existing buildings showing

that the proposed building is not visible from the ground or 1st floor windows on the south elevation facing the courtyard as it is blocked by the existing buildings. Therefore, there will be no overshadowing of these windows as a result of the development

- Sunlight provision to the roof terrace windows/doors is not an issue since these are not within 90 degrees of south and do not need to be tested.
- The submitted cross section through the existing buildings shows that the proposed building is not visible from the courtyard amenity space as it is blocked by the existing buildings. Therefore, there will be no overshadowing of the amenity space as a result of the development

Seward Street playground

- Over 50% of the playground receives at least 2 hours of sunlight on 21 March with results of 67% at 11am, 78% at noon, 74% at 1pm and 66% at 2pm.

Conclusion

- 8.36 There are some failures of the traditional BRE tests with one ground floor window at The Orchard Building falling short of the VSC daylight test (W1 with a reduction of 23% rather than 20%) and 4 ground floor windows not achieving the APSH sunlight test (W1, W2, and W4 with results of 6% (63% reduction), 12.5% (34% reduction) and 22% (36% reduction). When compared to the 'mirror image' development these windows achieve the same or better results and therefore technically meet the 'mirror image' BRE test.
- 8.37 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 the immediate surroundings. The building has been designed to step away from surrounding existing buildings at upper floors and the proposal would repair the urban grain by restoring appropriate building lines on Pear Tree Street on either side of the frontage building.
- 8.38 This situation therefore requires a balance to be struck and it is considered that making more efficient use of this central and highly accessible site, securing townscape improvements through the high quality design of these buildings and the provision of new office floorspace outweighs the degree of daylight/sunlight loss and resulting harm to the amenity of the two ground floor residential units at the Orchard Building.

Privacy, Overlooking

- 8.39 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 (living rooms and bedrooms, sometimes kitchens if they are large dining kitchens but excluding bathrooms and staircases). This does not apply across the public highway; overlooking across a public highway does not constitute an unacceptable loss of privacy.
- 8.40 There are not considered to be any overlooking issues to properties surrounding the site, if suitable mitigation measures are provided, because:
- The frontage building at 1 Pear Tree Street was designed with no habitable room windows to the rear elevation. The only windows on that rear elevation serve the corridor to access the flats and a secondary kitchen/dining/living room window to two flats, which have a main window to the front elevation as well. There are windows which face this elevation and condition 8 is recommended requiring these to be obscure glazed;
 - The only residential windows that face the site are those in the Orchard Building to the rear which are 20m away from the proposed office windows (these windows are approximately 13m away from the shared boundary and the proposed building is

- then set back a further 7m from the boundary);
- The balconies at the Orchard Building are projecting and are therefore closer to the application site but there is still a total distance of 19m between the proposed office windows and the balconies;
 - The proposed first floor roof terrace is 12m away from the first floor balconies at the Orchard Building and 14m away from the first floor windows at the Orchard Building at its closest point. There are different floor to ceiling heights proposed at the application site to the Orchard Building so the proposed terrace is approximately 1.5m higher than the Orchard Building balcony. To minimise overlooking condition 9 requires planting or screening to be erected along the side boundary of this terrace;
 - The proposed terraces to the rear at 3rd floor level are approximately 7m away from the 4th floor roof terrace at The Courtyard to the rear and the windows are approximately 10.5m away at their closest point. Condition 9 requires planting or screening to be erected along this boundary to prevent any overlooking;
 - The proposed terraces at 3rd floor level to the side are approximately 19m away from the 4th floor balconies at the Orchard Building and 20m from the 4th floor windows at the Orchard Building; and
 - The proposed windows at 4th floor level are approximately 4.3m away from an existing roof terrace at The Courtyard. These windows are at a higher level and are approximately 2.5m above the roof terrace. Condition 8 requires these windows to be obscure glazed.

Outlook

- 8.41 There is only approximately 3m between the proposed building and the frontage building at 1 Pear Tree Street however, as described above, the frontage building at 1 Pear Tree Street was designed with no habitable room windows to the rear elevation. The new building will clearly be visible from the windows to the rear elevation of the frontage building but these windows serve the corridor to access the flats and a secondary kitchen/dining/living room to two flats. It is therefore considered that there will not be an unacceptable impact on outlook from these residential units or on the overall standard of accommodation to any of these residential units.
- 8.42 There are stepped roof terraces at The Courtyard at 4th and 5th floor level to the rear of the site (equivalent to 3rd and 4th floor levels at the application site because of the different floor to ceiling heights). These have windows doors in the east elevation facing the roof terrace and have amenity space taking up approximately 3m of the roof terrace areas. At the 4th floor level (2nd/3rd floor at the application site) the proposed building extends approximately 4m along the side boundary of the roof area. Due to the different floor levels at both sites the proposal is only 1.4m in height along this boundary and is therefore no different to a garden wall. At 5th floor level (3rd/4th floor at the application site) the proposed building extends approximately 7.5m along the side boundary of the roof terrace. Because of the different floor levels the proposal is 2.4m in height along this boundary. Again this is similar in height to a high garden wall and the existing windows to this terrace have uninterrupted views the other way across the Seward Street playground as well as large windows serving the same unit along most of the northern elevation. It is therefore considered that there will not be an unacceptable impact on outlook from these residential units or on the overall standard of accommodation to any of these residential units.

Noise

- 8.43 Objections have been made by local residents regarding potential noise from the 24 hour operation by National Grid, specifically with noisy vans and waste bin collections. The 24 hour National Grid operation is already on site and takes place in an open car park area. The proposal is to enclose the parking/equipment storage/refuse storage

area and to re-provide the office and supporting uses within the building at part 1st and 2nd floor levels. Any noise from vehicles using the site, equipment being moved around on site, refuse collections etc. should therefore be greatly reduced if not disappear, because the ground floor use is to be entirely enclosed.

- 8.44 The demolition and construction periods are generally responsible for the most disruptive impacts affecting residential amenity and this issue has been raised by objectors. Conditions requiring the submission of a Construction & Demolition Logistics Plan (No 12), a Construction Environmental Management Plan (No 13) and an informative advising of restriction to hours for 'noisy' works (No 6) have been included as part of the recommendation, in order to mitigate and reduce the impacts of demolition and construction.
- 8.45 Roof terraces are proposed at 1st, 3rd and 4th floor levels to the rear which are relatively large and service the office uses. At the closest point at first floor level they are approximately 12m away from the residential balconies to the Orchard Building. They are likely to be used during the day and are unlikely to cause any noise or disturbance issues, however to ensure this is the case Condition 10 is recommended restricting the hours of use of the roof top terraces.

Accessibility

- 8.46 The applicant has submitted a Design and Access Statement and has outlined how inclusive design has been considered, including level access from the street, 2 lifts in the office floorspace and 1 in the National Grid offices and accessible WCs.
- 8.47 There is a requirement for the provision of 7 wheelchair accessible spaces and there are none shown on site. There is potential for 1 or 2 spaces to be accommodated on site within the parking area, but it is appreciated that there are operational needs for these spaces. A S106 head of term is included as is usual, for the provision of these spaces or a financial contribution. The entrance gates need to be suitable for use by disabled people and the pedestrian gate should have a flush threshold and these have been secured with condition 18. There are outstanding questions from the Access Officer with regard to accessible bicycles and tricycles and these details are also secured by condition 18.

Highways and Transportation

- 8.48 The proposal includes at ground floor vehicle parking associated with the existing National Grid use, which is proposed to remain on site. For the National Grid use the scheme reduces the number of vehicular spaces from the 22 existing to 14 proposed, along with areas for plant/machinery storage and a large refuse storage area. Cycle parking is proposed for all uses with 11 spaces within the National Grid entrance core and 49 within the office entrance core. The site has a PTAL rating of 6a (excellent) and is within walking distance of Barbican, Angel and Old Street stations and is close to many bus routes that run along Goswell Road.

Transport Statement

- 8.49 A Transport Statement has been submitted with the application because of the unique nature of the National Grid use and the inclusion of operational parking spaces on site (the scheme is not large enough for a full transport assessment). This statement confirms that the site will continue to be used as a depot to support and carry out emergency repairs for National Grid gas infrastructure in and around central London. The number of staff on site varies day by day and week to week based on the number of emergency call outs required and staff travel from other depots when needed. There are 16 permanent members of staff based on site, with 8 of these being 'on-call emergency responders' who travel to site with National Grid vehicles with blue

flashing beacons. National Grid's requirement is for 14 operational vehicles on site made up of a mixture of vans and on call emergency responders. They also require storage space for trailers, mini-diggers, transformers, generators and traffic management equipment. The vehicles are parked on site until they are required to deal with incidents and once work has been carried out the vehicles and associated equipment are returned to the site.

- 8.50 Vehicle movements associated with the National Grid use will be similar to existing and for the new general office floorspace the Transport Statement concludes that the new office use will not generate additional private car trips as staff will either walk or use public transport.

Servicing

- 8.51 Policy DM8.6 (Delivery and servicing for new developments), Part A states that for commercial developments over 200 square metres, 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). Where servicing/delivery vehicles are proposed on street, Policy DM8.6 (Delivery and servicing for new developments), Part B, requires details to be submitted to demonstrate that on-site provision is not practical, and show that the on-street arrangements will be safe and will not cause a traffic obstruction/nuisance.

- 8.52 A large refuse storage area is provided in the corner of the ground floor parking area for National Grid requirements and ancillary spaces are provided at ground floor level for the office use which could be used for refuse storage. The Transport Statement states that the site will continue to be serviced via Pear Tree Street as existing (for both the National Grid use and new office use). The applicant has explored whether it will be possible for refuse vehicles to use the ground floor parking area but because of the proposed supporting columns for the upper floors it is not possible for a refuse vehicle to turn within the site and exit in forward gear. National Grid require skips on site for the collection of large items of waste and the Transport Statement includes a swept path analysis to show that a skip lorry can turn around within the site and exit in forward gear.

Vehicle parking

- 8.53 The development would be car free, as required by Core Strategy Policy CS10 (in terms of the office and National Grid staff rather than the National Grid operational vehicle requirements). In order to ensure that the parking area is not used by National Grid or office staff for general parking, which is contrary to policy, conditions are recommended restricting the number of spaces on site to 14 and restricting the use of the parking area to National Grid vehicles only (conditions 6 and 7).

Cycle parking

- 8.54 Policy DM8.4 (Walking and cycling) requires the provision of 53 cycle parking spaces for the total floorspace (taking the National Grid floorspace as being equivalent to office floorspace). Cycle parking is proposed for all uses with a total of 60 spaces: 11 spaces at ground floor level within the National Grid entrance core (9 for staff and 2 for visitors) and 49 at ground floor level within the office entrance core (41 for staff and 8 for visitors).

Construction impact

- 8.55 Objections have been raised regarding hours of construction, impact on road surfaces that have recently been repaired and construction traffic blocking emergency vehicles. The applicant has submitted a draft Construction Management Plan, which includes the following:

- Works are likely to start on site in August 2016 and to be complete in January 2018;
- The document states that construction will take place between 8am and 7pm Monday

to Friday and Saturday morning between 8am and 1pm. Under the Control of Pollution Act 1974 any works that can be heard from the boundary of the site can only be carried out between 8am and 6pm Monday to Friday and 8am to 1pm on Saturday and the applicant is reminded of this with informative 6;

- Procedures will be in place to control site generated dust, noise and vibration
- The servicing point for the site will be via the existing entrance from Pear Tree Street which will be controlled by gates.
- A detailed Site Waste Management Plan will be prepared.

8.56 In addition condition 12 requires the submission of a Demolition and Construction Logistics plan to cover potential transport issues, condition 13 requires the submission of a Construction and Environment Management Plan to cover environmental health issues, there is a S106 Head of Term to secure highway reinstatement works and a S106 Head of Term to secure compliance with the Code of Construction Practice (and a monitoring fee). An informative is also included advising of the restriction to hours for 'noisy' works (No 6) have been included.

Two way traffic on Pear Tree Street

8.57 Objections have been received from local residents requesting that Pear Tree Street becomes one way instead of two way operation. It appears that the street was changed to one way operation (eastbound) in 2013 during construction of a number of nearby development and since these developments have been completed and occupied the street has reverted back to two way operation. Given the fact that the scheme does not increase vehicle trips because the existing National Grid operation is to be retained and the office use is unlikely to generate significant traffic (see paragraph 8.49), it is not considered necessary to require Pear Tree Street to become one way permanently (or for the applicant to fund such works through a S106 legal agreement).

8.58 In conclusion, there is not considered to be any adverse highways or transportation impact in terms of loss of servicing, car parking, cycle parking and construction impact, subject to the conditions set out in this report.

Sustainability, Energy Efficiency and Renewable Energy **Sustainability**

8.59 All major developments should achieve the highest feasible level of nationally recognised sustainable building standard (in Islington's case this is considered to be Code for Sustainable Homes (CFsH) level 4 and BREEAM Excellent or equivalent). This is set out in Core Strategy policy CS10 and Development Management policy DM7.4.

8.60 A BREEAM assessment has been submitted and the applicant has confirmed a commitment to achieve BREEAM 'excellent' with a score of 72%. Condition 23 is recommended in order to secure this.

8.61 In accordance with policy DM7.4 all credits for water efficiency in the relevant BREEAM scheme should be achieved. Low flow sanitary fittings are proposed throughout along with water meters and a water leak detection panel and this will achieve 7 out of 8 credits. A feasibility assessment of the possibility to include rainwater harvesting (CS10, DM6.6) is secured by condition 29.

8.62 The Council require all development to minimise the environmental impact of materials through sustainably sourced, low impact and recycled materials. This is set out within the BREEAM, with a requirement that 50% of the materials credits are achieved and the proposed development would deliver 8 out of 13 credits.

8.63 Development proposals should protect the existing ecology and make the fullest

contribution to enhancing biodiversity (CS10, DM6.5) e.g. by maximising the inclusion of green roofs, ecological landscaping, greening of facades and artificial nesting sites. Policy DM6.5 requires the maximisation of provision of green roofs and requires major developments to use all available roof space for green roofs (subject to other planning considerations). The scheme includes green roofs at fourth floor and main roof levels and it is considered that the amount of green roofs has been maximised. Condition 25 is required to ensure that the green roof details are acceptable (green roofs should be biodiversity based extensive substrate roofs with a minimum substrate depth of 80-150mm).

- 8.64 Government legislation has recently changed with regards to sustainable urban drainage SUDs (6 April 2015) and the expectation is that where appropriate, SUDs should be provided for all major developments following consultation with the lead Local Flood Authority. Policy DM6.6 expects all major development to include details to demonstrate that SUDs has been incorporated and this new legislation gives additional weight to this as well as introducing the issue of maintenance of the SUDs system. The applicant has not addressed this policy and it is presumed that this is because the proposal is for a constrained site that is entirely covered by buildings. This is not considered acceptable as SUDs measures such as basement attenuation tanks could be provided. Condition 28 is therefore recommended requiring SUDs details to be submitted.

Energy Efficiency and Renewable Energy

- 8.65 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 30% saving compared with Building Regulations 2010 and 39% compared with the 2013 Building Regulations) is required of major development in areas where connection to a decentralised energy network (DEN) is possible.
- 8.66 The GLA's guidance on preparing energy assessments (April 2014) states, that the Mayor will apply a 35% carbon reduction target beyond Part L 2013 of the Building Regulations - this is deemed to be broadly equivalent to the 40% target beyond Part L 2010 of the Building Regulations, as specified in Policy 5.2 of the London Plan for 2013-2016.
- 8.67 The Sustainable Design and Construction Statement (dated 10/03/16) states that a 35% reduction in CO2 emissions (regulated) and a 23% reduction in CO2 emissions (regulated and unregulated based on 2013 Building Regulations baseline) can be achieved, with a Carbon offset financial contribution of £80,831. The proposal includes the use of 250sqm of Solar PVs for the renewable energy. The Council's Energy Officer has confirmed that this is in line with Policy.
- 8.68 Development Management Policy DM7.3 requires all major developments to be designed to be able to connect to a District Energy Network (DEN), and connection is required if a major development site is within 500 metres of an existing or a planned future DEN. The policy goes on to state that where connection to a DEN is not possible developments should connect to Shared Heat Network (SHN). 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. During the course of the application the applicant has changed their energy assessment and has confirmed that the scheme will

connect to the Bunhill heat network. There is a S106 Head of Term to secure this.

Planning Obligations, Community Infrastructure Levy and local finance considerations

- 8.69 Islington's CIL Regulation 123 infrastructure list specifically excludes measures that are required in order to mitigate the direct impacts of a particular development. This means that the measures required to mitigate the negative impacts of this development in terms of carbon emissions, lack of accessible parking spaces and local accessibility cannot be funded through Islington's CIL. Separate contributions are therefore needed to pay for the necessary carbon offset, accessible transport, highway reinstatement and local accessibility investment required to ensure that the development does not cause unacceptable impacts on the local area.
- 8.70 None of the financial contributions included in the heads of terms represent general infrastructure, so the pooling limit does not apply. Furthermore, none of the contributions represent items for which five or more previous contributions have been secured.
- 8.71 The carbon offset and accessible transport contributions are site-specific obligations, both with the purpose of mitigating the negative impacts of this specific development. The carbon offset contribution figure is directly related to the projected performance (in terms of operation emissions) of the building as designed, therefore being commensurate to the specifics of a particular development. This contribution does not therefore form a tariff-style payment. Furthermore, in the event that policy compliant on-site accessible car parking spaces had been provided by the development (or other accessibility measure) a financial contribution would not have been sought. Therefore this is also a site-specific contribution required in order to address a weakness of the development proposal, thus also not forming a tariff-style payment.
- 8.72 The highway and footway reinstatement requirement is also very clearly site-specific. The total cost will depend on the damage caused by construction of this development, and these works cannot be funded through CIL receipts as the impacts are directly related to this specific development.
- 8.73 None of these contributions were included in Islington's proposed CIL during viability testing, and all of the contributions were considered during public examination on the CIL as separate charges that would be required in cases where relevant impacts would result from proposed developments. The CIL Examiner did not consider that these types of separate charges in addition to Islington's proposed CIL rates would result in unacceptable impacts on development in Islington due to cumulative viability implications or any other issue.
- 8.74 The agreement will include the following agreed heads of terms:
- For proposals with an increase in office floorspace in the CAZ, the provision of a mix of uses including housing or a contribution towards provision of off-site affordable housing where it is accepted that housing cannot be provided on site. A contribution towards provision of off-site affordable housing of £264,000.
 - Securing the provision of small/micro workspace at ground floor level in accordance with the provisions of policy BC8B(ii)/DM5.4A and C (submission of details of unit sizes, design, management and marketing information including rent and service charges).
 - A contribution towards Crossrail of £462,000.
 - The provision of 7 additional accessible parking bays or a contribution towards bays or other accessible transport initiatives of £14,000.
 - Submission of a draft framework Travel Plan with the planning application, or a draft full Travel Plan for Council approval prior to occupations 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).

- CO2 offset contribution of £80,831
- Connection to the Bunhill heat network.
- Payment towards employment and training for local residents of a commuted sum of £33,175.
- Compliance with Code of Employment and Training including delivery of 4 work placements during the construction phase of the development, lasting a minimum of 13 weeks. London Borough of Islington Construction Works Team to recruit for and monitor placements. Developer/ contractor to pay wages (must meet London Living Wage). If these placements are not provided, LBI will request a fee of £5,000
- Compliance with the Code of Local Procurement.
- Compliance with the Code of Construction Practice, including a monitoring fee of £3,800 and submission of a site-specific response document to the Code of Construction Practice for approval of LBI Public Protection, which shall be submitted prior to any works commencing on site.
- Green Performance Plan.
- The repair and re-instatement of the footways and highways adjoining the development. The cost is to be confirmed by LBI Highways, paid for by the applicant and the work carried out by LBI Highways. Conditions surveys may be required.
- Council's legal fees in preparing the S106 and officer's fees for the monitoring and implementation of the S106.

8.75 Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), the Mayor of London's and Islington's Community Infrastructure Levy (CIL) will be chargeable on this application on grant of planning permission. This will be calculated in accordance with the Mayor's adopted CIL Charging Schedule 2012 and the Islington adopted CIL Charging Schedule 2014 and is likely to be £199,775.78 for the Mayoral CIL and £298,242.68 for the LBI CIL. This will be payable to the London Borough of Islington after the planning consent has been implemented.

9. SUMMARY AND CONCLUSION

Summary

9.1 In accordance with the above assessment the comments made by residents and consultee bodies have been taken into account and it is considered that the proposed development is consistent with national policies and the policies of the London Plan, the Islington Core Strategy, the Islington Development Plan and associated Supplementary Planning Documents.

9.2 The proposal is considered to be acceptable in terms of land use, urban design, the quality and quantity of the proposed employment floorspace and sustainability/energy. Balancing the townscape and other benefits against the sunlight and daylight losses to the two ground floor residential units at The Orchard Building the harm is on-balance accepted. Conditions are recommended and a Section 106 (S106) agreement, the Heads of Terms of which have been agreed with the applicant.

Conclusion

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

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

- For proposals with an increase in office floorspace in the CAZ, the provision of a mix of uses including housing or a contribution towards provision of off-site affordable housing where it is accepted that housing cannot be provided on site. A contribution towards provision of off-site affordable housing of £264,000.
- Securing the provision of small/micro workspace at ground floor level in accordance with the provisions of policy BC8B(ii)/DM5.4A and C (submission of details of unit sizes, design, management and marketing information including rent and service charges).
- A contribution towards Crossrail of £462,000.
- The provision of 7 additional accessible parking bays or a contribution towards bays or other accessible transport initiatives of £14,000.
- Submission of a draft framework Travel Plan with the planning application, or a draft full Travel Plan for Council approval prior to occupations 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).
- CO2 offset contribution of £80,831
- Connection to the Bunhill heat network.
- Payment towards employment and training for local residents of a commuted sum of £33,175.
- Compliance with Code of Employment and Training including delivery of 4 work placements during the construction phase of the development, lasting a minimum of 13 weeks. London Borough of Islington Construction Works Team to recruit for and monitor placements. Developer/ contractor to pay wages (must meet London Living Wage). If these placements are not provided, LBI will request a fee of £5,000.
- Compliance with the Code of Local Procurement.
- Compliance with the Code of Construction Practice, including a monitoring fee of £3,800 and submission of a site-specific response document to the Code of Construction Practice for approval of LBI Public Protection, which shall be submitted prior to any works commencing on site.
- Green Performance Plan.
- The repair and re-instatement of the footways and highways adjoining the development. The cost is to be confirmed by LBI Highways, paid for by the applicant and the work carried out by LBI Highways. Conditions surveys may be required.
- Council's legal fees in preparing the S106 and officer's fees for the monitoring and implementation of the S106.

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 B

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

List of Conditions:

1	<p>Commencement</p> <p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1) (a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
2	<p>Approved plans list</p> <p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>4205/PA01; PA02; PA03; PA04A; PA05A; PA06; PA07; PA08; PA09B; PA10E; PA11B; PA12B; PA13C; PA14D; PA15E; PA20A; PA21C; PA22B; PA23A; PA24B; PA30B; PA31A; PA40; PA50A; PA51B; PA52A; PA53B; PA54B; Arboricultural Impact Assessment 1140_05_APIII prepared by Hallwood Associates dated April 2016; Construction Method Statement undated; Daylight and Sunlight Assessment prepared by Stinton Jones Consulting Engineers LLP dated March 2016; Transport Statement 1012161 rev D prepared by Cundall dated 22/03/2016; Sustainable Design & Construction Statement ES106 issue 08 prepared by Enviro + Sustain dated 05/05/2016; Planning Statement prepared by GML Architects Ltd dated November 2016; Construction Phase Plan prepared by GML Architects Ltd undated; Site Waste Management Plan SWMP-11/15 prepared by GML Architects Ltd dated November 2015; Design and Access Statement prepared by GML Architects Ltd dated October.</p> <p>REASON: To comply with Section 70(1) (a) of the Town and Country Planning Act 1990 as amended and also for the avoidance of doubt and in the interest of proper planning.</p>
3	<p>Small/Micro Workspace (Details)</p> <p>The small/micro workspace on the ground floor is to be let in units of 90sqm or less only and shall not be amalgamated and let to a single occupant. Any space that is not provided as physically separate units and is larger than 90sqm requires details to be submitted, prior to occupation, demonstrating how the floorspace meets the needs of small or micro enterprises through its design, management and/or potential lease terms.</p> <p>REASON: In the interests of providing a mix of unit sizes and types to help support a varied and strong local economy and to facilitate the growth of new businesses. This condition secures compliance with policies CS13 of the Islington Core Strategy (2011), policy DM5.4 of the Development Management Policies (2013).</p>
4	<p>Small/Micro Workspace (Compulsions)</p>

	<p>CONDITION: The small/micro workspace located on the ground floor shall not be amalgamated with the remainder of the office floorspace in the building</p> <p>REASON: In the interests of providing a mix of unit sizes and types to help support a varied and strong local economy and to facilitate the growth of new businesses. This condition secures compliance with policies CS13 of the Islington Core Strategy (2011), policy DM5.4 of the Development Management Policies (2013).</p>
5	<p>Removal of Permitted Development rights (Compliance)</p> <p>CONDITION: Notwithstanding the provisions of Classes I, O or T of Part 3 or Class D or E of Part 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended by any Order revoking and re-enacting that Order, no change of use of the ground floor retail floorspace shall be carried out without the grant of planning permission having first been obtained from the local planning authority.</p> <p>REASON: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policy CS 14 of the Islington Core Strategy (2011), policies DM4.1, DM4.2, DM4.3, DM4.4, DM4.12 of the Development Management Policies (2013) and Policies BC3 and BC8 of the Finsbury Local Plan. (2013)</p>
6	<p>Vehicle parking area (compliance)</p> <p>CONDITION: The ground floor depot vehicle parking and equipment storage area hereby approved shall be used (by National Grid plc only or their successors in title) in association with the depot use on the site only and shall not be used independently or in association with the general office floorspace hereby approved.</p> <p>The ground floor depot vehicle parking area shall provide a maximum of 14 marked out vehicle spaces only and a maximum of 14 vehicles shall be parked at any one time.</p> <p>REASON: To ensure that the ground floor vehicle parking and equipment storage area is not used for general staff parking and to promote sustainable modes of transport.</p>
7	<p>Vehicle parking area (compliance)</p> <p>CONDITION: The ground floor depot vehicle parking and equipment storage area hereby approved shall be provided prior to the first occupation of the depot floorspace at 1st and 2nd floors and permanently retained in accordance with the approved plans thereafter.</p> <p>REASON: The ground floor vehicle parking and equipment storage area is considered to form an essential element of the depot use, 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>
8	<p>Windows Obscured and Fixed Shut (Compliance)</p> <p>CONDITION: All of the following windows shown on the plans hereby approved shall be permanently obscure glazed and fixed shut up to a height of 1.7m above the floor of the room in which the windows are installed prior to the first occupation of the development:</p> <ul style="list-style-type: none"> • South eastern elevation at all levels facing the lightwell between the frontage building at 1 Pear Tree Street. • Part of the north western elevation at fourth floor level facing the existing roof terrace at The Courtyard

	<p>All obscurely glazed windows shall be fixed shut, unless revised plans are submitted to and approved in writing by the Local Planning Authority which confirm that those windows could open to a degree, which would not result in undue overlooking of neighbouring habitable room windows.</p> <p>The development shall be carried out strictly in accordance with the details so approved and maintained as such thereafter.</p> <p>REASON: To prevent the undue overlooking of neighbouring habitable room windows.</p>
9	<p>Roof terrace screening (details and compliance)</p> <p>CONDITION: Details of the boundary to</p> <ul style="list-style-type: none"> • the first floor roof terrace (side boundary with the Orchard Building site); and • the fourth floor roof terrace (rear boundary with The Courtyard) <p>shall be submitted prior to any superstructure works commencing on site. These details shall include a 1.7m high screen or planters and planting which shall be provided prior to first occupation of the development.</p> <p>The development shall be carried out strictly in accordance with the details so approved and maintained as such thereafter.</p> <p>REASON: To prevent the undue overlooking of neighbouring habitable room windows or balconies.</p>
10	<p>Roof terraces hours (compliance)</p> <p>CONDITION: The roof terraces of the development hereby approved shall not be used except between the hours of 09:00 and 19:00 on any day except in the case of essential maintenance or repair, or escape in case of emergency.</p> <p>REASON: To ensure that the amenity of residents is not adversely affected in accordance with policy 7.15 of the London Plan 2011, and policy DM2.1 of Islington's Development Management Policies 2013.</p>
11	<p>Roof-Top Plant & Lift Overrun (Details)</p> <p>CONDITION: Details of any roof-top structures/enclosures 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> <ol style="list-style-type: none"> a) roof terrace planting b) roof-top plant; c) ancillary enclosures/structure; and d) lift overrun <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 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>
12	<p>Demolition and Construction Logistics Plan (details)</p> <p>*CONDITION: A report assessing the planned demolition and construction vehicle routes and access to the site including addressing environmental impacts (including</p>

	<p>(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 (in consultation with TfL) prior to any works commencing on site.</p> <p>The report shall assess the impacts during the demolition and construction phases of the development on the Transport for London controlled Holloway Road, nearby residential amenity and other occupiers together with means of mitigating any identified impacts.</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: In order to secure highway safety and free flow of traffic, local residential amenity and mitigate the impacts of the development.</p>
13	<p>Construction Environmental Management Plan (CEMP) (details)</p>
	<p>*CONDITION: 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 report shall also secure that, during any period when concurrent construction is taking place of both the permitted development and of the Crossrail structures and tunnels in or adjacent to the site of the approved development, the construction of the Crossrail structures and tunnels is not impeded.</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: In the interests of residential amenity, highway safety and the free flow of traffic on streets.</p>
14	<p>Trees and protection and potential details</p>
	<p>CONDITION: The construction methodology and tree protection measures (including root protection areas) shall be carried out strictly in accordance with the Arboricultural Impact Assessment (April 2016 1140_05_APIII) and the Construction Method Statement (undated) hereby approved prior to works commencing on site, and shall be maintained for the duration of the works.</p> <p>Any amendments to the construction methodology or tree protection measures (including root protection areas) require details to be submitted to and approved in writing by the Local Planning Authority prior to the relevant works taking place on site.</p> <p>REASON: In the interest of the protection of trees and to safeguard visual amenities.</p>
15	<p>Materials</p>
	<p>CONDITION: Notwithstanding the approved drawings, no materials or material colours are approved with this consent. Details and samples, including manufacturer's details 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> <p>a) solid brickwork (including brickwork and mortar courses) – which should</p>

	<p>ideally be a high quality yellow stock brick or match the frontage development at 1 Pear Tree Street</p> <ol style="list-style-type: none"> b) The retention of the rear boundary wall adjoining the Seward Street Playground c) The decorated brick pattern to the ground floor wall facing the Seward Street playground d) render (including colour, texture and method of application) e) window treatment (including sections and reveals) – the proportions of the windows should be amended to avoid visual duality f) door treatment (including sections and reveals) g) Fairfaced concrete h) Roofing materials i) balustrading treatment (including sections) including to roof terraces; j) metal gates – the entrance gates should provide some decoration via design, colour or materials as utilitarian black gates are not appropriate in this location; k) any other materials to be used. <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
16	<p>Photovoltaic panels (details)</p>
	<p>CONDITION: Prior to first occupation of the development hereby approved, details of the proposed Solar Photovoltaic Panels shall be submitted to and approved in writing by the Local Planning Authority. These details shall include but not be limited to the following and should demonstrate that the panels are not visible from Seward Street:</p> <ul style="list-style-type: none"> • Location; • Area of panels; and • Design (including angle of panels and elevation plans). <p>The solar photovoltaic panels as approved shall be installed prior to the first occupation of the development and retained as such permanently thereafter.</p> <p>REASON: In the interests of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard of design.</p>
17	<p>Pipes (compliance)</p>
	<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>
18	<p>Access (compliance)</p>
	<p>CONDITION: Notwithstanding the plans hereby approved the scheme shall be constructed in accordance with the principles of Inclusive Design. To achieve this the development shall incorporate/</p>

	<p>a) Vehicular and pedestrian gates that are suitable for use by disabled people;</p> <p>b) Flush thresholds to all entrances and gated entrances</p> <p>c) Accessible/adapted bicycle and tricycle spaces</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 facilitate and promote inclusive and sustainable communities.</p>
19	<p>Cycle Parking Provision (Compliance)</p> <p>CONDITION: The bicycle storage area(s) shown on drawing No. 4205/PA10D hereby approved, shall be secure and provide for no less than 17 bicycle spaces and 1 disability tricycle space and shall be provided prior to the first occupation of the development hereby approved and maintained as such thereafter.</p> <p>REASON: To ensure adequate cycle parking is available and easily accessible on site and to promote sustainable modes of transport.</p>
20	<p>Waste Management</p> <p>CONDITION: The dedicated refuse / recycling enclosure(s) shown on drawing no. 4205/PA10D 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 adhered to.</p>
21	<p>Noise (details)</p> <p>CONDITION: A report is to be commissioned by the applicant, using an appropriately experienced & competent person, to assess the noise from the proposed mechanical plant to demonstrate compliance with condition 22. The report shall be submitted to and approved in writing by the Local Planning Authority prior to occupation and any noise mitigation measures shall be installed before commencement of the uses hereby permitted and permanently retained thereafter.</p> <p>REASON: To protect the amenities of the neighbouring occupiers.</p>
22	<p>Plant Noise and Fixed Plant</p> <p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level $L_{Aeq Tr}$ 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 $L_{AF90 Tbg}$. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 1997.</p> <p>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 secure an appropriate internal residential environment.</p>
23	<p>BREEAM (compliance)</p> <p>CONDITION: The development shall achieve 'Excellent' under BREEAM New Construction (2011).</p>

	REASON: In the interest of addressing climate change and to secure sustainable development.
24	<p>Energy Strategy (compliance/details)</p> <p>CONDITION: The energy measures as outlined within the approved Energy Strategy shall together provide for no less than a 35% on-site regulated CO2 emissions and a 23% on-site total C02 emissions reduction in comparison with total emissions from a building which complies with Building Regulations 2013. Should, following further assessment, the approved energy measures be found to be no longer suitable, a revised Energy Strategy shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site.</p> <p>The revised energy strategy shall provide for no less than a 35% on-site regulated CO2 emissions and a 23% on-site total C02 reduction in comparison with total emissions from a building which complies with Building Regulations 2013.</p> <p>The final agreed scheme shall be installed and 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: In the interest of sustainable development and to ensure that the Local Planning Authority may be satisfied that the C02 emission reduction targets are met.</p>
25	<p>Green and Brown Roofs (Details)</p> <p>CONDITION: Details of the biodiversity (green/brown) roof(s) shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The biodiversity (green/brown) roof(s) shall be maximised and be:</p> <ol style="list-style-type: none"> a) biodiversity based with extensive substrate base (depth 80-150mm); b) laid out in accordance with and no less than shown on plans 4205/PA14C and 15C hereby approved; and c) planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works (the seed mix shall be focused on wildflower planting, and shall contain no more than a maximum of 25% sedum). <p>The biodiversity (green/brown) roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.</p> <p>The biodiversity roof(s) shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
26	<p>Landscaping (details)</p> <p>CONDITION: A landscaping scheme for the roof terraces (accessible and maintenance only areas, but excluding the green roofs) shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The landscaping scheme shall include the following details:</p> <ol style="list-style-type: none"> a) a biodiversity statement detailing how the landscaping scheme maximises

	<p>biodiversity;</p> <p>b) soft planting: including planters, grass and turf areas, shrub and herbaceous areas;</p> <p>c) enclosures: including types, dimensions and treatments of walls, fences, screen walls, barriers, rails, retaining walls and hedges;</p> <p>d) hard landscaping: including ground surfaces, kerbs, edges, ridge and flexible pavings, unit paving, furniture, steps and if applicable synthetic surfaces; and</p> <p>e) any other landscaping feature(s) forming part of the scheme.</p> <p>All landscaping in accordance with the approved scheme shall be completed / planted during the first planting season following practical completion of the development hereby approved. The landscaping and tree planting shall have a two year maintenance / watering provision following planting and any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of completion of the development shall be replaced with the same species or an approved alternative to the satisfaction of the Local Planning Authority within the next planting season.</p> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained.</p>
27	<p>Bird / bat boxes (details)</p>
	<p>CONDITION: Details of bat and bird nesting boxes/bricks shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of any superstructure works commencing. The details shall include the exact location, specification and design of the installations. The boxes/bricks shall be installed prior to the first occupation and permanently retained thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision in respect of the creation of habitats and valuable areas for biodiversity.</p>
28	<p>Sustainable Urban Drainage System (SUDS) (details)</p>
	<p>CONDITION: Details of a detailed 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 maximise water quality, amenity and biodiversity benefits in accordance with DM Policy 6.6 and the National SuDS Standards. The submitted details shall:</p> <ul style="list-style-type: none"> i. provide information about the design storm period and intensity, the method employed (SuDS management train) to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; ii. include a timetable for its implementation; and iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. <p>The drainage system shall be installed and operational prior to the first occupation of the</p>

	<p>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 and minimise the potential for surface level flooding.</p>
29	<p>Rainwater / greywater recycling (Details)</p> <p>CONDITION: Details of a rainwater/greywater recycling system shall be submitted to and approved in writing by the Local Planning Authority prior any superstructure works commencing onsite. The details shall also demonstrate the maximum level of recycled water that can feasibly be provided to the development.</p> <p>The rainwater 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 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 sustainable use of water.</p>

List of Informatives:

1	<p>S106</p> <p>SECTION 106 AGREEMENT</p> <p>You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.</p>
2	<p>Superstructure</p> <p>DEFINITION OF 'SUPERSTRUCTURE' AND 'PRACTICAL COMPLETION'</p> <p>A number of conditions attached to this permission have the time restrictions 'prior to superstructure works commencing on site' and/or 'following practical completion'. The council considers the definition of 'superstructure' as having its normal or dictionary meaning, which is: the part of a building above its foundations. The council considers the definition of 'practical completion' to be: when the work reaches a state of readiness for use or occupation even though there may be outstanding works/matters to be carried out.</p>
3	<p>Community Infrastructure Levy (CIL) (Granting Consent)</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 cil@islington.gov.uk. The Council will then issue a Liability Notice setting out the amount of CIL that is payable.</p> <p>Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed. The above forms can be found on the planning portal at: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</p>

	<p>Pre-Commencement Conditions:</p> <p>These conditions are identified with an ‘asterix’ * in front of the short description. These conditions are important from a CIL liability perspective as a scheme will not become CIL liable until all of these unidentified pre-commencement conditions have been discharged.</p>
4	<p>Car-Free Development</p> <p>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.</p>
5.	<p>Roof top plant</p> <p>The applicant is advised that any additional roof top plant not shown on the approved plans will require a separate planning application.</p>
6	<p>Construction works</p> <p>Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Pollution Team, Islington Council, 222 Upper Street London N1 1XR (Tel. No. 020 7527 3258 or by email pollution@islington.gov.uk) or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.</p>
7	<p>Highways Requirements</p> <p>Compliance with sections 168 to 175 and of the Highways Act, 1980, relating to “Precautions to be taken in doing certain works in or near streets or highways”. This relates, to scaffolding, hoarding and so on. All licenses can be acquired through streetworks@islington.gov.uk. All agreements relating to the above need to be in place prior to works commencing.</p> <p>Compliance with section 174 of the Highways Act, 1980 - “Precautions to be taken by persons executing works in streets.” Should a company/individual request to work on the public highway a Section 50 license is required. Can be gained through streetworks@islington.gov.uk. Section 50 license must be agreed prior to any works commencing.</p> <p>Compliance with section 140A of the Highways Act, 1980 – “Builders skips: charge for occupation of highway. Licenses can be gained through streetworks@islington.gov.uk.</p> <p>Compliance with sections 59 and 60 of the Highway Act, 1980 – “Recovery by highways authorities etc. of certain expenses incurred in maintaining highways”. Haulage route to be agreed with streetworks officer. Contact streetworks@islington.gov.uk.</p> <p>Joint condition survey required between Islington Council Highways and interested parties before commencement of building works to catalogue condition of streets and drainage gullies. Contact highways.maintenance@islington.gov.uk Approval of highways required and copy of findings and condition survey document to be sent to planning case officer for development in question.</p>

Temporary crossover licenses to be acquired from streetworks@islington.gov.uk. Heavy duty vehicles will not be permitted to access the site unless a temporary heavy duty crossover is in place.

Highways re-instatement costing to be provided to recover expenses incurred for damage to the public highway directly by the build in accordance with sections 131 and 133 of the Highways Act, 1980.

Before works commence on the public highway planning applicant must provide Islington Council's Highways Service with six months notice to meet the requirements of the Traffic Management Act, 2004.

Development will ensure that all new statutory services are complete prior to footway and/or carriageway works commencing.

Works to the public highway will not commence until hoarding around the development has been removed. This is in accordance with current Health and Safety initiatives within contractual agreements with Islington Council's Highways contractors.

Alterations to road markings or parking layouts to be agreed with Islington Council Highways Service. Costs for the alterations of traffic management orders (TMO's) to be borne by developer.

All lighting works to be conducted by Islington Council Highways Lighting. Any proposed changes to lighting layout must meet the approval of Islington Council Highways Lighting. NOTE: All lighting works are to be undertaken by the PFI contractor not a nominee of the developer. Consideration should be taken to protect the existing lighting equipment within and around the development site. Any costs for repairing or replacing damaged equipment as a result of construction works will be the responsibility of the developer, remedial works will be implemented by Islington's public lighting at cost to the developer. Contact streetlights@islington.gov.uk

Any damage or blockages to drainage will be repaired at the cost of the developer. Works to be undertaken by Islington Council Highways Service. Section 100, Highways Act 1980.

Water will not be permitted to flow onto the public highway in accordance with Section 163, Highways Act 1980

Public highway footway cross falls will not be permitted to drain water onto private land or private drainage.

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 practice guidance for England has been published online

2. **Development Plan**

The Development Plan is comprised of the London Plan 2015, 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 2015 – Spatial Development Strategy for Greater London, Consolidated with Alterations since 2011

1 Context and strategy

1.1 Delivering the strategic vision and objectives for London

2 London's places

2.9 Inner London

2.10 CAZ – Strategic priorities

2.11 CAZ – Strategic functions

2.12 CAZ – Predominantly local activities

2.13 Opportunity areas and intensification areas

2.14 Areas for regeneration

2.15 Town centres

3 London's people

3.9 Mixed and balanced communities

3.10 Definition of affordable housing

3.11 Affordable housing targets

3.12 Negotiating affordable housing on individual private residential and mixed use schemes

3.13 Affordable housing thresholds

3.15 Coordination of housing development and investment

3.16 Protection and enhancement of social infrastructure

4 London's economy

4.1 Developing London's economy

4.2 Offices

4.3 Mixed use development and offices

4.10 New and emerging economic sectors

4.12 Improving opportunities for all

5.10 Urban greening

5.11 Green roofs and development site environs

5.12 Flood risk management

5.13 Sustainable drainage

5.14 Water quality and wastewater infrastructure

5.15 Water use and supplies

5.17 Waste capacity

5.18 Construction, excavation and demolition waste

6 London's transport

6.1 Strategic approach

6.2 Providing public transport capacity and safeguarding land for transport

6.3 Assessing effects of development on transport capacity

6.5 Funding Crossrail and other strategically important transport infrastructure

6.7 Better streets and surface transport

6.9 Cycling

6.10 Walking

6.11 Smoothing traffic flow and tackling congestion

6.13 Parking

7 London's living places and spaces

7.1 Building London's neighbourhoods and communities

7.2 An inclusive environment

7.3 Designing out crime

7.4 Local character

5 London's response to climate change

- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.5 Decentralised energy networks
- 5.6 Decentralised energy in development proposals
- 5.7 Renewable energy
- 5.8 Innovative energy technologies
- 5.9 Overheating and cooling

- 7.5 Public realm
- 7.6 Architecture
- 7.8 Heritage assets and archaeology
- 7.13 Safety, security and resilience to emergency
- 7.14 Improving air quality
- 7.15 Reducing noise and enhancing soundscapes
- 7.18 Protecting local open space and addressing local deficiency
- 7.19 Biodiversity and access to nature
- 7.21 Trees and woodlands

8 Implementation, monitoring and review

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

B) Islington Core Strategy 2011

Spatial Strategy

- CS 7 Bunhill and Clerkenwell
- CS 8 Enhancing Islington's character

- CS 13 Employment spaces
- CS 15 Open Space and Green Infrastructure
- CS 16 Play Space

Strategic Policies

- CS 9 Protecting and Enhancing Islington's Built and Historic Environment
- CS 10 Sustainable Design
- CS 11 Waste
- CS 12 Meeting the Housing Challenge

- Infrastructure and Implementation**
- CS 18 Delivery and Infrastructure)
- CS 19 Health Impact Assessments
- CS 20 Partnership Working

C) Development Management Policies June 2013

Design and Heritage

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

- DM7.1 Sustainable design and construction statements
- DM7.3 Decentralised energy networks
- DM7.4 Sustainable design standards
- DM7.5 Heating and cooling

Employment

- DM5.1 New business floorspace
- DM5.2 loss of existing business floorspace
- DM5.4 Size and affordability of workspace

Transport

- DM8.1 Movement hierarchy
- DM8.2 Managing transport impacts
- DM8.3 Public transport
- DM8.4 Walking and cycling
- DM8.5 Vehicle parking
- DM8.6 Delivery and servicing for new Developments

Health and open space

- DM6.1 Healthy development
- DM6.2 New and improved public open space
- DM6.6 Flood prevention

Infrastructure

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

Energy and Environmental Standards

BC1 King Square and St Luke's
BC8 Achieving a balanced mix of uses
BC9 Tall Buildings and contextual
considerations for building heights
BC10 Implementation

D) **Site Allocations June 2013**

SA1 Proposals within allocated sites	Within 50m of BC15 "Seward Street playground"
BC16 "NCP car park, 1 Pear Tree Street"	

4. **Designations**

The site has the following designations under the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013 and Site Allocations June 2013.

Islington Local Plan

Bunhill & Clerkenwell Core Strategy key area
Central Activities Zone
Great Sutton Street Employment Priority Area (General)
Site allocation BC16 "NCP car park, 1 Pear Tree Street"
Within 50m of site allocation BC15 "Seward Street playground"
Within 50m of Hat and Feathers Conservation Area

London Plan

Central Activities Zone

5. **Supplementary Planning Guidance (SPG) / Document (SPD)**

The following SPGs and/or SPDs are relevant:

Islington Local Development Plan

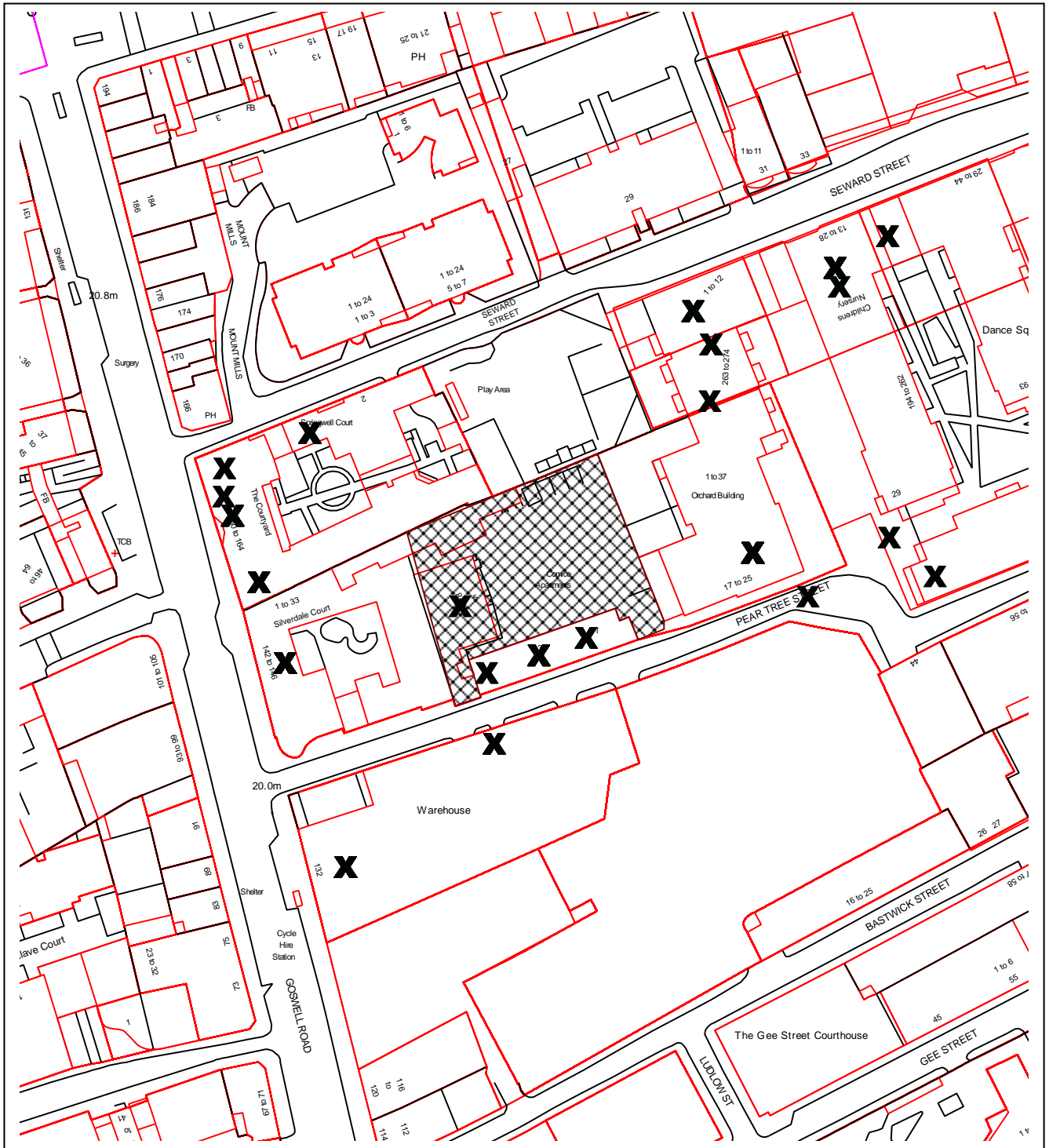
- Accessible Housing in Islington
- Car Free Housing
- Environmental Design SPD
- Inclusive Design in Islington SPD
- Inclusive Landscape Design SPD
- Planning Obligations (Section 106) SPD
- Streetbook SPD
- Urban Design Guide SPD

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)
- Land for industry and Transport
- 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

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Islington SE GIS Print Template



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P2015/4725/FUL

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PLANNING COMMITTEE REPORT

PLANNING COMMITTEE		AGENDA ITEM NO:
Date:	19 May 2016	NON-EXEMPT

Application number	P2015/4722/FUL
Application type	Full Planning Application
Ward	Bunhill
Listed building	Locally listed
Conservation area	Bunhill Fields/Finsbury Square (front of site only)
Development Plan Context	Central Activities Zone Bunhill and Clerkenwell Core Strategy Key Area City Fringe Opportunity Area Employment Priority Area (Offices) Archaeological Priority Area (Moorfields) Finsbury Local Plan Site Allocation BC28 Major Cycle Route (Worship Street)
Licensing Implications	Premises licence required
Site Address	Royal London House, 22-25 Finsbury Square, London, EC2A 1DX
Proposal	Change of use of existing building from offices (Class B1) to hotel (C1) and restaurant (A3) and associated extensions and external alterations.

Case Officer	Rebecca Neil
Applicant	Montcalm Hotel Group
Agent	Jon Dingle

1.0 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**.

2.0 SITE PLAN

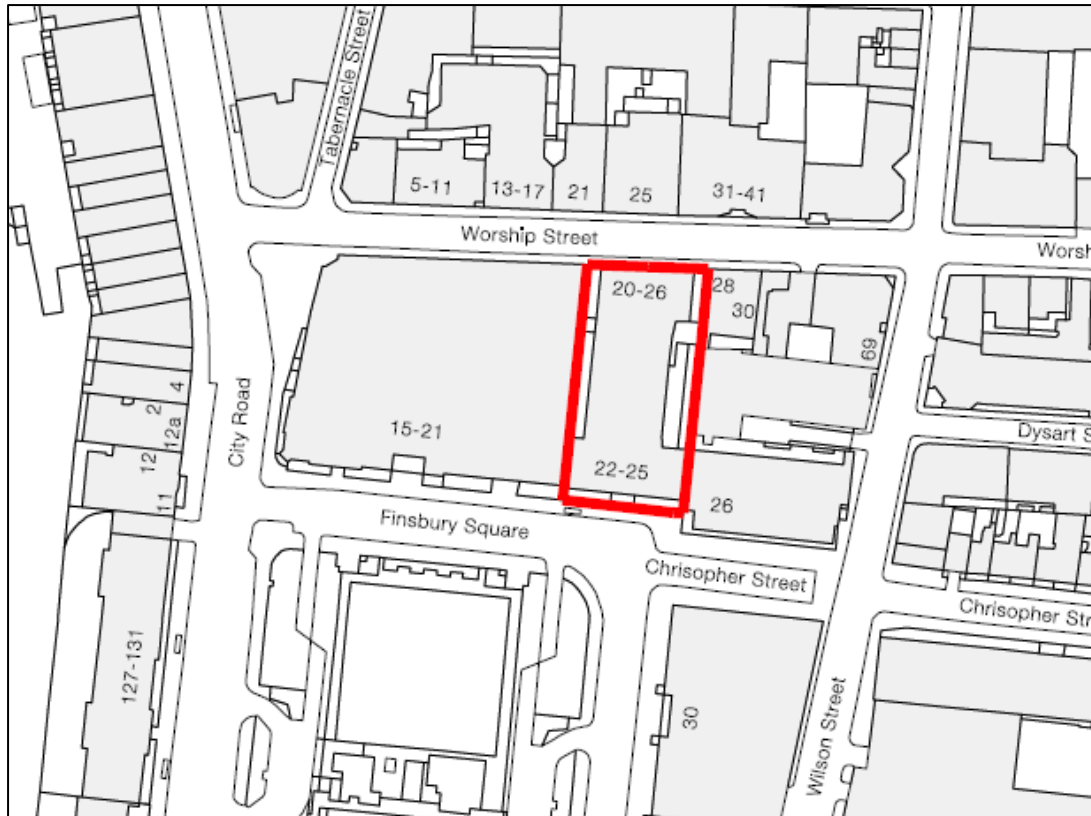


Fig. 1: Site location plan (site outlined in red)

3.0 PHOTOS OF SITE/STREET



Fig. 2: Front elevation



Fig. 3: View of site from across Finsbury Square



Fig. 4: Worship Street elevation

4.0 SUMMARY

- 4.1 Royal London House is an 8-storey (plus basement, lower ground floor and rooftop plant) building located on the north side of Finsbury Square. It is locally listed and located close to several designated assets. The front part of the site lies within the Bunhill Fields/Finsbury Square Conservation Area. The site also lies within the Central Activities Zone (CAZ) and City Fringe Opportunity Area (CFOA), and is within an Employment Priority Area (Offices).
- 4.2 This proposal involves the change of use of the existing building from office (Class B1) to hotel (Class C1) and associated upper floor extensions and alterations. The seventh floor will be removed and rebuilt, and the eighth, ninth and tenth floors will be demolished and rebuilt with significant enlargements. The tenth floor will house a rooftop restaurant. The scheme is similar to that approved under P122324, with the exception of some minor layout changes, some additional massing at ninth and tenth floor level, and the addition of a rooftop restaurant on the tenth floor. In total, the floor area of the development has been increased by 342m² (GIA) - 156m² at ninth floor level and 186m² at tenth floor level - and the number of hotel rooms has been reduced from 256 to 250.
- 4.3 The principle of the loss of office space in this building has been established by the decision of the Planning Inspector on 03 November 2014, on appeal against the council's refusal of planning permission to change the use of the building to a hotel. There has been no material change in planning policy since that date, nor any changes to the employment and training obligations being offered under this proposal. The Inspector's decision is a key material consideration in the determination of this application and it would be inappropriate to revisit the principle of the loss of office floorspace.
- 4.4 The additional massing at ninth and tenth floor level has been the subject of a lengthy and involved pre-application process, and is considered acceptable in design terms. There would be no harm to the setting of the designated and non-designated heritage assets close to the site (including Finsbury Square itself, and the statutorily listed structures within it). The character and appearance of the Bunhill Fields/Finsbury Square Conservation Area would be maintained and the proposal would have no adverse impact on the adjacent local landmark at Triton Court.
- 4.5 The scheme is largely in accordance with the principles of Inclusive Design, and provides 27 fully-fitted wheelchair accessible rooms, which exceeds the amount required by policy.
- 4.6 In terms of the impact of the development upon the amenity of neighbouring residential occupiers, the scheme is compliant with BRE guidance in respect of daylight and sunlight, and does not result in any adverse impacts in terms of loss of outlook or privacy. Whilst there is the potential for the new restaurant use to result in noise and disturbance to neighbouring properties, these impacts can be suitably controlled by conditions restricting the hours of opening of the restaurant, the use of the terrace, and noise emitted by proposed extraction plant.
- 4.7 The addition of a restaurant to the scheme is unlikely to have any additional adverse impacts in terms of deliveries and servicing over and above that created by the original proposal. The proposal meets the London Plan and local targets in respect

of carbon emissions and is largely compliant with policy on sustainability, with additional areas of Solar PV and green roof provided over and above that proposed by P122324. Appropriate Section 106 Heads of Terms have been agreed with the applicant. These are reflective of the Section 106 agreement signed pursuant to application P122324 on 07 October 2014.

- 4.8 The benefits of the proposed development (including the high quality design, accessibility and employment training measures offered) have been considered in the final balance of planning considerations, along with the shortcomings of the proposed development (which include loss of office space and the potential adverse impacts on neighbouring properties, which in officers' view can be suitably controlled by condition). On balance, it is recommended that permission is granted.

5.0 SITE AND SURROUNDINGS

- 5.1 Royal London House is an 8-storey (plus basement, lower ground floor and rooftop plant) building located on the north side of Finsbury Square. The building also has a frontage onto Worship Street and has vehicular access from this elevation. The building occupies most of the 0.2 ha site and is an 'I' shape with front and side light wells above basement level.

- 5.2 The building dates from the early 1950s, and is locally listed. It has a simplified classical design, with Portland stone and granite used in the front elevation. The front part of the site is within the Bunhill Fields/Finsbury Square Conservation Area (CA22). The adjacent buildings to the west – now known as Triton Court – are locally listed and have Edwardian baroque and art deco elevations. The tower at the centre of this group of buildings has been identified as a local landmark (LL17, listed in Policy DM2.5 of the Islington Development Management Policies). A drinking fountain and 2 cattle troughs in Finsbury Square are Grade II listed.

- 5.3 The buildings in Finsbury Square are within the Central Activities Zone (CAZ) and, along with the buildings in surrounding streets, are predominantly in commercial use. This is reflected in the architecture around the perimeter of the square, which includes a number of large-scale, 20th century commercial buildings, all of similar heights and which provide a sense of formality, continuity and enclosure.

- 5.4 Due to its proximity to several London Underground and mainline stations, plus its location close to several bus routes, the site has a PTAL rating of 6b, which is the highest that can be achieved.

- 5.5 At the time of writing this report, the site is shrouded, and construction work is under way to implement planning permission P122324, granted by the Planning Inspectorate on 03 November 2014 (discussed in further detail below).

6.0 PROPOSAL (IN DETAIL)

- 6.1 This proposal involves the change of use of the existing building from office (Class B1) to hotel (Class C1) and associated upper floor extensions and alterations. The seventh floor will be removed and rebuilt, and the eighth, ninth and tenth floors will be demolished and rebuilt with significant enlargements. The tenth floor will house a rooftop restaurant.

6.2 This proposal follows the grant of permission by the Planning Inspectorate on 03 November 2014 for 'change of use from Class B1 (offices) to Class C1 (hotel), roof extensions and associated external alterations' (council's ref: P122324; appeal ref: APP/V5570/A/14/2213312). The differences between the scheme as proposed by this application and P122324 are:

- At basement level, various layout changes are proposed, including relocation of the refuse store and bicycle parking from the rear of the building to the front. At lower ground floor level, minor layout changes are proposed, including removal of the bar store and reconfiguration of the gym/spa area.
- At ground floor level, 11 hotel rooms have been removed to accommodate the creation of a 'club lounge' for hotel guests (60 covers), a pantry and new toilet cubicles.
- An additional 6 hotel rooms have been added at first to sixth floor level (one on each floor). This has been achieved by removing the store rooms and service lifts from the Finsbury Square wing of the building at levels 1-6, and relocating them to the Worship Street wing, where a store has been removed to accommodate the lift core.
- Two bedrooms have been added to the Finsbury Square wing of the seventh and eighth floors, which has again been achieved by relocation of the service lifts, and reorientation of the deluxe suites fronting Finsbury Square.
- The ninth floor has been extended forward by a further 1.5 metres on both elevations. On the Finsbury Square side of the building, this additional massing – and the removal of the previously consented plant enclosures - has facilitated the creation of two new suites, each of which has a private terrace overlooking Finsbury Square. One bedroom has also been removed from the previously consented envelope at this level to facilitate stair access to level 10. A small strip of green roof (no public access) has been created adjacent to Worship Street.

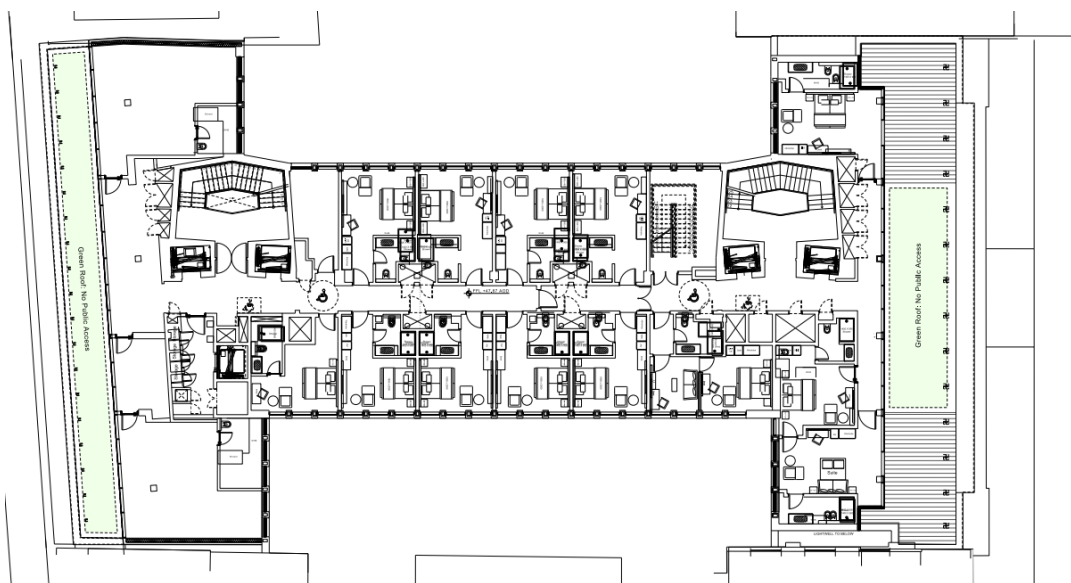


Fig 5: Proposed ninth floor plan

- The tenth floor has been extended forward by a further 12.5 metres, representing a significant increase in massing at this level. The 6 hotel rooms at tenth floor level approved under P122324 have been removed. The entire use of the tenth floor is now proposed to be a restaurant (129 covers). It should be noted that, although this is accessed through the ground floor of the hotel, this restaurant will be open to the general public, will not be managed as part of the hotel and should not be considered ancillary.

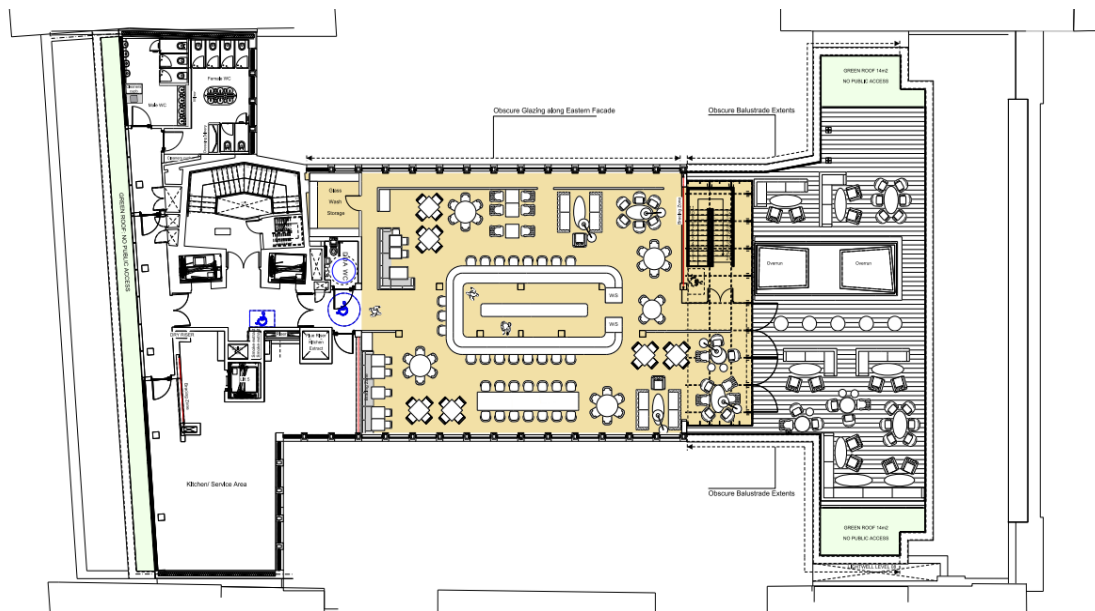


Fig 6: Proposed tenth floor plan

- New areas of green roof are proposed at ninth, tenth and roof levels.
- 6.3 In total, the floor area of the development has been increased by 342m² (GIA) - 156m² at ninth floor level and 186m² at tenth floor level, and the number of hotel rooms has been reduced from 256 to 250.
- 6.4 The restaurant at tenth floor level will be located principally in the central spine of the building, with a large external rooftop terrace overlooking Finsbury Square. The Worship Street wing at tenth floor level will contain the kitchen service zones and WCs for the restaurant, as well as the main lift and staff stair access to this floor. A small, inaccessible green roof terrace will sit in front of the facade on the Worship Street elevation at tenth floor level. Two smaller terraces are proposed at ninth floor level, serving the two new hotel rooms in the Finsbury Square wing.
- 6.5 In terms of visual appearance, the seventh, eighth and enlarged ninth floors will be identical to the design and materials of the previously consented scheme, with the front and rear elevations using a high-quality curtain walling system with a fritted glass design (as approved under application P2015/3558/AOD). At tenth floor level, the Worship Street and two side elevations will match the design of the previously consented scheme, but the frontage of the restaurant will be a self-supporting, lightweight glass box, designed to reduce visibility from ground level.
- 6.6 Of the 250 hotel rooms provided, 26 of these will be wheelchair accessible and fully fitted from first occupation. There will be two disabled parking spaces provided at

basement level, and step-free access throughout the building. All servicing and deliveries associated with the hotel will take place from existing loading bays on Worship Street. The waste management arrangements will be as previously consented, with refuse being stored at basement level and transported from all levels (including the new restaurant at tenth floor level) via the service lifts.

7.0 RELEVANT HISTORY

7.1 The following history is considered relevant to this planning application.

Planning applications

7.2 **P072859** and **P072860**: Planning permission and conservation area consent for redevelopment of Royal London House to provide 19,208m² (gross external area) of Class B1 office floor space over basement, ground and nine upper storeys, together with one further plant floor – *approved 23 April 2008*.

7.3 **P081289**: Change of use of lower ground and ground floor from offices (B1) to provide education use (D1) for a maximum period of up to 5 years – *approved 29 September 2008*.

7.4 **P122324**: Change of use from Class D1 (education) and Class B1 (offices) to Class C1 (hotel), roof extensions and associated external alterations – *refused by the local planning authority on 14 August 2013, but allowed on appeal on 03 November 2014*.

7.5 **P2015/0185/AOD**: Approval of details pursuant to condition 15 (Construction Management Plan) of appeal decision APP/V5570/A/14/2213312 (LBI ref: P122324) dated 03/11/2014 – *approved 18 August 2015*.

7.6 **P2015/0321/AOD**: Approval of details pursuant to condition 10 (Green Procurement Plan) of appeal decision APP/V5570/A/14/2213312 (LBI ref: P122324) dated 03/11/2014 – *approved 01 April 2015*.

7.7 **P2015/3558/AOD**: Approval of details in pursuant to condition 3 (Materials - details and Samples) of Planning Appeal reference APP/V5570/A/14/2213312 dated 3/11/2014 – *approved 22 September 2015*

7.8 **P2016/0097/FUL**: Creation of canopy over main entrance to building on Worship Street – *currently under determination*

7.9 **P2016/0147/ADV**: Signage to Finsbury Square and Worship Street elevations – *currently under determination*

Enforcement

7.10 None.

Pre-application advice

7.11 Pre-application advice was sought in 2015 and three meetings took place with officers on 10 March, 01 April and 10 July 2015. Despite gradual refinements to the scheme over the course of these meetings, officer concern remained in relation to

the visibility and prominence of the additional massing proposed at tenth floor level, in particular that the proposal would depart and detract from the relative consistency of the roofline of Finsbury Square and compromise the symmetry with Triton Court introduced by the consented scheme.

- 7.12 A follow-up pre-application enquiry was submitted in September 2015. This proposed the removal of the parapet at tenth floor level, with the front section of the restaurant constructed as a lightweight glass box with a much lower profile. A number of views were also submitted to demonstrate that the proposal would have no impact in views from various locations in Finsbury Square.

8.0 CONSULTATION

Public Consultation

- 8.1 Letters were sent to occupants of 161 adjoining and nearby properties on Worship Street, Finsbury Square, Bonhill Street and Wilson Street on 12 November 2015. Re-consultation took place on 03 February 2016, following the submission of further documentation. A press advert was published and site notice displayed on 12 November 2015, and again on 03 February 2016. The public consultation of the application expired on 03 March 2016; however it is the Council's practice to continue to consider representations made up until the date of a decision.

- 8.2 At the time of the writing of this report, two objections had been received to the proposal on the grounds of the impact of the proposal on the daylight and sunlight received by neighbouring properties at 34 Worship Street (previously known as 63-69 Wilson Street), which is discussed in paragraphs 10.33-10.38 of this report. One objector has also raised concerns about noise and disturbance created by the restaurant terrace, which is addressed in paragraphs 10.43-10.45 of this report. A condition (Condition 22) will restrict the hours of use of the restaurant to between 7am-11pm Sunday to Thursday and 7am-midnight Friday and Saturday, and the use of the terrace to 7am -10pm on any day.

Applicant's consultation

- 8.3 The applicant carried out its own resident consultation process with the occupants of the nine flats on Worship Street, which were still under construction at the time of the initial proposal in 2012. A meeting took place with two residents, who expressed concerns about overlooking, the impact of the development on their daylight and sunlight, and disturbance from the restaurant. As a result, the applicant made the following changes to the scheme prior to submission:

- alterations to the restaurant layout to provide a staff corridor on the elevation facing the residential properties, rather than chairs and tables;
- obscure glazing in this elevation at tenth floor level;
- the addition of obscurely glazed balustrades around the terraces and green roof areas.

- 8.4 The applicant has also proposed the imposition of a condition restricting opening hours of the restaurant to midnight.

External Consultees

- 8.5 **London Fire and Emergency Planning Authority:** No comment.
- 8.6 **Thames Water:** No objection.
- 8.7 **Corporation of London:** No objection.
- 8.8 **London Borough of Hackney:** No comment.

Internal Consultees

- 8.9 **Access and Inclusive Design Team:** Have no in-principle objection to the application, however any extension should be treated as though it were a new building and so should be expected to meet contemporary standards. The evacuation lift should serve the tenth floor.
- 8.10 **Design and Conservation Team:** Have been involved throughout the pre-application process and have no objection to the additional massing due to its extremely limited visibility in views from Finsbury Square.
- 8.11 **Energy Team:** Agrees to use of on-site CHP and solar photovoltaic panels. The carbon dioxide offset requirement has increased to £722,169.
- 8.12 **Highways (Traffic and Engineering):** No objection subject to submission of further delivery and servicing information.
- 8.13 **Planning Obligations Team:** Agrees to a replication of the previous Section 106 agreement, with the exception of the increase in carbon offsetting payment.
- 8.14 **Planning Policy (Sustainability):** No comment to date.
- 8.15 **Planning Policy Team:** No objection.
- 8.16 **Public Protection (Noise Team):** No objection subject to a condition controlling hours of use of the restaurant and terrace.
- 8.17 **Public Protection (Licensing):** No objection subject to a condition controlling hours of use of the restaurant and terrace.
- 8.18 **Waste and Recycling:** No objection.

9.0 RELEVANT POLICIES

- 9.1 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

- 9.2 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.

- 9.3 Since March 2014, Planning Practice Guidance for England has been published online.
- 9.4 Under the Ministerial Statement of 18 December 2014, the government seeks to increase the weight given to SuDS being delivered in favour of traditional drainage solutions. Further guidance from the DCLG has confirmed that LPA's will be required (as a statutory requirement) to consult the Lead Local Flood Authority (LLFA) on applicable planning applications (major schemes).

Development Plan

- 9.5 The Development Plan is comprised of the London Plan 2015 (Consolidated with Alterations since 2011), the Islington Core Strategy 2011, the Islington Development Management Policies 2013, the Finsbury Local Plan 2013 and the Site Allocations 2013. The policies of the Development Plan that are considered relevant to this application are listed at **Appendix 2** to this report.

Designations

- 9.6 The site has the following designations under the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013 and Finsbury Local Plan 2013:
- Central Activities Zone
 - Bunhill and Clerkenwell Core Strategy Key Area
 - City Fringe Opportunity Area (CFOA)
 - Employment Priority Area (Offices)
 - Archaeological Priority Area
 - Site Allocation BC28 (Finsbury Local Plan)

Supplementary Planning Guidance (SPG) / Document (SPD)

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

10.0 ASSESSMENT

- 10.1 The main issues arising from this proposal relate to:
- Land use
 - Design, conservation and heritage
 - Inclusive design
 - Neighbouring amenity
 - Highways and transportation
 - Energy conservation, sustainability and biodiversity
 - Other planning issues
 - Planning Obligations, Community Infrastructure Levy and local finance considerations

Land use

Loss of office floor space and change of use to hotel

- 10.2 Policy 4.2 of the London Plan encourages the development of office provision, including the renewal and modernisation of the existing office stock in viable locations. Policy CS13 (Part B) of the Islington Core Strategy provides that the council will safeguard existing business space throughout the borough by protecting against changes of use to non-business uses, particularly in the Central Activities Zone, unless exceptional circumstances can be demonstrated. This is reflected in Policy DM5.2 (Part A) of the Islington Development Management Policies, which provides that proposals resulting in a loss or reduction of business floorspace will be refused unless clear and robust evidence is submitted to show that there is no demand for the floorspace. This evidence must demonstrate that the premises have been vacant and continuously marketed for a period of at least two years. In exceptional cases related to site-specific circumstances, where the vacancy period has been less than two years, a robust market demand analysis which supplements any marketing and vacancy evidence may be considered acceptable.
- 10.3 The above requirements are repeated in Policy BC8 (Part A) of the Finsbury Local Plan. However, in addition, Policy BC8 requires that, within Employment Priority Areas (General and Offices), the loss of business floorspace will only be permitted where the proposal would not have a detrimental individual or cumulative impact on the area's primary business role and would not compromise economic function/growth, or it can be demonstrated to the council's satisfaction that the site is no longer suitable for the provision of similar uses. Royal London House is also allocated within the Finsbury Local Plan (BC28) for '*redevelopment of the existing building to provide office (B1(a)) floorspace*'. It is therefore the case that there is a strong policy presumption against the loss of business use on this site.
- 10.4 Policy 4.5 of the London Plan seeks to improve the range and provision of visitor accommodation in London, and confirms that the Central Activities Zone is an appropriate location for hotels and other visitor infrastructure. Policy CS7 of the Islington Core Strategy encourages visitor accommodation in Bunhill & Clerkenwell, and Policy BC8 (Part H) provides that visitor accommodation is appropriate in the City Fringe Opportunity Area. Proposals for visitor accommodation must meet the criteria set out in the Development Management Policies on visitor accommodation, which are contained in Policy 4.11 (Part B).
- 10.5 This proposal involves the loss of 12,864m² of B1 (office) floorspace. However, an important material consideration is that the principle of this loss - and its replacement with a hotel - has already been established by the Planning Inspectorate, who granted permission on appeal against the council's refusal of planning permission (P122324) on 03 November 2014. The council's stated reason for refusal was as follows:

"The proposal would result in the loss of Class B1 office accommodation and the Class B1 office use of a site within the Central Activities Zone, the City Fringe Opportunity Area and the Employment Priority Area (Offices). The proposal would not provide floorspace capable of accommodating higher employment densities, would compromise the economic function and growth of the area, and has not been justified by material considerations or

marketing, viability and other evidence. The proposal is contrary to policy CS13 of the Islington Core Strategy 2011, policy 4.2 of the London Plan 2011, policy DM4.11 of Islington's Development Management Policies, and policy BC8 and site allocation BC28 of the Finsbury Local Plan."

- 10.6 In allowing the appeal, the Inspector accepted that the proposal was contrary to local plan policies seeking to protect office floor space, but gave significant weight to the fact that a hotel would fulfil an important supporting role for business uses in the Central Activities Zone, CFOA and wider City. He also concluded that the existing building was dated, and would be unlikely to ever attract a high level of occupation or operate efficiently, but that the plan form of the building was '*eminently suitable*' for hotel use. Another key factor that weighed in the applicant's favour was the wide range of employment and training benefits being offered under the terms of the proposed Section 106 agreement. The Inspector also gave little weight to Site Allocation BC28, pointing out that the allocation does not, on its own, indicate that a use other than B1 is inappropriate, '*if the balance of material considerations flows in that direction*' (para. 44).
- 10.7 It is not considered appropriate to revisit the issue of the loss of B1 (office) in the assessment of this application. There have been no material changes in the council's adopted planning policies since the date of the decision, and no substantial changes to the hotel element of this proposal. Whilst there remains an acute need for business accommodation throughout the borough, the Inspector did not dispute that there was a shortage of offices coming forward at the time of his decision in 2014 (merely referring to the council's market evidence as 'inconclusive'); however he concluded that these factors should not weigh heavily against approval of the scheme.
- 10.8 It should be noted that the applicant has, in accordance with Policies DM 5.2 and BC8, submitted an updated market demand analysis prepared by Avison Young. This notes that there is a significant amount of office floorspace currently available or likely to be delivered in the coming years, and concludes that fundamental difficulty of creating attractive office space in the building coupled with the large amount of potentially competing accommodation has led to there being little prospect, regardless of market conditions, of the building being let or redeveloped for offices. This is evidenced, in their opinion, by the inability to profitably let the existing building and in the fact that no office developers at all bid for the building when it came to market in late 2011. The report reaches very few conclusions that were not made at the time of the original application and therefore, regardless of whether the council agrees with its content, it would not alter the balance of considerations applied by the Inspector in 2014.
- 10.9 Whilst this is a 'fresh' application and should be considered on its own merits, it should be noted that the office use has now ceased on the site and works approved pursuant to P122324 are in the process of being implemented (with all relevant pre-commencement conditions discharged). The applicant has indicated in their planning statement that, should this application be refused, the Montcalm Hotel Group would '*simply complete the implementation of the existing permission (P122324)*'. Therefore, refusal of this application on the grounds of loss of office space would serve no purpose insofar as protecting the office use.

10.10 In relation to the criteria in Policy 4.11 (Part B), it has already been established by the Inspector's decision that these have been met, and the proposal to add a restaurant at tenth floor level does not affect the scheme's compliance with any of these criteria.

Principle of restaurant use

10.11 Policy CS7 of the Islington Core Strategy provides that a number of local centres within the Bunhill and Clerkenwell area are foci for shops, facilities and/or the evening economy, and Finsbury Square is listed as one of them. The policy provides that these centres will be protected and enhanced in a manner that ensures their vitality and vibrancy, whilst safeguarding the amenity of neighbouring residential areas. In addition, Policy BC8 (Part G) of the Finsbury Local Plan specifically restricts entertainment uses to Employment Priority Areas (EPA). In principle, therefore, Finsbury Square (which falls within an EPA) is a suitable location for a restaurant use.

10.12 Policy DM4.4 (Part B) of the Islington Development Management Policies provides that proposals for more than 80m² of A3 floorspace within the Central Activities Zone must demonstrate that:

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

10.13 With respect to the criteria listed in Policy DM4.4, there are no individual impacts on Islington's town centres, as the nearest – Angel – is over a mile away. It is also unlikely, for the same reasons, that the proposal will prejudice any future development in Angel. The nearest designated town centre within the London Borough of Hackney, whose borough boundary lies close to Royal London House, is Dalston, which is over two miles away; therefore it is considered highly unlikely that this development would have any adverse impacts on any of Hackney's town centres. The proposal is therefore consistent with criterion (i).

10.14 With regard to criterion (ii), the impact of the development on the amenity of neighbouring occupiers is discussed in detail in paragraphs 10.32 - 10.45 of this report. With regard to criterion (iii), there are no specific clusters of A3 uses in the area, but there are a significant number of A3 uses interspersed throughout the Central Activities Zone and, as Policy BC8 prioritises A3 uses in Employment Priority Areas, the proposal is consistent with criterion (iii).

10.15 Policy DM4.3 (Part A) provides that proposals for cafés, restaurants, drinking establishments and other similar uses will be resisted where they would result in negative cumulative impacts due to an unacceptable concentration of such uses in

one area, or would cause unacceptable disturbance or detrimentally affect the amenity, character and function of an area. The nearest bars and restaurants to Royal London House are located behind the site on Worship Street and along Finsbury Pavement, on the western side of the square. The proposed restaurant is located at roof level and is accessed through the hotel lobby, and would result in no street-level spill out of customers. The premises is primarily a restaurant, rather than a drinking establishment, and will shut earlier than most other licensed premises in the area (some of which are licensed until 2am). Conditions will be attached to mitigate noise from the premises (see conditions 16, 20 and 22). Given all of the above, it is considered that this restaurant will not result in a cumulative impact when considered alongside the nature and location of similar premises in the vicinity.

- 10.16 The site lies within the Bunhill Cumulative Impact Area, which has a high concentration of late-night licensed premises. The council's licensing team have been consulted but have not made comments on this application.

Employment and training

- 10.17 Policy CS13 (Part C) of the Core Strategy provides that major developments will be required to provide jobs and training opportunities, including on-site construction training. As discussed above, the employment and training benefits offered by the applicant at the time of the original application were a significant factor weighing in favour of the scheme granted permission on appeal. These measures were secured via a Section 106 agreement dated 03 October 2014 and included financial contributions towards hospitality courses, a wide range of work experience placements and recruitment to the hotel in conjunction with Islington's Business Employment Support Team.
- 10.18 The terms contained in the Section 106 agreement for P122324 will be replicated in the new Section 106 agreement, with any payments which have already been made being offset against the new agreement. The agreed Heads of Terms are listed in **Appendix 1** of this report.

Design, Conservation and Heritage

- 10.19 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, and the Mayor of London's Character and Context SPG is also relevant to the consideration of the current application.
- 10.20 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 complementary to local identity, and provides that the historic significance of Islington's unique heritage assets and historic environment will be conserved and enhanced, whether designated or not. Policy DM2.1 of Islington's Development Management Policies requires new development 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 includes that development must respect and respond positively to existing buildings, the streetscape and the wider context, including local

architectural language and character and surrounding heritage assets, and should not result in an unacceptable adverse impact on view of local landmarks. The design-focussed part of site allocation BC28 remains relevant. This states that buildings on the site should reinforce the primacy of Triton Court.

- 10.21 Policy DM2.3 of the Islington Development Management Policies seeks to ensure that the borough's heritage assets are conserved and enhanced in a manner appropriate to their significance. Part B provides 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 a conservation area's significance, and that harm to the significance of a conservation area will not be permitted unless there is a clear and convincing justification.
- 10.22 As Finsbury Square is a designated London square as listed in Appendix 9 of the Islington Development Management Policies, Part D of Policy DM2.3 is also relevant. This seeks to ensure, *inter alia*, that new development does not detract from key views out from the landscape. Part E of Policy DM2.3 provides that unjustifiable harm to locally listed buildings will not be permitted.
- 10.23 The minor alterations to the front elevation of the existing building and new seventh, eighth and ninth storeys were considered by the council during the determination of application P122324. Officers were of the view that the proposed new and rebuilt storeys were well-designed, would complement the existing stone facades, and would maintain the balance of this group of buildings on the north side of Finsbury Square. The impacts of the development in terms of the character and appearance of the conservation area and on neighbouring listed buildings were assessed, and it was considered that there would be no adverse affect. The design of the scheme was therefore not a point of issue during the appeal.
- 10.24 The only change to the Worship Street wing proposed by this application (compared with P122324) is that the front wall at ninth floor level has been brought forward by 1.5 metres. The fenestration is identical to the previous consent, and due to the narrowness of Worship Street, the additional massing will be barely visible from street level. Neither will it have any additional impacts upon the locally listed building at 21 Worship Street.
- 10.25 The impact of the new massing at ninth and tenth floor level on the Finsbury Square side of the development has been the subject of a lengthy and involved pre-application process. The applicant has refined the design so that the tenth floor is now virtually imperceptible from any point within Finsbury Square. This has been achieved by using a lightweight glass box structure at the front of the proposed restaurant, which has a very thin profile and is low enough to obscure the tenth floor completely from most views from within Finsbury Square, and render it virtually imperceptible from the most prominent view, that being from the south eastern corner of Finsbury Square (as seen in Fig. 7, below).



Fig. 7: View from south east corner of Finsbury Square

- 10.26 One of the design strengths of the original proposal was that the rebuilt seventh floor and enlarged eighth floor provided a sense of balance to the composition of buildings on the north side of Finsbury Square, and created a sense of symmetry with the adjacent locally listed building at Triton Court. Another was that the upper storeys remained visually distinct from, and subservient to, the striking elevation of the original building below. Given that the ninth and tenth floors are set back and have a much more lightweight appearance than the deliberately bolder seventh and eighth storeys, these aims have not been compromised under the new proposal.
- 10.27 To conclude on this point, given the careful design of the additional extensions at ninth and tenth floor level and their limited visibility in views from Finsbury Square, it is considered that there would be no harm to the setting of the designated and non-designated heritage assets close to the site (including Finsbury Square itself, and the statutorily listed structures within it); that the character and appearance of the Bunhill Fields/Finsbury Square Conservation Area would be maintained and that the proposal would have no adverse impact on the adjacent local landmark at Triton Court. The proposed development is therefore in accordance with policies CS9, DM2.1 and the relevant parts of DM2.3.
- 10.28 The materials to be used in the construction of the upper floors have already been approved by the council pursuant to Condition 3 of the Inspector's decision, and these details can be 'carried over' to this consent (see Condition 3). However, the glass box structure at tenth floor level did not form part of the previous proposal and is – deliberately - of a different design and profile to the rest of the development. To ensure that this structure remains visually acceptable, the Design and Conservation Team have recommended a condition requiring the submission of detailed elevations and sections at a larger scale (1:20) of this part of the structure (see Condition 4).

Inclusive Design

- 10.29 Policies 3.5 and 7.2 of the London Plan require all new development to achieve the highest standards of accessible and inclusive design, and meet the changing needs of Londoners over their lifetimes. These aims are reflected in Policy DM2.2 of the Islington Development Management Policies, which requires developments to demonstrate, *inter alia*, that they produce places and spaces that are convenient and enjoyable to use for everyone and bring together the design and management of a development from the outset and over its lifetime. With specific regard to visitor accommodation, Policy 4.5 of the London Plan seeks to ensure that at least 10% of hotel bedrooms are wheelchair accessible, and this is reflected in Policy DM4.11 (Part B (vii)) of the Islington Development Management Policies, which provides that at least 10% of hotel bedrooms are constructed to wheelchair accessible standards, and fully fitted from first occupation.
- 10.30 The application proposes a total of 27 wheelchair accessible rooms (2 more than required by policy), which are marked on the submitted drawings and will be fully fitted out from first occupation (secured by Condition 21). The proposal also includes a further 6 rooms which are capable of future adaptation. The proposal is therefore fully in accordance with policies 4.5 and DM4.11 (Part B (vii)). Two wheelchair accessible parking spaces are proposed at basement level, which is consistent with the previous application, and the Section 106 agreement includes a contribution of £48,000 to be spent by the council towards the provision of accessible parking bays or alternative accessible transport measures.
- 10.31 The proposed amendments to the internal layout of the hotel have had no material impact upon the high level of accessibility of the scheme in general. The tenth floor is accessible via the Worship Street lift core, an accessible WC is provided at tenth floor level, and the entrances to the terraces are flush, as requested by the Inclusive Design officer. The addition of a restaurant does not affect the original evacuation strategy; the evacuation lift will serve the tenth floor. It should also be noted that the revolving door on the Finsbury Square elevation approved under P122324 has now been removed from the scheme, providing a far more inclusive solution.

Neighbouring amenity

- 10.32 Policy 7.6 of the London Plan provides that development should not cause unacceptable harm to the amenity of surrounding properties, particularly residential buildings. This is reflected at local level in Policy DM2.1 of the Islington Development Management Policies, which requires developments to provide a good level of amenity, including consideration of noise, disturbance, overshadowing, overlooking, privacy, direct daylight and sunlight, over-dominance, sense of enclosure and outlook.

Daylight and sunlight

- 10.33 The applicant has submitted a Daylight and Sunlight report assessing the impacts of the new roof level extensions on the daylight and sunlight received by three residential flats (at fifth, sixth and seventh floor level) at 34 Worship Street. These are the only residential properties likely to be affected by the proposal. A total of 20

windows (or, more accurately, window *panes*) were tested. The applicant's chosen methodology follows guidance contained in the Building Research Establishment's 'Site Planning for Daylight and Sunlight' document (2011). Three tests have been used to assess natural light impacts, namely the Vertical Sky Component (VSC), No Sky Line Contour (NSL or NSC) and Annual Probable Sunlight Hours (APSH)/Winter Probable Sunlight Hours (WSPH) tests.

- 10.34 The BRE guidance advises that 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. In this case, 9 of the windows tested retain a VSC greater than 27% and all of them retain at least 0.8 times their former value, with all the windows in the seventh floor flat experiencing no reduction in VSC. With regard to NSL, all rooms are in accordance with BRE guidance, with the exception of room 4 on the fifth floor, which is believed to be a living room. This room retains 0.7 times its former NSL values under the conditions created by the new proposal. Although this is technically a failure of the BRE guidance, this room passes VSC testing. Given the urban environment in which this development is located, and the fact that this unit passes VSC, this can be accepted.
- 10.35 The applicant has used the APSH test to ascertain whether the centre of adjacent windows (facing) would receive 25% of annual probable sunlight hours, including at least 5% of those hours in the winter months between 21st September and 21st March, as required by the BRE guidance. If the available sunlight hours are both less than these amounts and less than 0.8 times their former value, occupants would notice a loss of sunlight. Of the 20 windows tested, 14 would receive more than 25% APSH with at least 5% of those hours in the winter. Two further windows – R3, W03 on the fifth floor and R3, W06 on the sixth floor – retain at least 0.8% of their existing sunlight. These 16 windows therefore fully pass the BRE guidance.
- 10.36 The remaining 4 window panes (labelled W04-07) serve the living room (Room 4) on the fifth floor of 63-69 Wilson Street. It is noted that this room was not tested at the time of the original application, most likely because its window faces just outside 90 degrees of due south and, in line with the BRE guidance, strictly does not require further sunlight testing. Notwithstanding this, these window panes all receive less than 25% ASPH under the existing (pre-development) site conditions, with W04 and W05 both receiving 15%, W06 receiving 9% and W07 receiving 4%. The window is recessed and its sunlight is severely affected by the return wall of the office directly adjacent to it.
- 10.37 Objectors have commented that there appears to be discrepancies between the daylight and sunlight report submitted with application P122324, and that submitted with the current application. A comparison of the two documents reveals that they use different methods of assessment, with the first report testing the window apertures as whole, and the latest report testing the individual panes within those apertures. When working out an average from the 'split pane' test results, discrepancies were noted between the two 'existing' baseline figures used. The applicant has been asked to clarify this, and the explanation they have provided is that, at the time of the original application, the neighbouring flats were under construction and scaffolding was in place, and therefore the testing model was built by reference to external observation (behind scaffolding), a partial survey, and the planning drawings for the development at 63-69 Wilson Street. When updating the

assessment last year, a detailed measured survey of the residential windows was undertaken and the modelling was updated to ensure the highest level of accuracy.

10.38 For the avoidance of doubt, this explanation is accepted by officers and it is considered that the report by Eb7 dated 31 July 2015 is the relevant assessment. This is a new application and must be assessed on the information accompanying it (which, in this instance, is also more up-to-date and accurate). The report dated 31 July 2015 is consistent with BRE guidelines. However, in order to directly address the objector's concerns, a comparison has been made between the existing VSC at the time of P122324, and the proposed VSC under the new application, using an average of the four figures for each window as per the most recent report. This reveals that the two windows of concern – W2 and W3 at fifth floor level – would retain and 0.77 and 0.72 of their former values respectively. This would still be acceptable, given the flexibility deliberately afforded by the BRE guidance in respect of urban environments such as this.

Sense of enclosure and outlook

10.39 The impact of the additional storeys on the neighbouring residential properties was assessed under application P122234 and it was concluded that nearby residential properties would not be affected to a significant degree. Although residents of 34 Worship Street would look out onto a taller building, the new and rebuilt storeys would not extend out beyond the floor plate of the building's existing massing and would remain approximately 20 metres away from the nearest windows and roof terraces at 34 Worship Street. Although further massing has been added at ninth and tenth floor level, this would not result in any adverse impacts in terms of sense of enclosure or outlook.

Overlooking and loss of privacy

10.40 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. In this instance, the only residential properties that might be overlooked from the new tenth floor restaurant are, again, the residential properties at 34 Worship Street. The windows and terraces of these flats are located 20 metres away. Notwithstanding this, the applicant proposes to obscurely glaze the entire eastern elevation at tenth floor, which can be guaranteed by condition (Condition 24) and has created a 'staff corridor' along this side of the restaurant, so that chairs and tables will not be situated directly alongside the windows. Obscured balustrades are proposed on either side of the new terrace at tenth floor level, and a condition is recommended requiring details of these balustrades to be submitted to and approved by the local planning authority prior to first use of the restaurant (Condition 23).

10.41 At ninth floor level, a new window is proposed in the return wall of the building, facing diagonally towards the flats at 34 Worship Street, but this would have no adverse impacts on privacy over and above that caused by the windows in the spine of the building at ninth floor, which have already been assessed under the terms of P122324. During the assessment of that application, it was concluded that there would be no adverse impacts due to the fact that there was a distance of 20 metres between the windows of the hotel and the windows at 34 Worship Street. The Inspector, in para. 62 of his decision dated 03 November 2014, also notes that

'hotel rooms would usually be occupied in the evenings and overnight as opposed to an office which generally would not. However hotel rooms are more unlikely to be occupied during the day. There is a possibility that there could be more people in the rooms in the evenings when nearby residential occupiers want to use their terraces but on the other hand, there would be far less during the hours of daylight when the sun is strongest. Overall, whilst the concern is understood, I do not find the probable impact to amount to such a disadvantage to nearby occupants as to weigh against the scheme'.

10.42 In conclusion, it is considered that there would be no adverse impacts upon the privacy of residential occupiers arising from the proposal.

Noise and disturbance

10.43 The estimated capacity of the restaurant and ancillary bar is 218 people, with capacity for a further 108 people on the terrace. Consequently, there is the potential for noise and disturbance to the occupiers of the flats at 34 Worship Street.

10.44 The applicant has submitted a Noise Impact Assessment in relation to noise breakout from the restaurant to the neighbouring residential properties (and to the hotel rooms below). This has been scrutinised by the council's Noise Officer who has advised that, as the restaurant is on a higher level than the neighbouring properties, a certain amount of screening will be provided, and the properties are some distance away. However, he has recommended a condition controlling the opening hours of the restaurant and terrace. Proposed Condition 22 requires cessation of the use of the terrace at 10pm on any day, and cessation of the tenth floor restaurant use at 11pm Sunday to Thursday and midnight Friday and Saturday. This is consistent with Islington's standard licensing hours.

10.45 This application, like the former, proposes plant in the light wells at lower floor levels. Whilst some plant has been removed from ninth floor to make room for the new hotel suites, a rooftop plant enclosure is still proposed. A condition is attached controlling the noise emitted from any plant on the site, which was also attached to the Inspector's decision. Condition 20 of the Inspector's decision, which deals with extraction for the catering uses approved under application P122324, shall also be re-attached and re-worded to cover the proposed tenth floor restaurant. Cumulatively, the proposed conditions will ensure an acceptable level of amenity for neighbouring residents in terms of noise and disturbance.

Highways and transportation

10.46 Policy DM8.2 of the Development Management Policies provides, *inter alia*, that development proposals are required to fully mitigate any adverse impacts on the safe and efficient operation of transport infrastructure, including pavements and any walking routes, and maximise safe, convenient and inclusive accessibility to, from and within developments for pedestrians and cyclists. Policy DM8.6 provides that delivery and servicing should normally be provided off-street, but where on-street servicing is proposed, details must be submitted to demonstrate the need for on-street provision, and show that arrangements will be safe and will not cause a traffic obstruction.

- 10.47 The applicant proposes to carry out all delivery and servicing from Worship Street, where a single yellow line permits loading at any time. Lifts at the rear of the building, conveniently accessible from Worship Street, will allow for the transportation of deliveries within the building. This arrangement is the same as that approved under application P122324, which was considered acceptable given the relatively low levels of traffic on Worship Street. The applicant's Transport Statement predicts that the addition of a restaurant to the scheme would attract a maximum of 4 additional servicing trips per day, which would be scheduled to arrive outside of the peak hours on the highway network. The increase in servicing trips associated with the development is therefore considered to be minimal, and would not have an adverse impact over and above that caused by the approved scheme. A condition requiring the submission of a Delivery and Servicing Plan to ensure that the proposed scheduling of deliveries can be managed safely and efficiently on the existing highway network will be required by condition (see Condition 10).
- 10.48 Policy DM8.5 (Part B) provides that new development shall be car-free. This application proposes no vehicle parking, with the exception of two disabled parking spaces, as per the consented proposal. It is therefore considered to be consistent with Policy DM8.5.
- 10.49 Policy CS10 encourages sustainable transport choices through new development by maximising opportunities for walking, cycling and public transport use. Policy DM8.4 provides that major developments are required to provide cycle parking which is secure, sheltered, step-free and accessible. The development proposes cycle parking spaces in the basement of Royal London House, in a separate and step-free enclosure, however the quantum of cycle parking spaces is not specified. In accordance with Appendix 6 of the Development Management Policies, a total of 27 spaces would be required for the development as now proposed (18 spaces for the hotel and 9 for the restaurant). The applicant has confirmed that a total of 27 spaces can be accommodated in the proposed enclosure, and has agreed to a condition requiring their provision prior to first occupation (Condition 19).

Energy conservation, sustainability and biodiversity

- 10.50 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. The council requires all developments to meet the highest standards of sustainable design and construction and make the fullest contribution to the mitigation of and adaptation to climate change. Developments must demonstrate that they achieve a significant and measurable reduction in carbon dioxide emissions, following the London Plan energy hierarchy. All developments will be expected to demonstrate that energy efficiency has been maximised and that their heating, cooling and power systems have been selected to minimise carbon dioxide emissions. Carbon dioxide calculations must include unregulated, as well as regulated, emissions, in accordance with Islington's policies
- 10.51 The London Plan sets out a CO₂ reduction target, for regulated emissions only, of 40% against Building Regulations 2010 and 35% against Building Regulations 2013. Council policy (Policy CS10) requires onsite total CO₂ reduction targets (regulated and unregulated) against Building Regulations 2010 of 40% where connection to a decentralised energy network is possible and 30% where not possible. These targets

have been adjusted for Building Regulations 2013 to 39% where connection to a decentralised energy network is possible, and 27% where not 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 500m of an existing or a planned future DEN.

- 10.52 The Core Strategy also requires developments to address a number of other sustainability criteria such as climate change adaptation, sustainable transport, sustainable construction and the enhancement of biodiversity. Development Management Policy DM7.1 requires development proposals to integrate best practice sustainable design standards and states that the council will support the development of renewable energy technologies, subject to meeting wider policy requirements. Details are provided within Islington's Environmental Design SPD, which is underpinned by the Mayor's Sustainable Design and Construction Statement SPG.
- 10.53 The proposed development is expected to achieve a reduction of 783 tonnes of CO₂ against the baseline figure. This represents a reduction of 42% on total regulated emissions, which is compliant with policy. The remaining carbon dioxide emissions are to be offset with a payment of £722,169, to be secured via a Section 106 agreement.
- 10.54 Whilst the distribution pipework for Citigen comes close to the site, the available connection points are over 500 metres away and therefore connection to a DEN is not proposed. The application proposes an on-site Combined Heat and Power System (CHP) providing hot water, alongside heat to central ventilation and other areas. Heating and cooling to individual rooms will be provided via a VRV system. This is consistent with the previous application and is supported by the council's energy team, as is the installation of 40 solar photovoltaic panels on the roof, which represents a greater coverage than proposed under application P122324. The submitted Energy Statement explains in detail how the site can be 'future proofed' for connection to a local heat network and this will be secured through the Section 106 agreement, as per the previous application.
- 10.55 Policy DM 7.4 (Part A) of the Islington Development Management Policies states that 'major non-residential developments are required to achieve Excellent under the relevant BREEAM or equivalent scheme and make reasonable endeavours to achieve Outstanding'. The applicant has submitted a BREEAM position report which confirms that the projected BREEAM score for the development is currently 75.86%, which would achieve an 'Excellent' rating. A condition will therefore be attached to this consent requiring the attainment of BREEAM 'Excellent' (Condition 6).
- 10.56 Council policy requires applications for major developments to include details of internal temperature modelling under projected increased future summer temperatures to demonstrate that the risk of overheating has been addressed. In this case, dynamic thermal modelling has not been undertaken, as this was not carried out at the time of the planning application; however, details *would* need to be provided under the terms of current council policy. It is considered that in this particular case, this can be addressed by the imposition of a condition requiring details of passive design and other design measures incorporated within the scheme (in accordance with the cooling hierarchy) to ensure adaptation to higher temperatures (taking climate change projections into account), and mitigation of

overheating risk, to be submitted to and approved in writing by the Local Planning Authority prior to construction of the extensions hereby permitted (Condition 25).

- 10.57 A draft Green Performance Plan (GPP) has been submitted with the application and this has been accepted by the council's Energy Team. More specific performance targets and indicators will need to be established through a full GPP to be secured via the Section 106 agreement.
- 10.58 The applicant has provided a site waste management statement within the approved Construction Management Plan, which is considered acceptable. The Green Procurement Plan approved by the council under ref: P2015/0321/AOD remains applicable to this development, and compliance with the Plan will again be secured by condition (Condition 9).
- 10.59 Policy 7.19 of the London Plan provides that development proposals should make a positive contribution to the protection, enhancement, creation and management of biodiversity. Policy CS15 of the Core Strategy requires development to maximise opportunities to 'green' the borough through measures such as planting, green roofs, and green corridors. Policy DM6.5 requires that developments must maximise biodiversity benefits, and in particular should maximise the provision of green roofs as far as reasonably possible, and that new-build developments should use all available roof space for green roofs, subject to other planning considerations.
- 10.60 Due to the site coverage of the existing building, there are very few opportunities to enhance the site's biodiversity value. However, this proposal represents an improvement on the previous scheme, which proposed no green roofs at all (although a condition was attached by the Inspector requiring further details to be submitted to show how green roofs could be accommodated on the site). This scheme proposes new green roof areas at ninth, tenth and roof level, and is considered to increase the site's currently-limited biodiversity interest. The provision of these green roof areas, and measures to ensure that they meet the standards in the council's Environmental Design SPD, is covered by proposed Condition 7.
- 10.61 The submission lacks detail regarding sustainable urban drainage. Development Management Policy DM6.6 requires major developments to incorporate Sustainable Urban Drainage Systems (SUDS), and 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 per second per hectare. A condition, requiring details of measures to ensure compliance with the requirements of policy DM6.6, is recommended (Condition 26).

Other planning issues

Waste and recycling

- 10.62 The approved waste storage arrangements (6 x 1,100 litre Eurobins with a waste compactor located in the basement) is sufficient capacity to absorb the additional waste from the restaurant. The council's waste and recycling team have not objected to this proposal.

Construction process

- 10.63 Construction pursuant to application P122324 is currently under way. A Construction Management Plan (CMP) has already been approved under Condition 15 of that consent (Ref: P2015/0185/AOD). The applicant has submitted a revised CMP with this application reflecting the changes to the scheme; however it is almost identical to the CMP approved under the aforementioned reference. It is therefore considered that, rather than require the re-submission of the CMP, a condition can be attached which requires compliance with the most recent document (Ref: SGP/RLH/002, see Condition 15).

Planning Obligations, Community Infrastructure Levy and Local Finance Considerations

Community Infrastructure Levy

- 10.64 Part 11 of the Community Infrastructure Levy (CIL) Regulations 2010 introduced the requirement that planning obligations under Section 106 must meet 3 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. Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), the Mayor of London's and Islington's Community Infrastructure Levy (CIL) would be chargeable on the proposed development on grant of planning permission. This is calculated in accordance with the Mayor's adopted Community Infrastructure Levy Charging Schedule 2012 and the Islington adopted Community Infrastructure Levy Charging Schedule 2014. The payments would be chargeable on implementation of the private housing. The affordable housing is exempt from CIL payments.
- 10.65 Islington CIL of £685,825, and Mayoral CIL of £110,200 would be payable in relation to the proposed development.

Section 106 agreement

- 10.66 A Section 106 agreement including relevant Heads of Terms would be necessary in order to mitigate the impacts of the proposed development. The clauses in this Section 106 agreement will be 'rolled forward' from the agreement signed on 07 October 2014. The only substantial change is that the carbon offsetting payment has been increased to £722,169. Following discussions with the Section 106 team and the applicant, it has been agreed that all other clauses in the existing agreement will remain the same. These are listed, in full, in Appendix 1 (Recommendation A) below.
- 10.67 It should be noted that the vast majority of the financial contributions pursuant to the Section 106 agreement dated 07 October 2014 have already been paid, and a number of the non-financial measures have already been put into motion by the applicant. The amounts already paid are to be deducted from the amounts listed above.

11.0 SUMMARY AND CONCLUSION

- 11.1 The application has been considered with regard to the National Planning Policy Framework (NPPF) and its presumption in favour of sustainable development.

- 11.2 The benefits of the proposed development (including the high quality design, accessibility and employment training measures offered) have been considered in the final balance of planning considerations, along with the shortcomings of the proposed development (which include loss of office space and the potential adverse impacts on neighbouring properties, which in officers' view can be suitably controlled by condition). In the final balance of planning considerations, and having regard to the Inspector's decision of 03 November 2014, the positive aspects of the proposal significantly outweigh the disbenefits. On this basis, approval of planning permission is recommended.

Conclusion

- 11.3 It is recommended that planning permission be granted subject to conditions and S106 legal agreement heads of terms for the reasons and details as set out in Appendix 1 - RECOMMENDATIONS.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

Financial contributions:

- A Hospitality Training Contribution of £200,000 (payable in phases) to be spent by the council towards the provision of hospitality training at venues within the local area for Local Residents who are not in employment;
- A contribution of £48,000 (forty eight thousand pounds) to be spent by the council towards the provision of accessible parking bays or alternative accessible transport measures;
- A contribution towards offsetting any projected residual carbon dioxide emissions of the development, to be charged at the established price per tonne of carbon dioxide for Islington (currently £920). Total amount: £722,169;
- A Local Resident Hotel Employee contribution of £125,000;
- An Employment and Training Contribution of £39,463 to be spent by the council towards improving the prospects of local people accessing new jobs;
- A 'Taxi Area' contribution of £7,500 to be spent by the council towards the creation of an improved taxi and private car hire drop-off and pick-up area at the front of the Hotel; and
- A Training and Employment Initiatives Contribution of £60,537 to be spent by the council towards training and employment initiatives for Local Residents who are not in employment.

Other employment and training measures:

- Compliance with the Code of Employment and Training;
- Facilitation, during the construction phase of the development, of 13 construction trade apprenticeships, for local residents recruited through BEST. Each placement must last a minimum of 13 weeks. If these placements are not provided, a fee of £5,000 is to be paid to the council for each apprenticeship, up to an aggregated amount of £65,000;
- A total of 24 work experience placements to be provided within the Montcalm Hotel Group for Local Residents who may be identified by BEST, such placements to each are of no less than four (4) weeks in duration and no less than 12 hours within each such week;
- An annual programme for the mentoring of Hotel Trainees by the Staff Mentors at Local Community Centres which shall comprise no less than six (6) mentoring sessions in each calendar year;
- Provision of unwanted staff uniforms, kitchen whites and catering equipment to local community centres (such as St Luke's Community Centre) for use in their training courses; and
- A Recruitment Programme for the ongoing recruitment of staff at the Hotel

from local unemployed residents and from the BTEC Hospitality Course.

Standard clauses

- A Code of Construction Practice monitoring fee of £1,500, and submission of site-specific response document to the Code of Construction Practice for approval of LBI Public Protection;
- Compliance with the council's Code of Local Procurement;
- 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
- 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 draft travel plan and full Travel Plan no later than six months after first Occupation of the Development.
- Submission of a Green Performance Plan.
- Council's legal fees in preparing the Section 106 agreement and officer's fees for the preparation, monitoring and implementation of the Section 106 agreement.
- Cessation of the first planning permission (P122324).

That, should the Section 106 Deed of Planning Obligation not be completed within the Planning Performance Agreement timeframe, 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 of London) and appealed to the Secretary of State, the Service Director, Planning and Development/Head of Service – Development Management or, in their absence, the Deputy Head of Service be authorised to enter into a Deed of Planning Obligation under Section 106 of the Town and Country Planning Act 1990 to secure the Heads of Terms as set out in this report to Committee.

RECOMMENDATION B

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

List of Conditions:

1	Commencement (Compliance)
	<p>CONDITION: The development hereby permitted shall be begun not 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>
2	Approved plans and documents list (Compliance)
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans and documents:</p> <p>Location plans</p> <p>05106_B1_00_001_P3 05106_B1_00_002_P4</p> <p>Existing/consented plans</p> <p>05106_B1_02_0002 P4 Basement 05106_B1_02_0001 P6 Lower ground 05106_B1_02_000 P4 Ground 05106_B1_02_001 P4 First 05106_B1_02_002 P2 Second 05106_B1_02_003 P2 Third 05106_B1_02_004 P2 Fourth 05106_B1_02_005 P2 Fifth 05106_B1_02_006 P2 Sixth 05106_B1_02_007 P2 Seventh 05106_B1_02_008 P2 Eighth 05106_B1_02_009 P4 Ninth 05106_B1_02_010 P4 Tenth 05106_B1_02_011 P3 Roof 05106_B1_04_100 P1 Finsbury Square contextual elevation 05106_B1_04_101 P1 Worship Street contextual elevation 05106_B1_04_102 P2 Finsbury Square elevation 05106_B1_04_103 P2 Worship Street elevation 05106_B1_04_104 P2 East Lightwell elevations 05106_B1_04_105 P2 West Lightwell elevations 05106_B1_05_006 P5 Longitudinal Section</p>

Proposed plans

05106_B1_02_0002P_P2	Basement
05106_B1_02_0001P_P4	Lower Ground
05106_B1_02_000P_P1	Ground
05106_B1_02_001P_P2	First
05106_B1_02_002P_P2	Second
05106_B1_02_003P_P2	Third
05106_B1_02_004P_P2	Fourth
05106_B1_02_005P_P2	Fifth
05106_B1_02_006P_P2	Sixth
05106_B1_02_007P_P2	Seventh
05106_B1_02_008P_P2	Eighth
05106_B1_02_2209P_P3	Ninth
05106_B1_02_2210P_P4	Tenth
05106_B1_02_2211P_P1	Roof
05106_B1_04_100P_P1	Finsbury Square contextual elevation
05106_B1_04_101P_P1	Worship Street contextual elevation
05106_B1_04_102P_P2	Finsbury Square elevation
05106_B1_04_103P_P2	Worship Street elevation
05106_B1_04_2200P_P2	West Lightwell elevations
05106_B1_04_2201P_P2	East Lightwell elevations
05106_B1_05_007P_P2	Detailed Longitudinal Section BB

Other documents

Planning Statement (Jon Dingle, December 2015)
 Design and Access Statement (5Plus, August 2015)
 Heritage Statement (Turley Heritage, October 2015)
 Economic Regeneration Statement (Jon Dingle, December 2015)
 Addendum Letter (CBRE, December 2015)
 Report to Savills (Mendip Capital, August 2012)
 Transport Statement (Motion, July 2015)
 Travel Plan (Motion, December 2015)
 Energy Statement (Focus, April 2016)
 Position Report Nr. 5 (Focus, November 2015)
 Waste Management Plan (Jon Dingle, 17 December 2015)
 Noise Impact Assessment (SRL, July 2015)
 Daylight & Sunlight Report (Eb7, July 2015)
 Daylight & Sunlight Explanatory Note (Eb7, 11 March 2016)
 Ventilation Strategy (KUT)
 Lift Strategy and covering letter (HCD Group, December 2015)
 Construction Management Plan (SGP Contracts, December 2015)
 Supplementary Statement of Community Involvement (Jon Dingle, December 2015)

REASON: For the avoidance of doubt and in the interest of proper planning.

3 Materials and samples (Details)

CONDITION: Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to work commencing on

	<p>the four additional storeys hereby approved.</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 and contributes positively to the significance of heritage assets in accordance with policies 5.3, 7.4, 7.5, 7.6, 7.8 and 7.9 of the London Plan 2015, policies CS9 and CS10 of Islington's Core Strategy 2011, and policies DM2.1, DM2.3 and DM7.4 of Islington's Development Management Policies 2013.</p> <p><i>The details approved by the Local Planning Authority on 22 September 2015 (Ref: P2015/3558/AOD) are deemed to form the approved details for this condition.</i></p>
4	<p>Design details (Details)</p>
	<p>CONDITION: Full design details at a scale of not less than 1:20 of the following elements shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on the relevant parts of the development:</p> <p>a) the proposed entrance canopy b) the window reveals and frameless glass doors c) the Worship Street automatic door opening mechanism d) the proposed glass box structure at tenth floor level.</p> <p>The development shall be carried out in accordance with the details so approved and shall be retained as such thereafter.</p> <p>REASON: To ensure that access arrangements and the street level external appearance of the buildings are acceptable in the conservation area and contribute positively to the significance of heritage assets in accordance with policies 5.3, 7.4, 7.5, 7.6, 7.8 and 7.9 of the London Plan 2015, policies CS9 and CS10 of Islington's Core Strategy 2011, and policies DM2.1, DM2.2, DM2.3 and DM7.4 of Islington's Development Management Policies 2013.</p>
5	<p>CCTV cameras and external lighting (Details)</p>
	<p>CONDITION: Details of security measures (including CCTV) and any 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 construction works commencing on the additional storeys hereby approved.</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 2015, 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>
6	BREEAM (Compliance)
	<p>CONDITION: The development shall achieve a BREEAM rating of no less than 'Excellent'.</p> <p>REASON: In the interests of sustainable development and addressing climate change in accordance with policies 5.2 and 5.3 of the London Plan 2015, policy CS10 of Islington's Core Strategy 2011 and policy DM7.4 of Islington's Development Management Policies 2013.</p>
7	Green roof (Details and Compliance)
	<p>CONDITION: Details of the green roofs at ninth, tenth and roof level shall be submitted to and approved in writing by the Local Planning Authority prior to their installation on site. The green roofs shall:</p> <ul style="list-style-type: none"> a) form biodiversity-based roofs with extensive substrate bases (depth 80-150mm); and b) be planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works. <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>The green roofs shall not be used for any purpose other than essential maintenance or repair, or escape in the case of emergency.</p> <p>REASON: To safeguard residential amenity, to ensure the development provides the maximum possible 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 2015, policies CS10 and CS15 of Islington's Core Strategy 2011, and policies DM2.1, DM6.5, DM6.6 and DM7.1 of Islington's Development Management Policies 2013.</p>
8	Rainwater recycling (Details)
	<p>CONDITION: Details of the rainwater recycling system shall be submitted to and approved in writing by the Local Planning Authority prior to work commencing on the four additional storeys hereby approved. The rainwater recycling system shall be carried out in accordance with the details so approved, shall be installed and operational prior to the first occupation of the building and shall be retained and maintained as such thereafter.</p>

	<p>REASON: To ensure the sustainable use of water in accordance with policies 5.1 and 5.3 of the London Plan 2015, policy CS10 of Islington's Core Strategy 2011 and policy DM7.1 of Islington's Development Management Policies 2013.</p>
9	<p>Green procurement plan (Details)</p>
	<p>CONDITION: Prior to the commencement of development a Green Procurement Plan will be 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 will promote sustainability. The development shall be constructed in accordance with the approved Plan.</p> <p>REASON: To ensure sustainable procurement of materials this minimises the negative environmental impacts of construction.</p> <p><i>The details approved by the Local Planning Authority on 01 April 2015 (Ref: P2015/0321/AOD) are deemed to form the approved details for this condition.</i></p>
10	<p>Delivery and Servicing Plan (Details)</p>
	<p>CONDITION: A Delivery and Servicing Plan detailing servicing arrangements shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby approved.</p> <p>These details should include:</p> <ul style="list-style-type: none"> a) location, vehicle sizes, times and frequency; b) confirmation that deliveries will take place between the hours of 10.00 and 16.00 (i.e. outside the AM and PM peaks); and c) details of any proposed measures to decrease potential servicing demand. <p>The development shall be 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: To ensure that the resulting servicing arrangements are satisfactory in terms of their impact on highway safety, free-flow of traffic and amenity of neighbouring occupiers.</p>
11	<p>Servicing Hours (Compliance)</p>
	<p>CONDITION: No service vehicle movements to or from the hotel may take place between the hours of 23.00 and 07.00.</p> <p>REASON: To ensure that servicing arrangements do not adversely impact upon residential amenity.</p>
12	<p>Waste Management and Recycling Strategy (Details)</p>
	<p>CONDITION: Details of the waste management and recycling strategy shall be submitted to and approved in writing by the Local Planning Authority prior to the first</p>

	<p>occupation of the development. The development shall not be operated otherwise than in accordance with the details of the approved waste management and recycling strategy.</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>
13	Energy/Carbon dioxide reduction (Compliance)
	<p>CONDITION: The proposed measures relevant to energy as set out in the Energy Statement (Focus, April 2016) hereby approved which shall together provide for no less than a 42% 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>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 2015, policy CS10 of the Islington Core Strategy 2011, and policies DM7.1 and DM7.3 of Islington's Development Management Policies 2013.</p>
14	Roof top plant and structures (Details)
	<p>CONDITION. Details of any roof-top plant and structures shall be submitted to and approved in writing by the Local Planning Authority prior to the relevant part of the works commencing. The development shall be carried out 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 Local Planning Authority may be satisfied that the roof-top structures do not have a harmful impact on the surrounding street scene and conservation area.</p>
15	Construction Management Plan (Compliance)
	<p>CONDITION: All works of construction shall take place in accordance with the Construction Management Plan dated December 2015 (SGP Contracts Ltd) unless otherwise agreed in writing with the Local Planning Authority.</p> <p>REASON: To ensure that the development does not adversely impact on neighbouring residential amenity due to its construction and operation.</p>
16	Fixed plant noise (Details)
	<p>CONDITION: The hotel use hereby approved shall not commence until full details of the means of ventilation for the building have been submitted to, and approved by the Local Planning Authority. The details shall include predicted plant noise levels and existing background noise conditions, to demonstrate that noise from the proposed equipment will not exceed a level higher than 5db (A) below the lowest measured background noise (LA90, 15 minutes) as measured one metre from the</p>

	<p>nearest affected window of the nearest affected residential property. The ventilation plant shall be installed and maintained in accordance with the approved details. 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 operation of fixed plant does not impact on residential amenity.</p>
17	External plumbing and pipes (Compliance)
	<p>CONDITION: Unless otherwise shown on the approved drawings no plumbing, down pipes, rainwater pipes or foul pipes shall be fixed to the external elevations of the building hereby approved.</p> <p>REASON: External plumbing and pipes would detract from the appearance of the building.</p>
18	Disabled parking (Compliance)
	<p>CONDITION: The disabled parking spaces shown on drawing 05106_B1_02_0002P shall be provided prior to the first occupation of the development and appropriately line-marked and thereafter kept available for the parking of authorised vehicles for the disabled at all times.</p> <p>REASON: In the interest of ensuring the provision of an appropriate number and standard of disabled parking spaces in accordance with policy DM8.5 of Islington's Development Management Policies 2013.</p>
19	Bicycle parking (Compliance)
	<p>CONDITION: The bicycle store shown on drawing 05106_B1_02_0002P shall contain no less than 27 cycle parking spaces and shall be provided prior to the first occupation of the development hereby approved. The bicycle store shall be maintained as such thereafter and no change therefrom shall take place unless otherwise agreed in writing by the Local Planning Authority.</p> <p>REASON: To ensure an adequate amount of secure 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 2015, policy CS10 of Islington's Core Strategy 2011, and policy DM8.4 of Islington's Development Management Policies 2013.</p>

20	Flues and extraction (Details)
	<p>CONDITION: Details of proposed flues/extraction/filtration systems for the tenth floor restaurant, the ancillary restaurant and bar, and all associated kitchen areas shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on the relevant part of the development.</p> <p>The flues/extraction/filtration systems shall be carried out in accordance with the details so approved, installed and operational prior to the first occupation of the building and maintained as such in accordance with the manufacturer's recommendations.</p> <p>REASON: In the interest of protecting amenity and the appearance of the resulting building.</p>
21	Wheelchair accessible rooms (Compliance)
	<p>CONDITION: The 27 wheelchair accessible rooms shown on the drawings hereby approved shall be fully fitted as such prior to first occupation of the hotel and shall be permanently retained thereafter.</p> <p>REASON: To ensure that the development is inclusive in accordance with policies Policy 4.5 of the London Plan and Policy DM4.11 (Part B (vii)) of the Islington Development Management Policies.</p>
22	Use of restaurant and terrace (Compliance)
	<p>CONDITION: The A3 unit on the tenth floor hereby approved shall not operate outside the hours of:</p> <p>07:00 - 23:00 Sunday to Thursday 07:00 - 00:00 Friday and Saturday</p> <p>The terrace at tenth floor level shall not be used by customers outside the hours of 07.00 – 22.00 on any day.</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.</p>
23	Balustrades at tenth floor level (Details)
	<p>CONDITION: Details of the materials to be used in the construction of the balustrades at tenth floor level shall be submitted to and approved in writing by the Local Planning Authority prior to their construction on site. The balustrades shall be implemented in accordance with the details so approved and retained as such thereafter.</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.</p>

<p>24</p>	<p>Obscure glazing in east elevation (Compliance)</p> <p>CONDITION: The windows at tenth floor level in the eastern elevation shall be obscurely glazed as shown on drawing 05106 B1_04_2201P and shall be permanently maintained as such thereafter.</p> <p>REASON: To ensure that the proposed development does not have an adverse impact on neighbouring residential amenity.</p>
<p>25</p>	<p>Climate Change Adaptation: Overheating (Details)</p> <p>CONDITION: Details of passive design and other design measures incorporated within the scheme (in accordance with the cooling hierarchy) to ensure adaptation to higher temperatures (taking climate change projections into account) and mitigation of overheating risk shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the additional storeys hereby approved.</p> <p>These details shall include the results of dynamic thermal modelling of the development under the higher future temperatures projected as a result of climate change to demonstrate that the likelihood of high internal temperatures during hot weather has been minimised. The modelling shall be undertaken in accordance with the Environmental Design Supplementary Planning Document (2012) and the Greater London Authority Guidance on Preparing Energy Assessments (2016) as updated from time to time.</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 adapting to climate change and to secure sustainable development, in accordance with Development Management Policy DM7.5</p>
<p>26</p>	<p>Sustainable Urban Drainage (Details)</p> <p>CONDITION: Notwithstanding the plans submitted, details of a drainage strategy for a sustainable urban drainage system and its ongoing maintenance shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site.</p> <p>The details shall 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. The submitted details shall include the scheme's peak runoff rate and storage volume for the 1 in 100 year storm plus 33% climate change allowance 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 prior to the first occupation of the development. The details shall demonstrate how the site will manage surface water in excess of the design event, and shall set out a clear maintenance plan for the system.</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 the sustainable management of water in accordance with London Plan Policy 5.13, Core Strategy Policy CS10 and Development Management Policy DM6.</p>
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List of Informatives:

1	<p>Section 106 Agreement</p> <p>You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.</p>
2	<p>Community Infrastructure Levy (CIL) (Granting Consent)</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 cil@islington.gov.uk. The council will then issue a Liability Notice setting out the amount of CIL that is payable.</p> <p>Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed. The above forms can be found on the planning portal at: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</p> <p>Pre-Commencement Conditions: 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>
3	<p>Thames Water</p> <p>Your attention is drawn to informatives and advice included in Thames Water's comments of 29 April 2016.</p>

APPENDIX 2 - RELEVANT POLICIES

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

1 National Guidance

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

Since March 2014 Planning Practice Guidance for England has been published online.

2 Development Plan

The Development Plan is comprised of the London Plan 2015, 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 2015 - Spatial Development Strategy for Greater London, Consolidated with Alterations since 2011

1 Context and strategy

Policy 1.1 Delivering the strategic vision and objectives for London

2 London's places

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

Policy 2.9 Inner London

Policy 2.10 Central Activities Zone – strategic priorities

Policy 2.11 Central Activities Zone – strategic functions

Policy 2.12 Central Activities Zone – predominantly local activities

Policy 2.13 Opportunity areas and intensification areas

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

4 London's economy

Policy 4.1 Developing London's economy

Policy 4.2 Offices

Policy 4.3 Mixed use development and offices

Policy 4.5 London's visitor infrastructure

Policy 4.7 Retail and town centre development

Policy 4.8 Supporting a successful and diverse retail sector

Policy 4.11 Encouraging a connected economy

Policy 4.12 Improving opportunities for all

5 London's response to climate change

Policy 5.1 Climate change mitigation

Policy 5.2 Minimising carbon dioxide emissions

Policy 5.3 Sustainable design and 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

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 6.8 Coaches

Policy 6.9 Cycling

Policy 6.10 Walking

Policy 6.11 Smoothing traffic flow and tackling congestion

Policy 6.12 Road network capacity

Policy 6.13 Parking

Policy 6.14 Freight

Policy 6.15 Strategic rail freight interchanges

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
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

8 Implementation, monitoring and review

Policy 8.1 Implementation
Policy 8.2 Planning obligations
Policy 8.3 Community infrastructure levy
Policy 8.4 Monitoring and review for London

B) Islington Core Strategy 2011

Spatial Strategy

Policy CS7 (Bunhill and Clerkenwell)
Policy CS8 (Enhancing Islington's Character)

Strategic Policies

Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment)
Policy CS10 (Sustainable Design)
Policy CS11 (Waste)
Policy CS13 (Employment Spaces)
Policy CS14 (Retail and Services)
Policy CS15 (Open Space and Green Infrastructure)

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

DM2.5 Landmarks

Shops, culture and services

DM4.2 Entertainment and the night-time economy

DM4.3 Location and concentration of uses

DM4.4 Promoting Islington's Town Centres

DM4.11 Hotels and visitor accommodation

DM4.12 Social and strategic infrastructure and cultural facilities

Employment

DM5.2 Loss of existing business floorspace

Health and open space

DM6.1 Healthy development

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

DM8.3 Public transport

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) Finsbury Local Plan June 2013

BC8 Achieving a balanced mix of uses

BC10 Implementation

BC28 Site Allocation

Supplementary Planning Guidance (SPG) / Document (SPD)

Islington Local Plan

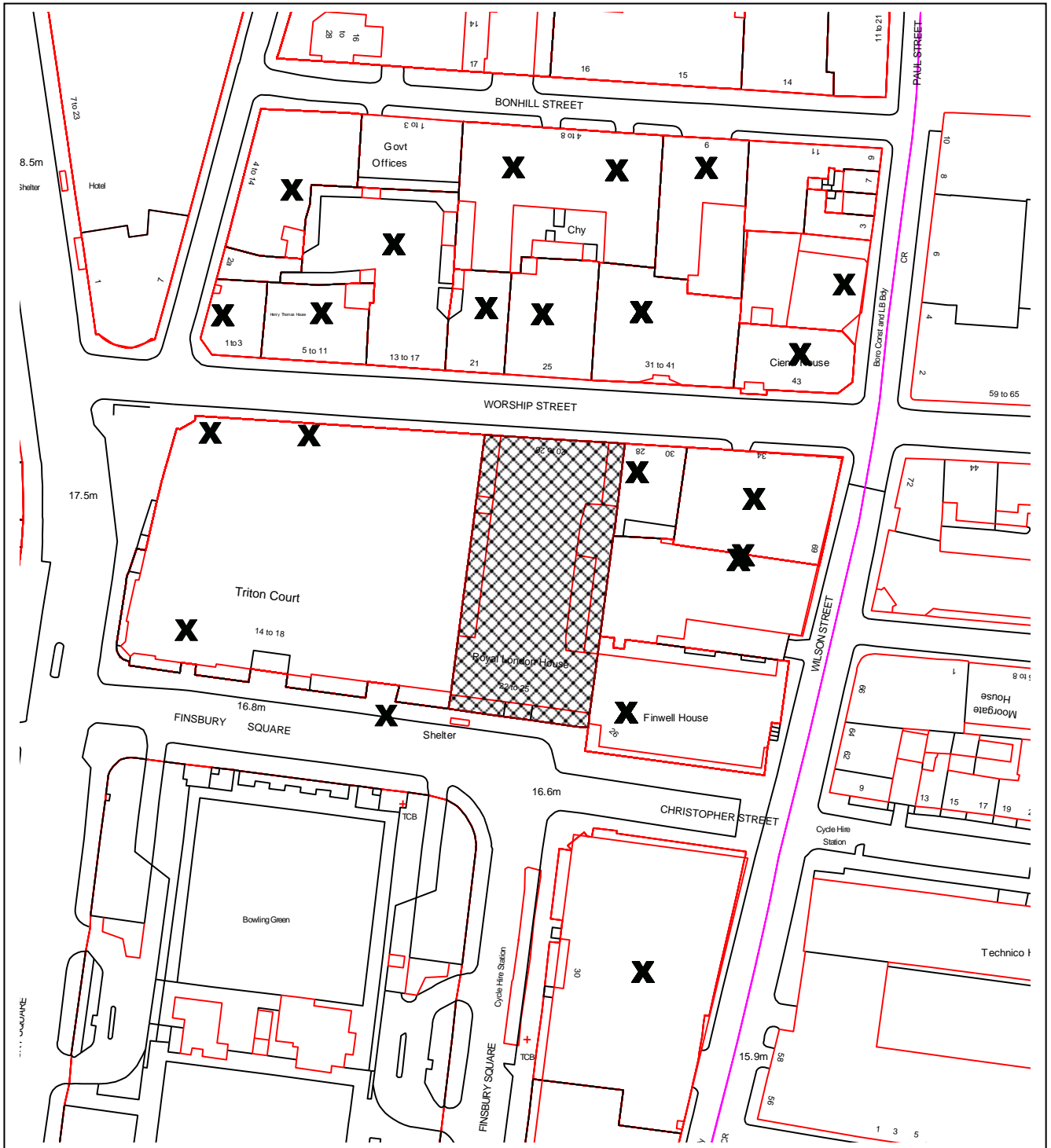
- Environmental Design
- Conservation Area Design Guidelines
- Planning Obligations and S106
- Urban Design Guide

London Plan

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

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