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## AGENDA FOR THE PLANNING COMMITTEE

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Members of Planning Committee are summoned to a meeting, which will be held in the Council Chamber - Town Hall on **12 July 2016 at 7.30 pm.**

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

Enquiries to : Zoe Lewis  
Tel : 020 7527 3044  
E-mail : [democracy@islington.gov.uk](mailto:democracy@islington.gov.uk)  
Despatched : 4 July 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](mailto:enquiriesplanning@islington.gov.uk).**

Committee Membership

Councillor Khan (Chair)  
Councillor Klute (Vice-Chair)  
Councillor Donovan (Vice-Chair)  
Councillor Chowdhury  
Councillor Convery  
Councillor Nicholls  
Councillor Poyser  
Councillor Picknell  
Councillor O'Halloran  
Councillor Ward


Wards

- Bunhill;  
- St Peter's;  
- Clerkenwell;  
- Barnsbury;  
- Caledonian;  
- Junction;  
- Hillrise;  
- St Mary's;  
- Caledonian;  
- St George's;

Substitute Members

Councillor Diner  
Councillor Kay  
Councillor A Perry  
Councillor Wayne  
Councillor Gantly  
Councillor Caluori  
Councillor Webbe  
- Canonbury;  
- Mildmay;  
- St Peter's;  
- Canonbury;  
- Highbury East;  
- Mildmay;  
- Bunhill;

Quorum: 3 councillors



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

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

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

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

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

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

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

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

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

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

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

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

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

5. Order of Business	
6. Minutes of Previous Meeting	1 - 4
<b>B. Consideration of Planning Applications</b>	<b>Page</b>
1. 65-70 White Lion Street, London, N1 9PP	7 - 78
2. 76-86 (Layden House), Turnmill Street, London, EC1M 5LG	79 - 120

3. Leroy House, 434 Essex Road, London, N1 3QP

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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, 9 August 2016

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

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

## **PROCEDURES FOR PLANNING COMMITTEE**

### **Planning Committee Membership**

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

### **Order of Agenda**

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

### **Consideration of the Application**

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

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

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

### **What Are Relevant Planning Objections?**

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

**For further information on how the Planning Committee operates and how to put your views to the Planning Committee please call Zoe 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](mailto:enquiriesplanning@islington.gov.uk).**

London Borough of Islington

## Planning Committee - 14 June 2016

Minutes of the meeting of the Planning Committee held at Council Chamber - Town Hall on 14 June 2016 at 7.30 pm.

**Present:**           **Councillors:**       Martin Klute (Vice-Chair), Alice Donovan (Vice-Chair),  
Tim Nicholls, David Poyser, Angela Picknell, Una  
O'Halloran and Nick Ward  
**Also**               **Councillors:**       Diarmaid Ward and Asima Shaikh  
**Present:**

### Councillor Martin Klute in the Chair

**210**        **INTRODUCTIONS (Item A1)**

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

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

Apologies were received from Councillors Chowdhury, Convery and Khan.

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

There were no substitute members.

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

There were no declarations of interest.

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

The order of business would be B2 and B1.

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

**RESOLVED:**

That the minutes of the meeting held on 19 May 2016 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

**216**        **1-11 BALMORAL GROVE, LONDON, N7 9NQ (Item B1)**

Stopping Up and Diversion of Highways Sections 247 and 253 of the Town and Country Planning Act 1990 – from 0.0m from the back of the footway located adjacent to the northern side of Brewery Road to whole extent of Balmoral Grove; from the back of the footway located adjacent to the northern side of Brewery Road northwards by 72.6m.

(Planning application number: P2016/1997/FUL)

**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.

217

**KINGS CROSS TRIANGLE SITE, BOUNDED BY YORK WAY, EAST COAST MAIN LINE AND CHANNEL TUNNEL RAIL LINK, LONDON, N1 (Item B2)**

Reserved matters relating to Buildings W1 and W2 comprising 12 to 17 storeys of mixed use accommodation for 140 Open Market residential units on the upper floors of Building W1 and 8 storeys of residential accommodation for 36 General Needs Social Rented, 23 Intermediate and 19 Open Market units at the upper levels of Building W2; four retail units at lower ground floor and podium levels (flexible class A1-A4); and associated cycle and disabled car parking, loading bay, refuse stores, storage, plant areas provided with the shared lower ground floor/basement area, as required by conditions 2, 4, 6, 9-20 and 22-30 of outline planning permission reference P041261 granted 22 July 2008 (subject to a S106 agreement) for a comprehensive, phased, mixed-use development of part of the former railway lands within the Camden King's Cross Opportunity Area and an Islington Area of Opportunity.

(Planning application number: P2016/1030/RMS)

In the discussion the following points were made:

- The planning officer advised that Recommendation A of the officer report should refer to the approval of reserved matters being subject to conditions and the discharge of relevant associated conditions.
- The committee was informed that Camden Council had granted approval for an identical application.
- Members queried why the number of intermediate units had decreased from 48 to 23 units. The planning officer advised that the affordable housing had been agreed through a legal agreement with Camden Council as the block containing affordable housing was in Camden. A deed of variation had been submitted to Camden Council and the affordable housing provision was varied in March 2016. Islington Council had been consulted and commented that the number of social rented units would remain the same and although there would be a reduction in intermediate units, the floorspace would not reduce. Therefore the council did not object.
- Concern was raised that there were no details about Building W3, the building that would provide community facilities. The applicant confirmed that this part of the scheme had not been designed in detail. Discussions on the right provision were still taking place with the councils. The applicant hoped to complete Building W3 after Buildings W1 and W2.
- The planning officer stated that it was usual in a scheme of this size for the applicant to submit details on a phased basis.
- The applicant had provided indicative details of landscaping but had not provided any detail.
- The planning officer advised that since the scheme was submitted to the Design Review Panel, accessibility had been addressed in more detail and had been secured in the S106 agreement and there was now some information on the emerging landscaping strategy.
- The Design Review Panel had advised that a co-ordinated scheme should be delivered.
- Concern was raised about most of the balconies being smaller than the 5m specified in policy. The applicant stated that the site was a complicated one and different design requirements had been balanced. As well as the balconies there would also be garden provision. If balconies were made bigger, the internal space would be decreased.
- Concern was raised that 40% of the units were not dual aspect. The planning officer advised that there were constraints within the site and the application was submitted before the policy on dual aspect units was in place. There were no single aspect north facing units.

## Planning Committee - 14 June 2016

- The planning officer confirmed that all habitable rooms had natural light. Some bathrooms did not.

Councillor Klute proposed a motion to defer the consideration of the application to enable the applicant to do further work to address concerns in relation to the single aspect units and lack of clarity on outdoor space, landscaping, playspace and Building W3. This was seconded by Councillor Nicholls and carried.

### **RESOLVED:**

That consideration of the application be deferred for the reasons outlined above.

The meeting ended at 8.30 pm

**CHAIR**

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**COMMITTEE AGENDA**

**1 65 -70 White Lion Street, London, N1 9PP**

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**2 76-86 (Layden House) Turnmill Street London EC1M 5LG**

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**3 Leroy House 434 Essex Road London N1 3QP**

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**1 65 -70 White Lion Street, London, N1 9PP**

**Ward:** Barnsbury

**Proposed Development:** Erection of a part three, four and five storey building plus basement comprising 4,233 sq m (GIA) of B1 (business) floorspace. This application may affect the character and appearance of the conservation area. Town and Country Planning (Listed Building and Conservation Areas) Act 1990 (as amended); section 73.

**Application Number:** P2015/4922/FUL

**Application Type:** Full Planning Application

**Case Officer:** Simon Greenwood

**Name of Applicant:** 65-70 White Lion Street Ltd

**Recommendation:**

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**2 76-86 (Layden House) Turnmill Street London EC1M 5LG**

**Ward:** Clerkenwell

**Proposed Development:** External refurbishment works to elevations, erection of five storey front and side infill extension to east and west; part fifth and sixth floor extension; a part two storey, part five storey rear extension resulting in 298 square metres (GIA) of additional office (B1) floor space, erection of a single storey bike store to rear and the change of use of part of the ground floor and basement from office (B1 use) to 1148 square metres of flexible retail and restaurant (A1/A3). [Revised Drawings].

**Application Number:** P2015/5260/FUL

**Application Type:** Full Planning Application

**Case Officer:** John Kaimakamis

**Name of Applicant:** Mr Ben Keane

**Recommendation:**

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**3 Leroy House 434 Essex Road London N1 3QP**

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**Ward:** Canonbury

**Proposed Development:** 5 storey side extension, 6 storey Balls Pond Road entrance projection and roof level extensions to the existing building with external terraces to provide office, workshop and studio spaces (use class B1) with an ancillary cafe; refurbishment of existing building; internal cycle parking; and associated hard and soft landscaping including tree planting on Essex Road and pavement improvement works to Dove Road.

**Application Number:** P2015/2652/FUL

**Application Type:** Full Planning Application

**Case Officer:** Matthew Duigan

**Name of Applicant:** NO INFORMATION GIVEN

**Recommendation:**

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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

<b>PLANNING COMMITTEE</b>		<b>AGENDA ITEM NO:</b>	
<b>Date:</b>	12 July 2016	<b>NON-EXEMPT</b>	

Application number	P2015/4922/FUL
Application type	Full Planning Application
Ward	Barnsbury
Listed building	Unlisted
Conservation area	Chapel Market / Penton Street
Development Plan Context	Central Activities Zone (CAZ), Employment Growth Area (EGA), Angel and Upper Street Key Area, adjacent to Angel Town Centre
Licensing Implications	None
Site Address	65 -70 White Lion Street, London, N1 9PP
Proposal	Erection of a part three, four and five storey building plus basement comprising 4,233 sq m (GIA) of B1 (business) floorspace.

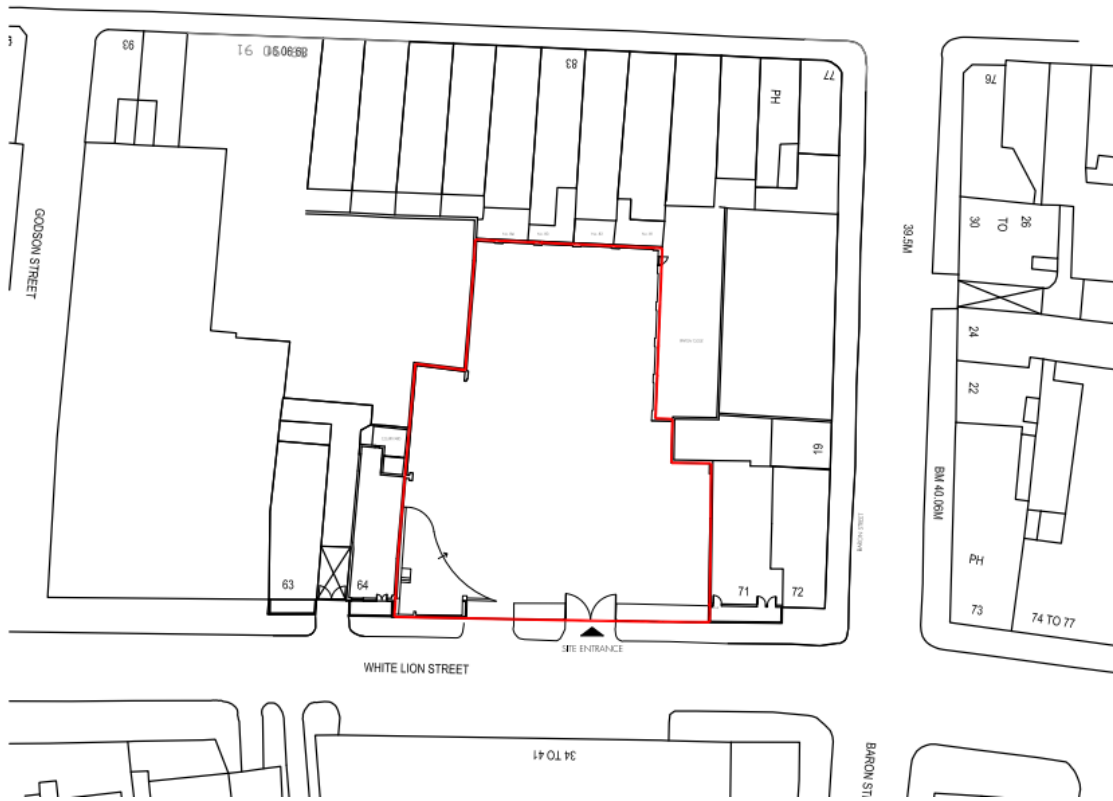
Case Officer	Simon Greenwood
Applicant	65-70 White Lion Street Ltd
Agent	Iceni Projects - Mr Jamie Sullivan

### 1. RECOMMENDATION

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

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

**2. SITE PLAN (site outlined in red)**



**3. PHOTOS OF SITE/STREET**

Aerial view of site from the south



View of site looking north-west from White Lion Street



View of site looking north-east from White Lion Street



Hilton Hotel immediately opposite the site on White Lion Street



Rear of the site and rear of properties fronting Chapel Market



#### 4. SUMMARY

- 4.1 Planning permission was granted in October 2012 for the erection of a part 3, 4 and 5-storey building plus basement comprising 1,445m<sup>2</sup> of B1 (business) floorspace, 673m<sup>2</sup> of flexible A1/A2/A3/B1 (retail/financial and professional services/restaurant/café /business) floorspace and 20 serviced apartments. This planning permission has been implemented.
- 4.2 A revised scheme is now proposed comprising a five storey (plus basement and sub-basement plant room) office (Use Class B1a) building (4,233m<sup>2</sup> GIA floorspace). The building would occupy a similar envelope of development to the permitted scheme with

some increased massing on the top floor and to the rear. The building is intended to provide an 'international headquarters' (B1 use) for potential occupants.

- 4.3 The site is allocated for mixed use development to provide office and/or retail floorspace alongside residential use. However, there is also policy support for the delivery of new offices and the promotion of economic development, particularly given that the site is located within the Central Activities Zone and an Employment Growth Area. The proposed development will provide office floorspace only, and the applicant argues that the quantum of floorspace is required to meet market demand for larger premises. The applicant has agreed to financial contributions in lieu of on-site affordable housing and affordable workspace. It is considered that there is adequate justification for the proposed building to be used solely for office use.
- 4.4 The revisions to the layout, form and massing of the building compared to the previously approved scheme are not considered to result in undue harm to the amenities of the occupants of neighbouring residential dwellings.
- 4.5 The design and appearance of the proposed building is considered to represent an improvement over that of the previously consented scheme and it is considered that the proposed building will sit comfortably on the street scene and will contribute positively to the character and appearance of the Chapel Market / Penton Street.

## **5. SITE AND SURROUNDING**

- 5.1 The 0.11ha application site is roughly rectangular in shape, located to the northern side of White Lion Street and occupies an area of approximately 1,080m<sup>2</sup>. The site was previously occupied by a 3-storey office building within the south western corner and a single-storey former tyre retail warehouse which was more recently used as a covered car park. These structures have now been demolished and the site has been cleared.
- 5.2 The site is located within a designated Employment Growth Area (EGA) and the Central Activities Zone (CAZ), and is in an area characterised by a variety of uses comprising retail, business, hotel and leisure uses as well as some residential. The site is also located adjacent to Angel Town Centre (the town centre boundary was redrawn between the previous grant of planning permission in October 2012 and the adoption of the local plan documents in June 2013).
- 5.3 The site is within the Chapel Market/Penton Street Conservation Area. No. 52 White Lion Street is a Grade II listed building and No. 72 White Lion Street is locally listed. There are a mixture of buildings in terms of age, style and height in the immediate area. The more historic buildings tend to be characterised by narrow frontages as exemplified by the two buildings on either side of the site fronting White Lion Street. There are a number of properties adjoining the northern and eastern boundaries of the site fronting Chapel Market and Baron Street which generally feature commercial uses at ground floor level with residential uses above. No. 64 White Lion Street adjoins the western boundary of the site and is in residential use. No. 71 White Lion Street adjoins the eastern boundary of the site and is in commercial use at ground floor level with residential use above.
- 5.4 White Lion Street connects Pentonville with Islington High Street in Angel town centre.

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

- 6.1 It is proposed to erect a five storey (plus basement and sub-basement plant room) office (Use Class B1a) building (3,462m<sup>2</sup> NIA and 4,233m<sup>2</sup> GIA) fronting White Lion Street. There

will be a main access and a secondary access off White Lion Street. No car parking is proposed.

- 6.2 The development is intended to attract an occupant to use the building as an international headquarters. The applicant has been advised by commercial agents that the site would be attractive to such an occupier if it delivered a minimum floorspace of 3,700m<sup>2</sup> GIA (approx. 40,000ft<sup>2</sup> GIA).
- 6.3 The proposed building would be constructed of facing brickwork, with large glass windows and bronze coloured detailing, which is intended to provide a commercial identity whilst reflecting the materiality of the surrounding area. The elevational treatment is intended to provide a strong vertical 'rhythm' in order to reflect the surrounding urban grain.

## 7. RELEVANT HISTORY:

### Planning Applications

- 7.1 The following previous planning applications relating to the application site are considered relevant to the current pre-application proposal:
- 7.2 **P110256/P110270** - full planning permission and conservation area consent was granted on 25 October 2012 for the demolition of existing buildings and erection of a part 3, 4 and 5-storey building plus basement comprising 1,445m<sup>2</sup> of B1 (business) floorspace, 673m<sup>2</sup> of flexible A1/A2/A3/B1 (retail/financial and professional services/restaurant/café /business) floorspace, 20 serviced apartments, 6 flats (1x3-bed, 3x2-bed, 2x1-bed and no affordable), cycle storage and related works.
- 7.3 **P090891/P090892** - full planning permission and conservation area consent was refused on 27 July 2009 for the demolition of existing buildings and erection of a part 3, 4 and 5 storey building and basement providing for 1,372m<sup>2</sup> of office floorspace, 103 bedroom student accommodation, ancillary accommodation, cycle storage and associated works. The ground of refusal related to inadequate provision of town centre uses to promote the vitality and viability of Angel Town Centre and the CAZ. Subsequent appeals were dismissed on 29 March 2010 (PINS refs: APP/V5570/A/09/2113715/NWF & APP/V5570/A/09/2114025/NWF).
- 7.4 **P080726/P80727** - full planning permission and conservation area consent was granted on 14 August 2008 for the demolition of existing structures and erection of a 5-storey building providing for flexible A1 (retail) or B1 (office) use at basement, ground, first and second floor levels and 5 residential flats at third and fourth floor levels and erection of a separate 3-storey building to the rear for B1 (office) use including associated works and car parking'.
- 7.5 **P071324/P071325** – full planning permission and conservation area consent was granted on 10 January 2008 for the demolition of the existing buildings and the erection of a 5 storey building comprising office and retail floorspace.
- 7.6 **P071326/P071327** – full planning permission and conservation area consent was granted on 10 January 2008 for the demolition of the existing buildings and the erection of a 5 storey building comprising office and retail floorspace and 5 residential units.
- 7.7 **P060779/P060785** – full planning permission and conservation area consent were refused on 31 August 2006 for the demolition of the existing buildings and the erection of a 5 storey building comprising retail/office space and 13 flats with a separate block of B1 studio units to the rear of the site. The grounds of refusal related to design and a lack of affordable housing. Subsequent appeals were dismissed on 5 January 2007 (PINS refs: APP/V5570/A/06/2026013 & APP/V5570/E/06/2026024).



7.8 **P05626/P05628** - full planning permission and conservation area consent were refused on 26 January 2005 for the demolition of the existing buildings and the erection of a 5 storey building comprising retail/office space and 14 flats with a separate block of B1 studio units to the rear of the site. There were several grounds of refusal relating to matters including design, unit mix and a lack of affordable housing. Subsequent appeals were dismissed on 5 January 2007 (PINS refs. APP/V5570/A/06/2021387 and APP/V5570/E/06/2021388).

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

7.9 The proposal has been the subject of pre-application advice from Officers. The applicant was advised that it would be necessary to justify a lack of on-site affordable housing and affordable workspace. It was considered that, in character terms, the design and appearance of the building would represent an improvement over the previously consented scheme.

### **8. CONSULTATION** **Public Consultation**

8.1 Letters were sent to occupants of 234 adjoining and nearby properties at Baron Close, Baron Street, White Lion Street, Pentonville Road, Chapel Market, Angel Mews, Godson Street and Bradley's Close on 9 December 2016. A site notice and a press advert were displayed on 17 December 2016. The public consultation of the application therefore expired on 7 January 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 a total of 4 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):

- Noisy work should be avoided prior to 9am Monday to Friday and 10am on Saturdays and Sundays and after 7pm on all days in the interests of guests of the Hilton DoubleTree hotel opposite and the occupant of No. 60 White Lion Street (10.66-67);
- Any scaffolding should feature a full obscure screening in the interests of the privacy of guests of the hotel opposite (10.63);
- Loss of light to Nos. 60 and 71 White Lion Street and 1A Baron Close (10.42-57);
- Loss of privacy at No. 71 White Lion Street and Nos. 1- 6 Baron Close (10.63-65);
- Out of character / excessive scale and density (10.35-36);
- Overbearing visual impact, including when viewed from roof terrace at No. 71 White Lion Street (10.58-62);
- Increased traffic and congestion (10.88-90);
- Potential for further development to the rear of the site (note – the rear of the application site will be fully occupied by the building and any future planning applications will be assessed on their merits).

#### **External Consultees**

8.3 London Fire and Emergency Planning Authority – no objections raised.

8.4 Historic England (Greater London Archaeology Advisory Service) – no objections raised subject to a condition and informative being attached to the permission

- 8.5 Metropolitan Police (Crime Prevention) – The overall design and layout of the scheme is very good from a security perspective. Windows and doors should be required to meet the relevant security standards.
- 8.6 Thames Water – no objections raised.
- 8.7 Transport for London – no objections raised.

### **Internal Consultees**

- 8.8 Access Officer – no objections raised.
- 8.9 Design and Conservation Officer – the design of the building represents an improvement over the previously consented scheme.
- 8.10 Energy Conservation Officer – no objections raised.
- 8.11 Public Protection Division (Air Quality) – no objections raised subject to a condition securing a Construction Environmental Management Plan.
- 8.12 Public Protection Division (Noise Team) – No objections raised subject to a condition restricting plant noise levels and a condition securing a Construction Environmental Management Plan.
- 8.13 Public Protection Division (Land Contamination) – No objections raised subject to a condition securing a programme of land contamination investigation and appropriate remediation.
- 8.14 Spatial Planning and Transport (Transport Officer) – no objections raised.
- 8.15 Sustainability Officer – no objections raised.

## **9. RELEVANT POLICIES**

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

### **National Guidance**

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

### **Development Plan**

- 9.2 The Development Plan is comprised of the London Plan 2015, Islington Core Strategy (2011) and Development Management Policies (2013). The policies of the Development Plan are considered relevant to this application and are listed at Appendix 2 to this report.

### **Designations**

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

- Chapel Market / Penton Street Conservation Area
- Central Activities Zone (CAZ)
- Employment Growth Area (EGA)

- Angel and Upper Street Key Area

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

9.4 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:

- Land use
- Design and appearance
- Accessibility
- Neighbouring amenity
- Sustainability, energy efficiency and renewable energy
- Highways and Transportation
- Archaeology
- Contaminated Land
- Planning obligations and Community Infrastructure Levy.

### **Land-use**

10.2 The proposal site is the subject of a site specific policy (AUS3) within the Islington Local Plan: Site Allocations (June 2013) document. The 'Allocation and Justification' for the site states that:

'Any intensification of the site should provide office (B1) and/or retail (A1) use alongside residential use.

Active frontages are encouraged on the lower floor(s) on White Lion Street to contribute to the vitality of the street scene.

Residential uses are considered appropriate on the upper floor(s) and to the rear of the site in order to contribute to identified housing need in the borough.'

10.3 Policy 4.3 of the London Plan states that 'Within the Central Activities Zone...increases in office floorspace...should provide for a mix of uses including housing, unless such a mix would demonstrably conflict with other policies within this plan'.

10.4 The Council's Development Management Policies (June 2013) identifies this site as being located within an Employment Growth Area. Policy DM5.1 is concerned with New Business Floorspace and states, inter alia, that:

"Within Town Centres and Employment Growth Areas the council will encourage the intensification, renewal and modernisation of existing business floorspace, including in particular, the reuse of otherwise surplus large office spaces for smaller units. Within these locations proposals for the redevelopment or Change of Use of existing business floorspace are required to incorporate:

- i) the maximum amount of business floorspace reasonably possible on the site, whilst complying with other relevant planning considerations, and
- ii) a mix of complementary uses, including active frontages where appropriate.

E. Within the Central Activities Zone (CAZ) major development proposals that would result in a net increase in office floorspace should also incorporate housing, consistent with London Plan Policy DM5.1 where housing comprises less than 20% of

the total net increase in office floorspace, an equivalent contribution will be sought for the provision of housing off-site.

F. New business floorspace must be designed to:

- i) allow for future flexibility for a range of uses, including future subdivision and / or amalgamation for a range of business accommodation, particularly for small businesses...'

10.5 The subtext at paragraphs 5.9-5.10 states, inter alia, that:

'London Plan Policy 4.3 states that, within the CAZ, strategically important office developments should provide for a mix of uses, including housing. Policy DM5.1 quantifies this requirement by stating that major development proposals which would result in a net increase of office floorspace should also incorporate housing; and that the total amount of housing floorspace should be equivalent to at least 20% of the total net increase in office floorspace...Where it is not appropriate for housing to be provided on site, an equivalent financial contribution will be sought for the development of affordable housing off-site by the council. This will be determined based on the number of additional housing units that would be required on-site to achieve a genuine mixed use development...'

10.6 Core Strategy Policy CS12(B) makes clear that proposed development which results in the reduction of land supply for conventional housing will be refused.

10.7 The proposal does not include housing and would therefore fail to meet the requirements of Site Allocation AUS3, Policies CS12 and DM5.1, and London Plan Policy 4.3. However, it is appropriate to consider the proposal in the context of policies which promote commercial development and employment growth.

10.8 The Islington Core Strategy identifies the site as being located within the Angel and Upper Street key area as illustrated in Map 2.1 'Key Areas'. Paragraph 2.6.12 states that:

'White Lion Street and Pentonville Road have been identified as the appropriate location within the area for expansion in commercial-led floorspace. The Angel, King's Cross and Bunhill and Clerkenwell Key Areas have all been identified as the locations to accommodate the growth in employment floorspace that is predicted for the borough up to 2026 by the update to the Employment Study 2008.'

10.9 Policy CS5 of the Core Strategy is concerned with Angel and Upper Street and states (inter alia) that:

'Business floor space will be protected from change of use and opportunities for office-led mixed use development, through intensification of uses to contribute to wider employment growth in the borough, will be encouraged. The Angel Town Centre will be expected to accommodate estimated growth in jobs of approximately 775 from B-use floorspace which will be encouraged throughout the town centre, and in particular along Pentonville Road and White Lion Street. Additional employment growth in retail and other service industries will be supported by encouraging ground floor retail units in the office redevelopments along the main shopping streets

The historic character of the area will be protected and enhanced with high quality design encouraged so that it respects the local context of Angel and Upper Street and its surroundings.'

10.10 Policy CS13 of Islington's Core Strategy sets out how the Council will provide and enhance employment space throughout the Borough. New business space will be required to be flexible to meet future business needs and will be required to provide a range of unit types and sizes, including those suitable for SMEs. Development should provide jobs and training opportunities, including a proportion of small, micro and/or affordable workspace or affordable retail space.

10.11 Policy 4.1 of the London Plan is concerned with Developing London's Economy and states, inter alia, that:

'The Mayor will work with partners to:

a1) promote and enable the continued development of a strong, sustainable and increasingly diverse economy across all parts of London, ensuring the availability of sufficient and suitable workspaces in terms of type, size and cost, supporting infrastructure and suitable environments for larger employers and small and medium sized enterprises, including the voluntary and community sectors

d) support and promote the distinctive and crucial contribution to London's economic success made by central London and its specialist clusters of economic activity

e) sustain the continuing regeneration of inner London and redress its persistent concentrations of deprivation.

10.12 Policy 5.2 is concerned with Offices and states, inter alia, that 'the Mayor will and boroughs and other stakeholders should:

a) support the management and mixed use development and redevelopment of office provision to improve London's competitiveness and to address the wider objectives of this Plan, including enhancing its varied attractions for businesses of different types and sizes including small and medium sized enterprises

b) ...consolidate and extend the strengths of the diverse office markets elsewhere in the capital by promoting their competitive advantages, focusing new development on viable locations with good public transport, enhancing the business environment including through mixed use redevelopment, and supporting managed conversion of surplus capacity to more viable, complementary uses

e) monitor the impact of government liberalisation of Permitted Development rights for changes of use from offices to residential.'

10.13 It can be acknowledged that, alongside the requirement for on-site affordable housing, the policy framework provides strong support for commercial development and employment growth in this location. The proposed development is intended to provide an office building suitable for use by a single occupant as a global headquarters. The applicant's case for the proposal is supported by an Office Market Report prepared by Hatton Real Estate which accompanied the application. It is considered appropriate to detail the contents of this report, which is intended to frame the proposal in an economic context.

10.14 The Report advises that the requirements of a high profile, high value, global headquarters tenant would include the following: generous sized & linear floor plates; inspiring creative space; architectural design in tune with the target audience; eco-friendly and sustainable environments; high specification IT infrastructure; outside space / roof terraces; cycle parking and shower facilities; and total floorspace of 40,000 sq ft (GIA). It states that the following sectors would be most likely take an interest in the opportunity upon its delivery toward the end of 2017 (or the prospect thereof): advertising; architects; branding consultants; charities; construction; design agencies; digital media agencies;

engineers; fashion houses; furniture; marketing agencies; media; music production; PR Agencies; publishers; research & data services; recruitment; solicitors; technology; telecoms; and television & film production.

10.15 The Report includes a Market Commentary which notes the following:

- A constrained supply of office floorspace in Central London and the West End in 2015 along with a significant amount of speculative floorspace under construction - leasing activity was expected to increase and healthy demand along with tightening supply had led to increased rents.
- King's Cross and Angel have seen a major upsurge in new occupiers and these are either new entries to London or occupiers attracted away from other London submarkets.
- Office rents in Central London continue to rise and tenants are now more footloose and are willing to consider less central areas that complement their business and brand as well as provide good transport and staff amenities.
- The following firms are currently seeking a central London headquarters building: Christopher Kane (17,000 - 20,000 sq ft); Evening Standard (30,000 – 50,000 sq ft); Gorkana (40,000 - 50,000 sq ft); Kingsley Napley (40,000 -50,000 sq ft); Allegis (35,000 - 40,000 sq ft); and Jac Travel (20,000 -30,000 sq ft).

10.16 The Report advises that the Technology, Media and Telecoms (TMT) sector is driving demand in the City Fringe office market, particularly as firms are keen to relocate from non-core regions in order to enhance their sphere of influence to attract more skilled and talented staff. The City Fringe market is very popular with sectors such as architects, advertising agencies, fashion houses, design consultants, marketing agencies, PR agencies, recruitment and charities. The Report advises that the present pipeline of newly refurbished and redeveloped schemes is very low compared with past trends, which is resulting in higher rents being achieved on all grades of space, especially those at the premium end. The shortage of supply is expected to continue and accordingly rents are expected to increase and rent-free periods are expected to reduce.

10.17 The Report notes that demand within the City Fringe is being driven by the creative industries which in turn attract larger organisations seeking to associate their brand with the new trends. A similar pattern has been observed in commercial property areas such as Islington, Shoreditch, Clerkenwell and Old Street which have developed from 'edgy and brave' locations to established and well serviced places to work. Demand is further fuelled by a more limited supply of larger buildings as compared to the City or the West End, with a scarcity of office spaces in excess of 50,000ft<sup>2</sup> and with an upper limit of around 30,000ft<sup>2</sup>. It is noted that it is very difficult for larger companies to enter the market or expand their existing workspace in this location.

10.18 The Report also notes that over recent years Islington has become a far more desirable area due to its transport links and improved local amenities, which has attracted occupiers including Cancer Research UK, Expedia, Ticketmaster and RBS.

10.19 The applicant has also identified significant losses of office floorspace elsewhere in the borough as a result of permitted development rights. The Council's last Annual Monitoring Report (2013) indicated that, as of July 2014, 42,000m<sup>2</sup> of office floorspace had been lost through prior approval applications permitted under the office to residential permitted development rights and a further 9 prior approval applications have been permitted up to June 2015. The applicant 'conservatively' estimates that 45,000- 50,000m<sup>2</sup> of B1 floorspace has been lost within the Borough through prior approvals, and suggests that further losses are likely. It is the case that these losses have occurred since the adoption of the Core Strategy and Development Management Policies Document.

- 10.20 The applicant also notes that Islington is comfortably on course to exceed its Local Plan target (8,852 new dwellings during the period 2015/16-2019/20) for the delivery of new housing.
- 10.21 The applicant intends that the scheme will to attract a major/global firm to the site for use as a global headquarters if the floorspace was in excess of 3,700m<sup>2</sup> (GIA) (approx. 40,000ft<sup>2</sup> (GIA)). The applicant argues that the delivery of on-site affordable housing would reduce the floorspace below this threshold and remove the potential of attracting a global headquarters business to the site. It is noted that the proposed development is speculative and a tenant has not been identified. Accordingly, there would be no guarantee that the proposed development will be occupied by a single tenant as a global headquarters. However, in view of the content of the Market Report detailed above, and in particular given the more limited supply of larger office buildings outside the City and West End, it is considered that some weight can be attached to the desirability of delivering a larger quantum of office floorspace on the site.
- 10.22 London Plan Policy 4.3 caveats the requirement to provide on-site housing by stating that this requirement is subject to it not demonstrably conflicting with other policies in the London Plan. Policies 4.1 and 4.2 are concerned with promoting economic development and increasing the supply of office floorspace, and it could be acknowledged that there is a degree of conflict with the requirement of Policy 4.3.
- 10.23 It can also be acknowledged that, in view of the size of the site, a mixed use building comprising housing would be likely to result in a less efficient building, in particular due to the requirement for a separate entrance, lobby and separate cores.
- 10.24 Overall, it is considered that there is strong policy support for employment use/growth in this location, in particular given the site's location in the Central Activities Zone and an Employment Growth Area. In view of the loss of office floorspace elsewhere in the borough identified by the applicant, the limited supply of larger office buildings in the wider area and the inefficiencies of a mixed use building on this site, the lack of on-site affordable housing may be considered acceptable in this case.
- 10.25 Policy DM5.4 is concerned with the size and affordability of workspace and states (inter alia) that:
- 'A. Within Employment Growth Areas and Town Centres, 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.
- F. In exceptional circumstances, where the proportion of small, micro or affordable workspace to be provided on site does not meet the council's expectation, and where it can be demonstrated that the on-site provision of such workspace is inappropriate or would have an unacceptable impact on the viability of a scheme, financial contributions will be sought to secure equivalent provision off-site, based on a cost per square metre of equivalent provision.'
- 10.26 It is not proposed to deliver on-site affordable workspace. The Council's independent surveyors have acknowledged that the delivery of on-site affordable workspace would increase overall build costs (due to additional services to cater for the affordable unit). Furthermore, there would be a reduced lightwell at basement level in order to protect privacy of separate tenants, whilst the building may be less attractive to large occupiers (due to being non sole occupancy), and service charges would increase.

- 10.27 The Council's Infrastructure and Section 106 Officer has advised that a payment in lieu of on-site affordable workspace would be welcomed and would provide funding for current projects elsewhere in the borough.
- 10.28 It may be considered that the practicalities, costs and marketing implications of providing the affordable workspace on site do not constitute exceptional circumstances to justify off-site provision. However, at this present time there are off-site affordable workspace projects which would benefit from the additional funding that would be secured through a payment in lieu of on-site provision within the proposed scheme. It is therefore considered that, with additional weight attached to the desirability of securing a financial contribution at the present time, there is sufficient justification for a payment in lieu of on-site affordable workspace.
- 10.29 Site allocation AUS3 promotes office and/or retail use on the site. In view of the fact that office floorspace is proposed the lack of retail use within the scheme is considered acceptable.
- 10.30 In summary, site allocation AUS3, along with the relevant Development Plan policies, promotes office development on this site as part of a mixed use development to include housing and affordable workspace. There is also policy support for the delivery of new offices and the promotion of economic development, particularly given that the site is located within the Central Activities Zone and an Employment Growth Area. The proposed development will provide office floorspace only, and the applicant argues that the quantum of floorspace is required to meet market demand for larger premises. The applicant has agreed to financial contributions in lieu of on-site affordable housing and affordable workspace. It is considered that, in this case, there is adequate justification for the proposed building to be used solely for office use. The proposal is considered acceptable in land use terms.

### **Design and Appearance**

- 10.31 Policy DM2.1 (Design) requires all forms of development to be of a high quality, to incorporate inclusive design principles and make a positive contribution to the local character and distinctiveness of an area, based upon an understanding and evaluation of its defining characteristics. Development which fails to take the opportunities available for improving the character and quality of an area and the way that it functions will not be supported.
- 10.32 Policy DM2.2 (Heritage) states that:

‘...new developments within Islington's conservation areas and their settings are required to be of high quality contextual design so that they conserve or enhance a conservation area's significance. Harm to the significance of a conservation area will not be permitted unless there is a clear and convincing justification.’

- 10.33 The ‘Design Considerations and Constraints’ for the site detailed under Policy AUS4 of the Site Allocations (June 2013) document states, inter alia, that:

‘Any proposal would need to conserve and enhance the character/setting of the Chapel Market/Penton Street Conservation Area within which the site sits. A high standard of design will be expected which reflects the scale and character of the area. Setting, massing and design need to be carefully considered to allow for a development that does not dominate, overshadow or overbear on its surrounding buildings (including the grade II listed 57 White Lion Street and locally listed 72 White Lion Street) and is in keeping with the streetscene.’



10.34 The starting point in assessing the design and appearance of the proposed scheme is a comparison with the previously approved scheme, which was considered acceptable in terms of its design and its impact upon the character and appearance of the Chapel Market/Penton Street Conservation Area. The overall form and massing of the proposed building is similar to that of the previously approved scheme. The front elevations of the previously approved scheme (top) and proposed scheme (bottom) are illustrated below.



10.35 It is considered that the proposed development represents an improvement in design terms over the previously approved scheme. The approved scheme is considered to be slightly squat in appearance, in particular due to the low height of the ground floor and the arrangement of the materials and fenestration. In contrast, the proposed scheme would feature larger proportions of glazing and less brickwork which would result in a lighter appearance and a more elegantly proportioned building. The proposed scheme is slightly larger in terms of massing, in particular by reason of a full width top floor, which is considered to represent an improvement in character and appearance terms through providing a symmetrical appearance to the building. It is also the case that the top floor will be set back and therefore will not be unduly visible at street level. The proposed palette of materials is also considered to represent an improvement over the previous scheme and details of materials would be secured by condition should planning permission be granted.

10.36 The applicant has provided the following computer generated images to demonstrate the appearance of the proposed development on the street scene.



10.37 Overall, the proposal is considered to represent an improvement over the previously consented scheme in terms of design and appearance and is considered acceptable in terms of its impact on the character and appearance of the Chapel Market/Penton Street Conservation Area.

### **Accessibility**

- 10.38 London Plan Policy 7.2 states that 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.
- 10.39 The Council's Accessibility Officer raises no objections to the proposal subject to securing appropriate internal arrangements relating to WCs, showers and safe refuges at basement level. The applicant has advised that the final layout of the building will be determined to a great extent by the requirements of the final occupier. The accessibility requirements at basement level will therefore be addressed through the detailed design of the building. A condition (No. 21) is recommended to secure suitable arrangements.

### **Neighbouring Amenity**

- 10.40 The Development Plan contains policies which seek to appropriately safeguard the amenities of residential occupiers when considering new development. London Plan policy 7.6 identifies that buildings should not cause unacceptable harm to the amenity of in particular, residential buildings in respect of matters including privacy and overshadowing. Policy DM2.1 of the Development Management Policies Document 2013 identifies that satisfactory consideration shall be given to noise and the impact of disturbance, vibration, as well as overshadowing, overlooking, privacy, direct sunlight and daylight receipt, over-dominance, sense of enclosure and outlook.
- 10.41 Daylight and Sunlight: In general, for assessing the sunlight and daylight impact of new development on existing buildings, Building Research Establishment (BRE) criteria is adopted. In accordance with both local and national policies, consideration has to be given to the context of the site, the more efficient and effective use of valuable urban land and the degree of material impact on neighbours.
- 10.42 In terms of sunlight, a window may be adversely affected by a new development if a point at the centre of the window receives in the year less than 25% of the annual probable sunlight hours including at least 5% of annual probable sunlight hours during the winter months and less than 0.8 times its former sunlight hours during either period. It should be noted that BRE guidance advises that sunlight is only an issue to a neighbouring property where the new development is located within 90 degrees of due south.
- 10.43 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 area of the working plane in a room which can receive direct skylight is not reduced to less than 0.8 times its former value. (No Sky Line / Daylight Distribution).*
- 10.44 Average Daylight Factor (ADF) is another daylight measurement which requires 1% for a bedroom, 1.5% for a living room and 2% for a family kitchen. In cases where one room serves more than one purpose, the minimum ADF should be that for the room type with the higher value. It should be noted that this test is normally applicable to proposed residential units, but in some cases is used as supplementary information (rather than key assessment criteria) to provide a clearer picture regarding impacts upon existing properties.
- 10.45 Daylight is also measured by the no sky-line or daylight distribution contour which shows the extent of light penetration into a room at working plane level, 850mm above floor level.

If a substantial part of the room falls behind the no sky-line contour, the distribution of light within the room may be considered to be poor.

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

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

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

10.48 The application site is located within an accessible location, where the potential of sites and density should, according to policy, be maximised where possible. Urban design considerations are also important when applying the guidance quoted above.

10.49 It is widely acknowledged that daylight and sunlight are fundamental to the provision of a good quality living environment and for this reason people expect good natural lighting in their homes. Daylight makes an interior look more attractive and interesting as well as to provide light to work or read by. Inappropriate or insensitive development can reduce a neighbour's daylight and sunlight and thereby adversely affect their amenity to an unacceptable level.

10.50 A comparison with the previously consented scheme, which was considered acceptable in terms of daylight and sunlight impacts, is considered appropriate for the purposes of assessing the impacts of the proposed development. The results of the assessment demonstrate that there will be a slight improvement in comparison to the results for the consented scheme at 1-7 Barons Close and at 83 and 84 Chapel Market. The results for 79, 80, 85 and 86 Chapel Market are comparable to the results for the approved scheme.

10.51 No. 86 Chapel Market has recently been extended at third floor level. The applicant's surveyor has advised that, as the first and second floor windows exceed BRE Guidelines, the new third floor window would also exceed the Guidelines and further testing is not required.

10.52 A number of properties would experience a reduction in daylight and sunlight as compared to the consented scheme and these are detailed within the tables below.

## Vertical Sky Component

Property	Room	Previously consented scheme (%)	Proposed scheme (%)	Percentage change (%)
19 Baron Street	R1/30	15.27	14.56	-0.71
	R2/30	17.52	16.80	-0.72
	R2/31	23.65	22.15	-1.5
81 Chapel Market	R1/70	26.76	26.99	+0.23
	R2/70	27.22	27.34	+0.12
	R1/71	32.81	32.69	-0.12
	R2/71	32.55	32.40	-0.15
82 Chapel Market	R1/80	26.10	26.64	+0.54
	R1/81	32.02	32.13	+0.11
	R2/81	23.45	23.58	+0.13
72 White Lion Street	R1/20	15.33	14.70	-0.63

## Daylight Distribution

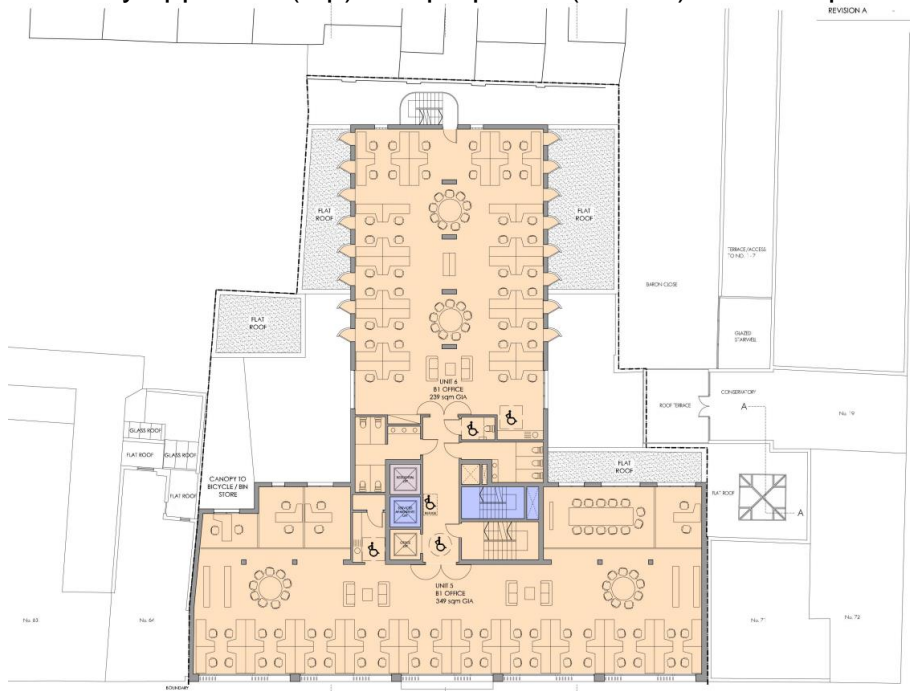
Property	Room	Existing Lit area (m <sup>2</sup> )	Proposed lit area (m <sup>2</sup> ) (previously consented scheme)	Proposed lit area (m <sup>2</sup> ) (proposed scheme)	Percentage change (%)
19 Barons Street	R1/30	9.33	2.89	2.78	-1.20
	R2/30	13.65	5.98	5.89	-0.66
	R2/31	10.20	5.99	5.83	-1.56
81 Chapel Market	R1/70	10.03	8.71	7.98	-7.28
	R2/70	9.54	7.74	6.98	-7.96
	R1/71	10.03	9.56	9.51	-0.49
	R2/71	9.54	8.93	8.87	-0.63
82 Chapel Market	R1/80	9.42	6.07	5.20	-9.24
	R1/81	9.66	8.11	8.12	+0.11
	R2/81	6.66	5.54	5.54	0
72 White Lion Street	R1/20	7.47	5.61	5.28	-4.42

## Annual Probable Sunlight Hours

Property	Room	Annual Sunlight (% APSH)			Winter Sunlight (%APSH)		
		Consented Scheme	Proposed Scheme	Percentage Change	Consented Scheme	Proposed Scheme	Percentage Change
19 Barons Street	R1/30	17	15	-2	0	0	0
	R2/30	16	11	-5	0	0	0
	R2/31	25	22	-3	0	0	0
81 Chapel Market	R1/70	70	68	-2	14	12	-2
	R2/70	67	65	-2	17	15	-2
	R1/71	82	83	+1	25	26	+1
	R2/71	76	76	0	24	24	0
82 Chapel Market	R1/80	69	70	+1	12	13	+1
	R1/81	81	81	0	24	24	0
	R2/81	53	53	0	15	15	0
72 White Lion Street	R1/20	15	14	-1	0	0	0

- 10.53 The above tables demonstrate that the reductions in daylight and sunlight are generally marginal. There would be notable reductions in daylight distribution within rooms at Nos. 81 and 82 Chapel Market. However, the daylight distribution to these rooms would remain at an acceptable level.
- 10.54 The Daylight and Sunlight Report advises that No. 64 White Lion Street has not been assessed as the only window to the rear of the property serves a bathroom and not a habitable room. The applicant's surveyors have advised that the north facing windows on the rear elevation of No. 64 will only have an oblique view of the site and will have unfettered light from over the Chapel Market properties such that the occupants will maintain good levels of light by way of the daylight distribution assessment. It is stated that, whilst these rear windows have not been tested, the comparison to the consented massing will show no difference. Furthermore, as the windows face north, the impact on sunlight is not given such strong protection by BRE guidance.
- 10.55 No. 71 White Lion Street is in commercial use at ground floor level with residential use at the upper floor levels. The applicant's surveyor has advised that, at the upper floor levels, there is clear access to light from over 19 Baron Street and 1-7 Baron Close, with the proposed development only being viewed at an oblique angle. It is stated that the comparison to the consented massing will show no difference in the amount of daylight distribution received within the rooms. Again, as the windows face north, the impact on sunlight is not given such strong protection by BRE guidance.
- 10.56 In summary, the increased massing of the proposed building compared to that of the consented scheme is considered acceptable in terms of the impact on daylight and sunlight to neighbouring residential dwellings.
- 10.57 Outlook / sense of enclosure: The impact of a development on outlook can be considered a material planning consideration if there is an undue sense of enclosure for neighbouring residential properties. There are no established guidelines for what is acceptable or unacceptable in this regard with any assessment subjective as opposed to empirical with key factors in this assessment being the local context and arrangement of buildings and uses.
- 10.58 The form and massing of the proposed development is broadly consistent with the approved scheme. There will be an increase in massing at first and second floor level on the western side of the building to the rear and there will also be an increase in massing through the introduction of a full width top floor. In view of the fact that the proposed form and massing of the building was previously considered acceptable in terms of the visual impact of the proposal when viewed from neighbouring dwellings, it is considered appropriate to assess the impact of increases in the form and massing of the building. The increase to the bulk and massing on the western side of the building at ground, first and second floor level is illustrated on the following plans.

Previously approved (top) and proposed (bottom) first floor plans



Previously approved and proposed second floor plans





10.59 The increased massing at ground floor level will not be unduly perceptible from No. 64 as there is currently a relatively high wall along the boundary. The increase in bulk and massing of the building at first and second floor levels would result in an increased loss of outlook from No. 64 White Lion Street. However, the building will be visible at an oblique view from No. 64 and will be staggered away from the rear facing windows. In view of the built up urban context of the site it is considered that the increased loss of outlook that will result from the additional bulk and massing of the proposed building would not result in undue harm so as to warrant refusal of planning permission.

10.60 The proposed building would feature a full width top floor, whereas previously it was set away from No. 71 White Lion Street. The proposed building would be immediately adjacent to a roof terrace at No. 71 White Lion Street and would rise approximately 4.2m higher than the floor level of the roof terrace. The occupant of No. 71 White Lion Street has raised concerns that the proposed building will result in a loss of amenity by reason of overshadowing in the afternoon and visual impact. The roof terrace is shown in the photograph below.



10.61 It is acknowledged that there will be a loss of amenity to the roof terrace. However, roof terraces are not typically afforded the same degree of protection as habitable rooms within dwellings. It is therefore considered that the impact upon the residential amenities of the occupant of No. 71 as a result of the height and massing of the proposed building



immediately adjacent to the roof terrace would not be unduly harmful so as to justify refusal of planning permission.

- 10.62 Overlooking / Privacy: Development Management Policy 2.1 identifies that ‘to protect privacy for residential developments and existing residential properties, there should be a minimum distance of 18 metres between windows of habitable rooms. This does not apply across the public highway, overlooking across a public highway does not constitute an unacceptable loss of privacy’. In the application of this policy, consideration has to be given also to the nature of views between habitable rooms. For instance where the views between habitable rooms are oblique as a result of angles or height difference between windows, there may be no harm. Habitable rooms provide the living accommodation of the dwelling. Habitable rooms are defined as any room used or intended to be used for sleeping, cooking, living or eating purposes. Enclosed spaces such as bath or toilet facilities, service rooms, corridors, laundries, hallways, or similar spaces are excluded from this definition. However, service/utility/store rooms larger than 8sqm within single dwellings will normally be considered as habitable rooms.
- 10.63 When considering new development, a guideline of 18m window to habitable room window separation distance should be provided to prevent any undue loss of privacy. In order to avoid overlooking (between the proposed building and the Baron Close flats) the applicant proposes angled windows in the eastern elevation where the gap between windows is down to 14m. This arrangement was considered acceptable under the previously approved scheme.
- 10.64 The occupant of No. 71 White Lion Street has raised concerns in relation to overlooking of a roof terrace from the proposed terrace to the front of the top floor of the building. It is considered that any such overlooking could be adequately mitigated through a condition securing screening to the proposed building’s roof terrace (Condition 4).
- 10.65 Construction Impacts: In the interest of protecting neighbouring residential amenity during the construction phase of the development (having regard to impacts such as noise and dust) the applicant is required to comply with the Council’s Code of Construction Practice. Compliance would need to be secured as part of a Section 106 agreement together with a payment towards the monitoring of the site to ensure its neighbourliness. This payment is considered be an acceptable level of contribution having regard to the scale of the development, the proximity of other properties, and likely duration of the construction project. The submission of a method statement for the construction phase and a construction logistics plan would also be required (Condition 22).
- 10.66 To further address any concerns over noise and disturbance resulting from the construction of the development, a planning condition would be required to secure details to address the environmental impacts (including (but not limited to) noise, air quality including dust, smoke and odour, vibration and TV reception).

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

- 10.67 London Plan Policy 5.1 stipulates a London-wide reduction of carbon emissions of 60 per cent by 2025. Policy 5.2 of the plan requires all development proposals to contribute towards climate change mitigation by minimising carbon dioxide emissions through energy efficient design, the use of less energy and the incorporation of renewable energy. London Plan Policy 5.5 sets strategic targets for new developments to connect to localised and decentralised energy systems while Policy 5.6 requires developments to evaluate the feasibility of Combined Heat and Power (CHP) systems.
- 10.68 All development is required to demonstrate that it has minimised onsite carbon dioxide emissions by maximising energy efficiency, supplying energy efficiently and using onsite

renewable energy generation (CS10). Developments should achieve a total (regulated and unregulated) CO2 emissions reduction of at least 27% relative to total emissions from a building which complies with Building Regulations 2013 (39% where connection to a Decentralised Heating Network is possible). Typically all remaining CO2 emissions should be offset through a financial contribution towards measures which reduce CO2 emissions from the existing building stock (CS10).

10.69 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.

10.70 Policy CS10A of Islington's Core Strategy requires onsite total CO2 reduction targets (regulated and unregulated) against Building Regulations 2013 of 27% where connection to a decentralised energy network is not made and 40% where connection to a decentralised energy network is possible. The London Plan sets out a CO2 reduction target, for regulated emissions only, of 40% against Building Regulations 2010.

#### BE LEAN

##### *Energy efficiency standards*

10.71 The council's Environmental Design SPD states 'The highest possible standards of thermal insulation and air tightness and energy efficient lighting should be specified'. 'U values' are a measure of heat loss from a building and a low value indicates good insulation. The proposed U-value for the external walls is 0.18 and this is welcomed.

10.72 LED lighting and controls are proposed to achieve 108lm/W and this is also welcomed.

#### BE CLEAN

##### *District heating*

10.73 DM7.3A requires all developments to be designed to be able to connect to a District Energy Network (DEN) if and when such a network becomes available. Specific design standards are set out in the council's Environmental Design SPD. DM7.3B and C state that where there is an existing or future DEN within 500m of the site, the development should connect. There is no available local DEN network to link up to within 500m of the site at present.

10.74 DM7.3D states that where there is no existing or proposed future DEN within 500m of the site, where possible, developments should connect to a shared heating network, unless not reasonably possible. The applicant proposes that the system will be future-proofed for connection to a local heat network. This is strongly supported, as this is an area where the Council envisages the further development of heat networks in the coming years. It is recommended that details of future-proofing for connection to a DEN be secured by condition (No. 20), in particular to ensure that there is sufficient room for a plate heat exchanger within the plant room and to ensure that there is a safeguarded and available route to the site boundary.

#### SHARED HEAT NETWORK

##### *Combined Heat and Power*

10.75 Policy DM7.3(D) requires that 'Where connection to an existing or future DEN is not possible, major developments should develop and/or connect to a Shared Heating Network (SHN) linking neighbouring developments and/or existing buildings, unless it can be demonstrated that this is not reasonably possible.' The Council's Energy Advisor notes that the hotel at 60 Pentonville Road incorporates a gas CHP engine, whilst acknowledging that the on-site heat demand for the proposed development is relatively low and that the potential point of connection to the CHP engine may be awkward. The applicant also

argues that, given the low heat demand for the proposed development and the need for 24 hour services from the connection, the distribution losses would outweigh the benefits. However, in order that connection to a shared heat network is discounted the applicant would be required to submit evidence to demonstrate that connection is not feasible. It is recommended that this evidence be required by condition (No. 23) and, should it subsequently be demonstrated that connection is feasible, an updated Energy Statement would be required.

## BE GREEN

### *Renewable energy technologies*

- 10.76 The Sustainable Design and Construction Statement proposes a 91 panel photovoltaic array (28.21Kwp) at roof level and the applicant has confirmed that 100% of the available roof space will be made available for the installation. The Council's Energy Advisor supports this proposal.
- 10.77 Carbon Emissions: The applicant proposes a reduction in overall emissions of 40% compared to a 2013 Building Regulations Baseline which exceeds the London Plan target and is supported.
- 10.78 Total emissions (regulated and unregulated) are proposed to be reduced by 21% which is short of the council's target for a 27% reduction. 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.
- 10.79 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."
- 10.80 The Sustainable Design and Construction Statement identifies that the final total CO2 emissions would be 188,442 tCO2/year. This would give rise to an offset financial contribution of £136,988. This is supported by the Council's Energy Advisor.
- 10.81 Overheating and Cooling: DM7.5A requires developments to demonstrate that the proposed design has maximised passive design measures to control heat gain and deliver passive cooling, in order to avoid increased vulnerability against rising temperatures whilst minimising energy intensive cooling. Part B of the policy supports this approach, stating that the use of mechanical cooling shall not be supported unless evidence is provided to demonstrate that passive design measures cannot deliver sufficient heat control. Part C of the policy requires applicants to demonstrate that overheating has been effectively addressed by meeting standards in the latest CIBSE (Chartered Institute of Building Service Engineers) guidance.
- 10.82 The Sustainable Design and Construction Statement identifies that a natural ventilation strategy cannot maintain internal temperatures to acceptable levels in accordance with CIBSE guidance for the design summer year 2050. Accordingly, the applicant proposes a fully air conditioned internal environment to future proof the building against overheating by 2050. This is not supported by the Council's Energy Advisor.
- 10.83 The applicant has discounted mechanical ventilation (which is above air conditioning in the sequential cooling hierarchy) on the basis that it would necessitate a reduction in the floor to ceiling heights from 3m to 2.5m (in order to accommodate the ventilation equipment), which would in turn reduce the effectiveness of any mechanical ventilation. The applicant

also notes that a mechanical ventilation strategy would represent an energy intensive approach and this is acknowledged by the Council's Energy Advisor.

- 10.84 The applicant has also argued that artificial cooling is required for marketing reasons as it would be sought by potential occupants of the proposed building. This is not accepted as a justification.
- 10.85 DM5.1, 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). In view of the fact that both mechanical ventilation and artificial cooling would represent energy intensive cooling solutions, and given that mechanical ventilation would result in inadequate floor to ceiling heights, it is considered that a restricted artificial cooling system (which only operates above a certain temperature) would be appropriate. Accordingly, a condition (No. 24) is recommended to secure details of a restricted system of artificial cooling. This is viewed as being an acceptable solution.
- 10.86 Sustainable Urban Drainage System (SUDS): Policy DM6.6 is concerned with flood prevention and requires that schemes must be designed to reduce surface water run-off to a 'greenfield rate', where feasible. Conditions (Nos. 7 and 17) are recommended to secure details of a Sustainable Urban Drainage System and details of green roofs to ensure compliance with Policy DM6.6.

### **Highways and Transportation**

- 10.87 The site is located on the north side of White Lion Street (in between Penton and Baron Streets). The site is well located in relation to public transport and has a Public Transport Accessibility Level rating of at least 5 (very good).
- 10.88 The site is situated approximately 260 metres from Angel Underground Station, which provides train services on the Northern Line. It is also located approximately 70 metres from three bus routes (30, 73 and 476) that extend along Baron Street and White Lion Street (these sections of road form part of the Transport for London Route Network (TLRN)) and is also located approximately 140 metres from Pentonville Road, which provides two bus routes (205 and 214).
- 10.89 The application is accompanied by a Transport Statement which concludes that the proposed development will have a negligible impact on the surrounding transport and highway infrastructure. The Council's Highways Officer has raised no objections to the proposal.
- 10.90 Cycle access and parking: Development Management Policy DM8.4 (Walking and cycling), Part D requires the provision of secure, sheltered, integrated, conveniently located, adequately lit, step-free and accessible cycle parking. Appendix 6 of the Development Management Policies document requires cycle parking for office floorspace to be provided at a rate of 1 space per 80m<sup>2</sup>. The proposal therefore gives rise to a requirement for a minimum 53 cycle parking spaces. 64 spaces are proposed at basement level (accessed via lift) along with showers for cyclists. The proposed cycle parking provision is considered acceptable.
- 10.91 It is recommended that specific details of cycle parking for the development be secured by condition should planning permission be granted.

10.92 Deliveries and Servicing: The applicant has submitted a Deliveries and Servicing Management Plan which details the proposed servicing arrangements which will be similar to those approved under the previous planning permission. At the time of writing comments were awaited from the Council's Highway's Officer and any update will be provided at the meeting.

**Archaeology**

10.93 The site does not fall within a designated Archaeological Priority Area (APA). However, it lies on the fringes of historic Islington and where medieval conduits have been projected to have run. A pre-commencement condition was attached to planning permission reference P110256 requiring the implementation of a programme of archaeological investigation in accordance with an agreed written scheme of investigation (P2013/5028/AOD). The written scheme of investigation was approved in February 2014 and the agreed programme of archaeological investigation was carried out in June 2015. Following completion of the works an archive was deposited with the London Archaeological Archive and Research Centre (LAARC). The Historic England Archaeology Advisor indicated that no further archaeological works were expected to be necessary.

**Contaminated Land**

10.94 The site has previously had industrial uses that may have been polluting. The development involves a basement across the site which will involve the excavation of soil on the site.

10.95 The Council's Environmental Health Officer has raised no objections to the proposal in terms of contaminated land subject to a condition securing a land contamination investigation and a programme of any necessary land contamination remediation works. The proposal is therefore considered acceptable in terms of land contamination.

**Planning Obligations and Community Infrastructure Levy**

10.96 The Community Infrastructure Levy (CIL) Regulations 2010, part 11 introduced the requirement that planning obligations under section 106 must meet three statutory tests, i.e. that they (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.

10.97 The previously consented scheme (ref. P110256) has been implemented. The commencement of development triggered a requirement for the payment of £607,268, secured through the Section 106 agreement. The Council has agreed that these contributions will be credited against the contributions which will be required under the current proposal, should planning permission be granted. The table below shows the difference between the planning obligations and CIL charges required in order for the proposed scheme to be policy compliant and the contributions already paid in relation to P110256.

<b>P2015/4922/FUL HoTs</b>		<b>P110256 (paid contributions)</b>		<b>Outstanding / additional</b>
Work placements	4 placements or £20,000	Work placements	£ -	4 placements or £20,000
Code of construction monitoring fee	£4,235	Code of construction monitoring fee	£ -	£4,235
Accessible transport	8 bays or £16,000	Accessible transport	£6,431	£9,569

Carbon offset contribution	£136,968	Carbon offset contribution	£ -	£136,968
Employment and training	£38,883	End use employment and training	£24,758	£14,125
Crossrail	£558,600	Crossrail	£117,667	£348,599
Affordable housing (mixed use in CAZ)	£319,200	Affordable housing (mixed use in CAZ)	£ -	£319,200
Islington CIL	£367,259	Infrastructure contributions*	£304,812*	£62,448
<b>HoTs total</b>	<b>£1,570,111</b>	<b>Received total</b>	<b>£607,268</b>	<b>Difference £915,144</b>

\* This £304,812 consists of the following S106 contributions:

- Community facilities (£8,347.04)
- Public open space (£86,776.84)
- Play facilities (£6,058.78)
- Sport and recreation (£36,912.18)
- Transport/public realm (£166,716.79).

10.98 The applicant submitted a financial viability assessment which indicated that the proposed development calculates a residual land value of £9,732,000 and the benchmark land value of the site, based upon the consented scheme, is £9,856,000. Accordingly, the net residual is stated to be -£124,000 and therefore the proposed development cannot support any further financial contributions than those already paid.

10.99 In order to properly and thoroughly assess the financial viability assessment, the Council appointed BPS Chartered Surveyors (BPS) to undertake a review of financial viability for this scheme. The assessment sought to determine the deliverability and viability of the proposed scheme.

10.100 The concept of viability testing is to determine the potential amount of planning obligations that can be sought before the return to the landowner and developer falls below a “competitive return”. Firstly, a Residual Land Valuation (RLV) is calculated to ascertain the amount that can be paid for the site. This is calculated from the total value of the completed proposed development minus any development costs. Secondly, a Benchmark Land Value is established (based on the EUV of the current site), which is the measure against which the RLV is compared with to determine whether the scheme is viable.

10.101 The submitted financial viability assessment has been scrutinised by BPS and Council officers. The following provides a summary of the conclusions of the review of the financial viability assessment. However, given the detailed and comprehensive way that the BPS report deals with financial viability it is not attempted to fully summarise the report here and a copy is provided at **Appendix 3**. The conclusions of the report are summarised as follows:

- We expect that there would be a considerably lower yield for the proposed office relative to the consented office – we suggest that a yield differential is appropriate and we have increased the yield from 5.25% to 6% for the consented scheme’s offices whilst we have reduced the application scheme’s yield from 5.25% to 5.0%.

- We have removed the 're-letting void' from the application scheme's office investment valuation, which increases the Net Development Value by £1.53m. We have also removed this from the consented scheme valuation – the reason being that the cost of future re-letting should be factored into the All Risks Yield that has been adopted.
- We have made some adjustments to the rents to reflect the superiority of the application scheme.
- The letting void is 12 months in the application scheme's appraisal, and the £2.25m of finance costs over this period appear high - we have not made any adjustments to these costs as of yet, but we would need further justification that the finance costs during the letting void period are reasonable.
- It appears likely that a pre-let could be secured for the application scheme's offices and therefore a void period of one year applied to the residual valuation may be somewhat pessimistic - we calculate that decreasing the letting void to 6 months would increase the surplus by £0.95m.
- The revised appraisals indicate that the net residual value of the application scheme is increased from £9.73m to £13.68m whilst the net residual value of consented scheme is reduced from £9.86m to £7.94m - the revised figures result in a £5.74m surplus when this benchmark is deducted from the application scheme's residual value - this would allow sufficient surplus for the financial contributions that are being sought.
- In the appraisal, the site purchase costs are calculated based on the net residual value, when they should instead be based on the benchmark land value which would further increase the scheme surplus - we have not as of yet factored this suggested change into our revised appraisals.
- The costs estimate for the application scheme and consented scheme both appear to be below BCIS rates. If BCIS rates were to be adopted, this would act to reduce the £5.74m development surplus considerably (by approximately £1.46m, after allowing for related changes to finance costs and fees etc), although further discussion is required in order to reach a firmer conclusion regarding costs - these changes would reduce the suggested surplus from £5.74m to £4.28m.

10.102 The applicant has subsequently accepted BPS' conclusions on viability, whilst suggesting that in order to be deliverable an uplift in expected rental yield would be required. The applicant has since signed a statutory declaration indicating that the scheme is fully capable of being delivered as at the date of the declaration (24 June 2016). The grant of planning permission would be subject to a legal agreement securing the planning obligations detailed above. An application to vary the terms of the section 106 agreement could not be made within 5 years of the grant of planning permission (by which time the permission will have lapsed if not implemented) and any such application would be assessed on its merits. It is therefore considered that, at this stage, should planning permission be granted, there is minimal risk from the Council's point of view in relation to securing the required financial contributions.

10.103 The Section 106 agreement would therefore include the following agreed Heads of Terms:

- Contribution of £136,968 towards offsetting projected residual CO2 emissions of the development.
- The repair and re-instatement of the footways and highways adjoining the development, including the removal of redundant footway crossovers. The cost is to be confirmed by LBI Highways, paid for by the applicant/developer and the work carried out by LBI Highways. Condition surveys may be required.
- Compliance with the Code of Employment and Training.

- Facilitation of 4 work placements during the construction phase of the development, lasting a minimum of 13 weeks, or a fee of £20,000 to be paid to LBI.
- Contribution of £14,125 towards employment and training for local residents.
- Compliance with the Code of Local Procurement.
- Compliance with the Code of Construction Practice, including a monitoring fee of £4,235.
- Provision of 8 additional accessible parking bays or a contribution of £9,569 towards provision of on-street bays or other accessible transport initiatives.
- Submission of a Green Performance Plan and a post occupation Green Performance Plan
- Submission of a final Travel Plan.
- Payment of Council's fees in preparing and monitoring the S106.
- Payment in lieu of on-site affordable workspace of £488,076.56 (at the time of writing the applicant's agreement to this sum was awaited).
- Payment in lieu of on-site affordable housing of £319,200.
- Contribution of £348,599 towards the construction of Crossrail.

10.104 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 Community Infrastructure Levy Charging Schedule 2012 and the Islington adopted Community Infrastructure Levy Charging Schedule 2014.

## 11. SUMMARY AND CONCLUSION

### Summary

- 11.1 It is proposed to erect a five storey (plus basement and sub-basement plant room) office (Use Class B1a) building (4,233m<sup>2</sup> GIA floorspace). The building would occupy a similar envelope of development to the permitted scheme with some increased massing on the top floor and to the rear. The building is intended to provide an 'international headquarters' for potential occupants.
- 11.2 The site is allocated for mixed use development to provide office and/or retail floorspace alongside residential use. However, there is also policy support for the delivery of new offices and the promotion of economic development, particularly given that the site is located within the Central Activities Zone and an Employment Growth Area. The proposed development will provide office floorspace only, and the applicant argues that the quantum of floorspace is required to meet market demand for larger premises. The applicant has agreed to financial contributions in lieu of on-site affordable housing and affordable workspace. It is considered that there is adequate justification for the proposed building to be used solely for office use.
- 11.3 The revisions to the layout, form and massing of the building compared to the previously approved scheme are not considered to result in undue harm to the amenities of the occupants of neighbouring residential dwellings.
- 11.4 The design and appearance of the proposed building is considered to represent an improvement over that of the previously consented scheme and it is considered that the proposed building will sit comfortably on the street scene and will contribute positively to the character and appearance of the Chapel Market / Penton Street.

### Conclusion

- 11.5 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.

1. Contribution of £136,968 towards offsetting projected residual CO2 emissions of the development.
2. The repair and re-instatement of the footways and highways adjoining the development, including the removal of redundant footway crossovers. The cost is to be confirmed by LBI Highways, paid for by the applicant/developer and the work carried out by LBI Highways. Condition surveys may be required.
3. Compliance with the Code of Employment and Training.
4. Facilitation of 4 work placements during the construction phase of the development, lasting a minimum of 13 weeks, or a fee of £20,000 to be paid to LBI.
5. Contribution of £14,125 towards employment and training for local residents.
6. Compliance with the Code of Local Procurement.
7. Compliance with the Code of Construction Practice, including a monitoring fee of £4,235.
8. Provision of 8 additional accessible parking bays or a contribution of £9,569 towards provision of on-street bays or other accessible transport initiatives.
9. Submission of a Green Performance Plan and a post occupation Green Performance Plan
10. Submission of a final Travel Plan.
11. Payment of Council's fees in preparing and monitoring the S106.
12. Payment in lieu of on-site affordable workspace of £488,076.56 (at the time of writing the applicant's agreement to this sum was awaited).
13. Payment in lieu of on-site affordable housing of £319,200.
14. Contribution of £348,599 towards the construction of Crossrail.

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	<b>Commencement (compliance)</b>
	<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	<b>Approved plans list (compliance)</b>
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans: 1294 PP01-PP14; Design, Access and Heritage Statement; Daylight and Sunlight Report; Transport Statement; Construction Management Plan; Sustainable Design and Construction Statement; Archaeology.</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	<b>Materials and Samples (Compliance and Details)</b>
	<p>Details and samples of the following facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure work commencing on site. The details and samples shall include:</p> <ul style="list-style-type: none"> <li>a) Brickwork, bond and mortar courses;</li> <li>b) Window and doors;</li> <li>c) Roofing materials;</li> <li>d) Roof terrace materials including privacy screens;</li> <li>e) Railings;</li> <li>f) Green procurement plan for sourcing the proposed materials;</li> <li>g) Soffits;</li> <li>h) Ground floor signage;</li> <li>i) Any other materials to be used.</li> </ul> <p>The Green Procurement Plan shall demonstrate how the procurement of materials for the development will promote sustainability, including through the use of low impact, sustainably-sourced, reused and recycled materials and the reuse of demolition waste.</p> <p>The development shall be carried out strictly in accordance with the details and samples so approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>
4	<b>Visual Screen (Details)</b>
	<p>Details of visual screens to the third floor and fourth floor (front and rear) roof terraces of the building shall be submitted to and approved in writing by the Local Planning Authority prior to their installation.</p> <p>The screens shall be installed prior to the first occupation of the development hereby approved and the development shall be carried out strictly in accordance</p>

	<p>with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: To prevent undue overlooking of neighbouring residential properties and to ensure that the resulting visual screen is acceptable in terms of its appearance.</p>
5	<p><b>Construction Environmental Management Plan (Details)</b></p> <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>THE CEMP should pay reference to BS5228:2009, LBI's Code of Construction Practice, the GLA's SPG on construction dust and emissions (including the Non-Road Mobile Machinery register) and any other relevant guidance.</p> <p>REASON: In the interests of residential and local amenity, and air quality.</p>
6	<p><b>BREEAM (Compliance)</b></p> <p>CONDITION: The commercial element of the development shall achieve a BREEAM rating of no less than 'Excellent'.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development.</p>
7	<p><b>Green/Brown Biodiversity Roofs (Details)</b></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:</p> <ol style="list-style-type: none"> <li>a) biodiversity based with extensive substrate base (depth 80-150mm); and</li> <li>b) 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).</li> </ol> <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>
8	<p><b>Land Contamination (CIL Pre-commencement condition)</b></p> <p>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> <ol style="list-style-type: none"> <li>a) A land contamination investigation.</li> </ol> <p>Following the agreement to details relating to point a); details of the following works</p>

	<p>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: Given the history of the site the land may be contaminated, investigation and potential remediation is necessary to safeguard the health and safety of future occupants.</p>
9	<p><b>Fixed Plant (Compliance)</b></p> <p>"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; In the interests of neighbouring residential amenity.</p>
10	<p><b>Construction Environmental Management Plan (Details)</b></p> <p>A Construction Environmental Management Plan assessing the environmental impacts (including (but not limited to) noise, air quality including dust, smoke and odour, vibration and TV reception) of the development shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site. The report shall assess impacts during the construction phase of the development on nearby residents and other occupiers together with means of mitigating any identified impacts. The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>Reason; In the interests of neighbouring residential amenity.</p>
11	<p><b>Piling Method Statement (Details)</b></p> <p>CONDITION: No impact piling shall take place until a piling method statement (detailing the type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.</p> <p>REASON: The proposed works will be in close proximity to underground water utility infrastructure. Piling has the potential to impact on local underground water utility infrastructure.</p>
12	<p><b>Lighting Plan (Details)</b></p> <p>CONDITION: Full details of the lighting across the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the approved development.</p>

	<p>The details shall include the location and full specification of: all lamps; light levels/spill lamps, floodlights, support structures, hours of operation and technical details on how impacts on bat foraging will be minimised. The lighting measures shall be carried out strictly in accordance with the details so approved, shall be installed prior to occupation of the development and shall be maintained as such thereafter.</p> <p>REASON: To ensure that any resulting general or security lighting is appropriately located, designed do not adversely impact neighbouring residential amenity and are appropriate to the overall design of the buildings as well as protecting the biodiversity value of the site.</p>
13	<p><b>Energy Efficiency – CO2 Reduction (Compliance/Details)</b></p>
	<p>CONDITION: The energy efficiency measures as outlined within the approved Energy Strategy which shall together provide for no less than a 21% on-site total CO2 reduction in comparison with total emissions from a building which complies with Building Regulations 2013 as detailed within the Sustainability Statement shall be installed and operational prior to the first occupation of the development.</p> <p>Should there be any change to the energy efficiency measures within the approved Energy Strategy, the following shall be submitted prior to the commencement of the development:</p> <p>A revised Energy Strategy, which shall provide for no less than a 21% onsite total CO2 reduction in comparison with total emissions from a building which complies with Building Regulations 2010. This shall include the details of any strategy needed to mitigate poor air quality (such as mechanical ventilation).</p> <p>The final agreed scheme shall be installed and in operation 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 addressing climate change and to secure sustainable development.</p>
14	<p><b>Renewable Energy (Compliance)</b></p>
	<p>CONDITION: The energy efficiency measures/features and renewable energy technology (solar PV panels), which shall provide for no less than 17.8% on-site regulated CO<sub>2</sub> reduction as detailed within the 'Energy Strategy' shall be installed and operational prior to the first occupation of the development.</p> <p>Should, following further assessment, the approved renewable energy option be found to be no-longer suitable:</p> <p>a) a revised scheme of renewable energy provision, which shall provide for no less than 17.8% onsite regulated CO<sub>2</sub> reduction, 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 and shall be maintained as such thereafter.</p> <p>REASON: In the interest of sustainable development and to ensure that the Local Planning Authority may be satisfied that CO<sub>2</sub> emission reduction targets by energy efficient measures/features and renewable energy are met.</p>
15	<p><b>Solar Photovoltaic Panels (Details)</b></p>

	<p>CONDITION: Prior to the commencement of the development hereby approved, details of the proposed Solar Photovoltaic Panels at the site 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"> <li>- Location;</li> <li>- Area of panels; and</li> <li>- Design (including elevation plans).</li> </ul> <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 interest of addressing climate change and to secure sustainable development and to secure high quality design in the resultant development.</p>
16	<p><b>Cycle Parking Provision (Details)</b></p>
	<p>CONDITION: Details of the layout, design and appearance (shown in context) of the bicycle storage areas shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing onsite. The storage shall provide for no less than 64 cycle spaces.</p> <p>The bicycle storage areas 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.</p>
17	<p><b>Sustainable Urban Drainage System (Details)</b></p>
	<p>CONDITION: Details of surface drainage works 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 sustainable drainage system. The submitted details shall include the scheme's peak runoff rate and storage volume and demonstrate how the scheme will achieve at least a 50% attenuation of the undeveloped site's surface water run off at peak times. 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>
18	<p><b>Nesting Boxes (Details)</b></p>
	<p>CONDITION: Details of bird and bat nesting boxes 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 submitted shall include the number of boxes, the exact location, specification and design of the habitats.</p> <p>The nesting boxes 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</p>

	towards creation of habitats and valuable areas for biodiversity.
19	<b>Roof-top Plant and Lift Overrun</b>
	<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"> <li>• roof-top plant;</li> <li>• ancillary enclosures/structure; and</li> <li>• lift overrun</li> </ul> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In 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>
20	<b>Future Connection</b>
	<p>CONDITION: Details of how the boiler and associated infrastructure shall be designed to allow for the future connection to any neighbouring heating and cooling network shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The agreed scheme shall be installed prior to the first occupation of the development hereby approved. 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 facility is provided appropriately and so that it is designed in a manner which allows for the future connection to a district system</p>
21	<b>Accessibility Arrangements (Details)</b>
	<p>Details of the internal layout and arrangement of the basement level WCs, showers and safe refuges 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 constructed strictly in accordance with the details so approved.</p> <p>REASON: In order to ensure an appropriate standard of inclusive design.</p>
22	<b>Construction Management Plan and Construction Logistics Plan (Details)</b>
	<p>CONDITION: No construction works shall take place unless and until a Construction Management Plan (CMP) and a Construction Logistics Plan (CLP) have been submitted to and approved in writing by the Local Planning Authority.</p> <p>The reports shall assess the impacts during the construction phase of the development on surrounding streets, along with 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 approved CMP and CLP throughout the construction period.</p> <p>REASON: In the interests of residential amenity, highway safety, and the free flow of traffic on streets, and to mitigate the impacts of the development.</p>
23	<b>Connection to 60 Pentonville Road gas CHP engine</b>
	<p>CONDITION: No superstructure works shall take place on site until an investigation into the feasibility of connection to the gas Combined Heat and Power (CHP) engine at No. 60 Pentonville Road has been undertaken. Should it be established that connection is not feasible or beneficial then evidence should be submitted to and approved in writing by the Local Planning Authority. Should connection to the</p>

	<p>CHP engine be demonstrated to be feasible and beneficial then a revised Energy Strategy should be submitted in accordance with Condition 13.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development.</p>
24	<p><b>Artificial Cooling (Details)</b></p> <p>CONDITION: Details of the operation of a system of artificial cooling for the building hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any superstructure works. The approved details of the system shall include a mechanism to prevent operation below a temperature to be agreed in writing by the Local Planning Authority. The system shall be operated strictly in accordance with the approved details thereafter.</p> <p>REASON: In the interest of addressing climate change and to secure sustainable development.</p>

**List of Informatives:**

1	<p><b>Planning Obligations Agreement</b></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><b>Superstructure</b></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><b>Community Infrastructure Levy (CIL) (Granting Consent)</b></p> <p>INFORMATIVE: Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at <a href="mailto:cil@islington.gov.uk">cil@islington.gov.uk</a>. The Council will then issue a Liability Notice setting out the amount of CIL that is payable.</p> <p>Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed. The above forms can be found on the planning portal at: <a href="http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil">www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</a></p> <p>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><b>Thames Water (Surface Water Drainage)</b></p> <p>With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921.</p>
5	<p><b>Thames Water (Mains Water Pressure)</b></p> <p>Thames Water recommend the following informative be attached to this planning permission. 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>
6	<p><b>CIL Informative</b></p> <p>Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the London Borough of Islington Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). These charges will be calculated in accordance with the London Borough of Islington CIL Charging Schedule 2014 and the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at <a href="mailto:cil@islington.gov.uk">cil@islington.gov.uk</a>. The Council will then issue a Liability Notice setting out the amount of CIL payable on commencement of the development.</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 and the development will not benefit from the 60 day payment window.</p> <p>Further information and all CIL forms are available on the Planning Portal at <a href="http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil">www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</a> and the Islington Council website at <a href="http://www.islington.gov.uk/cilinfo">www.islington.gov.uk/cilinfo</a>. Guidance on the Community Infrastructure Levy can be found on the National Planning Practice Guidance website at <a href="http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/">http://planningguidance.planningportal.gov.uk/blog/guidance/community-infrastructure-levy/</a></p>

## **APPENDIX 2: RELEVANT POLICIES**

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

### **1 National Guidance**

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

### **2. Development Plan**

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

## A) The London Plan 2015 - Spatial Development Strategy for Greater London

### 1 Context and strategy

Policy 1.1 Delivering the strategic vision and objectives for London

### 2 London's places

Policy 2.9 Inner London

Policy 2.10 Central Activities Zone – strategic priorities

Policy 2.11 Central Activities Zone – strategic functions

Policy 2.15 Town centres

### 4 London's economy

Policy 4.1 Developing London's economy

Policy 4.2 Offices

Policy 4.7 Retail and town centre development

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 5.6 Decentralised energy in development proposals

Policy 5.7 Renewable energy

Policy 5.9 Overheating and cooling

Policy 5.10 Urban greening

Policy 5.11 Green roofs and development site environs

Policy 5.12 Flood risk management

Policy 5.13 Sustainable drainage

Policy 5.14 Water quality and wastewater infrastructure

Policy 5.15 Water use and supplies

Policy 5.18 Construction, excavation and demolition waste

Policy 5.21 Contaminated land

### 6 London's transport

Policy 6.3 Assessing effects of development on transport capacity

Policy 6.5 Funding Crossrail and other strategically important transport infrastructure

Policy 6.9 Cycling

Policy 6.10 Walking

### 7 London's living places and spaces

Policy 7.2 An inclusive environment

Policy 7.3 Designing out crime

Policy 7.4 Local character

Policy 7.6 Architecture

Policy 7.8 Heritage assets and archaeology

Policy 7.14 Improving air quality

Policy 7.15 Reducing noise and enhancing soundscapes

### 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 CS13 (Employment Spaces)
Policy CS5 (Angel and Upper Street)	
Policy CS8 (Enhancing Islington's Character)	Infrastructure and Implementation
	Policy CS18 (Delivery and Infrastructure)
Strategic Policies	Policy CS19 (Health Impact Assessments)
Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment)	
Policy CS10 (Sustainable Design)	
Policy CS11 (Waste)	

## C) Development Management Policies June 2013

<u>Design and Heritage</u>	<u>Employment</u>
DM2.1 Design	DM5.1 New business floorspace
DM2.2 Inclusive Design	DM5.4 Size and affordability of workspace
DM2.3 Heritage	
<u>Shops, culture and services</u>	<u>Energy and Environmental Standards</u>
DM4.4 Promoting Islington's Town Centres	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
	<u>Transport</u>
	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
	<u>Infrastructure</u>
	DM9.1 Infrastructure
	DM9.2 Planning obligations
	DM9.3 Implementation

## E) Site Allocations June 2013

AUS3 – 65-70 White Lion Street, N1 9PP

## 5. Designations

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

- Chapel Market / Penton Street - Central Activities Zone (CAZ)

Conservation Area  
- Angel and Upper Street Key Area

- Employment Growth Area (EGA)

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

The following SPGs and/or SPDs are relevant:

Islington Local Development Plan

London Plan

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

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

## **APPENDIX 3 – BPS Viability Review**

**Independent Viability Review by BPS Chartered Surveyors 65-70**

**White Lion Street, London, N1 9PW**

**9th May 2016**

**Planning Ref: P2015/4922/FUL**

## 1.0 INTRODUCTION

- 1.1 BPS have been instructed by the London Borough of Islington ('the Council') to carry out an independent viability review of the Financial Viability Appraisal (FVA) regarding the redevelopment of 65-69 White Lion Street, N1 ('the Site'). This FVA has been created by ULL Property on behalf of 65-69 White Lion Street Limited ('the Applicant').
- 1.2 The Site is currently cleared and is, we understand, presently used as a car park. The buildings formerly on the Site were recently demolished - namely a warehouse and an office building.
- 1.3 The Site is 0.11 Hectares and is located within the London Central Activities Zone (CAZ), on the north side of White Lion Street and close to the Angel underground station. It lies on the northern side of White Lion Street between Baron Street and Godson Street, in the Chapel Market/Penton Street Conservation Area. The only access is from White Lion Street itself. The Site is surrounded by a mix of residential and commercial buildings, consisting of a three-storey office building in the south-western corner of the site and a former tyre retail warehouse currently used for car parking.
- 1.4 The planning application was received in November 2015 is for a modern office development from basement to fourth-floor level, to provide a total of 36,760 ft<sup>2</sup> (NIA) of B1 Use Class floorspace.
- 1.5 The Site has the benefit of an extant consent for a mixed use development consisting of retail/office space, and a combination of residential and serviced apartments (application reference P110256). This is for 20 serviced apartments, 6 residential flats and 2,164 sqm of office space. This application (P110256) was approved on 17 May 2015. The Site is allocated for redevelopment in the adopted Islington Site Allocations DPD (2013).
- 1.6 ULL argue that the application scheme cannot, based on present-day costs and values, afford to make any affordable housing contributions, deliver any on-site affordable workspace, or provide a payment towards off-site delivery of affordable workspace.
- 1.7 We have undertaken a viability review in the context of the planning policies that apply in this case, specifically those policies which require the provision of affordable workspace, and those which require that a proportion of new schemes' floorspace in this location should be housing. We have had reference to the Planning Statement by Icen Projects, and the Design, Access & Heritage Statement by Tasou Associates.
- 1.8 This Viability Review does not constitute a 'Red Book' valuation, therefore Valuation Practice Statements 1-4 of the Red Book (RICS Valuation - Professional Standards, January 2014) are not of mandatory application. The Valuation Date for this Viability Review is the date of this report, as stated on the title page. This Viability Review has been undertaken in accordance with our Terms & Conditions which have been provided to the Council, and with and any associated Letters of Engagement, and should only be viewed by those parties that have been authorised to do so by the Council.

### Planning policy discussion - affordable workspace



- 1.9 **Policy CS13** of the Core Strategy seeks to encourage additional business floorspace in the Central Activity Zone and town centres. It also aims to deliver affordable workspace from major non-residential developments. CS13 requires, for schemes providing new employment space, “*a range of unit types and sizes, including those suitable for SMEs*”. This is further set out in the Council **Planning Obligations SPD** (paragraph 5.29-5.30) which states that on-site affordable workspace or retail space will be required from major non-residential developments:

*“A proportion of small, micro and/or affordable workspace or affordable retail space is required from major non-residential developments for which the majority of floorspace is not in public education, community or social infrastructure uses (see CS 13 as well as DM4.1 and DM5.4 for more details). Direct provisions such as these are typically dealt with through conditions attached to a planning permission.*

*“Where it can be justified that a direct provision on site as specified through a planning condition is inappropriate or renders the development unviable, a financial contribution may be levied to support equivalent provision off-site....*

- 1.10 The Council’s Development Management Policies set out the Council’s requirement with regards to employment floorspace in the Borough. Policy **DM5.1** concerns the provision of new business floorspace, and refers to the need to, “*Allow for future flexibility for a range of uses, including future subdivision and/or amalgamation for a range of business accommodation, particularly for small businesses...*” With respect to affordable workspace, policy **DM5.4**, stating that developments,

*“Within Employment Growth Areas and Town Centres, 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.”*

*“Where workspace is to be provided for small or micro enterprises, but is not within physically separate units, the applicant will be required to demonstrate that the floorspace will meet the needs of small or micro enterprises through its design, management and/or potential lease terms.”*

*“In exceptional circumstances, where the proportion of small, micro or affordable workspace to be provided on site does not meet the council’s expectation, and where it can be demonstrated that the on-site provision of such workspace is inappropriate or would have an unacceptable impact on the viability of a scheme, financial contributions will be sought to secure equivalent provision off-site, based on a cost per square metre of equivalent provision.”*

- 1.11 The **Guidance on Affordable Workspace** (2014) requires the combined rent and service charge to be less than 80% of the average for comparable market rates:

*“Council policy considers affordable workspace to be where rent and service charges, excluding business support services, are less than 80% of comparable market rates. Realistically though, for many sectors and locations in Islington rents need to be much lower than this to make them affordable to target occupiers. The Council’s Business and Employment Support Team will therefore negotiate rents with Affordable Workspace Providers on a case by case basis.”*

- 1.12 The Council’s Business and Employment Support Team will therefore negotiate rents with Affordable ‘Workspace Providers’ on a case by case basis. The precise

level of rents that apply in the case of the application scheme would be a matter for further discussion. Planning Officers have informed us that in this case the required level of provision is 5% (100m<sup>2</sup>) of the total business floorspace. With respect to off-site provision, the Guidance on Affordable Workspace (2014) states:

*“Off-site provision will be achieved by the council bringing redundant properties into use (e.g. converting vacant garages to workshops), or by the council working in partnership with the voluntary sector to secure improvements to existing workspaces or providing additional workspace.*

*“The off-site contribution will be negotiated on a case by case, cost per sqm basis. This will also be dependent on the outcomes of a viability assessment and discussions with the council.”*

- 1.13 In line with this Guidance, we have sought to establish whether an off-site contribution can be delivered.

#### Planning policy discussion - residential floorspace

- 1.14 Policy **CS5** of the Core Strategy relates to the Angel & Islington part of the Borough, and sets out that business floorspace is protected in this location:

*“Business floor space will be protected from change of use and opportunities for office-led mixed use development, through intensification of uses to contribute to wider employment growth in the borough, will be encouraged.”*

- 1.15 **London Plan Policy 4.3** states that increases in office floorspace within the Central Activities Zone should provide a mix of uses including housing, unless such a mix would demonstrably conflict with other policies in the plan.

- 1.16 The Council’s **policy DM5** seeks to secure 20% of the uplift in floorspace of a new office-led development in this location as residential. In cases where on-site provision is not appropriate, an off-site payment will be sought, and will be calculated in accordance with para 6.27 of the Council’s *Supplementary Planning Document*:

*“Increase in office floorspace (sq m) x 20% minus uplift in residential floorspace divided by average residential unit size (75 sq m gross internal area) = number of additional housing units that could be achieved.*

*“Contribution due = number of additional housing units that could be achieved (see above) x £50,000 (for sites in the north and middle parts of the borough) or x £60,000 (for sites south of Pentonville Road/City Road), in line with the Council’s Small Sites Affordable Housing Policy (see Chapter 6) x the Council’s affordable housing requirement (50%).”*

- 1.17 Planning Officers have calculated the maximum affordable housing payment as follows, using the above calculation:

- Floorspace uplift = 4233 sqm
- 4233 X 20% = 846.6
- 846.6 / 75 = 11.288
- 11.288 X £60,000 = £677,280
- £677,280 / 2 = **£338,640**.

- 1.18 This figure of £338,640 is very similar to the £332,400 calculated by ULL. The GIA used by ULL is 4,155 which compares to 4,233 sqm the Council have used. It will need to be clarified which is the correct figure.

## 2.0 CONCLUSIONS AND RECOMMENDATIONS

- 2.1 ULL's viability assessment adopts total costs of £27.36m and total sales of £37.091m, leading to a Residual Land Value of £9.732m. This has been compared to Benchmark Land Value of £9,856,000, which results in financial deficit of - £124,000.
- 2.2 The Council's policies make it clear that on-site delivery of "small, micro and/or affordable workspace" will not be required when such delivery would render the scheme unviable. In this case, we have suggested some changes to the inputs into ULL's viability assessment.
- 2.3 With respect to the office space, we would expect the substantial difference between the consented and proposed offices to be reflected in the appraisal. We would expect a considerably lower yield for the proposed office relative to the consented office.
- 2.4 For these reasons we suggest that a yield differential is appropriate, and we have for the time being increased the yield from 5.25% to 6% to the consented scheme's offices. In addition, we have reduced the application scheme's yield from 5.25% to 5.0%, and have questioned the assumption by ULL that this office would be sold as a long-leasehold investment.
- 2.5 In our revised version of ULL's appraisal, we have removed the 're-letting void' from the application scheme's office investment valuation, which increases the Net Development Value by £1.53m. We have also removed this from the consented scheme valuation - the reason being that the cost of future re-letting should be factored into the All Risks Yield that has been adopted.
- 2.6 We have also made some adjustments to the rents (as discussed further in para 4.12) to reflect the superiority of the application scheme.
- 2.7 The letting void is 12 months in the application scheme's appraisal, and the £2.25m of finance costs over this period appear high. In our appraisal revisions, we have not made any adjustments to these costs as of yet, but we would need further justification that the finance costs during the letting void period are reasonable.
- 2.8 It appears likely in our view that a pre-let could be secured for the application scheme's offices; therefore we suggest that the void period of one year applied to the application scheme's residual valuation may be somewhat pessimistic. Reducing this void would reduce the finance costs considerably. We calculate that by decreasing the letting void to 6 months, this would increase the surplus by £0.95m. We have factored this in to our surplus calculations.
- 2.9 By comparison, the void period for the consented scheme's offices is 6 months, which we would not dispute, as there is ample demand from small businesses looking for space in the Islington area.
- 2.10 The results of our revised appraisals are as follows:
- Net residual value of the application scheme increased from £9.73m to £13.68m.
  - Net residual value of consented scheme reduced from £9.86m to £7.94m.

- 2.11 The revised figures result in a £5.74m surplus when this benchmark is deducted from the application scheme's residual value. This would allow sufficient surplus for the £338,640 maximum affordable housing payment to be delivered. It would also allow a maximum payment towards off-site delivery of affordable workspace, although this payment has not yet been calculated. The *Guidance on Affordable Workspace* states that this off-site contribution "will be negotiated on a case by case, cost per sqm basis" and that this negotiation "will also be dependent on the outcomes of a viability assessment and discussions with the council".
- 2.12 As stated below (2.18 to 2.20), the costs estimate for the application scheme and consented scheme both appear to be below BCIS rates. If BCIS rates were to be adopted, this would act to reduce the £5.74m development surplus considerably (by approximately £1.46m, after allowing for related changes to finance costs and fees etc), although further discussion is required in order to reach a firmer conclusion regarding costs.
- 2.13 In the appraisal, the site purchase costs are calculated based on the net residual value, when they should instead be based on the benchmark land value. This would further increase the scheme surplus. We have not as of yet factored this suggested change into our revised appraisals.
- 2.14 With respect to on-site delivery of affordable workspace, this is, we understand, preferred to off-site delivery, as DM5.4 states that, "Where it can be demonstrated that the on-site provision of such workspace is inappropriate or would have an unacceptable impact on the viability of a scheme, financial contributions will be sought to secure equivalent provision off-site." We therefore conclude that it is necessary for the applicant
- 2.15 Whilst we recognise that there may well be difficulties with delivering affordable workspace, nevertheless this option would need to be explored fully by the applicant by way of an alternative scheme design and a development appraisal to test this alternative.
- 2.16 We have considered the potential for incorporating an element of 'affordable' office space in the scheme, in the form of a small office unit catering to small & medium sized firms. We have been guided by Islington's *Guidance on Affordable Workspace* (December 2014), which requires 5% of office floorspace to be 'affordable'. This would require most likely a separate entrance for this unit, which would in turn reduce the floorspace available at full market rents. We would also anticipate that the achievable investment yield for the whole building would be negatively impacted by the inclusion of affordable workspace. It is asserted by ULL that area (NIA) of the office - at 37,000 sq ft - is the minimum required make the building attractive as a 'headquarters building', which is an assertion that would need to be further evidenced to show that lower-sized 'headquarters' requirements are not available. Other potential impacts of including affordable workspace are:
- Provision of additional services (to cater for the small unit) increases overall build costs
  - Reduced natural light - due to reduced lightwell in order to protect privacy of separate tenants
  - Reduced attraction of building to large occupiers due to being non-sole occupancy, and potentially lower lease lengths achievable
  - Increased service charges

- 2.17 Other than those matters discussed above, we are in agreement with the inputs into appraisal, including:
- other cost allowances, such as purchaser's costs and agent's fees;
  - development periods (with the exception of the void period of the application scheme's office);
  - the values applied to the consented scheme's serviced apartments (£1,150 per sqft) and the C3 residential units;
  - the Developer's Profit allowances.
- 2.18 The build costs for the application scheme have been fully reviewed by our Cost Consultant, Neil Powling (see Appendix Two). He has benchmarked this scheme as a 6 storey air-conditioned office building. The adjusted benchmark is £3,327/m<sup>2</sup> compared to the Applicant's £2,655/m<sup>2</sup> - a difference of £2,829,000. It is, however, common for BCIS average rates to differ from those relating to individual schemes, therefore it is necessary for a further level of detail to be provided regarding the cost items in the cost plan so that Neil Powling can determine whether these costs are realistic. Neil notes that BCIS rates for offices can typically be based on a very high specification and give a high rate per sqft which will not necessarily be matched by other schemes.
- 2.19 Regarding the consented scheme's build costs, we suggest an increase of £1.62m to the £10.39m figure that has been adopted in the appraisal. This revised figure of £12.01m adopts the cost rate of £3,327 per sqm that Neil Powling has estimated for the application scheme, and uses BCIS rates for the residential element, with adjustments made for substructure costs (to be consistent with the application scheme). We require a copy of the Cost Plan for the consented scheme so that a more detailed review can be undertaken.
- 2.20 To summarise our current conclusion regarding build costs, these appear to be lower than BCIS rates in the case of both the application scheme and consented scheme. The overall effect of this would be to act to improve viability by reducing the deficit; the net effect of the build cost changes is a £1.46m improvement in viability, as a result of the suggested increase in costs being greater for the application scheme than for the consented scheme. These changes reduce our suggested surplus from £5.74m to £4.28m
- 2.21 In conclusion, there appears, based on our revision to the appraisal, to be a substantial surplus - which we calculate at £4.28m - available from the application scheme, from which affordable housing contributions and affordable workspace contribution could be made, and it would need to be tested whether it would be viably and practically feasible for this affordable workspace contribution to be in the form of on-site delivery.

### 3.0 OFFICE VALUES - APPLICATION SCHEME

#### Rents

- 3.1 The rents applied to the application scheme's office space are £60.00-£62.50 per sq ft for the upper floors and £42.50 per sqft for the lower ground floors. We have undertaken analysis of lettings evidence below:

#### Office letting comparables

Address	Start Date of Lease	Rent (p/a)	GIA (ft2)	£/ft2	BPS Comments/ comparison to application scheme's offices
3 Angel Square, EC1V	Mar-16	£543,510	9,882	£55.00	Retail space on ground floor, office space on ground and all upper floors. Grade A.
	Nov-15	£117,598	2,767	£42.50	
	Oct-15	£176,580	3,240	£54.50	
	Aug-15	£260,535	4,737	£55.00	
172-176 Kings Cross Road, WC1X	Nov-15	£251,540	3,821	£65.83	Six floors, all office space. Recently refurbished. Superior location to site (approximate to King's Cross Station).
7 Caledonian Road, N1	Oct-15	£94,990	1,751	£54.25	Georgian construction, extensively refurbished in 2006. Likely Grade B. Superior Not a new build, hence rent will reflect lack of premium. Subject will be Grade A and hence should expect higher.
210 Pentonville Road, N1	Oct-15	£279,045	4,293	£65.00	10 floors (top half offering views). This example is bottom floor. Grade A. Superior location to site (approximate to King's Cross Station).
22 Angel Gate, City Road, EC1V	Sep-15	£131,995	2,778	£47.51	Health Management rent across 3 floors. Grade A.
The Market Building, Rosebery Avenue, EC1R	Aug-15	£95,313	1,525	£62.50	Former warehouse. Basement - 4th floor. Grade A. Not purpose built like subject will be.

- 3.2 The example of 210 Pentonville Road, N1, at £65 per sqft, shows that substantial levels of rents can be secured in this area. However, 210 Pentonville Road is in a marginally superior location. The letting cited is of a lower-floor unit, therefore the upper floors of the application scheme offices may be superior in this respect. Overall, this suggests that £60.00-£62.50 per sqft is reasonable for the proposed offices.
- 3.3 Some of the other comparable lettings, including 7 Caledonian Road, suggest that £60.00-£62.50 per sqft is reasonable for the upper floors, taking into account that these will be new-build and to a Grade A specification. We note below that it appears a rent of £60 per sqft has been applied to *all* the upper floors.
- 3.4 With respect to the basement space, this is £42.50 per sqft. We agree that it is appropriate to apply a discount relative to the upper floors, based on our experience of other schemes in London.

#### Yields

- 3.5 The yield applied to the accommodation is 5.25%. We agree that this type of office (Grade A, single-occupied by a quality tenant) will be likely to secure the consent of an institutional investor, which suggests that there is a strong potential for considerable interest from the investment market, thereby the potential to achieve a low yield.
- 3.6 ULL assume a long leasehold sale of the building. Given that this is to be a single-occupied office building, with no other uses, it would be typical to assume that the building would be sold freehold to an institutional investor. This would be a 'rational' approach as it would maximise investment value - the reason being that long leasehold investments typically achieve a higher yield (thus a lower price) than freehold investments, partly because in the latter case the holder of the interest has greater control over its asset. We have therefore assessed the yield on the basis of a freehold interest, on the principle (stated in RICS Guidance) that viability assessments for planning purposes should consider the approach of a 'typical', rational landowner, rather than be specific to the applicant in question.
- 3.7 There is limited investment transaction evidence of offices in the immediate vicinity of the application site, which makes the estimation of a yield problematic. We discuss below some recent transactions, taking into account the effect of location on investor sentiment. Many of these comparable transactions are from superior locations, including those closer to Kings Cross and the City.
- 3.8 With respect to an office in Tavistock Place, in a recent assessment by Crossland Otter Hunt of achievable net yields for a fully refurbished (high-quality, Grade B) office, they advised that 4.75%-5.0% is realistic. This is to the south-west of the application site and is in a marginally superior location as it is closer to King's Cross rail terminal. This suggests that 5.25% is perhaps marginally cautious for a new-build, Grade A, single-occupied building in White Lion Street.
- 3.9 The location of the property, close to Angel tube station, is in the City Fringe and cannot be expected to achieve as low yields as buildings in the City and those near the site of the under-construction Farringdon Crossrail station. We discuss some key transaction below:
- 20 Red Lion Street, Sandland Street, WC1R 4QN. Achieved a net initial yield of 5.0%. Sold Feb 2015. Recently fully refurbished. Modern building. Located in a superior location, to the south of the Site. Refurbished in 1998. Single occupancy, by a Patent Office. High quality office building.
  - 2 Bedford Row. Listed, prestigious Georgian building. Achieved a 4.4% yield (not mentioned whether this is a gross or net yield). Entire building let to a law firm.
  - Saffron Court, St Cross Street, EC1N 8XA. This sold at a 5.25% net initial yield, in August 2015. 1960s building. Six storeys. In close proximity to John Street, and near Farringdon station.
  - Isis House, 74 New Oxford Street, WC1A 1EU (grade A - 4.1% yield), achieved in January 2015. Refurbished effectively to a new-build standard in 2013, including a glass façade. Excellent location. Grade A specification, including air conditioning. Would expect considerably higher yield for application scheme's offices, given their inferior location.



- Wakley Street (Grade B office) - yield of 6.75% applied by office agency Strettons in a recent viability assessment. Given the poor quality of this building, much lower yields can be expected for the application scheme's offices.
- 3.10 Based on the above, we suggest that a net initial yield of circa 5% is realistically achievable for this proposed office building.

#### Rent-free periods & void periods

- 3.11 A rent free period of 6 months is adopted. This is on the assumption that a 5 year lease is granted, so in the context of this relatively short lease, 6 months is not unrealistic. We would expect a longer lease to be secured, given that this office building is expected to sell to a large corporate occupier as an 'HQ' building.
- 3.12 A void period of one year is assumed as part of the development period; the development period shows November 2017 as the date the completed office is sold, and practical completion is assumed to be at November 2016 - a year before the building is sold. The letting is assumed to occur November 2017. It appears likely in our view that a pre-let could be secured, therefore we suggest that this void period may be somewhat pessimistic. This is an important consideration as the finance costs are substantial for the letting void period, at £2.026m.
- 3.13 In addition, a 're-letting void' of one year has been deducted. This is calculated as one year of rent (£2.08m) which has been discounted by 5 years back to a present-day value of £1.53m; this is based on the assumption that the tenant vacates at the end of the 5-year lease, resulting in a year-long void. This is a highly cautious assumption in our view, given that this is expected to be an HQ building that will be intended no doubt to be a long-term occupational solution. We would therefore not recommend assuming vacation after 5 years, especially because a longer lease could likely be secured for this type of office. Moreover, any potential risk of vacation and consequent voids, is *implicit* within the 'all risk yield' - as it is with the comparable investment transactions' yields; therefore the inclusion separately of a re-letting void could be regarded 'double-counting' as such a risk should have already been factored into the yield. Removing the re-letting void increases the Net Development Value by £1.53m.

#### **4.0 BENCHMARK LAND VALUE**

- 4.1 The Benchmark Land Value estimated by ULL is £9,856,000, which is an Alternative Use Valuation (AUV) of the consented mixed-use scheme (P110256). The National Planning Policy Framework confirms that a benchmark "*may include the current use value of the land or its value for a realistic alternative use that complies with planning policy*", which indicates that an AUV approach is suitable in this case, wherein the AUV scheme has already secured planning permission.
- 4.2 The consented scheme is a part 3-, 4- and 5-storey building, which would include a basement comprising 1,445 m<sup>2</sup> of B1 floorspace, 673m<sup>2</sup> of A1/A2/A3/B1 floorspace, 20 serviced apartments, and 6 flats. It appears that the A1/A2/A3/B1 units have been valued as B1 in the AUV appraisal.
- 4.3 In 2014, the site was put up for sale through Savills with this consented planning permission. Land Registry confirms the current owner of the site '65-69 White Lion Street Limited', therefore we presume it has not been sold.

Office yields

- 4.4 The gross yield applied by ULL to the office rental income is 5.25%. This is the same yield as has been applied to the application scheme’s offices. We have considered whether these two types of offices should be assigned the same yield. The application scheme appears to be superior from an investment market point of view; it is described by ULL as a ‘headquarter building’ which would be in single occupation to a multinational-sized firm, which would have a high covenant strength. By contrast, the consented scheme offers six relatively small (up to 3,788 sq ft) offices that would be aimed at ‘new businesses’, according to the applicant’s advisers. These new businesses would have lower covenant strengths and likely shorter leases than the application scheme’s office space. Moreover, we note that it is common for multi-tenanted offices to achieve higher yields relative to those achieved by single-occupied offices. For these reasons, we suggest that a yield differential is appropriate, and we have for the time being applied an increase to 6%.
- 4.5 We have undertaken further analysis of investment sales in **Appendix One**.

Office rents

- 4.6 The rents are likewise at the same level as for the application scheme. We have considered whether it is realistic for smaller offices to achieve the same rents as larger offices. We would not expect - all other things being equal - a greatly different rent per ft<sup>2</sup> for small units relative to larger office units. However, if the specification is different and if different facilities are being provided, then this may lead to a differential in rents being suitable.
- 4.7 The rent is £53.57 per ft<sup>2</sup> for the consented offices, and £56.59 per ft<sup>2</sup> for the application scheme offices. ULL state that the upper floors are given a rent of £60-£62.50 per ft<sup>2</sup>, however the table we have created below indicated that all the upper floors have been assigned a £60 per ft<sup>2</sup> rent:

Application scheme - office rents

area (sq ft)	floor	rate per sq ft	rent totals
7,169	Basement	42.50	304,683
6,889	Ground	60.00	413,340
6,480	First	60.00	388,800
7,234	Second	60.00	434,040
5,694	Third	60.00	341,640
3,294	Fourth	60.00	197,640
<b>36,760</b>		<b>56.59</b>	<b>2,080,143</b>

- 4.8 The rents below for the consented scheme match the overall rate per ft<sup>2</sup> that have been applied in the appraisal:

Consented scheme - office rents

Unit	Floor	rent per sq ft	area	rent totals
Unit1(A1/A2/A3/B1)	Basement	42.50	1,667	70,848
Unit2(A1/A2/A3/B1)	Basement	42.50	1,958	83,215
Unit3	Basement	42.50	3,778	160,565
Unit1(A1/A2/A3/B1)	Ground	60.00	914	54,840
Unit2(A1/A2/A3/B1)	Ground	60.00	1,722	103,320
Unit4	Ground	60.00	3,735	224,100
Unit5	First	60.00	3,756	225,360
Unit6	First	60.00	2,572	154,320
		<b>53.56</b>	<b>20,102</b>	<b>1,076,568</b>

- 4.9 It is common for a higher rent to be achieved for upper floors of London office buildings. We note that the 3rd and 4th floors of the application scheme have substantial terraces. The proposed scheme has a large reception area which will increase the prestige of the building, whereas the consented scheme's appears to be considerably smaller and is shown in the Design & Access Statement as shared with the serviced apartments, although the plans show this as split by a dividing wall which makes two 'thin' receptions - one for the offices and one for the residential; either way, the result is a relatively poor quality reception.
- 4.10 Comparing the 3rd and 4th floor of the application scheme with the ground and first floor of the consented scheme, suggests clearly in our view that the latter are superior and therefore applying same rent to these (£60 per sqft) does not appear to be justified.
- 4.11 The floor-to-ceiling heights are 3.0 metres (which we presume is measured 'slab-to-slab') for the application scheme offices, but we have not received these details for the consented offices. If the latter's heights are lower than 3 metres, this could justify a reduction in office rents.
- 4.12 Taking into account the reception issues and the impact of terraces on rents (this being a sought-after facility), we suggest that a lower rent is appropriate, and have applied a conservative reduction of £5 per sqft. And we have increased the application scheme's upper floors to £62.50 per sq ft.

#### Application scheme - revised rents

Unit	Floor	rent per sq ft	area	rent totals
Unit1(A1/A2/A3/B1)	Basement	37.50	1,667	62,513
Unit2(A1/A2/A3/B1)	Basement	37.50	1,958	73,425
Unit3	Basement	37.50	3,778	141,675
Unit1(A1/A2/A3/B1)	Ground	55.00	914	50,270
Unit2(A1/A2/A3/B1)	Ground	55.00	1,722	94,710
Unit4	Ground	55.00	3,735	205,425
Unit5	First	55.00	3,756	206,580
Unit6	First	55.00	2,572	141,460
		<b>48.56</b>	<b>20,102</b>	<b>976,058</b>

#### Consented scheme - revised rents

area (sq ft)	floor	rate per sq ft	rent totals
7,169	Basement	42.50	304,683
6,889	Ground	60.00	413,340
6,480	First	60.00	388,800
7,234	Second	60.00	434,040
5,694	Third	62.50	355,875
3,294	Fourth	62.50	205,875
<b>36,760</b>		<b>57.20</b>	<b>2,102,613</b>

4.13 We have adopted these updated rents in our revisions to ULL's appraisal.

#### Office rent-free & void periods

4.14 The rent free period is 6 months for the consented offices, while the assumed lease term is 10 years (compared to 5 years for the application scheme's offices). There is a close relationship and correlation between length of rent free period and length of lease. We view a 10 year lease as being an excessive length for these small office units that will be aimed at 'new businesses'. Conversely, the 5-year lease applied to the application scheme office seems even more debatable when viewed in comparison to the 10-years for the small units. Shorter leases are typically more common with smaller and less well-established firms, whereas large corporations more commonly opt for longer leases.

4.15 The re-letting void is calculated as a year's rent (£1.08m) which is discounted back by 10 years to a present-day value of £0.61m. This longer lease period has the effect of reducing the re-letting void by a greater proportion than is the case with the application scheme appraisal (in which the re-letting occurs after only 5 years).

4.16 In our revised appraisal, we have removed the re-letting void entirely, and we have reflected in the investment yield what is in our view the greater risk associated with the consented offices, as the tenants will have lower covenant strengths and will likely have shorter leases.

4.17 These six units average 3,350 sqft (NIA), which is a relatively small size, and would likely attract tenants looking for flexible lease terms.

#### Residential Values

4.18 ULL have provided some comparable sales evidence in order to justify their £1,150 per ft<sup>2</sup> prices for the consented residential units. In the following table, we show recent sales, which we have inflated up to present-day values using the Land Registry's House Price Index.

#### Transactional Evidence for Similar Flats to the Consented Scheme

Address	Unit Type	Sale Date	GIA (ft2)	Sale Price	£/ft2	Modern Values		BPS comments/comparison with consented scheme's apartments
						Sale Price	£/ft2	
Flat 2, 60 White Lion Street, N1	1-bed	Dec-15	822	£765,000	£931	£769,506	£936	Not a new build (built 2003) therefore not benefitting from new build premium. Adjacent to subject site. Larger GIA will make for lower £/ft2 values. Due to second-hand nature, would expect subject to demand higher £/ft2.
43	1-bed	Oct-	501	£510,000	£1,018	£521,117	£1,040	Further from the stations. Further

Batchelor Street, N1		15						from amenities and public transport. This, and the lower specification of this comparable, means we would expect a lower value than the consented units.
23 Clouesly Street, N1	1-bed	Nov-15	409	£460,000	£1,125	£464,639	£1,136	Much further from public transport. On pleasant road with plenty of parking. Nicely refurbished. Although there is no new build premium, we would expect very similar values on the consented flats as this example, based off of specification.
13a Claremont Square, N1	2-bed	Jan-16	786	£1,195,000	£1,520	£1,204,132	£1,532	Maisonette. Not a new build, but good specification Victorian conversion can be just as attractive, if not more so. Very central location. Due to the beauty of the façade, we would agree this is valued higher than the consented flats could achieve.
Flat A, 1 Inglebet Street, EC1R	2-bed	Oct-15	721	£960,000	£1,331	£980,926	£1,361	Ground floor maisonette also in a Victorian conversion. Further from public transport. We would expect this property to be slightly more valuable than the consented flats.
20 Cruikshank Street, WC1X	2-bed	Sep-15	980	£890,000	£908	£914,478	£933	Top floor of period conversion. Beautiful exterior. On a pleasant street. However, is currently opposite building works, potentially justifying lower value. Maisonette. Not a new build (would expect higher values from consented flats because of premiums).
30a Claremont Square, N1	2-bed	Sep-15	1,095	£1,175,000	£1,073	£1,207,317	£1,103	Views of a green park, opposite. Victorian conversion. Ground and Lower Ground maisonette. Lower Ground tends to encourage lower values. Also GIA is much higher, lowering the £/ft <sup>2</sup> . We would expect very similar (bottom end) values for the consented scheme.

4.19 Not all examples were transactional pieces of evidence, as some are asking prices. Typically, transactional evidence is more reliable than market asking prices, and we have bared this in mind when analysing these given comparables.

Table - Market Asking Prices for Similar Residential Flats in Locality of Site

Address	Unit Type	Asking Price	GIA (ft <sup>2</sup> )	£/ft <sup>2</sup>	Additional Comments
Islington Square, Almeida Street, N1	1B	£940,000	624	£1,506	Due for completion Q4 2017
The Lexicon, 261 City Road, EC1V	1B	£725,000	560	£1,295	New build, 15th Floor, due for completion 2016. Views and scale of onsite amenities make this example more valuable than the subject.
White Horse Yard, Liverpool Road, N1	2B	£950,000	875	£1,086	Office conversion, not a new build and not purpose built. The subject will therefore benefit with a premium over these properties.
	2B	£1,295,000	1,289	£1,005	
	2B	£1,100,000	1,048	£1,050	
	2B	£1,400,000	1,381	£1,014	
	3B	£1,975,000	1,825	£1,082	

- 4.20 In light of the above evidence, BPS would suggest that £1,150 per sq ft is an appropriate figure for the consented residential flats.

#### Serviced Apartment Values

- 4.21 The serviced apartments will have the benefit of room service, laundry service, housekeeping and 24-hour concierge. The apartments consist of two wheelchair accessible units (Apartment 01 and 14) and ensuites.
- 4.22 When valuing hotel, boarding or guesthouses, a consideration of location is essential. As occupiers will be there for a definite time and expecting an element of convenience, location is a primal valuation factor. White Lion Street is busy but not a tourist or business hub per se, and whilst the surrounding area offers no immediate greenery or pleasant views, it is a walking distance away from Angel Underground station.
- 4.23 These 20 apartments were the subject of a ten-year lease offer in 2012 from Go Native for £500,000. We agree that this is highly suitable evidence for the purposes of estimating a market rent. ULL have applied a 5% increase to this to reach a £525,000 present-day rent. The offer in 2012 would likely have factored in expectations of rental growth up to the date when rent would become payable, which appears to be assumed as the date of practical completion, based on the estimated development period is 2 years and 3 months. Therefore this would likely represent a view of expected rents in 2014-15. In this context, the 5% increase used to bring the rents up to *present-day* (Q2 2016).
- 4.24 We have looked at JLL and Savills' research (as have ULL) on the London hotel market, as the serviced apartments can be considered as a niche within the wider hotel/short-term accommodation market. This research shows that from 2014-2015 average rates increased by 2.5%, with a forecast for this to lead to a 3.5% increase in 2015. This suggests that the 5% increase applied by ULL is reasonable.
- 4.25 The serviced apartment rent has been capitalised with a 5.75% yield, on the advice of JLL's hospitality market experts who advised 5.5-6.0%. ULL state that they have been involved in a similar apart-hotel scheme in which similar rents and yields were applied. Our own research indicates that for serviced apartments a yield of circa 6% is realistic for London, and that 5.75% is reasonable in the case of the consented scheme.
- 4.26 Due to the consented project containing below ten C3 class residences, it was not required to provide contributions towards affordable housing. This benchmark is hence policy compliant.

#### Contingency & Planning Obligations

- 4.27 The total Section 106 and Mayoral Community Infrastructure Levy (CIL) contributions that have been paid to date in respect of the existing planning consent are £607,268. Therefore, according to ULL, the remaining uplift for the new scheme is £92,334 in Mayoral CIL and £62,448 in Borough CIL, whereby Islington CIL is chargeable at a rate of £80/m<sup>2</sup> and Mayoral CIL is chargeable at a rate of £50/m<sup>2</sup>.

#### Build costs

- 4.28 Regarding the consented scheme’s build costs, ULL state, “We have applied construction costs on a pro-rata basis compared with the gross internal floor area of the application scheme Budget Cost Plan”. Our Cost Consultant, Neil Powling, has considered the costs that have been applied to the consented scheme. Neil has applied the same build cost rate as the application scheme to the office elements but a BCIS rate to both serviced and residential apartment gives a total build cost of £9.92m.

*“On the basis that the consented scheme of mixed office and residential would have a similar basement and substructure to the Application scheme - I have added a sum to allow for the additional cost of the substructure to the residential element of the building. This means that the substructure is at a similar rate per sq m for both the office and the residential elements of the building. This gives a total construction cost for the Consented scheme of £10,462,505.*

*“It would of course be far more satisfactory if the Applicant could provide a cost plan for the consented scheme in similar detail as already available for the Application scheme.*

*“I note that this cost is now slightly more than the Applicants construction cost in the Consented appraisal of £10,391,039.”*

NIA ft <sup>2</sup>	NIA m <sup>2</sup>	Same as application scheme Efficiency 81.1%	GIA m <sup>2</sup>		£/m <sup>2</sup>	£Tot	
20,102	1,868		2,303	office	2,655	6,114,559	Rate from cost plan for application scheme
4,572	425		524	resi apts	2,131	1,115,912	From BCIS
8,991	835		1,030	serviced apts	2,131	2,194,481	
			1,554	Total residential - Additional cost of substructure as for the Application scheme	348	540,993	BCIS rate for substructure £148/m <sup>2</sup> - Applicants cost plan for office scheme is £502/m <sup>2</sup>
				Add extl wks on both apts	15%	496,559	
<u>33,665</u>						<u>10,462,505</u>	

- 4.29 This compares to £10.39m that has been adopted in appraisal. The rate of £2,655 per m<sup>2</sup> that has been applied to the offices is the rate used in CMC’s Cost Plan for the application scheme. As is discussed further in the Cost Review (Appendix One), Neil Powling has estimated a rate of £3,327 per m<sup>2</sup> for the offices, based on BCIS average tender prices for office schemes. Applying this rate to the consented scheme’s offices, increases the £10.46m (in the table above) to £12.01m, which is a £1.62m increase.
- 4.30 Neil was unable fully scrutinise the consented scheme’s cost as we were not provided with the Cost Plan was supposed to have been in Appendix 4 of the FVA. We are awaiting this information, requested 15th April 2016.

## 5.0 BUILD COSTS (APPLICATION SCHEME)

- 5.1 The build costs for the application scheme have been fully reviewed by our Cost Consultant (see Appendix Two). He has benchmarked this scheme as a 6 storey air-conditioned office building. The adjusted benchmark is £3,327/m<sup>2</sup> compares to the Applicant’s £2,655/m<sup>2</sup> - a difference of £2,829,000. It is, however, common for BCIS average rates to differ from those relating to individual schemes, therefore it is necessary for a further level of detail to be provided regarding the cost items in the cost plan so that Neil Powling can determine whether these costs are realistic.

- 5.2 Neil notes that BCIS rates for offices can typically be based on a very high specification and give a high rate per sqft which will not necessarily be matched by other schemes.
- 5.3 Professional fees at 12% of construction costs are sensible. ULL have incurred agent's fees of 1% of purchase price, legal fees at 0.5%, and Stamp Duty Land Tax (SDLT) at 5%, all of which are suitable. A 7% interest rate is reasonable as a blended cost of capital, including arrangement and exit fees. ULL state that it is the lower end of funding costs for a project of this nature.
- 5.4 The development period for the application scheme is shown in the appraisal as starting February 2015 (which is the assumed date of site purchase) and November 2017 (which is the date the completed office is sold). Practical completion is assumed to be at November 2016 - a year before the building is sold. The finance cost section of the appraisal shows a finance costs of £2.025m, which appear to be high for this period, which is 13 months (November 2016 to December 2017). By contrast, the construction finance costs are £606,744, despite this being a longer period (18 months). Whilst some of this can be explained by construction costs being calculated using an s-curve, we would need further justification that the finance costs during the letting void period are reasonable.

## **6.0 AFFORDABLE HOUSING (AH)**

- 6.1 According to London Plan Policy 4.3 and Islington's Local Plan DMP 2013, increases in office space should provide for a mix of uses, including residential accommodation, unless the housing element of the scheme would be inappropriate or comprise less than 20% of the overall scheme. BPS agree that this in an incidence in which on-site affordable housing would be inappropriate, given that the entire building will be purpose-built for office tenants.
- 6.2 Contribution towards off-site AH has been calculated at a rate of £60,000 per unit, multiplied by the 11.08 additional housing units that could be achieved, and then halved (to match the 50% AH that is policy), thus £332,400.

### Affordable Workspace

- 6.3 Implementing the policy would involve minimum 5% of the total amount of business floorspace to be provided as affordable workspace. Council policy advises that 'what is defined as "affordable" will vary dependent on the location and the type of workspace provided'. Being in an expensive area justifies pushing the affordable £/ft<sup>2</sup> boundary up to £30/ft<sup>2</sup>.
- 6.4 The inclusion of affordable workspace will remove the option for single tenancy. This may have a negative impact on investors' interest and yields. Access and servicing might also suffer, unless the affordable units were to have their own entrance.

## **7.0 CAR PARKING AND ADDITIONAL AMENITIES**

### Car Parking



- 7.1 There does not appear to be any provided car parking on-site. The site is local to public transport services and other car parks in the area, so this should not be an issue.

#### Outdoor Space and Landscaping

- 7.2 The project provides green roofs to encourage biodiversity and roof terraces at the rear of the site, fit with privacy screens for the benefit of nearby residents. There will also be small courtyards mainly for the benefit of the lower levels of the scheme, which will be landscaped with a range of planting and rainwater collection tanks to maintain the gardens. These outdoor spaces are set back from the busy street, and raise the value of the scheme.

Appendix One: Further analysis of investment transactions

Table: Analysis of ULL's Provided Capitalisation Rates Comparables

Address	Sale Date	Sale Price	GIA (ft2)	£/ft2	Initial Yield	Rental Income (p/a)	Rent/ft2	Explanatory Comments	BPS Comments
2 Pear Tree Court, EC1R 0DS	Sep-15	£15,500,000	14,025	£1,105	3.74%	£455,000	£32	Mid-terrace office building. ULL say superior location to site.	Modern looking development down a narrow street. Very close to Farrington station. Central location. BPS agree that this is in a superior location, but suspect the subject will be of a very similar (if not superior) spec and thus demanding similar prices.
16-17 Bowling Green Lane, EC1R 0QH	Aug-15	£8,874,575	7,888	£1,125	3.76%	Information not provided.		Grade II listed building. Five floors, all offices.	Rent for 1,661ft2 is currently being quoted at £45/ft2 (atlanticpartners.uk.com). Suspect Grade B. Pretty façade. Can see this property making similar revenues as subject, on account of its proximity to Chancery Lane Station, and City London University, and the grandeur of the building.

Angel House, 338-346 Goswell Road, EC1V	Jun-15	£34,200,000	45,783	£747	3.68%	£1,329,942	£29	Cycle spaces out front and a large reception area. Larger scale and GIA explains the lower rent/ft2. Would expect the subject to be able to demand marginally more on account of local demand and new build premiums.
Unit 12, Angel Gate, EC1V	Apr-15	£1,100,000	3,193	£345	4.00%	£46,000	£21	Reversionary yield of 7.5%. 70% occupied. More recent lettings have achieved £40/ft2. Grade A office space. Not finished to the standard we would expect of the subject. Light and airy but with exposed air vents on the ceiling. Being refurbished in Q2 2016.

BPS Additional Yield Evidence

Address	Sales Date	Size (ft <sup>2</sup> )	Price	Yield %	Purchaser/Lessee
McCann-Erickson House, 7-11 Herbrand Street, London, WC1N 1EX	01/03/2016	66,405	£56,000,000	4.73	Market Tech Holdings
55 Bishopsgate, London, EC2N 3AS	01/12/2015	154,000	£187,500,000	4.87	Schroder Property Fund
Octavia House, 44-52 Banner Street, London, EC1Y	01/12/2015	21,257	£14,500,000	2.50	Columbia Threadneedle
155 Commercial Street, London, E1 6BJ	01/12/2015	73,173	£7,630,000	2.90	St Anselm Development Company Limited
13-17 Red Lion Square, London, Central London,	10/11/2015		£46,500,000	4.75	Evans Randall
15 Fetter Lane, London, EC4A 1JP	01/11/2015	47,584	£46,500,000	4.75	Evans Randall
99 Bishopsgate, London, EC2M 3XD	01/10/2015	339,061	£272,000,000	5.50	China Life Insurance
4 Coleman Street, London, EC2R 5TA	01/09/2015	58,619	£59,950,000	4.03	Orchard Street Investment Management LLP
Entire Building, 42 Eagle Street, London, WC1R 4AP	01/09/2015	10,457	£8,750,000	3.58	L&G Pension Fund
Entire Building, 35 Chiswell Street, London, EC1Y 4SE	01/09/2015	16,686	£10,500,000	4.70	Westminster Real Estate
Saffron Court, 14b St. Cross Street, London, EC1N 8XA	01/08/2015	54,498	£3,180,000	5.25	Private Investor
Unit 3 (Duplex), Angel Wharf, 170 Shepherdess Walk, London, N1 7JL	01/08/2015	2,280	£820,000	6.02	Undisclosed Occupier
17 Moorgate, Great Bell Alley, London, EC2R 6AR	01/08/2015	16,302	£16,900,000	3.50	Oval Europe Limited
Alphabeta (Former Neptune House, Triton Court), 14 Finsbury Square, London, EC2A 1BR	01/08/2015	218,165	£280,000,000	3.89	Sinarmas Land
Cripplegate House, 1 Golden Lane, London, EC1Y 0RR	01/07/2015	105,532	£77,000,000	5.50	Hoi Hup
1-3 Charlotte Street, London, W1T 1RD	01/07/2015	2,465	£7,600,000	1.67	Private Investor
Tokenhouse Yard Development, 1 Kings Arms Yard, 19 Tokenhouse Yard, London, EC2R 7AF	01/06/2015	56,299	£55,300,000	4.04	Knight Frank Investment Management
Entire Building, 10 Bonhill Street, London, EC2A 4QJ	01/06/2015	10,904	£8,700,000	4.30	Hackney Borough Council
338-346 Goswell Road, London, EC1V 7LQ	01/06/2015	47,688	£34,200,000	3.67	Workspace Group Plc
60 London Wall, London, EC2M 5TQ	01/06/2015	291,546	£197,500,000	5.45	Californian State Teacher's Pension
Isis House, 74 New Oxford Street, London, WC1A 1EU	01/05/2015	20,460	£36,500,000	4.10	Orchard Street Investment Management LLP

## Appendix Two - Cost Review by Neil Powling FRICS

### 1 SUMMARY

#### 1.1

We have benchmarked this application as a 6 storey air-conditioned office building. Our adjusted benchmark is £3,327/m<sup>2</sup> compared to the Applicant's £2,655/m<sup>2</sup> - a difference of £2,829,000. A comparison of the elements shows the applicant's estimated allowance for external walls and windows as the most significant difference compared to BCIS. We are therefore satisfied that the Applicant's costs are 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, and 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 been 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 the Economic Viability Appraisal Report prepared by ULL Property dated April 2016. Appendix 2 is the Application Scheme Budget Cost Plan prepared by CMC Rev B dated 5<sup>th</sup> April 2016 in the total sum of 11,183,533.79.
- 3.2 We have also downloaded further files from the planning web site and in particular the Design & Access Statement and the proposed drawings.
- 3.3 The preliminaries have been estimated in the cost plan at 12% and the overheads and profit at 10%. We consider the former on the low side for current market conditions and the latter on the high side but taken together - reasonable.
- 3.4 Risk allowance has been estimated at 3% and client contingency at 3% ie 6% in total. We consider a 5% contingency for new build works reasonable and therefore this is a little high. However in view of the results of the benchmarking - we are satisfied that these allowances are reasonable.
- 3.5 We have downloaded current BCIS data for benchmarking purposes including a Location Factor for Islington of 133 that has been applied in our benchmarking calculations.

3.6 Refer to our attached file “Elemental analysis and BCIS benchmarking”.

3.7 We have benchmarked this application as a 6 storey air-conditioned office building. Our adjusted benchmark is £3,327/m<sup>2</sup> compared to the Applicant’s £2,655/m<sup>2</sup> - a difference of £2,829,000. A comparison of the elements shows the applicant’s estimated allowance for external walls and windows as the most significant difference compared to BCIS. We are therefore satisfied that the Applicant’s costs are reasonable.

**Elemental analysis & BCIS benchmarking**

	GIA m <sup>2</sup>	4,211	LF100	LF133
	£	£/m <sup>2</sup>	£/m <sup>2</sup>	£/m <sup>2</sup>
<b>Demolitions - facilitating work</b>	<b>25,000</b>	<b>6</b>		
<b>1 Substructure</b>	<b>2,115,935</b>	<b>502</b>	<b>117</b>	<b>156</b>
2A Frame	1,263,300	300	106	141
2B Upper Floors			53	70
2C Roof	223,215	53	93	124
2D Stairs	176,150	42	33	44
2E External Walls	595,375	141	160	213
2F Windows & External Doors	10,000	2	92	122
2G Internal Walls & Partitions	109,860	26	48	64
2H Internal Doors	46,400	11	29	39
<b>2 Superstructure</b>	<b>2,424,300</b>	<b>576</b>	<b>614</b>	<b>817</b>
3A Wall Finishes	121,206	29	34	45
3B Floor Finishes	402,015	95	62	82
3C Ceiling Finishes	232,485	55	29	39
<b>3 Internal Finishes</b>	<b>755,706</b>	<b>179</b>	<b>125</b>	<b>166</b>
<b>4 Fittings</b>	<b>198,411</b>	<b>47</b>	<b>25</b>	<b>33</b>
5A Sanitary Appliances	27,000	6	12	16
5B Services Equipment (kitchen, laundry)			12	16
5C Disposal Installations	63,165	15	10	13
5D Water Installations	84,220	20	20	27
5E Heat Source			36	48
5F Space Heating & Air Treatment	925,859	220	142	189
5G Ventilating Systems	138,963	33	47	63
5H Electrical Installations (power, lighting, emergency lighting)	655,904	156	133	177
5I Gas Installations			3	4
5J Lift Installations	205,000	49	29	39
5K Protective Installations (fire fighting, sprinklers, lightning protection)	333,790	79	14	19
5L Communication Installations (burglar, panic alarm, fire alarm, CCTV, door entry, public address, data cabling, tv/satellite, telecommunication systems)			24	32
5M Special Installations - (window cleaning, BMS, medical gas)	233,558	55	20	27
5N BWIC with Services	133,373	32	15	20
5O Builders Profit % Attendance on Services			10	13
<b>5 Services</b>	<b>2,800,832</b>	<b>665</b>	<b>527</b>	<b>701</b>
6A Site Works	117,530	28		
6B Drainage	6,975	2		
6C External Services	117,500	28		
6D Minor Building Works				
<b>6 External Works</b>	<b>242,005</b>	<b>57</b>		
<b>SUB TOTAL</b>	<b>8,562,189</b>	<b>2,033</b>	<b>1,408</b>	<b>1,873</b>
<b>7 Preliminaries 12%</b>	<b>1,027,463</b>	<b>244</b>		
<b>Overheads &amp; Profit 10%</b>	<b>958,965</b>	<b>228</b>		
<b>SUB TOTAL</b>	<b>10,548,617</b>	<b>2,505</b>		
Design Development risks 3%	316,459	75		
Construction risks				
Employer change risks 3%	316,459	75		
Employer other risks				
<b>TOTAL</b>	<b>11,181,534</b>	<b>2,655</b>		
Benchmarking			2,681	
Add facilitating work		6		
Add external works		57		
Add additional cost of substructure		347		
		410		
Add prelims 10%		41		
Add OHP 8%		36	487	
			3,169	
Add contingency 5%			158	
Total adjusted contingency			3,327	
Difference			-672	
			-2,828,971	
say			-2,829,000	



# Islington SE GIS Print Template



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P2015/4922/FUL

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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

<b>PLANNING COMMITTEE</b>		<b>AGENDA ITEM NO:</b>
<b>Date:</b>	12 July 2016	<b>NON-EXEMPT</b>

Application number	P2015/5260/FUL
Application type	Full Planning Application
Ward	Clerkenwell
Listed building	Not Applicable
Conservation area	Clerkenwell Green Conservation Area
Development Plan Context	<ul style="list-style-type: none"> <li>- Bunhill &amp; Clerkenwell Core Strategy Key Area</li> <li>- Finsbury Local Plan Area: Bunhill &amp; Clerkenwell</li> <li>- Central Activities Zone (CAZ)</li> <li>- Britton Street Employment Priority Area (General)</li> <li>- Adjoins Farringdon/Smithfield Intensification Area</li> <li>- Archaeology Priority Area (Clerkenwell)</li> <li>- Clerkenwell Green Conservation Area</li> <li>- LV1 View from Farringdon/Clerkenwell Rds</li> <li>- LV4 Local view from Archway Road</li> <li>- LV5 Local view from Archway Bridge</li> <li>- LV6 Local View from Amwell Street</li> <li>- LV7 Local View from Dartmouth Park Hill</li> <li>- VC5 Kenwood viewing gazebo to St Paul's Cathedral</li> <li>- Controlled Parking Zone Area</li> <li>- Crossrail Safeguarding Area</li> <li>- Rail Safeguarding Area</li> <li>- Local Cycle Route</li> <li>- Site within 100m of a TLRN Road</li> </ul>
Licensing Implications	None
Site Address	Layden House, 76-86 Turnmill Street London EC1M 5LG
Proposal	External refurbishment works to elevations, erection of five storey front and side infill extension to east and west; part fifth and sixth floor extension; a part two storey, part five storey rear extension resulting in

	298 square metres (GIA) of additional office (B1) floor space, erection of a single storey bike store to rear and the change of use of part of the ground floor and basement from office (B1 use) to 1148 square metres of flexible retail and restaurant (A1/A3).
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Case Officer	John Kaimakamis
Applicant	Scott Brownrigg Planning
Agent	Local Government Association (LGA)

## 1. RECOMMENDATION

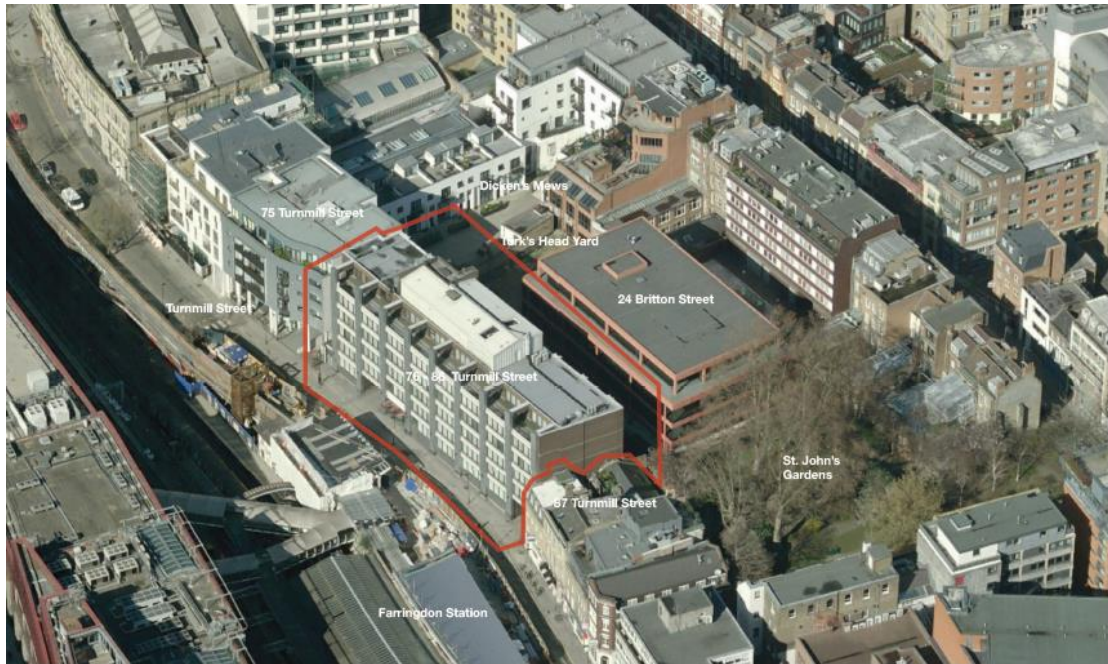
The Committee is asked to resolve to **GRANT** planning permission:

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

## 2. SITE PLAN (site outlined in red)



### 3. PHOTOS OF SITE/STREET



## **4. SUMMARY**

- 4.1 The proposed development of a mixed use Class A1 retail and Class B1 office scheme on this highly accessible site in an Employment Priority Area in the CAZ is considered to be acceptable in land use terms. The provision of high quality Class B1 office accommodation would be consistent with the aims of the development plan.
- 4.2 The proposed building would be taller than the existing building, however the increase in height and built form would respect the heights of buildings in the immediate context and would result in a successful townscape in this location. Further, the high quality design would be sensitive to surrounding heritage assets and complementary to local identity.
- 4.3 No part of the proposed development would block, detract from or have an adverse effect on any significant strategic or local protected views. The proposals are unlikely to have a widespread or significant archaeological impact within this Archaeological Protection Area subject to conditions.
- 4.4 No part of the development would result in adverse impacts in terms of loss of daylight, sunlight, outlook, sense of enclosure or privacy that would justify refusing planning permission.
- 4.5 Subject to appropriate conditions the development would comply with relevant planning policies relating to sustainability and energy efficiency. The proposed development would be serviced as per existing conditions and subject to appropriate conditions would have no adverse impacts on the local road network. The refuse/recycling and servicing arrangements are considered to be acceptable. The provision of secure cycle storage and showering and changing facilities for staff would encourage sustainable travel.
- 4.6 In addition to the Mayoral and Islington Community Infrastructure Levy, the application is supported by a 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 site is located on the eastern side of Turnmill Street just north of Farringdon Station. The existing building adjoins a part-5/part-6 building to the north at No. 75 Turnmill Street, while to the south are lower level historic buildings. To the immediate rear of the site along the north east boundary is Turk's Head Yard, which was recently granted consent in April 2016 for the construction of a three-storey building for residential accommodation, while the remaining part of the rear boundary is bounded by the office building at No. 24 Britton Street.
- 5.2 The existing building is six-storeys in height and was built in the 1970s. It was given a façade recladding in the 90s which gives it the existing metal design. The top floor is setback to reveal 9 large flying buttresses. The site is located

within the Clerkenwell Conservation Area, however the building is not statutorily or locally listed.

- 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](http://www.webptals.org.uk)). The site lies within a mixed use and highly accessible location, being within walking distance of Farringdon Underground and Thameslink train stations and in close proximity to bus stops on Farringdon Road.

## **6. PROPOSAL**

- 6.1 The proposal as originally submitted seeks external refurbishment works to all elevations of the building, including five-storey front and side infill extension to east and west of the building. The existing fifth floor with the flying buttresses are to be infilled while the existing plant room built form at sixth floor level is to be extended. To the rear the proposal also included a new five-storey extension to the rear opposite Turk's Head Yard in the north-east part of the site.
- 6.2 Planning and Design officers raised concerns with aspects of the detailed design along with amenity impacts on the residential properties to the north as a result of the new rear five-storey extension. As a result the applicant amended the application to address the detailed design concerns of officers along with reducing the depth of the rear extension.
- 6.3 The overall effect of the amendments has resulted in 298 square metres (GIA) of additional office (B1) floor space across the building, whilst the proposal also includes the change of use of part of the ground floor and basement from office (B1 use) to 1148 square metres of flexible retail and restaurant (A1/A3).
- 6.4 All servicing is on street along Turnmill Street, while vehicular access into the site is from the existing accesses that are being retained along Turnmill Street.

## **7. RELEVANT HISTORY:**

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

### **Planning Applications:**

- 7.2 P850857: Change of use of part of the ground floor to offices from staff facilities and part of the first floor to offices from industry and elevation changes to the ground floor of the rear elevation. This was granted consent on 27 August 1985.
- 7.3 P951849: Change of use of entire premises to offices (Use Class B1) was granted consent on 04 January 1996.
- 7.4 P960590: Alterations to front elevation were granted consent on 09 May 1996.

- 7.5 P991784: Installation of telecommunication equipment on the roof of the building was granted consent on 12 October 1999.

Other relevant planning applications

- 7.6 P2014/1808/FUL: Land at Turk's Head Yard, 75A Turnmill Street, London, EC1M 5SY (Adjoining Site)

Construction of a three storey over basement building comprising six new residential units (3 x 3 bed flats, 2 x 2 bed flats and 1 x 1 bed flat) with associated amenity space and landscaping. Planning permission was granted on 14 April 2016.

7.7 **Enforcement:**

- 7.8 There are no enforcement cases that are relevant to the application site.

**8. CONSULTATION**

Public Consultation

- 8.1 The proposal as submitted was consulted upon and letters were sent to occupants of 173 adjoining and nearby properties on 7 January 2016. A site notice and press advert were also displayed on this date. In response to the first consultation period a total of 4 objections were received from the public with regard to the application.
- 8.2 The revised proposals were also subject to a re-consultation period. The same occupants of 173 adjoining and nearby properties along with the 4 objectors were consulted, which began on 9 June 2016 and ended on 30 June 2016. A site notice and press advert were also displayed on this date. In response to the second consultation period, no further objections were received from the public with regard to the application, however one of the original objectors provided further comments.
- 8.3 Therefore, at the time of the writing of this report a total of 4 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):
- The proposed front façade replaces one grim façade with another and results in a charmless remodelling of the building.

*The objection stated above relates to the design of the front façade of the proposal as submitted. The objector has not provided further comment on the revised front façade design, which places a horizontal emphasis on the brick and was design in consultation with the Council's Design and Conservation officers, who are of the view that the revised front façade design is appropriate.*



- The recently approved building in Turk's Head Yard would have a detrimental impact on neighbours and the submitted proposal would have a cumulative impact.

*The proposal is a refurbishment of the existing building and the new works are contained to the five-storey extension to the rear. The proposed extension to the rear has been reduced in depth and would not impede on the visual outlook of the adjoining properties or add to any sense of enclosure.*

- The extension would impact on the sunlight and daylight of adjoining properties.

*The proposed extension would comply fully with the BRE recommended guidelines without any transgressions. Further, the depth of the extension has been reduced so that it would not impede of the adjoining property.*

- The change of use to use class A3 would lead to the overprovision of restaurants in the area.

*The application site is located in a designated employment area, whereby by policies seek active uses at ground floor level. The proposal would add visual interest to the ground floor with the introduction of retail and restaurant uses and would be in accordance with the development plan.*

- The proposal would lead to overlooking.

*The proposal is for the refurbishment of the existing building and therefore any existing overlooking from the existing building would be as per current conditions. The new rear extension has been designed in a manner to prevent overlooking to the adjoining property to the north. Further, other neighbouring properties further to the east are sufficiently located away so as not to be overlooked.*

- Noise would be generated from the proposed terrace area.

*A condition has been imposed to limit the hours of use of this terrace area to 8pm, whilst a management plan of how this area is to be managed to limit noise has also been requested via condition.*

### **External Consultees**

- 8.4 Historic England raised no objection and stated that the scheme should be determined in accordance with national and local policy guidance, and on the basis of the Council's specialist conservation advice.
- 8.5 Historic England (Greater London Archaeology Advisory Service) raised no objection to the proposal subject to a condition and informative being attached to the permission

- 8.6 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 requiring details of impact piling method statement, and an informative relating to minimum pressure in the design of the development
- 8.7 Crossrail have stated that they do not wish to comment on the planning application.
- 8.8 London Underground have requested detailed design and method statements to be secured by condition.
- 8.9 Network Rail have responded by stating that the developer/applicant must ensure that their proposal, both during construction and after completion of works on site, does not:
- encroach onto Network Rail land
  - affect the safety, operation or integrity of the company's railway and its infrastructure
  - undermine its support zone
  - damage the company's infrastructure
  - place additional load on cuttings
  - adversely affect any railway land or structure
  - over-sail or encroach upon the air-space of any Network Rail land
  - cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future

These matters relate to requirements the applicant will require approval from Network Rail's Asset Protection Engineer under separate legislative processes

- 8.10 Transport for London (TfL) have stated the removal of the ability to park off street (16 spaces) is generally supported. The existing car park space will then be utilised for off street servicing and all servicing will be provided from the site. This approach is supported by TfL but at least one blue badge space should ideally be retained for the development. TfL also expect that a Delivery and Service Plan (DSP), in addition to a Construction and Logistics Plan, to be secured as part of the application. Cycle parking should comply with London Plan (2015) standards. A Travel Plan would also be required.

### **Internal Consultees**

- 8.11 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.

- 8.12 Design and Conservation Officers expressed concerns on the submission as originally submitted in relation to height, massing, articulation and general treatment of elevations. Consequently amendments were made to the scheme addressing the above matters, and design officers recommended the use of conditions to secure a high quality design and further refine unresolved matters.
- 8.13 Energy Conservation Officer has recommended an updated Energy Strategy to be submitted demonstrating that the proposal achieves best practice energy standards, and including predicted carbon emissions, both baseline and reductions, and also reflecting the revised changes to the proposal. The development will also be required to achieve all relevant BREEAM water efficiency credits and more details should be provided as to how the cooling hierarchy has been applied.
- 8.14 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 ground and renovation works proposed in order for the methods and mitigation to be carefully considered. This is covered by the Construction and Logistics Plan requested by TfL. Finally, conditions are recommended to limit the hours of use of persons on the terrace at any given time to mitigate against the impact of noise that may arise from the use of these areas.
- 8.15 Spatial Planning and Transport (Transport Officer) welcomes on-site servicing and increased number of cycle spaces. Subject to conditions and planning obligations, consider the development acceptable.
- 8.16 Street Environment Division have no objection in principle but requested further details with regard to refuse and recycling
- 8.17 Sustainability Officer considers commitment to achieving highest possible rating under BREEAM refurbishment is supported. Considers all roof areas not required for terraces and maximising of green roof areas to be explored, which is secured by condition.

### **Other Consultees**

- 8.18 Not Applicable

## **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:

- |  |   |
|--|---|
| - Bunhill & Clerkenwell Core Strategy Key Area       | - LV4 Local view from Archway Road                  |
| - Finsbury Local Plan Area: Bunhill & Clerkenwell    | - LV5 Local view from Archway Bridge                |
| - Central Activities Zone (CAZ)                      | - LV6 Local View from Amwell Street                 |
| - Britton Street Employment Priority Area (General)  | - LV7 Local View from Dartmouth Park Hill           |
| - Adjoins Farringdon/Smithfield Intensification Area | - VC5 Kenwood viewing gazebo to St Paul's Cathedral |
| - Archaeology Priority Area (Clerkenwell)            | - Controlled Parking Zone Area                      |
| - Clerkenwell Green Conservation Area                | - Crossrail Safeguarding Area                       |
| - LV1 View from Farringdon/Clerkenwell Rds           | - Rail Safeguarding Area                            |
|  | - Local Cycle Route                                 |
|  | - Site within 100m of a TLRN Road                   |

### **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:

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

### Land-use

- 10.2 The existing building on the site provides for 4387 square metres (GIA) of Use Class B1 office floorspace and as a result of the proposed works would result in an uplift of 223 square metres for a total of 4610 square metres (GIA). The proposed works would also introduce 789 square metres (GIA) of Use Class A1 retail floorspace at ground and basement levels in order to introduce active frontages at ground floor level.
- 10.3 The predominant character of the area is commercial and the redevelopment of this site, which lies within the Britton Street Employment Priority Area and on the fringe of the Farringdon/Smithfield Area of Intensification, to provide an uplift in employment floor space would be consistent with the broad aims of Policies 2.10 and 2.11 of the London Plan, which seek to enhance and promote the Central Activities Zone (CAZ) as an appropriate location for office developments. Policy 4.2 of the London Plan and Policies CS7 and CS13 of the Islington Core Strategy also seek to encourage the provision of quality office accommodation in accessible locations.
- 10.4 In addition to the above, the site is located within the Historic Clerkenwell Area of the Finsbury Local Plan (Area Action Plan for Bunhill and Clerkenwell).
- 10.5 Finsbury Local Plan policy BC8 part A states that no net loss of business floor space will be permitted. Whilst the proposal involves the loss of existing office floorspace to A1/A3 uses at ground and basement floor levels, as a result of the proposed extension and alterations to the building an additional 223 square metres of B1 floor space will be provided. Therefore, the proposal will not result in the loss of any B1 floor space.
- 10.6 Part B of the same policy states that the employment floor space of a component of a development of change of use of a proposal should not be unfettered commercial office spaces but should include retail or leisure

facilities on the ground floor including A1 floor space which may be suitable for accommodation of micro and small enterprises. The proposed development, by virtue of its flexible units on the ground floor will comply with this aspect of the policy.

- 10.7 The proposed development complies with the above policy in so far as providing office floorspace on all floor levels above the ground level within the massing of the building that is appropriate in design terms, while retail areas would be located at ground floor level to provide for active frontages at this junction with some additional retail areas at basement level.
- 10.8 The incorporation of 789 square metres of ground and basement floor level retail floorspace would be consistent with policies 4.7 and 4.8 of the London Plan which seek to support a vibrant, diverse retail sector. The site is designated as a Priority Employment Area in the Finsbury Local Plan and the proposals would be consistent with Policy BC7 of that document which seeks to provide a range of employment uses, particularly office uses with retail and leisure uses at street level to create vibrancy and interest. The proposed ground floor commercial uses have been designed as separate units and subject to a condition prohibiting obscuring the shopfront glass would provide natural surveillance and an active frontage to the public elevation of the building.
- 10.9 Finsbury Local Plan Policy BC8 Part I states that *“new business floorspace must be designed to allow for future flexibility for a range of uses, including future subdivision and/or amalgamation for a range of business accommodation;”*
- 10.10 The proposed office floorspace would be of flexible open-plan design; proposed floor to ceiling heights would be of a suitable 3.0m+ clearance. Access to outdoor sitting space would be provided on terraces located at fifth, seventh and ninth floor levels.
- 10.11 It is considered that the development is acceptable in land use terms with regard to the development plan and the cascade of policies from the London Plan, Islington Core Strategy, Development Management Policies, Finsbury Local Plan Action Area and accompanying site allocation, and as such would make an efficient use of this brownfield site. Its delivery would be consistent with the broad aims of the NPPF and its presumption in favour of sustainable development that supports economic growth.

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

- 10.12 Development Plan policies seek to secure sustainable development that is of high quality and contributes towards local character, legibility, permeability and accessibility of the neighbourhood. Developments should contribute to people’s sense of place, safety and security. Development should have regard to the pattern and grain of spaces and streets in orientation, scale, proportion and mass and be human in scale with street level activity.

- 10.13 The delivery of high quality design including the conservation and enhancement of the historic environment is a key objective of the planning system which is to contribute to achieving sustainable development as supported by the NPPF. Sustainable development is further described as including positive improvements in the quality of the built and historic environments including but not limited to replacing poor design with better design (para 9). A core planning principle of the NPPF is to always seek to secure high quality design (para17).
- 10.14 NPPF Chapter 7 'Requiring good design' reinforces that this is a key aspect of sustainable development and indivisible from good planning and should contribute positively to making places better for people. Chapter 7 also confirms that high quality design includes consideration of individual buildings, public and private spaces. Policies and decisions should ensure that development amongst other things, responds to local character and history and reflects the identity of local surroundings and materials, whilst not preventing or discouraging appropriate innovation. Also, that they are visually attractive as a result of good architecture and appropriate landscaping.
- 10.15 NPPF Chapter 12 'Conserving and enhancing the historic environment' sets out the criteria for the conservation and enjoyment of the historic environment in the strategy of local plans as well as relevant criteria for assessing and determining planning applications. Consideration includes harm posed to both designated and non-designated heritage assets and their setting.
- 10.16 At the regional level, high quality design is central to all the objectives of the London Plan and is specifically promoted in chapter 7 policies. These include: policy 7.1 which sets out some overarching design principles; policy 7.6 which considers building architecture; policy 7.7 which addresses specific design issues associated with tall buildings; policy 7.8 which seeks to protect heritage assets; policy 7.11 which considers strategic landmarks and wider character; and policy 7.4 which considers local character.
- 10.17 At a local level, Core Strategy Policy CS8 states that the scale of development will reflect the character of the area, while Policy CS9 requires new buildings to be of sympathetic scale and appearance and to be complementary to local identity; the historic significance of heritage assets and historic environment will be conserved whether they are designated or not; new buildings and developments to be based on a human scale and efficiently use a site which could mean some high density development; and tall buildings are generally inappropriate. This is further supported by Development Management policies DM2.1 (Design) and DM2.3 (Heritage).
- 10.18 Layden House, developed in the 1970s, replaced a building with immense decorative interest, including, different fenestration patterns, pediments, architraves, moulded arches, decorative spandrels, arches, impost blocks, keystones, voissoirs, column capitals, column shafts, embossed and engraved elements, bottle balustrade balconies, stone bas relief decorative

elements, tabernacle frames and other decorative features. The materials used in the construction (not merely façade treatment) were high quality natural materials: faience blocks, stone and brick. The building is defined both vertically and horizontally due to the different materials used, decorative and ornamental features. It is not hostile or oppressive and has an enlivened façade which would provide shadowed elements. The existing building is a flat, monolithic building constructed in concrete with no vertical or horizontal emphasis but a grid pattern which doesn't relate to the street or surrounding buildings and has no integral hierarchy.

- 10.19 Any new building or proposed works to the existing building as is the case with the current application, should take its inspiration from the building which preceded the existing building. The conservation area guidelines state that *“Clerkenwell and Smithfield have experienced immense pressure for change. The real threat of large-scale and comprehensive development requires special policies to ensure that the tightly-built and small scale character and appearance of the area, and the variety of land uses are protected and enhanced.”* More specifically it states that the *“Existing small scale plot frontages should be reflected in the design of new buildings. Where development involves long street frontages, i.e. more than 20 metres including corner sites, new buildings should be broken up to avoid a monolithic appearance and monotonous horizontality, **by varying parapet heights and designing small scale frontages.**”* The adjacent properties to the south can provide inspiration for any proposed design.

#### **Bringing forward and staggering of front façade**

- 10.20 The Conservation Area Guidelines state that *“In the 1950s and 1960s some buildings were set back for road widening schemes which have now been abandoned. On redevelopment the Council may require new buildings to be set forward to re-establish the original street line. There are examples of this in St John’s Lane, Briset Street, St John Street and Turnmill Street.”*
- 10.21 The reinstatement of the original street line (to the boundary of the title deed and perhaps to the depth of the basement) subject to detailed design is welcome. The revised application gives equal weight to the vertical and horizontal overall design elements and proposes horizontal brickwork, which is more appropriate than the previously vertical brickwork put forward given the site’s location within the Conservation Area. Additionally, the introduction of brickwork that visually transitions from the front elevation to the existing flank via differentiations in colour/shade reduce the visual impact of the increase in the depth and height of the flank elevation.
- 10.22 The ‘infilling’ and ‘skewing’ of the fifth floor structure is acceptable as the existing flying buttresses at 5<sup>th</sup> floor appear solid when viewed at oblique angles and the building is never experienced in true elevation. As such the infilling of the floor will have little impact on the perceived mass of the building. The darker brickwork palette to differentiate this floor from the ‘middle’ of the building is also welcome.



10.23 The proposed front façade would now constitute a fenestration design using reconstituted stone fins to subdivide the bay openings, which would be regularly distributed across each bay (save the entrance bay). The principle of the stone fins over the brick mullions is considered acceptable, however the width and depth of each individual fin could be varied across the nine bays to provide alternative spacing and visual interest to the front façade. These design details shall be conditioned in order to further break up the front façade.

#### 10.24 **Ground floor**

10.25 The Conservation Area Guidelines state that *“Many historic shopfronts survive which contribute to the character and appearance of the area. They should be kept. New shops where permitted need to reflect traditional design and materials such as painted timber, iron and render/stucco. Natural aluminium is not acceptable. Full guidance is given in the Council’s Shopfront Design Guide.”*

10.26 The refurbishment of the existing building presents a real opportunity with the redesign to continue the fine grain detailed design of Cowcross Street along Turnmill Street and transform and uplift the character of the street. Conservation officers consider that the ground floor should be broken down in design and small blocks such as bricks or small faience blocks or (crackle) glazed tiles for example used. Smaller blocks break down the impression of size. Ideally whether or not there will be any openings along the entire length of the ground floor, it should appear that each element, like an historic shopping street, (eg Cowcross) should have its own integrity. Traditional shop front design is very useful in finding inspiration for any design as they have human scale proportions and are generally well proportioned with fascia, stallrisers, transoms and mullions and often curved features and decorative elements.

10.27 The revised design has responded to design officer concerns over the projecting bays at ground floor and these elements have been removed. The design of the ground floor is now acceptable in principle. The applicant has proposed the use of anodized aluminium panels to the soffits of the ground floor, which is acceptable. The darker brickwork palette to differentiate this floor from the ‘middle’ of the building is welcome. The gates and entrance however are utilitarian in appearance and consideration should be given to revising their design so that the overall design of the building is enhanced. The applicant may consider the use of decorative ironwork, which may for example be a design which reflects the heritage of the building or the area, and these details are to be conditioned.

#### **Roof extension to the north at set-back 6<sup>th</sup> floor level**

10.28 The extension of the half width set back at 6th floor level to the northern boundary of the building is acceptable as the extension will only be minimally visible from long views and will not further harm the character or appearance of the conservation area. As part of the amendments to the plans, the roof extension is proposed to be recessed in line with the plant

room. The bulk of the roof extension is substantially reduced as a result of these amendments and will also ensure the proposal is not visible from the ground level.

- 10.29 The applicant has demonstrated that although the application site is within a GLA Wider Setting Consultation Area and within several of Islington's Local views, the proposed height of the building is within the restrictions imposed on building heights. The site is at the edge of Islington's LV1 but as the proposal has not increased in height, it meets the requirements outlined by the Views Policy. The point at which the roof of the site would potentially be most visible is from the western part of Clerkenwell Road, but the views analysis has demonstrated that the proposed building will be less visible than the existing built form as an existing brick gable will be removed.
- 10.30 The reconfiguration of the pitched roof to a flat roof is to accommodate the lift overrun is now acceptable as it is not visible from the western part of Clerkenwell Road (The Bridge) – the LV1 view and only partially visible from views to the rear.

#### **Extension to the rear**

- 10.31 The size and bulk of the extension to the rear is acceptable. There are no openings so as to avoid overlooking to neighbours so the resulting appearance is quite simplified. However the proposed brickwork treatment which transitions from one colour or shade to another softens and enlivens the elevations and renders the design acceptable in the location proposed.

#### **Materials**

- 10.32 The Conservation Area Statement states that *“The existing character and appearance of the area depends largely on the survival of a range of vernacular building materials, such as brick, render, stone, timber windows, slate and tile roofing. It is important that new buildings and refurbishment of existing buildings blend in with and reinforce this character. Large areas of glass, curtain walling or metallic finishes, alien to the character of the area, should be avoided.”* The materials' palette should ideally only include natural materials as far as possible.
- 10.33 The proposed S. Anslemo bricks are welcome as they are of good quality and complement the surrounding stock brick and red brick of the conservation area. The variations in tone are also welcome as this variation helps to visually reduce the massing of the building. Reconstituted stone is proposed for many of the architectural dressings including the window mullions. London Plan Policy 7.6 requires developments to be of the highest architectural quality and comprise of materials that complement and not necessarily replicate the local architectural character. Subject to a condition requiring details and samples of all of the proposed materials, they are considered to suitably reference and complement the traditional palette of materials in the surrounding area and are acceptable.

### Strategic and Local Views

- 10.34 The site lies within the foreground of the strategic viewing corridors of Kenwood to St. Paul's Cathedral and also within Local View corridors. Planning policies exist to protect these views and resist development which blocks or detracts from them. A full appraisal of these views demonstrates that by virtue of the proposed development being below the development planes of the strategic viewing corridors they will not be blocked or adversely affected. Similarly, the analysis of local views demonstrates that the development would fall outside of the viewing plane of St. Paul's Cathedral and in most views would be obstructed by buildings in the foreground. On this basis the development would not block, detract from or have an adverse effect on any significant protected or unprotected views.

### Archaeology

- 10.35 The site is located within an Archaeological Priority Area and as such was referred to Historic England (Greater London Archaeology Advisory Service), who provide advice to boroughs in accordance with the NPPF and GLAAS Charter.
- 10.36 The NPPF (Section 12) and the London Plan (2015) Policy 7.8 emphasise that the conservation of archaeological interest is a material consideration in the planning process. Paragraph 128 of the NPPF says that applicants should submit desk-based assessments, and where appropriate undertake field evaluation, to describe the significance of heritage assets and how they would be affected by the proposed development. This information should be supplied to inform the planning decision. If planning consent is granted paragraph 141 of the NPPF says that applicants should be required to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) and to make this evidence publicly available.
- 10.37 This application involves works at basement level within the Clerkenwell Archaeological Priority Area, in an area where Roman and post-medieval remains could be anticipated. Historic England (GLAAS) have advised that a condition be imposed that a watching brief should be maintained during the carrying out of these works in the basement.
- 10.38 Appraisal of this application using the Greater London Historic Environment Record and information submitted with the application indicates that the development would not cause sufficient harm to justify refusal of planning permission provided that a condition is applied to require an investigation to be undertaken to advance understanding.

### Accessibility

- 10.39 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. Such requirements are

also required by Islington Core Strategy CS12. 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.

- 10.40 The provision of level access throughout the building, including terraces is considered to be fundamental to the fulfilment of this policy. The provision of wheelchair accessible lifts and accessible toilets on all floors would ensure the building offers highly accessible accommodation. 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. Therefore, a condition is recommended requesting details being provided to demonstrate how the requirements of the Council's Inclusive Design SPD are met.
- 10.41 As it is not possible to provide disabled parking spaces on site, a financial contribution towards the provision of a number of a disabled drop-off bays and on-street accessible parking bays (proportionate to the scale and nature of the use) in the vicinity of the site is considered to be acceptable. Where it might not be possible to implement the accessible parking bays on the street (e.g. as a result of opposition to amending the traffic management order), the contribution would be used towards accessible transport initiatives to increase the accessibility of the area for people with mobility and sensory impairments.

### **Neighbouring Amenity**

- 10.42 London Plan policy 7.6 is concerned with ensuring that new buildings do not cause unacceptable harm to the amenities of surrounding sensitive land uses, particularly residential buildings. At the local level, Policy CS7 of the Core Strategy prohibits new developments from overshadowing existing residential buildings and Development Management Policy DM 2.1 seeks to safeguard the amenity of adjoining residential occupiers.
- 10.43 The site is surrounded by commercial uses to the west, south and west. The nearest residential use is located to the north and north east of the site at No. 75 Turnmill Street. This property comprises of residential units and it is noted that many of these properties have bedroom and living room windows on the rear elevation, which provide the main outlook for these units.
- 10.44 The proposal includes a five-storey rear extension to the rear of the site that has been reduced in depth via amended plans. As a result of the amendments, the extension would not impact on the amenity of neighbouring properties, as it would be contained within a line of angle of 45 degrees from the pane of windows at the adjoining property. As such, it is considered that the proposed development, relative to the existing residential units, would not result in an undue or unacceptable sense of enclosure or loss of privacy that would justify refusing planning permission.

- 10.45 A number of objections also relate to the potential impact of the proposed development on daylight and sunlight receipt to neighbouring properties. Although the adjoining properties are not situated directly opposite the proposed rear extension, the applicant has still submitted a full daylight report. The BRE guidance states that loss of sunlight to existing buildings may only become an issue if some part of a new development is situated within 90 degrees of due south of a main window wall of an existing building. By virtue of the windows facing east there will be no impact on sunlight. The residential properties further to the north with south facing windows have also been assessed. The sunlight and daylight assessment demonstrates how there will be no transgressions that are not in accordance with the BRE guidelines.

### Noise Mitigation

- 10.46 It is considered that a condition requiring submission of a Construction Logistics Plan will ensure that the impacts of the construction and future operation of the development on neighbouring occupiers are appropriately mitigated. This condition has also been requested by TfL with regards to the impact on the highways.
- 10.47 The proposal also incorporates in excess of 411 square metres of open terrace areas at fifth floor level. The development as submitted proposes no limit to the number of people that would use the terrace or the management of the terrace proposed. Given the size of the terrace it could potentially lead to complaints and significant impacts on amenity. The built form at fifth floor level would provide some form of buffer between the terrace area and the neighbouring residential properties to the north, however no noise assessment has been carried out to demonstrate what likely impact may arise. As such, it is considered that conditions be imposed limiting use of the external area between 8am and 7pm and requesting the submission of a Noise Management Plan detailing how the terrace areas will be managed to limit the number of persons at any one time so as to avoid any potential impact on the neighbouring amenity.

### Sustainability

- 10.48 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.
- 10.49 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.

- 10.50 Council Policy DM 7.4 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 council’s Environmental Design Guide states “Schemes are required to demonstrate that they will achieve the required level of the CSH/BREEAM via a pre-assessment as part of any application and subsequently via certification.”
- 10.51 The submitted application is a minor development and a refurbishment of the existing building, and as such is not required to achieve the levels sought for major developments. The development is to be assessed under BREEAM Refurbishment criteria, targeting a minimum rating of ‘Good’ with aspirations towards ‘Very Good’. Therefore, it is considered that in order for the development to be in accordance with planning policies, the proposal should aspire to meet the highest standards of design and construction. It is recommended that a condition be imposed seeking details how the BREEAM strategy has maximised the best possible rating.
- 10.52 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 including low impact concrete. It is recommended that further details of the sustainability credentials of building materials be required in the form of a sustainable design and construction statement, which is to be requested via condition.
- 10.53 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 building 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. However, no consideration has been made for the introduction of a green/brown roof and given the size of the proposed terrace at roof level, it is considered that opportunities for a combination of outdoor terrace areas along with a green/brown roof should be explored. 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. Further, it is recommended that details of the terrace landscaping be required by condition.

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

- 10.54 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.

- 10.55 Policy CS10A of Islington's Core Strategy requires all development to demonstrate that it has minimised on-site carbon dioxide emissions by using less energy through maximising energy efficiency, supplying energy efficiently using low carbon heating and cooling systems, and using on-site renewable energy regeneration. DM Policy 7.2 states that developments are required to achieve best practice energy efficiency standards, in terms of design and specification.
- 10.56 Energy Officers have stated that in order for the applicant to demonstrate that the application achieves best practice energy standards, an updated energy statement will be required to show predicted carbon emissions, including baseline and reductions, also reflecting the revised changes to the proposal. The development will also be required to achieve all relevant BREEAM water efficiency credits. An updated energy strategy is to be requested via condition demonstrating best practice energy standards have been maximised.
- 10.57 The proposal also includes the provision of active cooling. This would make use of the existing cooling system on site. Nevertheless, if the proposed works are to have active cooling, it needs to have been demonstrated that overheating has been designed out as far as possible using passive measures, and through the modelling that cooling would still be required. Therefore, more details of how the cooling hierarchy has been applied are to be provided via the updated energy strategy requested by condition.
- 10.58 Further, DM Policy 7.3B states that minor developments further than 100m from an existing network are not obliged to make a connection. The site is located approximately 360 metres away from Citigen and as such the Energy Statement does not propose connection to a shared heat network.
- 10.59 In summary, the development puts forward three options, which are an air source heat pump heating with either chilled beam cooling from the existing chiller or air source heat pump cooling, with a third option of gas boiler heating plus ASHP cooling. A final energy supply option will require to be confirmed with an emphasis on minimising CO<sub>2</sub> emissions and this is to be requested via an updated Energy Strategy via condition.

### **Highways and Transportation**

- 10.60 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](http://www.webptals.org.uk)). The site lies within a mixed use and highly accessible location, being within walking distance of Farringdon Underground and Thameslink train stations and in close proximity to bus stops on Farringdon Road.
- 10.61 The development does not propose any car parking in accordance with Core Strategy Policy CS10 (Sustainable development), Part H, which requires car free development. It should also be noted that the existing car parking on the site is to be removed, which represents an improvement on the existing set of circumstances.

- 10.62 Core Strategy Policy CS10 (Sustainable design), Part H seeks to maximise opportunities for cycling. Development Management Policy DM8.4 (Walking and cycling), Part C requires the provision of secure, sheltered, integrated, conveniently located, adequately lit, step-free and accessible cycle parking. Therefore, a condition shall be imposed requesting details that the proposed cycle parking would adhere to the above criteria.
- 10.63 A condition requesting cyclist facilities (showers, lockers and changing areas) should be provided for staff of the office and retail uses shall also be secured in accordance with the comments provided by TfL.
- 10.64 Development Management Policy DM8.4 (Walking and cycling), Part E requires publically accessible uses (including A1, A2, A3, D1 and D2) to contribute financially to cycle parking in the public realm. This contribution is captured by Islington's CIL (Community Infrastructure Levy).
- 10.65 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 Turnmill 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.
- 10.66 In line with Development Management Policy DM8.6 (Delivery and servicing for new developments), Part A, delivery/servicing vehicles should be accommodated on-site, with adequate space to enable vehicles to enter and exit the site in forward gear (demonstrated by a swept path analysis). The Council welcomes the provision of on-site servicing and delivery using the existing vehicular access into the site. This will minimise the impacts of the development on surface level kerbside activities along Turnmill Street.
- 10.67 Nevertheless, TfL have requested the submission of a delivery and servicing plan, which is to be 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.
- 10.68 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 2 accessible parking bays or a contribution of £4,000 towards bays or other accessible transport initiatives given 2 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.

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

#### Planning Obligations

- 10.69 The officer recommendation of approval is also 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.
- 10.70 It is considered that 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 and would comply with the Community Infrastructure Levy Regulations.
- 10.71 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.
- 10.72 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.
- 10.73 The contributions are site-specific obligations, both with the purpose of mitigating the negative impacts of this specific development. 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.
- 10.74 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.

10.75 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.

### CIL

10.76 Additionally, the Mayor's Community Infrastructure Levy CIL (currently £50 per square metres) is applicable to the application. An appropriately worded informative is recommended to draw the agent's attention to the CIL liability. Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), the Mayor of London's Community Infrastructure Levy (CIL) will be chargeable on this application in the case of it being granted planning permission. In the event that the application is approved, CIL would be payable to the London Borough of Islington after the planning consent has been implemented and will be used by the Mayor of London to pay for Crossrail in accordance with CIL Regulations 2010 (as amended).

10.77 The CIL contributions are calculated in accordance with the Mayor's and Islington's adopted Community Infrastructure Levy Charging Schedules. CIL would be payable to the London Borough of Islington following implementation of the planning consent. The following CIL contributions have been calculated for the proposed development based on the proposed amount of additional floorspace:

- Mayoral CIL - £59,327.35
- Islington CIL - £88,569.04

## **11. SUMMARY AND CONCLUSION**

### **Summary**

11.1 The proposed works to the existing building to provide a mix of Class A1 retail and Class B1 office accommodation in the CAZ would be entirely appropriate in this highly accessible location. The proposed changes to the existing 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 listed buildings or the character or appearance of the conservation area.

11.2 The development would be sustainable and energy efficient in compliance with relevant planning policies. Subject to appropriate contributions the development would mitigate its impacts on local infrastructure. Suitable cycle storage facilities have also been secured.

- 11.3 The proposed development would not cause demonstrable harm to the amenities of any neighbouring occupiers in terms of loss of daylight, sunlight, outlook, sense of enclosure or privacy.
- 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. The provision of an additional number of accessible parking bays: 2  
  
or a contribution towards bays or other accessible transport initiatives of: £4,000.
3. Council's legal fees in preparing the S106 and officer's fees for the preparation, monitoring and implementation of the S106.
4. All payments to the Council are to be index-linked from the date of Committee are due upon implementation of the planning permission.
5. A contribution towards Crossrail of: £36,660.

That, should the **Section 106** Deed of Planning Obligation not be completed within the timeframe agreed between the parties in the Extension of Time Agreement, the Service Director, Planning and Development / Head of Service – Development Management or, in their absence, the Deputy Head of Service may refuse the application on the grounds that the proposed development, in the absence of a Deed of Planning Obligation is not acceptable in planning terms.

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

## RECOMMENDATION B

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

### List of Conditions

<b>1</b>	<b>Commencement</b>
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
<b>2</b>	<b>Approved Plans List</b>
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>Drawing Nos. 1633_DWG_00_100 Rev PL2; 1633_DWG_01_001 Rev PL1; 1633_DWG_01_002 Rev PL2; 1633_DWG_01_003 Rev PL2; 1633_DWG_01_004 Rev PL2; 1633_DWG_01_005; 1633_DWG_01_006 Rev PL2; 1633_DWG_01_007 Rev PL2; 1633_DWG_01_008 Rev PL2; 1633_DWG_01_010 Rev PL2; 1633_DWG_01_011 Rev PL2; 1633_DWG_01_012 Rev PL2; 1633_DWG_01_013 Rev PL2; 1633_DWG_01_030 Rev PL2; 1633_DWG_01_031 Rev PL2; 1633_DWG_01_032 Rev PL2; 1633_DWG_00_201 Rev PL6; 1633_DWG_00_202 Rev PL6; 1633_DWG_00_203 Rev PL6; 1633_DWG_00_204 Rev PL6; 1633_DWG_00_205 Rev PL6; 1633_DWG_00_206 Rev PL6; 1633_DWG_00_207 Rev PL6; 1633_DWG_00_208 Rev PL6; 1633_DWG_00_209 Rev PL6; 1633_DWG_00_210 Rev PL6; 1633_DWG_00_211 Rev PL6; 1633_DWG_00_212 Rev PL6; 1633_DWG_00_213 Rev PL6; 1633_DWG_00_230 Rev PL6; 1633_DWG_00_231 Rev PL6; 1633_DWG_00_232 Rev PL6;</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</p>
<b>3</b>	<b>Materials – Further Details Required</b>
	<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> <ol style="list-style-type: none"><li>solid brickwork panel including proposed mortar mix, joint width and pointing;</li><li>stone sample including manufacturer's details;</li><li>window treatment (including sections and reveals);</li><li>balustrading treatment (including sections);</li></ol>

	<p>e) detailed drawings showing the transitions in the brickwork treatment to the rear extension and flank wall to the south</p> <p>f) detailed drawings showing the principal entrance and service entrances</p> <p>g) glass samples</p> <p>h) any other materials to be used.</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>
<b>4</b>	<b>Typical Elevations</b>
	<p>CONDITION: Notwithstanding the plans hereby approved, full details of the design and treatment of the front 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 different distribution options of the stone fins across the nine bays, including different widths and depths of each fin along with alternate spacing top add visual interest to the front façade.</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>
<b>5</b>	<b>Inclusive Design</b>
	<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>
<b>6</b>	<b>Noise Management Plan</b>
	<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 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>
<b>7</b>	<p><b>Outdoor Terrace Areas – Restrictions on Use</b></p> <p>CONDITION: The outdoor spaces shall not be used outside the following times:</p> <p>0800-1900 hours</p> <p>REASON: To ensure that the use of the outdoor terrace areas do not have a detrimental impact on residential amenity.</p>
<b>8</b>	<p><b>Fixed Plant (Compliance)</b></p> <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>
<b>9</b>	<p><b>Detailed Design and Method Statements (London Underground)</b></p> <p>The development hereby permitted shall not be commenced until detailed design and method statements (in consultation with London Underground) for all of the foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the local planning authority which:</p> <ul style="list-style-type: none"> <li>- provide details on all structures</li> <li>- accommodate the location of the existing London Underground structures and tunnels</li> <li>- accommodate ground movement arising from the construction thereof</li> <li>- and mitigate the effects of noise and vibration arising from the adjoining operations within the structures and tunnels.</li> </ul> <p>The development shall thereafter be carried out in all respects in accordance with the approved design and method statements, and all structures and works comprised within the development hereby permitted which are required by the approved design statements in order to procure the matters mentioned in paragraphs of this condition shall be completed, in their entirety, before any part of the building hereby permitted is occupied.</p> <p>REASON: In order to safeguard future transport development.</p>
<b>10</b>	<p><b>Construction Logistics Plan (CLP)</b></p> <p>CONDITION: No development shall take place unless and until a Construction Logistics Plan (CLP) has been submitted to and approved in writing by the Local Planning Authority. The approved CLP shall be adhered to throughout the</p>

	<p>construction period. The CLP shall provide details of:</p> <ol style="list-style-type: none"> <li>1. the parking of vehicles of site operatives and visitors</li> <li>2. loading and unloading of plant and materials</li> <li>3. storage of plant and materials used in constructing the development</li> <li>4. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate</li> <li>5. wheel washing facilities</li> <li>6. measures to control the emission of dust and dirt during construction</li> <li>7. a scheme for recycling/disposing of waste resulting from demolition and construction works</li> </ol> <p>The report shall assess the impacts during the construction phases of the development on the Transport for London controlled Farringdon Road, nearby residential amenity and other occupiers together with means of mitigating any identified impacts. The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In order to secure highway safety and free flow of traffic on Turnmill Street, local residential amenity and mitigate the impacts of the development.</p>
<b>11</b>	<b>Green/Brown Biodiversity Roofs</b>
	<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> <ol style="list-style-type: none"> <li>a) biodiversity based with extensive substrate base (depth 80-150mm);</li> <li>b) laid out in accordance with plans hereby approved; and</li> <li>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).</li> </ol> <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>
<b>12</b>	<b>Renewable Energy</b>
	<p>CONDITION: A revised Energy Strategy demonstrating that the proposal achieves best practice energy standards, including information outlining predicted carbon emissions, including baseline and reductions, how the development achieves all relevant BREEAM water efficiency credits and</p>



	<p>demonstrating that overheating has been designed out as far as possible using passive measures, 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>
<b>13</b>	<b>Archaeology (GLAAS)</b>
	<p>CONDITION:</p> <p>A) No development shall take place until the applicant (or their heirs and successors in title) has secured the implementation of a programme of archaeological investigation in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the local planning authority in writing.</p> <p>B) No development or demolition shall take place other than in accordance with the Written Scheme of Investigation approved under Part (A).</p> <p>C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Part (A), and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.</p> <p>REASON: Heritage assets of archaeological interest are expected to survive on the site. The planning authority wishes to secure the provision of appropriate archaeological investigation, including the publication of results.</p>
<b>14</b>	<b>Cycle Parking Provision</b>
	<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 and secure.</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>
<b>15</b>	<b>Cycle Facilities</b>
	<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</p>

	<p>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>
<b>16</b>	<b>Refuse and Recycling</b>
	<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> <p>a) the layout, design and appearance (shown in context) of the dedicated refuse/recycling enclosure(s);</p> <p>b) a waste management plan</p> <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>
<b>17</b>	<b>Delivery &amp; Servicing Plan</b>
	<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>
<b>18</b>	<b>No Plumbing or Pipes</b>
	<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>
<b>19</b>	<b>Roof-Top Plant &amp; Lift Overrun</b>
	<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</p>

	<p>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"> <li>a) roof-top plant;</li> <li>b) ancillary enclosures/structure;</li> <li>c) lift overrun; and</li> <li>d) photovoltaics</li> </ul> <p>The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.</p> <p>REASON: In 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>
<b>20</b>	<b>No Obscuring of Ground Floor Frontage</b>
	<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>
<b>21</b>	<b>Piling Method Statement – Thames Water</b>
	<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:**

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

2	<p><b>Superstructure</b></p> <p>DEFINITION OF 'SUPERSTRUCTURE' AND 'PRACTICAL COMPLETION'  A number of conditions attached to this permission have the time restrictions 'prior to superstructure works commencing on site' and/or 'following practical completion'. The council considers the definition of 'superstructure' as having its normal or dictionary meaning, which is: the part of a building above its foundations. The council considers the definition of 'practical completion' to be: when the work reaches a state of readiness for use or occupation even though there may be outstanding works/matters to be carried out.</p>
3	<p><b>Community Infrastructure Levy (CIL) (Granting Consent)</b></p> <p>INFORMATIVE: Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with the Mayor of London's CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the Council at <a href="mailto:cil@islington.gov.uk">cil@islington.gov.uk</a>. The Council will then issue a Liability Notice setting out the amount of CIL that is payable.</p> <p>Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed. The above forms can be found on the planning portal at: <a href="http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil">www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</a></p> <p><b>Pre-Commencement Conditions:</b>  These conditions are identified with an 'asterix' * in front of the short description. These conditions are important from a CIL liability perspective as a scheme will not become CIL liable until all of these unidentified pre-commencement conditions have been discharged.</p>
4	<p><b>Thames Water</b></p> <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	<p><b>Car-Free Development</b></p> <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	<p><b>Roller Shutters</b></p> <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</p>

	consideration.
<b>7</b>	<b>GLAAS</b>
	The written scheme of investigation will need to be prepared and implemented by a suitably qualified archaeological practice in accordance with English Heritage Greater London Archaeology guidelines. It must be approved by the planning authority before any on-site development related activity occurs.
<b>8</b>	<b>GLAAS</b>
	<p>A watching brief involves the proactive engagement with the development groundworks to permit investigation and recording of features of archaeological interest which are revealed. A suitable working method with contingency arrangements for significant discoveries will need to be agreed. The outcome will be a report and archive.</p> <p>The watching brief should be focussed on the major ground reduction and particularly on the possibility of encountering Roman burials on the edge of Londinium's western cemetery. Where parts of the site can be 'written off' as a result of deep modern disturbance the watching brief could be discontinued in those areas.</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 2.3 Growth areas and co-ordination corridors

Policy 2.5 Sub-regions

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 2.14 Areas for regeneration

Policy 2.15 Town centres

### **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 3.17 Health and social care facilities

Policy 3.18 Education facilities

Policy 3.19 Sports facilities

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

Policy 4.1 Developing London's economy

Policy 4.2 Offices

Policy 4.3 Mixed use development and offices

Policy 4.7 Retail and town centre development

Policy 4.8 Supporting a successful and diverse retail sector

Policy 4.9 Small shops

Policy 5.9 Overheating and cooling

Policy 5.10 Urban greening

Policy 5.11 Green roofs and development site environs

Policy 5.12 Flood risk management

Policy 5.13 Sustainable drainage

Policy 5.14 Water quality and wastewater infrastructure

Policy 5.15 Water use and supplies

Policy 5.16 Waste self-sufficiency

Policy 5.17 Waste capacity

Policy 5.18 Construction, excavation and demolition waste

Policy 5.21 Contaminated land

### **6 London's transport**

Policy 6.1 Strategic approach

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 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 5.5 Decentralised energy networks  
Policy 5.6 Decentralised energy in development proposals  
Policy 5.7 Renewable energy  
Policy 5.8 Innovative energy technologies

Policy 7.9 Heritage-led regeneration  
Policy 7.11 London View Management Framework  
Policy 7.12 Implementing the London View Management Framework  
Policy 7.13 Safety, security and resilience to emergency  
Policy 7.14 Improving air quality  
Policy 7.15 Reducing noise and enhancing soundscapes  
Policy 7.18 Protecting local open space and addressing local deficiency  
Policy 7.19 Biodiversity and access to nature

### **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)

Policy CS14 (Retail and Services)  
Policy CS16 (Play Space)  
Policy CS17 (Sports and Recreation Provision)

### **Strategic Policies**

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

### **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

**DM6.6** Flood prevention

### **Energy and Environmental Standards**

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

**DM4.1** Maintaining and promoting small

**DM7.1** Sustainable design and construction statements  
**DM7.2** Energy efficiency and carbon reduction in minor schemes  
**DM7.3** Decentralised energy networks



and independent shops  
**DM4.8** Shopfronts  
**DM4.12** Social and strategic infrastructure and cultural facilities

#### **Employment**

**DM5.1** New 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  
**DM6.5** Landscaping, trees and biodiversity

#### **D) Finsbury Local Plan June 2013**

**BC7** Historic Clerkenwell  
**BC8** Achieving a balanced mix of uses

**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

**BC9** Tall Buildings and contextual considerations for building heights  
**BC10** Implementation

### **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:

- Bunhill & Clerkenwell Core Strategy Key Area
- Finsbury Local Plan Area: Bunhill & Clerkenwell
- Central Activities Zone (CAZ)
- Britton Street Employment Priority Area (General)
- Adjoins Farringdon/Smithfield Intensification Area
- Archaeology Priority Area (Clerkenwell)
- Clerkenwell Green Conservation Area
- LV1 View from Farringdon/Clerkenwell Rds
- LV4 Local view from Archway Road
- LV5 Local view from Archway Bridge
- LV6 Local View from Amwell Street
- LV7 Local View from Dartmouth Park Hill
- VC5 Kenwood viewing gazebo to St Paul's Cathedral
- Controlled Parking Zone Area
- Crossrail Safeguarding Area
- Rail Safeguarding Area
- Local Cycle Route
- Site within 100m of a TLRN Road

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

The following SPGs and/or SPDs are relevant:

**Islington Local Plan**

- Environmental Design
- Inclusive Design in Islington
- Streetbook
- Inclusive Landscape Design
- Planning Obligations (Section 106)
- Islington Urban Design Guide
- Conservation Area Design Guidelines
- Development Viability SPD
- Basement SPD

**London Plan**

- Accessible London: Achieving and Inclusive Environment
- Control of Dust and Emissions during Construction and Demolition
- Sustainable Design & Construction
- Use of Planning Obligations in the funding of Crossrail, and the Mayoral Infrastructure Levy
- London View Management Framework
- Planning for Equality and Diversity in London

# 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

<b>PLANNING COMMITTEE</b>		<b>AGENDA ITEM NO:</b>
<b>Date:</b>	12 July 2016	<b>NON-EXEMPT</b>

Application number	P2015/2652/FUL
Application type	Full Planning Application
Ward	Canonbury
Listed building	n/a however there are several in relatively close proximity, including the St Pauls/St Judes Church
Conservation area	Within 50m of Canonbury Conservation Area (CA8)
Development Plan Context	Site Allocation OIS3 (Leroy House) Employment Growth Area (Balls Pond Road)
Licensing Implications	Ancillary café use (A3 use class) sought for part of ground floor
Site Address	Leroy House 434 Essex Road London N1 3QP
Proposal	5 storey side extension, 6 storey Balls Pond Road entrance projection and roof level extensions to the existing building with external terraces to provide office, workshop and studio spaces (use class B1) with an ancillary cafe; refurbishment of existing building; internal cycle parking; and associated hard and soft landscaping including tree planting on Essex Road and pavement improvement works to Dove Road.

Case Officer	Matt Duigan
Applicant	Workspace Group
Agent	Nathaniel Lichfield & Partners

## 1. RECOMMENDATION

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

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

## 2. SITE PLAN (site outlined in red)



## 3. PHOTOS OF SITE



Image 1: Leroy House (and car park) viewed from Balls Pond Road  
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**Image 2. Leroy House and associated car park (looking east)**



**Image 3. Leroy House (and associated car park) and 1-19 The Pinnacles (looking east)**



**Image 4. View of Leroy House car park (looking south from Balls Pond Road)**



**Image 5. Western end of Leroy House (looking West from Dove Road)**  
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**Image 6. Western end of Leroy House (looking West from Balls Pond Road)**

#### **4. SUMMARY**

- 4.1 The scheme involves provision of additional employment space, the majority of which is suitable for small and micro sized enterprises. There is evidence of increasing demand for business workspace (needed to support job growth). This situation is exacerbated by a decrease in supply of office space, as a result of permitted development rights (which allow the conversion of office space to residential uses). The application would help redress this issue.
- 4.2 CIL contributions towards transport and other infrastructure, although required in order to mitigate the impacts of the development, would also benefit existing residents and visitors to the area. Employment and training initiatives and work placements would also be secured through a Section 106 agreement.
- 4.3 These benefits must be weighed against the shortcomings of the proposed development. Officers' primary concerns relate to the impacts of the proposed development upon the amenities of neighbouring properties and the visual appearance of the development.
- 4.4 In this case, the benefits of the proposed development (as amended) have been given due consideration, and are considered (in the face of such increased demand business work space) to outweigh the shortcomings of the development (which are not considered such as to represent unacceptable harm). It is recommended that planning permission be granted.

## 5. SITE AND SURROUNDING

- 5.1 The application site is located on the southern side of Balls Pond Road and is bounded by Essex Road to the West, Dove Road to the South and Henshall Street to the East. The site is 2,040sqm in area and accommodates a 5 storey building (Leroy House) which (with the exception of an ancillary car park located at the western end of the block) occupies the majority of the site.
- 5.2 The existing building has brick facades with large glazed elements within metal frames. The doorways and servicing access are all finished in red paint/metal. The building also has a 'tower' element on the Henshall and Essex Road Street elevations.
- 5.3 The car park occupies an area of approximately 393 sqm and provides 19 marked parking spaces, along with motorcycle and bicycle parking. The site has a Public Transport Accessibility Level (PTAL) of 6a (on a scale of 1 to 6 where 1 is the lowest level of PTAL and 6 is the highest).
- 5.4 To the south of Leroy House is Dove Road, and development along the southern side of the road is characterised by residential buildings (3 to 5 storeys in height). The Pinnacles is located at the western end of Dove Road at the intersection with Essex Road. This 4 storey residential flatted development was constructed in the late 1990s and adjoins a residential building to the east, which is a former industrial building now converted (with permission) to flats. The flats in the northern elevation of The Pinnacles currently overlook the car park associated with Leroy House.
- 5.5 To the north of the site is Balls Pond Road, development on the north side of the road is characterised by a mix of residential and commercial uses in historic buildings (mainly 3 storeys in height). This includes 178-190 Balls Pond road, a Grade II listed terrace of dwellings.
- 5.6 To the east of Henshall Street is a 4 storey residential development with car parking/garden areas between this building and Leroy House.
- 5.7 St Paul's Church, a Grade II\* listed building, sits opposite the site to the west (on the west side of Essex Road).
- 5.8 The site is adjacent to the Canonbury Conservation Area (to its north, south and west), an area of the Borough which developed in the late eighteenth and early nineteenth century with a number of twentieth century additions. The Canonbury Conservation Area, first designated in 1969 and extended in 2001, is described in the Council's Design Guidelines document as being predominantly residential in character with local shopping services.
- 5.9 A number of listed buildings are located within the site's immediate locality, namely:
- St Pauls Church (Grade II\* listed) and adjacent Vestry Hall (Grade II listed)
  - 178-190 Balls Pond Road (Grade II listed)
  - K2 telephone kiosk outside All Saints (Aladura) church (Grade II Listed)
  - 6-12 (even) St Paul's Road and attached railings (Grade II Listed)
  - 14-20 (even) St Paul's Road and attached railings (Grade II Listed)
  - 22 and 24 St Paul's Road (Grade II Listed)
- 5.10 There are trees located around the perimeter of the car park at the western end of the site.

## 6. PROPOSAL (IN DETAIL)

6.1 The description of the proposed development is as follows:

*“5 storey side extension, 6 storey Balls Pond Road entrance projection and roof level extensions to the existing building with external terraces to provide office, workshop and studio spaces (use class B1) with an ancillary cafe; refurbishment of existing building; internal cycle parking; and associated hard and soft landscaping including tree planting on Essex Road and pavement improvement works to Dove Road.”*

6.2 In more detail, the following alterations and additions are proposed:

- Erection of a 5 storey side extension over the existing car park, comprising 4 storeys with a setback 5<sup>th</sup> storey, integrated into the northern elevation of the existing building by a glazed link onto Balls Pond Road, marking the building's new entrance;
- Demolition of the 5<sup>th</sup> storey of the existing building and replacing this with of a two storey roof extension, resulting in the building becoming 6 storeys in height (including ground floor);
- The upper level extensions would also have the effect of infilling some of the existing upper level set backs on the southern and eastern elevations;
- An uplift in employment floorspace of 2,413 sqm (GIA) and an additional 47 workspace units for micro, small and micro sized enterprises;
- Refurbishment of the existing building including rearranging the ground floor and improving the communal areas (including circulation cores, kitchens and toilet and shower facilities) on each floor;
- Provision of a communal roof terrace above the extension (which will replace the car park), with setback glass balustrades, soft landscaping and informal seating;
- Provision of a central hub with café and meeting space forming the entrance to the building;
- Internal secure cycle storage for tenants (104 spaces) with shower and changing facilities, and external bicycle stands for visitors;
- An internal refuse store with dedicated access to Dove Road for collection;
- Removal of the existing car parking spaces and trees fronting Essex Road and the provision of a new area of landscaping, comprising paving, tree planting, benches and cycle stands, enhancing the public realm;
- Retention of the internal loading bay and provision of a new on-street loading bay on Dove Road (to replace the existing carpark crossover);
- Improvements to the pavement on the north side of Dove Road, removing a number of obsolete dropped kerbs.

6.3 The development will provide an uplift in business floorspace at the site, as summarised in the table below:

	<b>Existing</b>	<b>Proposed</b>	<b>Net gain</b>
GIA (sqm)	6,408 (sqm)	8,821 (sqm)	2,413 (sqm)
Units	85	132	47

6.4 As the table above shows, the number of units will increase from 85 (existing) to 132 (proposed), a net addition of 47 units.

6.5 The units will range in size from 10sqm to 140sqm, providing in total (throughout the building) 47 additional units when compared to the existing situation.

- 6.6 The proposed range of units (within the entire building) is set out in detail in the table below. Internally, the design also provides further flexibility for units to be further subdivided or merged depending on demand.

Proposed	Unit size (sqm)					Total
	<25	25-50	50-75	75-90	>90	
Ground floor		8	1	2	2	
First floor	2	10	5	2	3	
Second floor	1	11	2	4	3	
Third floor	1	11	2	1	5	
Fourth floor	11	14	4			
Fifth floor	13	12	2			
<b>Total</b>	<b>28</b>	<b>66</b>	<b>16</b>	<b>9</b>	<b>13</b>	<b>132</b>

- 6.7 Overall, the application proposes that 90% of units would be less than 90sqm in size (i.e. of a size suitable for small and micro enterprises). At ground floor level, a workspace café is proposed. Servicing and deliveries would still be undertaken from the loading bay off Dove Road.

- 6.8 The western elevation of the 5 storey extension (i.e. the extension that would be built over the car parking area) would feature chamfered ends, with the upper level being SET BACK.

### Revisions

- 6.9 Image 7 below shows a CGI of the scheme (which responded to the matters raised by the DRP and pre-application advice) as originally submitted with this planning application.



**Image 7: Design as Originally Submitted (with this Planning Application)**

- 6.10 The applicant amended the proposal in September 2015 in response to concerns raised by the Council's Design and Conservation team which related to the prominence of the roof extension on the main building, and suggested a further set

back. There was also concern over the appearance of the glazing proposed in the top floor of the new extension as well as appearance of solar shading projections on the Balls Pond Road frontage.

- 6.11 Further changes were requested and made to the design in October 2015, responding to concerns raised by the Council's Urban Design advisor and Historic England over the design and appearance of the proposal.
- 6.12 Officers also requested reductions in the scale of the proposal to reduce the impacts on the daylight and sunlight received by occupiers of the flats in 1 to 19 The Pinnacles (south of the site). The revised plans and documents were received on 2 June 2016, and the final design is shown Image 8.



**Image 8. Proposed development, viewed from Balls Pond Road (looking east)**

## **7. RELEVANT HISTORY:**

### **Planning Applications:**

- 7.1 The site has a varied planning history, mainly relating to a number of small applications associated with the installation of telecommunications equipment and advertising. Aside from the telecommunication and advert related applications, the site has the following planning history:

**910616** dated 25/11/1991 approved a change of use of one unit (unit 2N) to a cafe.

**921258** dated 18/01/1993 approved an application Change of use to motorcycle repair workshop including the conducting of M.O.T. tests and the sale of accessories.

**940502** dated 01/09/1994 approved an application for a new porch and access ramp to front entrance.

**961157** dated 01/11/1996 approved the change of use of part of the ground floor units GP, GM and GJ to shop (A1) or (A2) purposes.

**990070** dated 03/03/1999 approved permission for the installation of a glazed canopy to front entrance.

**990550** dated 25/10/1999 refused permission for the change of use of part of ground floor to an A3 use.

**P011484** dated 30/10/2001 approved the retention of existing mini-cab control office.

**P120741** dated 24/05/2012 refused permission for the change of use of a ground floor unit (Unit M) within Leroy House from office (B1 use class) to Parent and Child Group and Play Group (D1 use class).

7.2 While the site has varied planning history, it is of limited relevance to the current application.

### **Enforcement**

7.3 None relevant

### **Design Evolution through the Pre-application Process**

7.4 A formal request for pre-application advice was submitted to the Council in October 2014. The applicant met with the Council, including Officers from the Planning, Design and Conservation and highways teams, on 24/11/2014, 30/01/2015 and 27/05/2015 to discuss the proposals and the scheme was evolved as part of the design process to incorporate the feedback.

7.5 The initial proposals (shown in the Computer Generated Images (CGI) 7 and 8) differ significantly from the current scheme and are shown to illustrate how the design has evolved through the pre-application stages in 2014.



**Image 9: Initial design 2014**



**Image 10: Revised design 2014**

7.6 By January 2015 the design had been the subject of further review and is shown in Image 9.



**Image 11: Revised design January 2015 (still at pre-application stage)**

### **Islington Design Review Panel**

7.7 The pre-application scheme shown in Image 11 above was reviewed by the Islington Design Review Panel (DRP) on 13/02/2015. The Panel raised various concerns over the design, which are summarised below, along with commentary provided by the Applicant to explain how in the design was subsequently modified to address the matters raised by the DRP ahead of the submission of the current planning application. Additional comments are made by the planning case officer, where a specific response was not provided by the Applicant.

**DRP Issue:** The Panel argued that, although slightly tired, the building was appropriate for its current use and expressed concerns that the proposed redevelopment of the building failed to take its architectural merits into account and that the character of the building would be lost. The Panel questioned the proposed staining and painting to replace the original appearance of the building in an attempt to homogenise it with the extension.

**Applicant Response:** An analysis of the existing building was undertaken and this informed the revised design approach, which no longer seeks to stain or cover the existing parts of the building. The scheme was revised so that it would seek to renovate and clean the existing brickwork to enhance its original appearance, with the extension to be built from similar bricks, and reflecting horizontal proportions of the existing building.

**DRP Issue:** Panel members queried the dominance of the two storey glazed (upper level) extensions to the existing building, in relation to the original legibility and proportions of the existing building with an articulated bottom, middle and top.

**Applicant Response:** The applicant advised that the glass extension to the existing building was therefore redesigned and to better articulate a rhythm of expressed structural steel frame elements.

The main line of the façade was set back into the building resulting in a lighter weight appearance, which is subservient to the existing building whilst providing human scale.

**Planning Officer Further Comment:** It is acknowledged that the upper level is set back, although set back this reveals a structural detail. The visual impact of the

exposed structural detail is an issue which is considered in greater detail in the Planning Case Officer comments following paragraphs 8.18, as well as paragraphs 11.57 to 11.60 of this report. The panel also queried whether the internal furniture layouts would result in desks looking untidy against the glazing. The comment relates to the upper two storeys. A check of internal layouts shows that there are doors from the business spaces to balconies, which would limit (but not stop) desks being located against the glazing. The upper levels are further from the street (not as easy to see from street level), and it is not considered that there would be unacceptable visual impacts arising from desks located near the façades.

The Panel supported the idea of building on the car park, but argued that in light of the prominence of the site and strong identity of the original building, an extension building of higher architectural quality was required. The Panel noted that the existing entrance elevation, arguable the finest façade, would be lost with the proposed extension. This underscores the need to provide a building of the highest quality on the corner site.

The scheme was further revised by the applicant to achieve a higher architectural quality. It is considered that the scheme as submitted represents a design of a higher quality than that considered by the DRP.

**DRP Issue:** The Panel questioned the attempt to reference the surrounding Georgian architecture in the design of the extension and argued that extending the architectural vocabulary of the original building to the extension would be more appropriate. They suggested that the extension would not need to be in the style of the 1930s building, but that a better architectural dialogue between the old and the new should be found.

**Applicant Response:** The language of the car park extension was revised to reference the horizontal features of the existing building, whilst using the application of solid panels to bring interest and break the rigidity of this facade. The window fenestration on both the car park extension and that above the existing building relates to the rhythm and proportion of the existing windows. The integration between the existing building and new built element over the car park are linked with glazing and a new entrance to the building, and seek to provide the *“better architectural dialogue between the old and the new”*.

**DRP Issue:** The Panel queried the alignment of the building edge along Balls Pond Road and Essex Road and the resulting space between the proposed building and site boundary. The chamfer to the side extension and the corner appeared weak. The Panel considered that the overall impact would not improve the corner of the site.

**Applicant Response:** The applicant advised that further analytical work was carried out to refine the approach to the chamfer and highlight this as an appropriate response which is used in the local context. The window detail was altered to reference the vertical features of the existing building. In particular the framing around the window and the rhythm of the fenestration references the existing window on the east elevation.

**Planning Officer Further Comment:** The further analytical work undertaken by the applicant was set out in detailed study. The study identified that the chamfered approach to corner buildings is a characteristic of the wider area. The study examined sites at Highbury Corner, Dalston Junction, and on Essex Road, where chamfered approaches have been successfully used on various corner sites. The study went on to examine differing types of chamfered corners, and provided an explanation for the approach taken at the site, which presents a contemporary treatment to the splay.



The DRP Panel members wondered whether other options for siting and building form had been explored. In response it is worth noting that ahead of the DRP there had been meetings in November and December 2014 where various other designs (such as those shown in Images 8 and 9) were explored.

The Panel considered that a more positive solution to dealing with the public realm and architectural juxtaposition with both the 1930's building and church would create a better design. In response, it is worth noting that the setback between the site and Essex Road was increased to allow for the incorporation of landscaping along the Essex Road elevation, and to reduce the visual impact.

The southwestern corner was also chamfered to reduce the visual presence of the car park extension. The 5<sup>th</sup> (top) storey of the extension over the car park was reduced in size and set further from the edges of the building to reduce its prominence (and have less visual impact on the setting of St Pauls Church).

The Panel advised that under building regulations, the windows would likely need to be replaced or improved (which is proposed by the applicant). The Panel raised concerns regarding potential overheating of the glazed roof extension and questioned whether this would need mechanical ventilation. As is discussed in paragraphs 11.147 to 11.159 of this report, mechanical ventilation is proposed, the implications for powering this form part of the energy strategy accompanying the proposal.

7.8 The applicant was provided with the following summary of the Panel's advice:

*"The Panel welcomed the principle of continuing and extending the employment-led use of the building and improving the relationship with the public realm with more active street frontage. Panel members found that the building needed a gentle lift and renovation and that the original characteristics should be retained. They argued that the existing architecture should be respected by the extension. The Panel argued the side and roof extension needed to be of higher architectural quality and that the relationship between the original building and the extension needed to be resolved more appropriately".*

7.9 The Panel supported the principle of building on the car park, and it is acknowledged that the applicant made a number of amendments to the scheme to address the issues raised by the DRP.

## **8. CONSULTATION**

### **Public Consultation**

8.1 Letters were sent to occupants of 284 adjoining and nearby properties. A site notice was erected near the site and a press advert displayed in the Islington Gazette. The public consultation of the application therefore expired on 13/08/2015, however it is the Council's practice to continue to consider representations made up until the date of a decision.

8.2 In response to the first round of consultation 8 submissions were received raising objection to the scheme. The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):

- The scheme as currently designed is damaging to the setting of the Grade II\* building, St Paul's church and other listed properties on Balls Pond Road. **(11.28-11.49)**
- It is overdevelopment because too much of the existing open space/car park on the Essex Road frontage will be lost as result of the proposed extension, and thus does nothing in contributing to the public realm. **(11.2-11.4) & (11.73 – 11.79)**
- The loss of the open car park area is unacceptable as it involves the loss of open space, which is valued by residents. **(11.2-11.4) & (11.164)**
- The loss of the open car park area will impact the setting of nearby Heritage Assets. **(11.28-11.49)**
- Some open space and trees should be retained, the car park should be developed as a park or landscaped garden. **(11.2-11.4) & (11.73 – 11.79)**
- The extensions will block light reaching nearby existing residential flats. **(11.80 - 11.143)**
- The plans propose a dark facade to the whole building. This is darker than any of the surrounding buildings and would be an imposing addition to the area. A lighter colour would help reflect light in the area. **(11.64)**
- Construction impacts will be disturbing to local residents. **(11.142 – 11.144)**
- The intensification is excessive and results in too much visual mass, is overly high and out of keeping with the appearance of the area. **(11.19 – 11.27)**

8.3 A very detailed submission was also received from the St Paul's Steiner Project, which in summary raised 2 key concerns, namely:

- That the scheme may be damaging to the setting of the Grade II\* listed St Paul's church (west of the site). **(11.28-11.49)**
- The scheme represents overdevelopment because too much of the existing open space/car park on the Essex Road frontage will be lost as result of the proposed extension, and thus does nothing in contributing to the public realm. . **(11.2-11.4)**

8.4 In addition a petition signed by 33 individuals (existing tenants of Leroy House) was submitted (received 12 August 2015), which in summary raised objection to the scheme on the following basis:

- That the scheme is too large and will detract from the streetscene and appearance of the area. **(11.19 - 11.27)**
- Existing tenants would be displaced during the works **(see Planning Officer Comment below)**.
- The works will disrupt buses. **(8.12)**
- Parking would be lost. **(11.2 - 11.5)**
- There would be overshadowing of nearby properties. **(11.80 -11.143)**
- There would be increased traffic during the construction phase. **(11.142 -11.145)**
- Construction impacts would disrupt existing tenants, interfere with access, deliveries, and client visits. **(11.145)**

PLANNING CASE OFFICER COMMENT: The disruption/displacement of existing tenants as a result of development is not a material planning consideration. The applicant provided the following advice in relation to this concern:

*"In relation to the existing tenants who will be affected by the proposed development, Workspace will be discussing the relocation process directly with individuals, assisting them both in relation to the potential provision of alternative premises within the building and/or the Workspace portfolio during the construction process, and*

*supporting them should they wish to return to the Business Centre when the development is complete. Workspace has considerable experience of managing change through development and regeneration with a commitment to providing regular updates during the planning process and then in relation to the timing of the operational development.*

*In summary, there will be the following options available to tenants and these will be discussed in detail between Workspace and their tenants:*

- The majority of units at Leroy House will be retained and these tenants can therefore remain in the building during the construction process.*
- It is noted that the construction works may prove too disruptive for some tenants even if their units are unaffected (noise, works to communal areas etc.) in which case Workspace will engage with them and where possible seek to relocate them within their property portfolio (over 100 business estates across London, including Screenworks in Islington) with the opportunity to return to Leroy House when the development is complete.*
- In relation to existing tenants whose units will be demolished/altered as part of the proposed development, Workspace will employ a similar strategy to the above, assisting them where possible in relation to the potential provision of alternative premises within the building itself (existing vacant units or those which become vacant if other tenants choose to relocate) and/or the Workspace portfolio during the construction process, supporting them should they wish to return to the Business Centre when the development is complete.”*

PLANNING CASE OFFICER COMMENT: It is of note that the existing building will be refurbished and extended, providing a greater quantum of higher quality floor space. Some level of disruption would be inevitable if the proposed building works are to proceed. There are benefits associated with the scheme, in that it would ensure the building continues to offer useable workspace, which would help ensure the long term viability of the employment space at the site.

Given the applicant's comments set out above, there are options which would be available to existing tenants who may be affected by the proposals (there is not an objection to the scheme in this regard).

8.5 Following revisions to the scheme, including revised plans and analysis of daylight impacts a further round of consultation was undertaken on 2/06/2016. At the time of the writing of this report 1 additional response had been received from the public with regard to the application. Letters were hand delivered to all tenants of the building to ensure occupiers of Leroy House were aware of the final form of the proposals.

8.6 The issues raised can be summarised as follows (with the paragraph that provides responses to each issue indicated within brackets):

- The loss of open space (i.e. the car park) is not appropriate given the lack of open space in Islington. Additional workers in the building will generate a need for more outdoor space. **(11.2-11.4)**
- Additionally there will no longer be parking for disabled persons. **(11.70 – 11.72)**
- The height is excessive and should be reduced. **(11.19 – 11.27)**
- The extensions will obstruct natural light. The facades should be a lighter colour to help reflect light. **(11.64)**

## Applicant's Consultation

- 8.7 The applicant undertook a public exhibition on the 6/2/2015 and 9/2/2015, held within Leroy House. The event was well publicised (over 1,000 invitations were sent to nearby occupiers). Boards setting out the proposed scheme were presented at the exhibition and the applicant's team (including Workspace, HLM Architects, NLP and Quatro) were available to answer questions. Attendees were given the opportunity to leave comments (either on the day or via post/email following the exhibition).
- 8.8 The exhibitions were attended by 88 people and 15 feedback forms were received across both days, with three further forms received by post and one by email. The majority of respondents were existing tenants of Leroy House. The majority supported the scheme (63%), whilst 16% were non-committal and 21% objected. Positive comments included the design, the inclusion of a café, the increase in cycle storage space and the general upgrading of facilities. The main concerns related to the impact of construction on tenants, the design and use of grey brickwork, the need for a thermal upgrade, tree impact and affordability of the new work spaces.
- 8.9 The applicant confirmed that all tenants were written to and advised of the revised planning application.

## External Consultees

- 8.10 Historic England (6/8/2015): Raised concern over the potential the extensions have to impact on the domestic scale of the surrounding buildings within the conservation area. Additionally, the extension to the west has the potential to reduce the prominence of St Paul's Church tower on the approach from Balls Pond Road. English Heritage consider that a small degree of harm could be caused to the setting of the Grade II\* church and the conservation area, and this should be weighed against the public benefits associated with the development in accordance with Paragraph 134 of the National Planning Policy Framework (NPPF).
- 8.11 The applicant provided the following response to the matters raised by Historic England:

*"Comments have been received from Historic England (HE) dated 6 August 2015. We note that their reference to Leroy House as a 'prominent 1930s office building' is incorrect. As set out in the submitted Heritage and Townscape & Visual Impact Assessment (HTVIA) Leroy House was built in several phases, the original part of which (the eastern section) was built in 1938-39, with substantial extensions (the western section) in 1959-63. It is therefore a product of two separate designs, neither of which is architecturally distinguished.*

*HE also states that the increase in the building's size has the potential to impact on the domestic scale of the surrounding buildings and that the extension to the west has the potential to reduce the prominence of St Paul's tower on the approach from Balls Pond Road. On this basis, HE considers that a "...small degree of harm could be caused to the setting of the Grade II\* church and the conservation area, and this should be weighed against the public benefits associated with the development in accordance with Paragraph 134 of the National Planning Policy Framework".*

*HE also notes that the Council should be satisfied that a high quality of design is achieved, which responds to local character.*

*We do not agree with HE's conclusion that there could be a small degree of harm to the church and the conservation area. As noted by HE, the existing building is*

*substantial and already larger than many of the other buildings in its immediate vicinity. However, it also sits adjacent to five storey buildings to the south and in close proximity to six to ten storey buildings to the east along Dove Road. The proposed additional storey is not out of keeping with this context and will reinforce the importance of this building at the junction of three key roads. The development would introduce a minor change to the urban setting of the church; however, it would replace an unattractive carpark with a high quality new brick and glazed façade which sensitively steps back from the church and from Balls Pond Road.*

*We note that the amendments made to the scheme, to further set back the building's extensions from Balls Pond Road to the north and the church to the west, address the comments from HE. They seek to reduce the prominence of the building's upper levels whilst ensuring the main body of the existing building has been clearly expressed within its remodelled form through visual separation of the new and existing elements. We trust that on this basis the Council is satisfied that the design is of a high quality, which responds well to its surroundings.*

*In addition, whilst the level of harm caused is a matter of subjective assessment and we do not agree with HE's conclusion, we would reiterate that any harm caused should be weighed against the public benefits offered. In this regard, the proposed development offers numerous economic, social and environmental benefits which are set out in detail in the Planning Statement.*

*Significantly, these include an uplift of employment floorspace which will offer a additional units for Small and Medium Sized Enterprises (SMEs), with a qualitative enhancement to the existing accommodation on site. The proposed development will help to meet the need for additional employment floorspace in the borough, particularly managed workspace for SMEs, supporting additional employment in this Employment Growth Area. We trust the Council will agree that these public benefits are substantial and outweigh the small degree of harm referenced by HE."*

PLANNING OFFICER COMMENT: The design of the scheme has been amended since the comments from Historic England were received. The changes include chamfering the southwest corner of the building and introducing a greater set back of the top (5<sup>th</sup>) storey of the extension over the car park. These changes are considered to reduce the amount of built form and prominence of the proposal at its western end.

The application is also supported by a heritage, townscape and visual impact assessment, which specifically considers the effect on heritage assets including St Paul's Church. The report notes that brick facing is proposed on the extension, which would relate to the materials used in the church, and reiterates the fact that the upper level is set back, means that the new extension would be subservient in terms of built form when compared St Paul's church.

The revised design was referred to Historic England in June 2016, who made the following comments:

*"This application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice. It is not necessary for us to be consulted again on this application. In returning the application to you without comment, Historic England stresses that it is not expressing any views on the merits of the proposals which are the subject of the application (just on heritage matters)."*

PLANNING OFFICER COMMENT: Historic England has not advised that the concerns are now removed. However, they have not sought to raise further objections to the proposal. The issue is

considered in greater detail at paragraphs 11.28 – 11.49 of this report. In essence any perceived harm is considered to be outweighed by the public benefits associated with the proposal.

- 8.12 Metropolitan Police: *No objection to the proposed loading and drop off arrangements. Requested measures to control access to the lifts, and additionally from the refuse and cycle stores*
- 8.13 Thames Water: *No objection subject to informatives and conditions being imposed on any consent.*
- 8.14 Transport for London: *The swept path analysis shows buses will not be blocked as they drive along Dove Road. No objection.*
- 8.15 London Fire Brigade: *No objection to proposed loading and drop off arrangements.*
- 8.16 London Fire and Emergency Planning Authority: *Strongly recommends that sprinklers are installed within the development. Sprinkler systems installed in buildings can significantly reduce the damage caused by fire and can reduce risk to life.*

### **Internal Consultees**

- 8.17 Policy Officer:

*“There is very strong policy support for the refurbishment and intensification of this vital B1 use floorspace. The proposal would help deliver a key site allocation which is particularly welcome given the erosion of workspace available to Small and Micro Enterprises (SME’s) that has been caused by the introduction of permitted development rights for change of use to residential since May 2013.*

*The site is allocated as site OIS3 in the Site Allocations to provide*

*“refurbishment / intensification for business space to provide improve quality and quantity of spaces for small/medium sized enterprises.”*

*The proposal fully complies with the allocation and reflects the council’s objectives for securing a significant qualitative and quantitative improvement in this vital SME business space.*

*The site is also in an Employment Growth Area (EGA), as set out in policy DM5.1 in the DMP. DM5.1A addresses proposals for new business floorspace in EGAs, stating that:*

*“Within Town Centres and Employment Growth Areas the council will encourage the intensification, renewal and modernisation of existing business floorspace, including in particular, the reuse of otherwise surplus large office spaces for smaller units. Within these locations proposals for the redevelopment or Change of Use of existing business floorspace are required to incorporate:*

*i) the maximum amount of business floorspace reasonably possible on the site, whilst complying with other relevant planning considerations, and*

*ii) a mix of complementary uses, including active frontages where appropriate.”*

*The proposal is for a significant uplift in B1 floorspace (GIA) and an increase in the number of available units, both of which are strongly supported. If the case officer considers that the revisions to the design undertaken through pre-application and Design Review have resulted in a building that is acceptable in terms of its height and massing, then the maximisation principle can be said to be satisfied, given the constraints of heritage and site-specific design principles.*

*It is not considered that active frontages are particularly necessary for this particular development, given its location outside of a town centre and the surrounding Local Shopping Areas. Diversity of use comes from the ancillary café, which is welcomed as a means to make the refurbished workspace units more attractive to occupiers and create space where collaboration and interaction by different occupiers may take place.*

*The proposal to build over the existing car parking to accommodate new business floorspace is also strongly supported. Policy DM8.5 applies the council's car-free policy to any redevelopment, effectively re-setting at zero the level of permitted vehicle parking. The proposal is in conformity with this policy and will help the council to achieve one of its key sustainable transport objectives.*

*104 cycle storage spaces are proposed, which would comfortably exceed the requirements.*

### **Conclusion**

*There is strong policy support for this proposal, which would deliver Site Allocation OIS3 and make a significant contribution to much needed floorspace for SMEs, in support of policy DM5.1 and Core Strategy policy CS13."*

8.18 Access Officer: *Following revisions, no objection is raised.*

8.19 Workspace and employment: *The proposal is policy compliant in terms of provision of employment space suitable for SME's.*

8.20 Design and Conservation Officer: *The application was referred to the Council's Heritage and Urban Design advisor who (in summary) provided the following comments:*

*There is a strong objection to the design. The site is within the setting of an important Grade II\* Listed Church and is therefore a sensitive area.*

*The exposed structural detail to top floors remains overly prominent and is an incongruous form, which is considered unsympathetic to the appearance of the existing building and the Balls Pond Road street scene.*

*It was said that these might (subject to assessment of visual representations) be acceptable should the floors be further set back and with them the exposed structural detail.*

*However, the submitted visuals demonstrate that the exposed structural detail to top floors remain overly prominent. In order to be acceptable either both the floors and exposed structural elements would have to be substantially set back or the exposed structural elements omitted.*

*The setback floor atop the new addition (at the western end of the building, over the existing car park) should either be omitted or should reflect the chamfered shape of the lower levels of that part of the building so that it is not overly prominent. Additionally it should also have a 'calmer' and more lightweight appearance achieved through the reduction in solid structure and an increase in glazing.*

PLANNING CASE OFFICER COMMENT: *The Applicant provided the following response to the concern raised:*

*“The extension to create the 5<sup>th</sup> and 6<sup>th</sup> storey levels has been set back from the existing northern façade by a further 350mm to 1.35m, in accordance with Officer comments, to ensure the existing building retains its prominence.*

*The solar shading at the 6<sup>th</sup> storey has been removed from the northern façade to reduce the prominence of this top floor and to increase the visual permeability through the frame and create lightness in the built structure*

*The entrance ‘tower’ has been set back by 1.35m to align with the new extension over the existing car park, as requested. A shadow gap detail is proposed to provide an elegant separation of the two elements where they join.*

*The setback floor to the new addition over the car park has been further set back by an additional 1.5m on the north and south elevations so that this element sits 2.5m back from the building line of the main façade, as noted by Officers.*

*The glass balustrades to the terraces have been set back by 1m to reduce their visibility, noting that they will not be seen in local views due to the building height, their location and the nature of the surrounding streetscape.”*

PLANNING CASE OFFICER COMMENT: At the roof top level, the proposal seeks permission to replace the existing 5<sup>th</sup> storey and to add an additional storey above it. The scheme proposes that the upper level facades will be set back with an exposed structure detail, which also supports balconies to the new workspaces within the top 2 storeys.



**Image 12. Proposed Balls Pond Road frontage**

PLANNING CASE OFFICER COMMENT: The setback responds to concerns raised by officers that the glazed link (between the existing building and new extension) should be set in line the new extension at the western end of the building. The Council’s Urban Design and Conservation officer is concerned with the appearance of the exposed structural detail. While the new 5<sup>th</sup> and 6<sup>th</sup> storey levels could be made to protrude forward so that the exposed structural detail is enclosed within the building envelope, such a change would increase the bulk and massing of the building when viewed from Balls Pond Road (exacerbating the concerns over the height and massing of the proposal), and detract from the visual relationship between the existing building and the new extension at the western end of the site.



The applicant was requested to remove the exposed structural detail from the design. Following a review, the applicant advised that removal of the exposed element would not be possible for structural reasons, providing the following explanation:

*“In the existing scenario there is a step in the facade at fourth floor level and the columns at this location are picked up on transfer beams. This has not been reflected in the proposed structural layout as the existing transfer beam would need to be heavily strengthened due to the additional load from the extra storey and the plant loading on roof level. This would affect the existing floor to ceiling height between 3rd and 4th floor which is to remain unchanged. It would also be visibly intrusive as the existing structure is fully exposed throughout the building and is to remain as such.*

*Added to this, the proposed loads on the foundations have been kept to within 15% of the existing loads in an effort to avoid overloading the existing structure. This will be verified at the next stage once investigations on the existing foundations can be completed on site. If the proposed columns at 4th and 5th move off grid and don't align over the existing columns below then the risk is increased of overloading the existing foundations. In order to reduce the impact of locating the new steel columns on 4th and 5th floor over the existing edge columns at 3rd floor, the glazed façade has been stepped back creating an exoskeleton structure at these two floors.”*

PLANNING CASE OFFICER COMMENT: It is accepted that there are structural issues associated with the creation of the upper levels, which reflect constraints in the way the existing building was originally built. Various options were investigated to try and reduce the visual impact of the exposed structural details, and the least harmful solution (visually) was selected by Council officers (and is shown in Image 12).

The Council's Urban Design advisor had initially raised concern over the appearance of the recessed 5<sup>th</sup> storey atop the extension at the western end of the site, suggesting it be set further back, and its shape be altered to reflect the chamfered corners of the lower levels.

The applicant revised this element of the scheme providing a greater set back at the 5<sup>th</sup> storey of the western extension. While the rectilinear footprint of the top level does not reflect the chamfered corners of the lower levels (as requested by the Council's Design Officer), the increased set back would limit the visibility of this part of the proposal from ground level, and on balance would not cause such harm as to warrant objection.

In summary, there is a need for the structural support and advantages that would be brought forward in terms of providing for job growth through the provision of new business floor space. Various options have been considered and the proposed design solution would be the least harmful from a visual perspective. While the exposed structural is not considered to enhance the appearance of the proposal, nor is it considered to result in any significant harm.

8.21 Energy Conservation Officer: The application was referred to the Council's Energy Conservation Officer, who reviewed the applicant's Sustainability and Energy Report and raised several concerns (in August 2015). Requests for further modelling, analysis, information and amendments were made and the applicant's response was provided in September 2015. Following review of the additional and amended information, further requests for additional modelling, information and amendments were made October 2015. In summary, the Energy Conservation Officer's final advice (provided following the October submission) is provided below:

*The proposal for a full thermal separation between the extension and existing building is supported. The plan to retain an assumed air permeability of 10 m<sup>3</sup>/m<sup>2</sup>/hr is above the Council's guidance, which notes that air permeability should not exceed 5 m<sup>3</sup>/m<sup>2</sup>/hr. This is a shortcoming of the proposal.*

*The applicant's comparison of emissions via the proposed system and a gas-fired system has been fully reviewed. The system COP and EER are both noted and are satisfactory.*

*The applicant has responded to earlier comments by providing further details of the PV system, and the proposed system is supported.*

*In terms of overheating and cooling, the applicant has provided further detail of the overheating analysis, and how the cooling hierarchy has been addressed. It is apparent that there is a requirement for artificial cooling. The applicant should deploy all the approaches proposed in the October 2015 submission and in the original energy statement to the greatest possible degree, in order to minimise the demand on the cooling system.*

*The draft Green Performance Plan (GPP) are appropriate. The GPP will run for at least 2 years, and therefore a GPP coordinator will need to be in place throughout the GPP period.*

*The development is projected to achieve a BREEAM rating of 'Excellent', with a score of 73.74%. This is a reasonable margin of comfort over the 70% requirement, and is supported.*

*It is noted that not all technologies are viable at this site and that the existing building poses challenges and constraints. The applicant proposes a reduction in regulated emissions of 16.0% and in total emissions of 8.8%, compared to a 2013 Building Regulations baseline. This falls short of both the London policy requirement of 35% reduction in regulated emissions and the Islington requirement of 27% reduction on total emissions.*

*Based on the stated emissions an offset payment of £113,187 will be required.*

PLANNING CASE OFFICER COMMENT: Planning obligations and conditions should be imposed on any consent to secure the offset payment of £113,187 as well as adherence to the various proposals (including the BREEAM rating). Additionally a more detailed *Green Performance Plan (GPP)* is required along with a GPP coordinator (which should be secured via a Planning Obligation).

8.22 *Tree Preservation / Landscape Officer: Raises no objection to the proposal, which reflects advice provided by the Tree officer at pre-application stage.*

*Following inspection it was discovered that while the trees at the western end of the site had a landscape value, individually they have serious structural issues that will greatly reduce the long term useful life expectancy. The multiple stems emanating from the restricted rooting area have weakened unions and without heavy pruning are pre-disposed to structural failure as they grow. Therefore replacement rather than retention of trees is required.*

*The space, species and rooting volumes have all been addressed and while the indicative detail supplied is in the spirit of these discussions, further detail is still required to ensure that the trees can be planted at the standard and with the rooting volumes required (to be secured by condition).*

8.23 Waste and recycling: No objection is raised to the proposal.

8.24 Public Protection Division (Noise) and Environmental Health

*The proposal is likely to include new mechanical plant. They have carried out a background noise survey. There is some distance to the nearest residential and with the results of the survey it is advised that plant noise could be controlled by way of conditions on any consent.*

PLANNING CASE OFFICER COMMENT: Conditions and informatives are recommended to address the matters raised.

8.25 Spatial Planning and Transport (Transport Officer):

*The proposal to rationalise the various existing vehicular access Ponds on Dove Road is supported. The proposed removal of redundant vehicle crossovers will improve the pedestrian environment adjacent to the building.*

*The applicant proposes to provide 104 cycle parking spaces, including accessible cycle parking spaces. The majority of the spaces are show within the building with six publically accessible Sheffield stands.*

*Core Strategy Policy CS10 (Sustainable development), Part H, requires car free development.*

*The development would occupy the existing car park and would result in the loss of 18 car parking spaces, including two disability spaces.*

*With the exception of refuse collections, all servicing activity would be undertaken by light to medium sized vehicles. The assessment suggests that the additional floor space and the introduction of an ancillary café would not result in an excessive number of servicing activities.*

*Existing trips for the site are available via the TRICS database and have been used to establish the baseline. The proposed trips have been adjusted to take into account the proposed removal of the existing car park. The assessment concludes that the development will result in 29 and 47 two-way person movements during the AM and PM peaks respectively. The removal of the car park would result in a decrease in vehicular trips, with the most growth in public transport and pedestrian tips.*

PLANNING CASE OFFICER COMMENT: There had been some concern that the proposed servicing and delivery arrangements may have interfered with bus movements or the movement of emergency vehicles. As a result, additional consultation was undertaken and following review of swept path analysis (which showed that Dove Road would not be blocked), no objection was raised from TfL or the emergency services.

8.26 Sustainability Officer: *In terms of biodiversity, the proposal is acceptable. Conditions should be imposed on any consent to secure enhancements, such as artificial nesting boxes.*

8.27 Public Protection Officer: No objection subject to a condition to ensure ventilation systems are acceptable.

## 9. RELEVANT POLICIES

### National Guidance

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.

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 ~~the~~ proposals.

## **Development Plan**

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

## **Site Allocation**

- 9.4 The council has issued a specific site allocation detailing the key parameters and objectives for any redevelopment of the site as part of Islington's Development Plan (contained within Islington's Site Allocations (2013)) as site OIS3 (Leroy House, 436 Essex Road).

- 9.5 This document sets out site specific policy for the main sites in the Borough where development or other change is expected. Site allocation OIS3 identifies the application site as suitable for:

*"Refurbishment/intensification for business space to provide improved quality and quantity of spaces for small/medium sized enterprises."*

- 9.6 The site allocation notes that:

*"Development should be of high quality design given the site's prominent location at the junction of the busy Essex and Balls Pond Roads. Public realm and pedestrian improvements are also encouraged. Active frontages are also desirable."*

*Design considerations and constraints.*

*Any future intensification/redevelopment of the site will need to conserve and enhance the significance of heritage assets, including their settings, including the adjacent Canonbury Conservation Area, Grade II listed buildings on Balls Pond Road, and the Church on the corner of Essex Road/Balls Pond Road."*

## **Designations**

- 9.7 The site has the following designations under the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013 and Site Allocations (2013)

- Site Allocation OIS3
- Within Employment Growth Area

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

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

## **10. ENVIRONMENTAL IMPACT ASSESSMENT**

- 10.1 The applicant team did not submit a request for an Environmental Impact Assessment (EIA) scoping opinion, however the general characteristics of the site and the proposed development are not considered to fall within Schedule 1 or 2 development as set out in the Environmental Impact Assessment Regulations (2011). In particular, the site is significantly less than 0.5 hectares in size and it is not in a sensitive area as defined by the Regulations (nor is it considered appropriate in this case to bring other, local designations into consideration as allowed for under paragraph 032 (ref: 4-

03220140306) of the NPPG). As such, the proposal is not considered to be EIA development; however no formal decision has been made to this effect.

## 11. ASSESSMENT

11.1 The main issues arising from this proposal relate to:

- Principle of development and land use
- Provision of workspace suitable for small or mirco enterprises
- Design and conservation
- Inclusive design
- Sustainability, energy efficiency and renewable energy
- Highways and transportation
- Neighbour amenity
- Planning obligations

### **Principle of Development**

11.2 The site is in a location which is highly accessible by public transport, and as such the loss of the car parking area is considered acceptable in principle. Annex 23 to the National Planning Policy Framework (NPPF) notes such land as falling within the definition previously developed land. It is a core planning principle of the NPPF to encourage the effective use of land by reusing land that has been previously developed.

11.3 Concerns have been raised in consultee responses over the loss of the open car park (as open space). Records show the entire site area, including the open space which now forms the car park, was developed for residential and retail uses. The entire site (including the car park area) is previously developed land. The scheme involves the loss of the existing car park. Islington's Core Strategy (2013) policy CS10 seeks to minimise Islington's contribution to climate change by encouraging sustainable transport choices through new development by maximising opportunities for walking, cycling and public transport use, and requiring that all new developments are car-free. The loss of existing parking is in keeping with the borough's car free strategy and no objection is raised in principle to the approach.

11.4 The scheme provides an opportunity to develop additional business floor space, refurbish the existing building to provide a better standard of accommodation than currently exists, and to use this accessible site more efficiently, which is consistent with the sites designated allocation. These are benefits of the proposed development which weigh positively in the balance of planning considerations relevant to this application.

11.5 The above in-principle position regarding redevelopment of the site accords with the National Planning Policy Framework's presumption in favour of sustainable development.

### **Land-use**

#### *Employment floorspace and Cafe*

11.6 The provision of office space is particularly important in creating jobs and delivering economic growth. Analysis (set out in the Council's Employment Land Study 2016) shows that there is to be a significant increase in employment (50,500 additional jobs) in the borough through to 2036. To accommodate these jobs there would be a

concomitant requirement of 400,000m<sup>2</sup> of office floorspace. Evidence also shows a loss of employment floorspace across the borough, with the supply of office space being impacted by the significant losses associated with the 'office to residential' permitted development rights introduced in 2013.

- 11.7 The supporting text to London Plan policy 4.2 also identifies a need for significant increases in office floorspace over the life of the plan. At the local level, part B of policy CS13 of Islington's Core Strategy (2011) notes that in relation to existing employment floorspace, development which improves the quality and quantity of existing business provision will be encouraged. The proposal would provide additional employment space (for which there is a demonstrable need) and is considered consistent with the London Plan (2015) and Islington's Core Strategy (2011).
- 11.8 Islington's Local Plan Site Allocations (2013) allocation OIS3 seeks the refurbishment and intensification of the site for business space, to provide improved quality and quantity of spaces for small/medium sized enterprises. The proposals in this application clearly accord with the sites allocation.
- 11.9 Islington's Development Management Policies (2013) policy DM5.1 notes that within Employment Growth Areas the Council will encourage the intensification, renewal and modernisation of business floor space. The policy goes on to seek the maximum amount of business floorspace reasonably possible on applicable sites and for there to be a mix of complementary uses proposed. In this regard it is noted that the proposal involves an uplift of 2,413sqm of space, and apart from a small amount of complementary Café space at the ground floor level, the additional floor area would be dedicated for use as business floor space.
- 11.10 A Café is proposed at ground level and is relatively small in size, and would represent an ancillary and complementary use and is not considered to prejudice the maximisation of business floorspace. There would be synergy between the workspace and the Café, and this is considered to accord with the aims of policy DM5.1 (which allows for such a complementary use).
- 11.11 In terms of maximising business floor space, a larger proposal would clearly be able to accommodate additional business floor space. However, in this case a bigger structure would result in a worsening of neighbour impacts (reducing light) and, by virtue of bulk and scale, have an unacceptable impact on the appearance of existing building, the setting of nearby Grade II listed buildings, the Canonbury Conservation Area and the street scene. Given the sites constraints, the proposed quantum of additional business floorspace is considered to be the maximum reasonably possible at this site.
- 11.12 Islington's Development Management Policies (2013) policy DM5.4 relates to the size and affordability of workspace, and requires major development within Employment Growth Areas to incorporate an amount of affordable work space and/or workspace suitable for micro and small enterprises. The supporting text to the policy indicates that at least 5% of the floor space proposed in major developments should be dedicated as affordable work space and/or workspace suitable for micro and small enterprises. As is highlighted in paragraph 6.5 of this report, the employment floorspace (GIA) provided on site will increase by uplift of 2,413sqm.
- 11.13 Based on the proposed increase in floor space, there would be a requirement for 120sqm of affordable workspace and/or workspace suitable for micro and small enterprises in this proposal. The supporting text to policy DM5.4 states that small/micro workspace is be considered to be workspace in the B Use Classes managed in 'units' of around 90sqm.

- 11.14 The proposed units in the refurbished and extended building will range in size from 10sqm to 140sqm, providing 50 additional units throughout the building. It should be noted that the additional units would also be less than 90sqm in size. In relation to the additional floor space, apart from the ground floor Café use (246sqm or 10% of the additional space), the remainder (i.e. 2,167sqm or 90%) of the additional space is dedicated for spaces which are (much) less than 90sqm in size. This quantum of work space suitable for small or micro enterprises greatly exceeds the 5% required.
- 11.15 The proposals will ensure continued and enhanced provision of flexible business floorspace with specifications and facilities to meet the needs of a variety of modern businesses, particularly micro, small and medium sized enterprises. These are benefits of the proposed development which weigh positively in the balance of planning considerations relevant to this application.

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

- 11.16 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 (2015). Policies CS8, CS9 and CS10 in Islington's Core Strategy (2013), and policies in chapter 2 of Islington's Development Management Policies (2013), are also relevant. Historic England's Historic Environment Good Practice Advice in Planning Note 3 (The Setting of Heritage Assets), the council's Urban Design Guide SPD and Conservation Area Design Guidelines for the adjacent Canonbury Conservation Area, and the Mayor of London's Character and Context SPG are also relevant to the consideration of the current application.
- 11.17 While the site is not within the Canonbury Conservation Area, it is important to highlight that the Conservation Area effectively surrounds the site to the north, south and west. Additionally, to the west (on the opposite side of Essex Road) is the Grade II listed St Pauls Church. Additionally, the K2 telephone kiosk on the footpath to the front of the Church is Grade II listed. Opposite the site to the north (across Balls Pond Road) are a row of terraced dwellings at 178 to 190 Balls Pond Road, which are also of special interest and are Grade II listed.
- 11.18 Islington's Development Management Policies (2013) Policy DM2.1 notes that for proposals to be acceptable there is a requirement that the design respect and respond positively to existing buildings, the streetscape and the wider context, including local architectural language and character and surrounding heritage assets. Policy DM2.3 requires development within the setting of Conservation Areas and listed buildings to be of good quality, and goes further to make it clear that development which is harmful to the significance of Conservation Areas or listed buildings will not be permitted.



**Image 13: St Paul's Church**



**Image 14: 178 – 190 Balls Pond Road**

*Heights and massing*

- 11.19 London Plan (2015) policy 7.4 states that development should have regard to the scale, mass and orientation of surrounding buildings, and that buildings should provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass. London Plan (2015) policy 7.6 states that buildings should be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm, and should not cause unacceptable harm to the amenity of surrounding land and buildings. The Mayor of London's Character and Context SPG notes at paragraph 7.26 that "the key or essential characteristics of a place provide an important reference point against which change can be assessed or as a 'hook' for site planning and design".
- 11.20 At the local level, policy CS9 of Islington's Core Strategy (2011) sets out an aim for new buildings to be sympathetic in scale and appearance and to be complementary to local identity. Policy DM2.1 of Islington's Development Management Policies (2013) requires development to be based upon an understanding and evaluation of an area's defining characteristics, confirms that acceptable development will be required to respect and respond positively to existing buildings, and sets out a list of elements of a site and its surroundings that must be successfully addressed – this list includes urban form including building heights and massing.
- 11.21 The context of the site should be noted. Buildings on the northern side of Balls Pond Road rise to 3 storeys (some with rooms in the roof). To the west is St Paul's Church, which features a tower at its eastern end (fronting Essex Road) and is set within landscaped grounds. To the south, across Dove Road is 1-19 The Pinnacles, a 4 storey residential flatted block. Adjoining the Pinnacles, and further east along Dove Road is Canonbury Heights, which rises to five storeys, with the upper 2 levels being set back from the lower elevations (such that the 5<sup>th</sup> floor isn't easily visible from Dove Road). East of the site across Henshall Street is the 4 storey development at Queen Elizabeth Court, and a 2 storey (with rooms in the roof) residential development at 231 Balls Pond Road.
- 11.22 Further east of the site (i.e. 90m away) are ten storey residential flatted buildings associated with the Dover Court estate and just over 100m away is the 13 storey Holiday House (on Mildmay Street). While the wider context includes tall buildings, given the immediate context, only a modest increase in scale (over the existing height of Leroy House) would be appropriate for this site.



- 11.23 The existing 3<sup>rd</sup> floor and 4<sup>th</sup> floor levels of Leroy House feature an element which is set in from the southern elevation (the setback portion is located toward the middle of the southern elevation and is approximately 2m deep and extends for approximately 20m of the over 60m length of the building). The 3<sup>rd</sup> floor and 4<sup>th</sup> floor levels also ‘step back’ from the eastern elevation. At the eastern end of Leroy House, the 3<sup>rd</sup> floor is set back approximately 2.5m from the lower elevation and the 4<sup>th</sup> floor by approximately 5m.
- 11.24 The proposal would maintain the set back at the 3<sup>rd</sup> floor level of the eastern elevation, but would otherwise have the effect of infilling the other setbacks (this would increase the mass of the building). The changes to the set back on the southern elevation would be minor when considered against the context of the overall mass of the southern elevation. Given this and the fact that Canonbury Heights, rises to five storeys, it is not considered that the additional massing when viewed from the south would be harmful.
- 11.25 The removal of the 4<sup>th</sup> floor set back at the eastern end of the building along with the addition of another storey would increase the visual bulk and massing of Leroy House, making the building more prominent. Leroy House is surrounded by roads on all sides, and as such the proposed increase in height will not be viewed against an adjoining structure. The separation from nearby buildings is considered to help limit the visual impact of the proposals from the south, east and west.
- 11.26 The proposed additions at the eastern end of the building would be separated from Queen Elizabeth Court by approximately 30m. The separation distance, along with the set back of upper floors at the 3<sup>rd</sup> floor level assist in limiting the visual impact generated by the additional massing at the eastern end of Leroy House when viewed from Dove Road.



**Image 15. Eastern elevation of Leroy House viewed from Dove Road**

- 11.27 In terms of the visual impact of the proposal on the Balls Pond Road streetscene, there is some concern over the proposed additional height, given the lower scale development (2 and 3 storey terraced housing) along Balls Pond Road. While the impact would not be so great as to cause unacceptable harm to the streetscene, the impact from the additional bulk and scale is not positive and is considered to weigh against the scheme in the planning

## *Impacts on heritage assets*

- 11.28 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (“PLBCAA”) provides that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 11.29 Section 72(1) PLBCAA provides that in the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of (amongst others) the planning Acts, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.
- 11.30 The NPPF defines a “heritage asset” as:
- “A building, monument, site place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest”.*
- 11.31 The definition includes both designated heritage assets (of which, Listed Buildings and Conservation Areas are relevant here) and assets identified by the local planning authority (including local listing). “Significance” is defined within the NPPF as being:
- “the value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives from a heritage asset’s physical presence, but also from its setting”.*
- 11.32 Paragraph 129 of the NPPF requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting its setting). Historic England in their consultation response state that the extension to the west has the potential to reduce the prominence of St Paul’s tower on the approach from Balls Pond Road, and that this would cause a small degree of harm to the setting of the Grade II\* church and the conservation area.
- 11.33 Paragraphs 131 and 132 of the NPPF provide as follows:
- “131. In determining planning applications, local planning authorities should take account of:*
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
  - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
  - the desirability of new development making a positive contribution to local character and distinctiveness.*
- 132. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields and II\* listed buildings, grade I and II\**

*registered parks and gardens, and World Heritage Sites, should be wholly exceptional.”*

- 11.34 Paragraph 133 of the NPPF deals with substantial harm to or total loss of significance of a designated heritage asset. Paragraph 134 of the NPPF provides that where a development proposal will lead to less than substantial harm to the significance of the designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 11.35 Officers have also had regard to the Planning Practice Guidance in respect of conserving and enhancing the historic environment.
- 11.36 At the local level, Islington’s Development Management Policies (2013) policy DM2.3 seeks to prevent new development within the setting of a listed building from causing harm to its significance.
- 11.37 Turning to consider the application of the legislative and policy requirements set out above, the first step is to consider each of the designated heritage assets (referred to hereafter simply as “heritage assets”) which would be affected by the proposed development in turn and assess whether the proposed development would result in any harm to the heritage asset.
- 11.38 There is therefore a “strong presumption” against granting planning permission for development which would harm a heritage asset, but this can be outweighed by material considerations powerful enough to do so, such as planning benefits.
- 11.39 The case-law also establishes that even where the harm identified is less than substantial (i.e. falls within paragraph 134 of the NPPF), that harm must still be given considerable importance and weight.
- 11.40 An examination of the reason the terraced dwellings at 178 – 190 Balls Pond Road were historically listed focuses on the appearance of the front (street facing) elevation. While the proposal would have a more dominant visual presence in the overall street scene, the listed buildings are opposite the site across Balls Pond Road. The principle elevations of the listed buildings are viewed by looking in a northerly direction (at the main street facing elevations).
- 11.41 The location of Leroy House is such that the proposal would not interfere with views of 178 to 190 Balls Pond Road and it is not considered the proposal would be harmful to the special interest of these listed buildings.
- 11.42 At the western end of the site, the proposed extension to Leroy house would be part 4, part 5 storeys in height, with the 5<sup>th</sup> floor level being set back from the lower elevations. The extension would feature similar horizontal proportions to the existing building and be joined to it through the use of a glazed link. The building line of the proposed extension relates appropriately (being set back) to the existing building line. The existing and new built form being linked with a new the glazed (full height) entrance.
- 11.43 Since receiving the advice from Historic England, the design of the western extension to Leroy House has been revised by setting the top level back and chamfering the corners of the western elevation. The proposed height (part 4, part 5 storeys) of the western extension to Leroy House provides a transition down from the 6 storey height of the main building, and is considered to mitigate the visual impact when viewed against the 4 storey height of 1-19 The Pinnacles (opposite the site to the south).

11.44 The design approach, which reduces bulk and scale by stepping the height down as the building extends to the west, helps to reduce the impact on the setting of the Grade II listed St Pauls Church. Overall it is considered any harm to the Conservation Area or the Grade II listed St Pauls Church would be less than substantial. The comments from Historic England stated that in their view there would be a '*small degree of harm*'. This is consistent with Officers assessment that any harm would be less than substantial.

*Assessment of harm versus benefits*

11.45 Public benefits are defined within the NPPG. It advises that public benefits:

*“may follow from many developments and could be anything that delivers economic, social or environmental progress as described in the National Planning Policy Framework. Public benefits should flow from the proposed development. They should be of a nature of scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.”*

11.46 Given the definition provided, it is appropriate to consider the public benefits that would flow from this development and which deliver economic, social or environmental progress.

11.47 The Development secures the optimum viable use of the Leroy House, and is consistent with the sites allocation. It would bring forward refurbishment of the existing building, making it more accessible to disabled persons. The refurbished and extended building would be better insulated, incorporate reviewable energy systems and would reduce carbon emissions. The sustainability credentials of the Development would far exceed those of the current building. These benefits are public benefits which would flow directly from the Development.

11.48 Jobs would be created through the construction period and the new and refurbished business floor space would help to meet the space required to support job growth in the borough. The development (if approved) would deliver spaces which are suitable for small and micro sized enterprises, addressing demand for this particular type of work space.

11.49 The planning obligations (to be secured by way of a S106 legal agreement) would also deliver economic benefits that flow from the development and would enhance local labour opportunities. The scheme would bring about public benefits that are considered to be of a scale to be of benefit to the public at large. The proposals would facilitate growth and could provide a catalyst for regeneration to this part of Islington. The benefits of the scheme are considered to outweigh any harm to the setting of nearby listed buildings or the Conservation area.

*Architecture and elevations*

11.50 London Plan (2015) policy 7.6 states that architecture should make a positive contribution to a coherent public realm, streetscape and wider cityscape. It goes on to set out criteria against which planning applications should be assessed, stating that buildings should be of the highest architectural quality, should be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm, and should comprise details that complement, not necessarily replicate, the local character.

- 11.51 Other policies are also relevant to architecture, including London Plan policy 7.4 (relating to local character) and Core Strategy policy CS9, which states that high quality architecture and urban design are key to enhancing and protecting Islington's built environment, making it safer and more inclusive. This Core Strategy policy goes on to state that new buildings should be sympathetic in appearance to the local identity, should be based on coherent street frontages, and should fit into the existing context of facades. Finally, part G of policy CS9 notes that high quality contemporary design can respond to relevant challenges as well as traditional architecture, and that innovative design is welcomed.
- 11.52 Policies in chapter 2 of the Development Management Policies document are relevant to architecture and detailed design. In particular, policy DM2.1 states that all forms of development are required to be of high quality.
- 11.53 The design of the proposal responds to pre-application advice provided by the Council, and the Design Review Panel, as well as comments received as part of the public exhibition. The development of the Leroy House site can be understood as three main elements:
- The refurbishment and reconfiguration of the existing Leroy House,
  - An extension to the roof (replacing the existing 4<sup>th</sup> floor and adding an additional storey above),
  - A new build element, extending the building to the west.
- 11.54 Whilst the existing façade of Leroy House is in good condition it is proposed that the façade will be cleaned and renovated.
- 11.55 At the roof top level, the proposal seeks permission to replace the existing 5<sup>th</sup> and to add an additional storey above it. The scheme proposes that the new upper level facades will be set back slightly with an exposed structure detail, which also supports balconies to the new workspaces within the 5<sup>th</sup> and 6<sup>th</sup> (including the ground floor) storey levels.
- 11.56 The setback responds to concerns raised by officers that the glazed link should be set in line the new extension at the western end of the building.
- 11.57 The application was referred to the Council's Urban Design and Conservation officer who raised objection to the appearance of the exposed structural detail, by virtue of its form, which is considered unsympathetic to the appearance of the existing building and the Balls Pond Road streetscene.
- 11.58 While the new upper levels could be made to protrude forward so that the exposed structural detail is enclosed within the building envelope, such a change would increase the bulk and massing of the building when viewed from Balls Pond Road (exacerbating the concerns over the height and massing of the proposal), and detract from the visual relationship between the existing building and the new extension at the western end of the site.



**Image 16. Proposed Balls Pond Road frontage**

11.59 The applicant advised that removal of the exposed element would not be possible for structural reasons, providing the following explanation:

*“In the existing scenario there is a step in the facade at fourth floor level and the columns at this location are picked up on transfer beams. This has not been reflected in the proposed structural layout as the existing transfer beam would need to be heavily strengthened due to the additional load from the extra storey and the plant loading on roof level. This would affect the existing floor to ceiling height between 3rd and 4th floor which is to remain unchanged. It would also be visibly intrusive as the existing structure is fully exposed throughout the building and is to remain as such.*

*Added to this, the proposed loads on the foundations have been kept to within 15% of the existing loads in an effort to avoid overloading the existing structure. This will be verified at the next stage once investigations on the existing foundations can be completed on site. If the proposed columns at 4th and 5th move off grid and don't align over the existing columns below then the risk is increased of overloading the existing foundations. In order to reduce the impact of locating the new steel columns on 4th and 5th floor over the existing edge columns at 3rd floor, the glazed façade has been stepped back creating an exoskeleton structure at these two floors.”*

11.60 Various options were investigated to try and reduce the visual impact of the exposed structural details, and the least harmful solution (visually) was selected by Council officers (and is shown in Image 16). The Development Management Policies (2013) policy DM2.1 aims to ensure development respects and respond positively to existing buildings and the street scene. Notwithstanding the applicant's advice relating to structural complications, the appearance of the 'exoskeleton structure' weighs against the scheme in the planning balance.

11.61 While the scheme also proposes balconies (supported within the visible structural detailing) to the workspace units at 5<sup>th</sup> and 6<sup>th</sup> storey levels on the southern and eastern elevations, these facades are less visible and face streets (Dove Road and Henshall Street) which are not as well used as Balls Pond Road. Because of this,

officers do not consider that the impact would be so great as to warrant objection to the balconies and visible structural detailing on the southern and eastern elevations.

- 11.62 A terrace area is proposed atop the roof of the extension to the western end of the building. The supporting information submitted with the application clarifies that the terrace would be surrounded with a glass balustrade.
- 11.63 Paragraph 2.6.4 of the council's Urban Design Guide states that roof structures that are not an integral part of the building (such as plant) should be located within the building, rather than at roof level. In this case, the majority of the proposed development's plant would be located on the roof, set behind 2.5m high metal louvered/acoustic panelled screen, towards the centre of the roof. The plant area would be set back approximately 7m from the northern and southern elevations. Whilst not within the building, the majority of the plant would therefore be set back from the building edges, behind the screen and not easily visible from street level (limiting visual impact). Subject to a condition being imposed on any consent to ensure all plant and equipment is located in positions which are not easily visible from the street and to ensure the appearance of the screen is acceptable, no objection would be raised (condition 4).
- 11.64 The existing building and the new built element at the western end of the site would be separated by a glazed link. The glazed component has a vertical emphasis and would clearly define the main entrance to the building from Balls Pond Road, and would rise from the ground to the top level (5<sup>th</sup> floor). The window openings on the proposed extension at the western end of the building reference the horizontal expression of the existing building. The ground floor base is defined using a horizontal brick detail which references the existing building. Sections of glass are also proposed at ground floor level of the western extension, which pick up the rhythm and proportion of the ground floor openings of the existing building. The plans indicate that the brick detailing would change above ground floor level. Concerns have been raised in consultation responses that the colour of the building is too dark. While there is no objection to the approach being taken in terms of materials a condition is recommended to ensure the palette and pattern of materials are acceptable (condition3). In addition a condition is recommended to ensure the depth of window reveals are appropriate (condition 5).
- 11.65 The chamfered corners of the extension respond to advice by the Design Review Panel and are considered of benefit to the extension design (and additionally reduce the impact on light to neighbouring occupiers). The detailing of the windows on the chamfered corners of the proposed western extension would have a vertical emphasis and are considered to relate and reflect numerous vertical features of the existing building.
- 11.66 The supporting documentation submitted with the application clarifies that the chamfered corners would feature 'pop out' window and frame. No objection is raised to the approach (which is considered to add visual interest and enhance the appearance of the proposal).
- 11.67 The building line at the northwest corner of the site has been set back to provide an increased area of public realm and sufficiently separates the building from existing street trees on Balls Pond Road to ensure their retention. The design of the proposed extension to the western end of Leroy House would relate appropriately to the existing building and its surrounding context, and subject to conditions (which are recommended) the design and appearance of this element is considered acceptable.

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

- 11.68 The design of the scheme has evolved following pre-application discussions, including advice from the DRP. There is evidence that the applicant has responded appropriately to the concerns raised by the DRP. Changes have also been made to reduce the prominence of the western extension, lessening the impact on the setting of St Paul's Church. Officers consider that any harm to the setting of St Pauls church would be less than substantial and are considered to be outweighed by the planning benefits the scheme would bring forward. There is not an objection to the proposal in terms of impacts on heritage assets.
- 11.69 There are concerns over the appearance of exposed structural detail on the northern elevation at the 5<sup>th</sup> and 6<sup>th</sup> floor levels. It is acknowledged that there are structural constraints associated with the existing building, and that the applicant has worked to provide various solutions to lessen the visual impact. Given the structural issues, officers consider the current scheme represents the design solution with the least visual impact. The appearance of the scheme is not considered to be so harmful as to warrant refusal of the application. Officers note that the scheme would deliver refurbished and additional employment floor space and other planning benefits which weigh in its favour (and are considered to outweigh the design concerns).

### **Accessibility**

- 11.70 Paragraph 57 of the NPPF is relevant to the current proposal in relation to inclusive design. London Plan (2015) policy 7.2 requires all new development to achieve the highest standards of accessible and inclusive design, and refers to the Mayor's Accessible London SPG. At the local level, Development Management Policies (2013) Policy DM2.2 requires all developments to demonstrate that they i) provide for ease of and versatility in use; ii) deliver safe, legible and logical environments; iii) produce places and spaces that are convenient and enjoyable to use for everyone; and iv) bring together the design and management of a development from the outset and over its lifetime.
- 11.71 In relation to access, the proposed building will be fully accessible throughout, with step-free access and lift provision to each floor along with accessible toilets, cycle parking and kitchen facilities.
- 11.72 No accessible parking is proposed on-site. This is considered acceptable, given the site's constraints and the fact that a drop off bay is proposed on the north side of Dove Road, and overall the proposal represents a significant improvement in comparison to the existing building (and weigh in favour of the scheme). A contribution of £10,000 is also to be secured through the S106 legal agreement.

### **Landscaping and Trees**

- 11.73 There are existing trees on and adjoining the site. The trees being split into 2 types, 6 x self-seeded sycamore located on the periphery of the car park site and 2 x street trees (1 x Spindle and 1 x Prunus) to the north of the existing building.
- 11.74 The Council's Tree Officer has examined the existing trees, and advised that those located on Balls Pond Road are in the adopted footway and should be retained (i.e. 1 x Spindle and 1 x Prunus). A condition should be imposed on any consent to ensure building works do not adversely impact on the trees to be retained (condition 11).



- 11.75 The applicant is proposing up lighting in the setback between the building and footway and near the façade. It is considered that this approach would enhance the character of the building façade and landscaping along this frontage.



**Image 17: Examples of the proposed up lighting**

- 11.76 The Council's Tree Officer advised that following an assessment of the existing trees located around the periphery of the car park (6 x self-seeded sycamore trees) were found to have defects which limit their long term viability. As such replacement planting is proposed rather than retention. It is noted that the proposed new built form would be set back sufficiently from the western boundary to allow enough room for replacement tree planting. The Council's Tree officer is satisfied with the approach, subject to a condition to ensure the detailed planting and landscaping proposals are appropriate (condition 11).
- 11.77 In addition to replacement trees, the landscaped set back at the western boundary of the site would accommodate block seating and recessed lighting (as is also proposed on the Balls Pond Road frontage). The surfacing is proposed to be a charcoal grey porous resin bound surface to pick up on colours of brick palette and link into building. A number of Sheffield cycle stands are also proposed to be installed within the landscaped set back.
- 11.78 A number of cross overs would be removed as part of the proposal (along Dove Road) and additionally the landscaping proposals would extend to the public footway, as such planning obligations would be required to ensure that the detailed proposals are appropriate and to enable work to be undertaken to the public foot way.
- 11.79 A landscaped terrace is also proposed on the roof of the setback top level of the 5 storey extension to the western end of the building. There is no objection to the proposed landscaping of the roof top (subject to a condition to restrict the use of the terrace late at night).

### **Neighbouring Amenity**

- 11.80 The National Planning Policy Framework identifies as a core planning principle that planning should always seek a high quality of design and a good standard of amenity for all existing and future occupants of land and buildings. London Plan (2015) policy 7.6 states that buildings should not cause unacceptable harm to the amenity of

surrounding land and buildings, particularly residential buildings, in relation to privacy and overshadowing.

- 11.81 Development Management Policies (2013) Policy DM2.1 (part Ax) confirms that, for a development proposal to be acceptable it is required to provide a good level of amenity including consideration of noise and the impact of disturbance, hours of operation, vibration, pollution, fumes between and within developments, overshadowing, overlooking, privacy, direct sunlight and daylight, over-dominance, sense of enclosure and outlook. Paragraph 2.13 states that the design and layout of buildings must enable sufficient sunlight and daylight to penetrate into and between buildings, and ensure that adjoining land or properties are protected from unacceptable overshadowing. This supporting text goes on to specifically reference relevant guidance prepared by the Building Research Establishment (BRE).

*Daylight and sunlight*

- 11.82 An updated analysis of the proposed development's impacts upon natural light received by occupants of neighbouring properties is provided in the applicant's Daylight and Sunlight Report (25/06/2015) and Addendum Daylight and Sunlight Report 17/03/2016.

- 11.83 The submitted Daylight and Sunlight report assesses impacts upon the following neighbouring properties:

- St Paul's Church;
- 2 St Paul's Road and 1a Newington Green Road;
- 172 to 200m Balls Pond Road;
- Queen Elizabeth Court.
- 8 to 21 Canonbury Heights;
- 1 to 19 The Pinnacles;

- 11.84 The applicant's chosen methodology follows guidance provided in the Building Research Establishment's "Site Planning for Daylight and Sunlight" (2011), and uses 3 tests to assess natural light impacts, namely the Vertical Sky Component (VSC), Daylight Distribution (DD), and Annual Probable Sunlight Hours (APSH) tests.

- 11.85 When using the BRE guidance to assist in the assessment of daylight and sunlight impacts, paragraph 1.6 of the BRE guidance must be noted. This confirms that:

*"The advice given here is not mandatory and the guide should not be seen as an instrument of planning policy; its aim is to help rather than constrain the designer. Although it gives numerical guidelines, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design. In special circumstances the developer or planning authority may wish to use different target values. For example, in a historic city centre, or in an area with modern high rise buildings, a higher degree of obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings".*

*Daylight*

- 11.86 With regard to daylight, the BRE guidance notes that there should be no real noticeable loss of daylight provided that the Vertical Sky Component (VSC) as measured at the centre Pond of a window is greater than 27%; or the VSC is not reduced by greater than 20% of its original value.

11.87 If VSC figures are greater than 27%, enough daylight should still be reaching the window of the existing building. If the VSC, with the new development in place, is both less than 27% and less than 0.8 times its former value, occupants of the existing building will notice the reduction in daylight. Reductions of between 20% to 30% (i.e. where 0.8 to 0.7 times the existing VSC levels are retained) are generally considered to be a lesser or minor infringement in urban areas.

11.88 In situations where post-development VSC figures fail to comply with the levels suggested by the BRE, a further test can be carried out to measure the overall amount of daylight in a room. This is the Daylight Distribution (No Sky Line, or NSL) test. BRE guidance state that if the NSL moves so that the area of the existing room which does receive direct skylight is reduced to less than 0.8 times its former value, then this will be noticeable to the occupants, and more of the room will appear poorly lit. The 0.8 figure is often expressed as a percentage in NSL analysis, such that a reduction of up to 20% would be acceptable.

#### *Sunlight*

11.89 The BRE guidelines confirm that windows that do not enjoy an orientation within 90 degrees of due south do not warrant assessment (for example north facing windows would not warrant assessment). For those windows that do warrant assessment, it is considered that there would be no real noticeable loss of sunlight where:

*“In 1 year the centre Pond 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.*

*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.”*

11.90 Where these guidelines are exceeded then sunlighting and/or daylighting may be adversely affected. The BRE guidelines provide numerical guidelines, the document though emphasizes 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.

#### *St Paul’s Steiner School*

11.91 This school is within the converted St Paul’s Church (west of the site across Essex Road). The daylight and sunlight to the windows facing the proposed development have been analysed. Daylight and sunlight analysis including the Vertical Sky Component (VSC) test shows that all of the windows tested will see little or no modification to their existing values and will remain fully compliant with the guidance given in the BRE guidelines.

11.92 Overshadowing analysis of the amenity space attached to the school was also undertaken. The analysis shows that the proposed development will have no effect on the sunlight amenity of the space attached to the school.

#### *2 St Paul’s Road and 1a Newington Green Road*

11.93 This is a 3 storey (with rooms in the roof) building northwest of the application site. Daylight and sunlight analysis including the Vertical Sky Component (VSC) test shows

that all of the windows tested will see little or no modification to their existing values and will remain fully compliant with the guidance given in the BRE guidelines.

*196 – 200 Balls Pond Road*

- 11.94 This is a 3 storey (with rooms in the roof) building to the north of the application site. The Vertical Sky Component (VSC) test shows that of the 30 windows tested 29 will see little or no modification to their existing values and will remain fully compliant with the BRE guidance. Window W2 at ground floor within the 196 Balls Pond Road element of the building will see a minor transgression of the guidance given in the BRE Report but will retain 0.78 times its existing value. This is a minor transgression, and it should be noted that there are other windows which serve the room affected (and the ground floor is not in residential use).
- 11.95 Additionally the Sunlight analysis using the Annual Probable Sunlight Hours (APSH) test shows that following the development, the level of sunlight will remain compliant with the advice given in the BRE guidelines. Daylight Distribution analysis for this building shows that all of the windows will comply with the BRE guidance by maintaining either light penetration to 80% of the room's area or retaining 0.8 times the existing value.

*194 Balls Pond Road*

- 11.96 This is a 3 storey (with rooms in the roof) building which is also located on the north side of Balls Pond Road. The building is in mixed usage with a commercial use at ground floor level and flats above. Analysis was undertaken of the impact of the proposal on the windows serving the residential aspects of the property. VSC, Daylight Distribution and APSH analysis of the residential elements of this building all show full compliance with the BRE guidance.

*192 Balls Pond Road*

- 11.97 The building at 192 Balls Pond Road is a 3 storey mixed use property (commercial usage at ground floor level with residential accommodation at the upper floors) to the north of the application site.
- 11.98 Daylight analysis using the Vertical Sky Component (VSC) test shows that all but one of the windows tested will transgress the BRE Report guidance. However, all windows will retain at least 0.75 times their existing values (i.e. a minor transgression). Daylight Distribution analysis of the rooms shows that all rooms will remain compliant with BRE guidelines. Additionally, the Sunlight analysis using the Annual Probable Sunlight Hours (APSH) test shows that following the development, the level of sunlight will remain compliant with the advice given in the BRE guidelines.

*190 Balls Pond Road*

- 11.99 This is a three storey mixed use building north of the application site. The ground floor is in commercial use with residential accommodation at the upper floors. Sunlight analysis using the VSC test shows that the windows will comply with the BRE guidance (all would retain at least 80% of their existing values).
- 11.100 Daylight Distribution analysis of the rooms within the building show that the second floor rooms will remain compliant with the BRE guidance. However 2 rooms at first floor level would retain in excess of 0.7 times their existing values, which is marginally below the BRE guidance (of 0.8). Sunlight analysis shows that these rooms will comply with the annual amenity guidance and given the retained sunlight levels to

both windows, the impact would be acceptable, and no objection is raised in this regard.

*188, 186, 184 and 182 Balls Pond Road*

11.101 These properties form part of the three storey terrace to the north of the application site. The buildings are in residential use at all floors. Sunlight analysis using the VSC test shows that the majority of windows will comply with the BRE guidance (all would retain at least 80% of their existing values).

11.102 A window at ground floor level for all these properties will transgress the winter sunlight amenity test, but all will comply with the annual amenity guidance. Daylight Distribution analysis shows that while there would be some transgressions, these are minor (rooms will still retain between 0.74 and 0.78 times their existing daylight penetration levels). These transgressions are only slightly below the BRE guidance values (of 0.8) and given the retained annual sunlight levels it is not considered that the occupants will perceive a reduction in sunlight.

*180, 178, 176, 174 and 172 Balls Pond Road*

11.103 These properties form part of the three storey terrace of residential dwelling, again on the northern side of Balls Pond Road. Daylight and sunlight analysis shows that all of the windows tested will see little or no modification to their existing values and all will remain fully compliant with the guidance given in the BRE guidance.

*Queen Elizabeth Court*

11.104 This is a four storey property approximately 30m to the east of the application site. The property provides supported care accommodation. Daylight and sunlight analysis shows that all of the windows will see little or no modification to their existing values and will remain fully compliant with the guidance given in the BRE guidance.

*Canonbury Heights*

11.105 Canonbury Heights is a five storey residential building to the south of Leroy House (across Dove Road). Planning permission (ref: P010654) was granted in 2002 to extend the building by 2 floors and to change the use of the property to become a residential flatted development.

*Canonbury Heights - Ground and mezzanine*

11.106 Sunlight analysis using the VSC test shows that all (but 1) of the windows at ground floor level will comply with the BRE guidance. The window in question would still achieve 0.79 times its existing value (a minor transgression). Examination of daylight distribution confirms that all ground level windows would meet the BRE guidance in terms of daylight distribution. Given this no objection is raised to ground level impacts at Canonbury Heights.

11.107 It should be noted that the conversion of the building at Canonbury Heights to flats (approved in permission ref: P010654) involved creating residential units within the constraints of the existing built form, and for example, some flats feature a mezzanine level, illuminated by windows at ground floor level. Analysis shows that the existing mezzanine areas receive very little natural light in the existing scenario. Sunlight analysis using the VSC test shows that the mezzanine rooms would retain between 0.79 to 0.76 of their former values post development. The area of glazing which

allows light to the mezzanine spaces is so limited it's not possible to calculate daylight distribution.

- 11.108 The mezzanine spaces currently receive little natural light, and while the increase in height and removal of setbacks proposed by the application (on the southern elevation) would not improve light levels to these areas, the existing situation (which was approved in permission ref: P010654) is acknowledged, and in isolation no objection would be raised in terms of the impact to the mezzanine spaces.

*Canonbury Heights - 1<sup>st</sup> floor*

- 11.109 At the first floor level only 4 windows would fail the VSC test; however these rooms would retain between 0.79 to 0.75 of their former values (a minor transgression). A check of daylight distribution indicates that apart from these same 4 windows, all other windows would retain more than 0.8 times their existing value. The 4 rooms which would fail the daylight distribution test would retain between 0.78 and 0.65 times their existing values, which is below the BRE guidance (of 0.8). While there would be a transgression in terms of both VSC and daylight distribution, the departures from the BRE guidance are mostly minor.

- 11.110 Of the rooms affected at the 1<sup>st</sup> floor level, 3 are bedrooms and 1 is a living room/kitchen/diner (LKD). The BRE guidance notes maintaining the light levels to bedrooms are less important than to living areas. It is noted that the LKD would retain a VSC of 0.79 and daylight distribution of 0.78 (and as such is very nearly compliant with the BRE guidance).

*Canonbury Heights - 2<sup>nd</sup> floor*

- 11.111 Sunlight analysis using the VSC test shows that 4 of the windows at the 2<sup>nd</sup> floor level would fail to meet the BRE guidance. These windows would retain between 0.78 to 0.76 of their former values (the reduction would be considered a minor transgression). A check of daylight distribution indicates that the rooms illuminated by these windows would also fail the daylight distribution test, retaining between 0.69 and 0.61 times their existing values, which is below the BRE guidance (of 0.8).

- 11.112 Of the rooms affected on the 2<sup>nd</sup> floor (i.e. those which fail the VSC and daylight distribution tests), 3 are bedrooms and 1 would be a LKD. The LKD would retain a VSC of 0.78 times its former value and daylight distribution of 0.69 times its former value. Again at the 2<sup>nd</sup> floor level, while there would be a detriment, the departures from the BRE guidance are considered mostly minor.

*Canonbury Heights - 3<sup>rd</sup> floor*

- 11.113 At the 3<sup>rd</sup> floor level there would be 5 windows that fail to meet with the BRE guidance in terms of VSC. These windows would retain 0.79 of their existing values (and as such is very nearly compliant with the BRE guidance). Three of the windows provide light to the same LKD, and 1 window provides light to a bedroom.

- 11.114 A check of daylight distribution indicates that the LKD would retain 0.66 times its existing value, and the bedroom 0.57 times its existing value (below the 0.8 recommended by the BRE guidance). While it is acknowledged that only 1 LKD would be affected at the 3<sup>rd</sup> floor level, there would be a detriment to the living conditions of some neighbouring properties.

*Canonbury Heights - 4<sup>th</sup> floor*

11.115 Daylight and sunlight analysis shows that for all of the windows at the 4<sup>th</sup> floor level, there will be little or no modification to their existing values and all will remain fully compliant with the guidance given in the BRE guidance.

*1 - 19 The Pinnacles*

11.116 The 4 storey residential flatted development known as 1 -19 The Pinnacles is located south of the application site (opposite the existing car parking area at the western end of the application site). The Pinnacles has two frontages, facing north towards the application site (across Dove Road) and west towards Essex Road.

11.117 The northern elevation of The Pinnacles receives more light than would normally be expected in a built up area, and this is because of the lack of any buildings on the car park site. The existing daylight received by The Pinnacles is particularly high when compared to that received by the neighbouring Canonbury Heights and 8 Dove Court buildings. Redevelopment of the car park site would be acceptable in principle; however development of the car park site would clearly impact on the amount of light reaching the northern elevation of The Pinnacles.

11.118 The western end of the application site is clearly under-used in its current use as a car park. It will almost certainly be developed in some shape or form, as borne out by the fact that is allocated by virtue of Site Allocation OIS3 for refurbishment/intensification for business space to provide improved quality and quantity of business work spaces for small/micro sized enterprises.

11.119 In developing proposals for development on the car park site, the applicant initially modelled the height and massing that could be achieved on the car park site without transgressing BRE guidelines (in terms of VSC and daylight distribution). The analysis shows that development on the car park site would have to be limited to 2 storeys, with 3<sup>rd</sup> floor set back a significant distance towards the northern (Balls Pond Road) elevation.

11.120 The limited (2 storey) height is considered inappropriate in terms of height and massing given the context of the existing buildings (5 existing storeys proposed at Leroy House and 4 storeys at The Pinnacles, 5 storeys at Canonbury Heights). While the limited height ensures full compliance with BRE guidelines, impacts from development on daylight should not stand in isolation from other planning policy considerations, but should be weighed with other planning objectives. The BRE compliant redevelopment of the car park would not be supported in design terms and could not be said to maximise the business floor space reasonably possible at what is an accessible site.

11.121 Impacts to the loss of light to the northern elevation of The Pinnacles from the proposed development of the car park would be overstated because of the absence of any buildings on the car park site. The amplified impact on light is considered to overly restrict redevelopment of the car park site.



**Image 18. Part 2, part 3 storey (BRE compliant) extension over car park.**

- 11.122 Appendix F of the BRE guidelines gives guidelines on setting alternative target values for daylight and sunlight. The BRE guidelines cite examples where it may be appropriate to set bespoke target values, for example in a situation where an existing building receives more than what would normally be expected as a 'fair share' of light. In this case the northern elevation of The Pinnacles receives more light than would normally be expected due to the absence of any buildings on the car park. In this case, the unique circumstances make the use of alternative targets acceptable in principle.
- 11.123 The BRE guidelines explain that alternative targets can be derived by constructing an imaginary mirror image building on the application site. The VSC and other targets are then set to those of the mirror image building (which should be the same height and size of that which would be impacted). For the avoidance of doubt, the 'mirror image' building is not proposed, and is only used to set the alternative baseline targets for the sunlight and daylight analysis.
- 11.124 Officers accept this approach as being consistent with BRE guidance and it has been applied to other development sites in the borough in recognition of Islington's dense built up nature.



**Image 19: Hypothetical 'mirror image'**  
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### *1 - 19 The Pinnacles – Ground floor*

- 11.125 The northern elevation of the ground floor of The Pinnacles includes 1 residential flat, with a bedroom and LKD facing the application site (the remainder of the ground floor is taken up mostly by an undercroft car parking area). There is a single window to bedroom, and sunlight analysis using the VSC test shows that the bedroom window would comply with the BRE guidance (the analysis shows no adverse impact) utilising the mirror image baseline. This is compared to the impact if the analysis is undertaken on the basis of the vacant car park, where the window would only retain 0.63 times its existing value.
- 11.126 Similarly in terms of daylight distribution, using the mirror massing baseline, the bedroom window would not be affected, which is compared to the impact if the analysis is undertaken on the basis of the vacant car park, where the window would only retain 0.50 times its existing value.
- 11.127 The difference in the results between the tests (i.e. mirror massing baseline Vs actual existing baseline) reflects the fact that the northern elevation of The Pinnacles receives more light than would normally be expected due to the absence of any buildings on the car park site.
- 11.128 The analysis also examined the impact to the LKD to the ground floor flat, which features four windows in the northern elevation. All the LKD windows pass the VSC and daylight distribution tests using the mirror image base line, and there are only minor transgressions if the analysis is undertaken on the basis of the vacant car park baseline target. It is worth noting that this room features a dual aspect with further windows in the western elevation facing Essex Road. Given the dual aspect nature of this room and the limited number of minor transgressions, no objection is raised.

### *1 - 19 The Pinnacles – 1<sup>st</sup> floor*

- 11.129 At the 1<sup>st</sup> floor level, there are 11 windows which could potentially be impacted. Sunlight analysis using the VSC test shows that only 2 windows would fail to comply with the BRE guidance using the mirror image baseline. These windows would retain at least 0.77 times their value (a minor transgression). Examination of daylight distribution to these 2 windows (utilising the mirror image baseline) shows that they would also fail this test (retaining 0.60 and 0.65 times the mirror baseline value).
- 11.130 This is compared to the impacts against the actual baseline target, where 8 of the windows would fail the VSC test (retaining 0.61 to 0.79 times their existing values). Of these 8 windows, 6 would also fail the daylight distribution utilising the vacant car park baseline targets (retaining between 0.23 to 0.62 times their existing values).
- 11.131 In summary, even when impacts are considered against a mirror image baseline scenario, there would be transgressions from the BRE guidance. At the 1<sup>st</sup> floor level, the rooms which fail the VSC and daylight distribution tests are within single aspect north facing flats, and while most are bedrooms (where the BRE guidance advises compliance is of less importance) 2 of the rooms are LKDs.

### *1 - 19 The Pinnacles – 2<sup>nd</sup> floor*

- 11.132 As with the 1<sup>st</sup> floor there are a further 11 windows at the 2<sup>nd</sup> floor level which could potentially be impacted. Sunlight analysis using the VSC test shows that 3 windows would fail to comply with the BRE guidance utilising the mirror image baseline. These windows would retain at least 0.75 times their value (a minor transgression). Examination of daylight distribution to these 2 windows (utilising the mirror image

baseline) shows that they would also fail this test (retaining between 0.45 and 0.57 times the mirror baseline target value).

11.133 When impacts are considered against the actual baseline (i.e. the vacant car park), 7 of the windows would fail the VSC test (retaining 0.66 to 0.79 times their existing values). Of these 7 windows, 6 would also fail the daylight distribution utilising the vacant car park baseline targets (retaining between 0.26 to 0.64 times their existing values).

11.134 As with the first floor, even when impacts are considered against a mirror image baseline scenario, there would be transgressions from the BRE guidance (particularly in terms of daylight distribution). Concern is raised in this regard given that the flats affected are single aspect and north facing.

*1 - 19 The Pinnacles – 3<sup>rd</sup> floor*

11.135 The 3<sup>rd</sup> floor layout reflects the lower levels, and there would be 11 windows at the 3<sup>rd</sup> floor level which could potentially be impacted by the proposal. Sunlight analysis using the VSC test shows that 4 windows would fail to comply with the BRE guidance utilising the mirror image baseline. These windows would retain at least 0.75 times their value (a minor transgression). Examination of daylight distribution to these 2 windows (utilising the mirror image baseline) shows that they would also fail this test (retaining between 0.36 and 0.54 times the mirror baseline target value).

11.136 When impacts are considered against the actual baseline (i.e. the vacant car park), 7 of the windows would fail the VSC test (retaining 0.72 to 0.77 times their existing values). Of these 7 windows, 6 would also fail the daylight distribution utilising the vacant car park baseline targets (retaining between 0.36 to 0.54 times their existing values). Even when impacts are considered against a mirror image baseline scenario, there would be transgressions from the BRE guidance.

*Further analysis*

11.137 Given the concerns over the impacts to light levels to flats in The Pinnacles, the applicant was requested to test what improvements to light levels reaching flats in The Pinnacles would be achieved by reducing the height of the development over the car park.

11.138 Without the top level and utilising the mirror massing baseline target, there would be 9 windows which fail the VSC test and using the vacant car park baseline targets 23 windows would fail. Analysis shows that the omission of the proposed set back 5<sup>th</sup> floor atop the extension over the car park at the western end of the site would improve the situation such that (utilising the mirror massing scenario) 3 windows would fail the VSC tests, and using the vacant car park baseline targets, 18 would still fail.

Base line target	VSC Failures		Daylight distribution failures	
	With a 5 <sup>th</sup> floor	Without a 5 <sup>th</sup> floor	With a 5 <sup>th</sup> floor	Without a 5 <sup>th</sup> floor
Mirror image	9	3	14	10
Vacant car park	23	18	19	16

11.139 As the table shows, in terms of daylight distribution, with the 5<sup>th</sup> floor and utilising the mirror massing baseline target, there would be 14 windows which fail the VSC test and using the vacant car park baseline targets 19 windows would fail.

- 11.140 The omission of the proposed set back 5<sup>th</sup> floor atop the extension over the car park at the western end of the site would improve the situation such that (utilising the mirror massing scenario) 10 windows would fail the daylight distribution test, and using the vacant car park baseline targets, 16 would still fail.
- 11.141 It is acknowledged that omitting the 5<sup>th</sup> floor would improve the levels of light reaching flats in The Pinnacles. However, in percentage terms, in the majority of instances the VSC improvements brought about by omitting the proposed 5<sup>th</sup> floor are minimal (i.e. less than a 5% improvement). The increased number of windows that would achieve compliance with the BRE guidelines reflects the fact that the VSC transgressions were minor (in percentage terms) to begin with.
- 11.142 Given the pressing need for additional office space, the benefit (i.e. increased light reaching flats in The Pinnacles) from reducing the height of the proposed extension to the western end of Leroy House needs to be weighed against the loss of business floor space that would accompany such as reduction. On balance, officers consider the set back 5<sup>th</sup> floor level is acceptable.

#### *Noise*

- 11.143 London Plan (2015) Policy 7.15 (part Bb) states that development proposals should minimise the existing and potential adverse impacts of noise. The application site is located in an area subject to traffic noise, and a mix of commercial and residential uses are located in close proximity to the site. Although the proposed development would intensify the use of the site, the continued business use is considered appropriate, given the limited noise outbreak normally associated with office uses.
- 11.144 The proposed development includes rooftop plant in relatively close proximity to residential uses. A condition is recommended relating to the provision of appropriate noise control measures (condition 24), to ensure that plant would not lead to unacceptable disturbance to neighbouring occupiers.

#### *Other environmental impacts*

- 11.145 The application is supported by a construction management plan, which provides a good indication of how the applicant proposes to proceed with work (and is acceptable for this stage of the process). Further details would however be needed, and as such a condition (condition 20) is recommended requiring the submission, approval and implementation of a Construction Environmental Management Plan (CEMP) to address noise, dust and other potential environmental impacts. The Section 106 agreement referred to in Appendix A would ensure that construction is carried out in compliance with the Code of Construction Practice. Outside planning control there are further controls applicable to construction, including Environmental Health legislation and regulations that would further protect the amenities of neighbouring occupiers during the construction period.

#### *Neighbour amenity summary*

- 11.146 The application site's location on Balls Pond Road needs to be acknowledged, in that it is not a site where it is reasonable to expect unusually high levels of amenity. In this context, and given the need to ensure efficient and optimised use of accessible sites, it is considered that some infringements of standards and requirements set out in relevant planning policies and guidance could be accepted.
- 11.147 Such impacts do not necessarily mean that the proposal would conflict with London Plan (2015) Policy 7.6, which refers to unacceptable levels of harm. While there

would be negative impacts, these are not considered to be so bad as to represent an unacceptable level of harm. That said, the adverse impacts weigh negatively in the balance of planning considerations.

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

- 11.148 The NPPF notes 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.
- 11.149 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 (2015) 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.
- 11.150 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.
- 11.151 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. Major developments are also required to comply with Islington's Code of Practice for Construction Sites and to achieve relevant water efficiency targets as set out in the BREEAM standards.
- 11.152 The applicant's Energy Statement notes that after establishing the scheme's baseline energy consumption, an Energy Hierarchy (Use Less Energy - 'Be Lean', Supply Energy Efficiently - 'Be Clean' and Use Renewable Energy - 'Be Green') has been applied in considering measures to reduce energy demand and CO2 emissions.
- 11.153 In terms of reducing energy demand ('Be Lean') a range of passive (relating to the building form and fabric) and active (related to the building services strategy and efficiencies) design measures have been identified for the scheme. To address the London Plan (2015) requirement to supply energy efficiently ('Be Clean') various options were investigated (including Community Heating systems, Combined Heat and Power (CHP) and Combined Cooling Heating and Power (CCHP)). The applicant also investigated the use of renewable energy sources ('Be Green') and arrays of solar photo voltaic panels are proposed on the roof of the building.
- 11.154 Overall, the applicant proposes a reduction in regulated emissions of 16.0% and in total emissions of 8.8%, compared with the Building Regulations baseline. This falls

short of both the London policy requirement of 35% reduction in regulated emissions and the Islington requirement of 27% reduction on total emissions.

- 11.155 The shortfall in carbon reduction is due in part to the various constraints and challenges associated with the existing building. The Council's Energy Officer has considered the applicant's analysis and notes that not all technologies are viable at this site and that the existing building poses challenges and constraints.
- 11.156 Based on the stated emissions an offset payment of £113,187 will be required. Given the sites constraints, subject to planning obligations being secured on any consent to ensure the energy strategy is implemented and offset payment of £113,187 and other matters are delivered, no objection is raised to the scheme.
- 11.157 The applicant proposes various measures in relation to sustainability and relevant planning policies. Conditions securing the approval of a Green Procurement Plan, the development's achievement of BREEAM "Excellent", and relating to water consumption, are recommended (conditions 16). It is also recommended that the applicant be required (via a Section 106 agreement) to sign up to Islington's Code of Construction Practice.
- 11.158 The landscaping plan shows that blue roof systems would be installed at roof top level. This is a system which helps dealing with storm water runoff through water attenuation. There is otherwise little scope for landscaping as part of the proposed development, although some soft planting is proposed at ground level along the western boundary of the site, and recommended condition (11) requires the submission of further details of the landscaping scheme.
- 11.159 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. The application is accompanied by a drainage strategy, which provides a good indication of the approach the applicant seeks to take, and is acceptable for this stage of the planning process. However further detail would be required, and as such a condition, requiring details of measures to ensure compliance with the requirements of policy DM6.6 is recommended (condition 12).
- 11.160 Measures to increase the site's currently-limited biodiversity interest, including to the installation of bird and bat boxes, are secured by recommended condition (18). A draft Green Performance Plan (GPP) has been submitted with the application. This is considered to be acceptable as a draft; however more specific performance targets and indicators will need to be established through a full GPP to be secured via a Section 106 agreement. The GPP will run for at least 2 years, and therefore a GPP coordinator will need to be in place throughout the GPP period (also to be secured via a Section 106 legal agreement).

### **Highways and Transportation**

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

11.162 Both Essex Road and Balls Pond Road are well served by buses, and the application site has a Public Transport Accessibility Level (PTAL) of 6 (on a scale of 1 to 6, where 1 represents a low level of public transport access and 6 the highest level of access to public transport). Numerous dropped kerbs exist along the Dove Road frontage, and an open car parking area exists at the western end of the site.

*Trip generation, parking and cycle parking*

11.163 The applicant has provided a Transport Assessment, which follows the requirements of the Council's adopted Development Management Policies (2013). With the exception of refuse collections, all servicing activity would be undertaken by light to medium sized vehicles. Existing trips for the site are available via the TRICS database and have been used to establish the baseline.

11.164 The proposed trips have been adjusted to take into account the proposed removal of the existing car park. Paragraph 32 of the NPPF is clear that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. The Council's Highway Officer advises that assessment shows that the additional floor space and the introduction of an ancillary café would not result in an excessive number of servicing activities, and that the proposed additional trip generation can be accommodated on the highway network.

11.165 Core Strategy (2013) Policy CS10 and Development Management Policies (2013) Policy DM8.5 seek to achieve car free development. In this case part of the development would be built over the existing car park and while this would result in the loss of 18 car parking spaces, including two disability spaces, given the policy position and high PTAL no objection is raised. The removal of the car park would result in a decrease in vehicular trips, with the most growth in public transport and pedestrian trips.

11.166 The applicant proposes cycle parking will be provided in accordance with standards (104 cycle parking spaces, including accessible cycle parking spaces) in secure cycle stores at ground floor with convenient access from Dove Road. The majority of the spaces are shown within the building with 6 publicly accessible Sheffield stands. The development will also be provided with shower/ changing facilities (end of trip facilities). The proposals are considered appropriate and would not conflict with the standards set out at Appendix 6 of the Development Management Policies, and it is recommended this provision be secured by condition (condition 9).

11.167 In line with Development Management Policies (2013) policy DM8.2, the applicant has submitted a Travel Plan, the contents of which are considered satisfactory. The Travel Plan would encourage the use of more sustainable modes of transport. Adherence to the Travel Plan would need to be a condition of any permission (condition 2).

*Servicing*

11.168 Servicing would be undertaken from Dove Road, and some concern was initially raised to this approach, both in terms of pedestrian safety and in terms of the potential for service delivery vehicles to block the road. The applicant provided additional detail (swept path analysis) which shows that even when servicing is taking place, 2 way traffic (including buses, fire engines and other emergency vehicles) can move along Dove Road. No objection was raised to the servicing arrangements by TfL or emergency services.

11.169 While there is no objection to the servicing arrangements, given the narrow width of Dove Road, it would be important to ensure deliveries are co-ordinated in a sensible way to avoid queuing in Dove Road. The application is accompanied by a servicing

plan, which provides a good indication of the approach the applicant seeks to take, and is acceptable for this stage of the planning process. However further detail would be required, and as such a condition should be imposed on any consent granted to secure a Delivery and Servicing Management Plan (DSMP) (condition 21). It is further recommended that a Demolition and Construction Management and Logistics Plan (DCMLP) be secured by condition (19).

- 11.170 The applicant proposes to rationalise the various existing vehicular access Ponds on Dove Road. The proposed removal of redundant vehicle crossovers will improve the pedestrian environment adjacent to the building. The removal of dropped kerbs should be funded by the applicant and carried out by the council, and this would need to be secured via a S106 legal agreement.
- 11.171 A dropped kerb is proposed to provide access to the cycle parking area from Dove Road. The current kerbside use is residential permit parking. The appropriate arrangements for the alternations to parking and the provision of a dropped kerb should be funded by the applicant and carried out by the council (again this would need to be secured via a S106 legal agreement).

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

- 11.172 The site is and would be mostly covered with buildings or hard surfaced area, limiting access to the ground (thereby limiting access to any contamination that could potentially be present). There would be a small area of landscaping along the western boundary and a condition should be imposed on any consent to ensure any contamination identified in the creation of the landscaped area is appropriately remediated, and to ensure any imported soils are free from contaminants (condition 25).
- 11.173 The whole of the borough has been designated by the council as an Air Quality Management Area. It is recommended that, for the proposed development's construction phase, the submission, approval and implementation of a Construction Environmental Management Plan (CEMP) assessing the environmental impacts (including in relation to air quality, dust, smoke and odour) be secured by condition. This would ensure that the proposal would not detrimentally impact upon the amenity of the neighbouring occupiers with regard to air quality.

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

- 11.174 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.
- 11.175 Islington CIL of £34,196, and Mayoral CIL of £146,078, would be payable in relation to the proposed development.

11.176 Prior to and following the amendment of the proposals, officers advised the applicant that a Section 106 agreement including relevant Heads of Terms would be necessary in order to mitigate the impacts of the proposed development. The necessary Heads of Terms are:

- Compliance with the Code of Employment and Training.
- The repair and re-instatement of the footways and highways adjoining the development. The cost is to be paid for by the applicant and the work carried out by LBI Highways.
- Facilitation, during the construction phase of the development, of 2 work placements. Each placement to last at least 26 weeks. The London Borough of Islington's approved provider/s to recruit for and monitor placements, with the developer/contractor to pay wages. The contractor is expected to pay the going rate for an operative. If these placements are not provided, LBI will request a fee of £10,000.
- Compliance with the Code of Local Procurement.
- Compliance with the Code of Construction Practice, including a monitoring fee of £2,629
- A contribution of £10,000 towards off site accessible parking bays or other accessible transport.
- Connection to a local energy network if a viable opportunity arises in the future.
- Green Procurement Plan
- Carbon offset payment of £113,187
- Removal of redundant existing dropped kerbs and introduction of a new drop kerb, funded by the applicant and carried out by the council
- Works to the footway and any repair works made necessary by the development
- Development car free.
- Connection of the existing building to a local energy network, if this becomes viable in the future.
- Adherence to the approved Travel Plan (including reporting).
- Delivery of Employment and Training Initiatives to a value of at least £26,290 or a financial contribution in lieu.
- Council's legal fees in preparing the S106 and officer's fees for the preparation, monitoring and implementation of the S106.

11.177 In terms of the Employment and Training Initiatives, the applicant has agreed to pay a contribution of £26,290, or to deliver an Employment and Training initiative to at least an equal value through a third party called XLP. XLP stands for "The eXceL Project"; a charity (No. 1101095) specialising in urban youth work in London. The aim of XLP is to create positive futures for young people living in the inner city and make a positive impact on poverty and educational failure. The proposal involves 4 projects:

- A Community Bus Project, involving a customized double-decker bus traveling to agreed locations on the Marquees Estate to host 50 drop-in sessions with 1-2-1, small group and team activities (e.g. educational support, mentoring, and support groups). Outside the bus, sports and detached youth work are deployed using the bus as a base. The bus travels to specific areas on estates (particularly where no permanent premises exist) and provides high-quality, long-term, consistent youth provision
- A mentoring scheme for 3 Canonbury Ward residents. Candidates are identified in consultation with local schools, pupil referral units, youth services and the police. Home visits with each of the candidate's families are undertaken to further explain the project, and look for approval for the candidate to participate. Mentors receive training and are matched with a young person. These mentors will commit for a



minimum of 12 months to build and sustain a relationship with a young person and their family and provide a consistent and inspirational role model. Mentors will meet their young person for 2 hours per week for a minimum of thirty 1-2-1 sessions over a 12-month period.

- Providing 6 places on an employment training programme (called access to employment) as well as ongoing 1-2-1 support. Following an informal assessment around skills and qualifications, future goals and aspirations and an individual action plan is drawn up. The candidates then attend a training programme that aims to give the young people the skills to allow them to 'take hold of and create their own opportunities'.
- Provide 4 placements on a summer camp. The young people selected will camp together in tents, cook and eat together, and participate in challenging teambuilding activities.

11.178 The Council's Infrastructure and S106 Officer has worked with the applicant to understand the various proposals and advises that these are highly desirable, and as such any legal agreement would require in the first instance the delivery of the initiatives, and only in the event that the initiatives are unable to be delivered would a financial contribution be required.

11.179 All payments to the council would be index-linked from the date of Committee and would be due upon implementation of the planning permission. The applicant's agent agreed to the drafting of a Section 106 agreement based on the above Heads of Terms.

### **National Planning Policy Framework and Planning Balance**

11.180 Paragraph 17 of the NPPF sets out 12 core planning principles that should underpin decision-taking. The current proposal is strong in relation to the principles relating to the reuse of land and provision of business floor space.

11.181 In the final balance of planning considerations, officers have also considered the proposal in the context of the presumption in favour of sustainable development set out in the NPPF. The central question is whether the harm caused would be outweighed by the benefits that the proposal would bring forward.

11.182 The sunlight/daylight analyses shows that the extensions proposed on the application site would reduce the amount of daylight reaching windows in northern elevation of The Pinnacles. Additionally, there is some concern over the visual appearance of the scheme.

11.183 While the living conditions of some residents would be affected, to a degree, this does not necessarily mean that the proposal would conflict with London Plan (2015) Policy 7.6 which refers to unacceptable harm (the impact is not considered so severe as to be unacceptable). Nor is it considered that the scheme would conflict with Development Management Policies (2013) policy DM2.1 which requires a good standard of amenity to be maintained. Nevertheless, the adverse impact is still something that needs to be weighed in the planning balance.

11.184 The site is clearly under-used (particularly at the western end) in its current use as a car park. The development of this part of the site is considered in keeping with the site's adopted allocation. There is a need to improve job creation in the Borough in order to meet substantial levels of unmet need and stimulate the economy, highlighted by the London Plan (2015) in particular and this means that best use must be made of the site.

- 11.185 Consideration has been given to the nature of the proposal, being business floor space, designed to be suitable for small and micro sized enterprises. The applicant is a specialist provider of this sort of work space, and has successfully delivered and operates these sorts of work spaces elsewhere in the borough and London. Bearing in mind local policy and the NPPF, this weighs in favour of the proposal and overall officers consider that the benefits (including public benefits) of the proposal are sufficient to outweigh the harmful impacts identified.

## **12. SUMMARY AND CONCLUSION**

### **Summary**

- 12.1 The benefits of the proposed development must be noted. These include the re-use of an underused site, the refurbishment of the existing floorspace with a higher quality, more accessible and more flexible employment space. The scheme involves provision of additional employment space, the majority of which is suitable for small and micro sized enterprises. There is evidence of increasing demand for business workspace (needed to support job growth). This situation is exacerbated by a decrease in supply of office space, as a result of permitted development rights (which allow the conversion of office space to residential uses). The application would help redress this issue.
- 12.2 CIL contributions towards transport and other infrastructure, although required in order to mitigate the impacts of the development, would also benefit existing residents and visitors to the area. Employment and training initiatives and work placements would also be secured through a Section 106 agreement.
- 12.3 These benefits must be weighed against the shortcomings of the proposed development. Officers' primary concerns relate to the impacts of the proposed development upon the amenities of neighbouring properties and the visual appearance of the development.
- 12.4 The comments made by residents have been considered, as have responses from consultee bodies.
- 12.5 In this case, the benefits of the proposed development (as amended) have been given due consideration, and are considered (in the face of such increased demand business work space) to outweigh the shortcomings of the development (which are not considered such as to represent unacceptable harm). It is recommended that planning permission be granted.

### **Conclusion**

- 12.6 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:

- Compliance with the Code of Employment and Training.
- The repair and re-instatement of the footways and highways adjoining the development. The cost is to be paid for by the applicant and the work carried out by LBI Highways.
- Facilitation, during the construction phase of the development, of 2 work placements. Each placement to last at least 26 weeks. The London Borough of Islington's approved provider/s to recruit for and monitor placements, with the developer/contractor to pay wages. The contractor is expected to pay the going rate for an operative. If these placements are not provided, LBI will request a fee of £10,000.
- Compliance with the Code of Local Procurement.
- Compliance with the Code of Construction Practice, including a monitoring fee of £2,629
- A contribution of £10,000 towards off site accessible parking bays or other accessible transport.
- Connection to a local energy network if a viable opportunity arises in the future.
- Green Procurement Plan
- Carbon offset payment of £113,187
- Removal of redundant existing dropped kerbs and introduction of a new drop kerb, funded by the applicant and carried out by the council
- Works to the footway and any repair works made necessary by the development
- Development car free.
- Connection of the existing building to a local energy network, if this becomes viable in the future.
- Adherence to the approved Travel Plan (including reporting).
- Delivery of Employment and Training Initiatives to a value of at least £26,290 or a financial contribution in lieu.
- Council's legal fees in preparing the S106 and officer's fees for the preparation, monitoring and implementation of the S106.

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

<b>1</b>	<b>Commencement (Compliance)</b>
	<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>
<b>2</b>	<b>Approved plans and documents list (Compliance)</b>
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans and documents:</p> <p>Design and Access Statement (June 2015), Addendum to Design and Access Statement (June 2016), Addendum Daylight/Sunlight Report (June 2016), TTP Consulting Travel Plan (June 2015), Etude Waste Management Strategy 2015, Greenpage BS5839 Tree Survey and Arboricultural Impact Assessment (June 2015), TTP Consulting Transport Assessment (June 2015), TPP Highways Note (30 October 2015) Sustainability and energy report 7100.003.005, email from agent and MTT comments (16 October 2015), Heyne Tillett Steel Surface Water and Drainage Statement (June 2015), Quatro Statement of Community Involvement (June 2015), Nathaniel Lichfield &amp; Partners Planning Statement (June 2015), Nathaniel Lichfield &amp; Partners Heritage, Townscape and Visual Impact Assessment (June 2015), HIA screening, MTT External Lighting Report (June 2015), NOICO Environmental Noise Survey Report (June 2015), Greenpage Ecological Extended Phase 1 Habitat and Protected Species Survey Report (June 2015), MTT MEP Services Description (June 2015), TTP Consulting Delivery and Servicing Plan (June 2015), Knight Build Ltd CMP (June 2015), letter from agent 14150/IR/SH/11474876v1 dated 2 June 2016, 13212/ES(04)001 PA1, 13212/EL(07)001 PA1, 13212/EL(06)001 PA1, 13212/EL(04)006 PA1, 13212/EL(04)005 PA1, 13212/EL(04)004 PA1, 13212/EL(04)003 PA1, 13212/EL(04)002 PA1, 13212/EL(04)001 PA1, 13212/EE(04)003 PA1, 13212/EE(04)002 PA1, 13212/EE(04)001 PA1, 13212/PA(01)001 PA3, 13212/PA(02)001 PA3, 13212/PA(90)002 PA2, 13212/PA(90)004 PA2, 13212/PE(04)001 PA3, 13212/PE(04)002 PA3, 13212/PE(04)003 PA3, 13212/PL(04)010 PA3, 13212/PL(04)011 PA3, 13212/PL(04)012 PA3, 13212/PL(04)013 PA3, 13212/PL(04)014 PA3, 13212/PL(04)015 PA3, 13212/PL(04)007 PA3, 13212/PL(06)001 PA3, 13212/PS(04)001 PA3, 13212/PS(04)002 PA3.</p> <p>REASON: For the avoidance of doubt and in the interest of proper planning.</p>
<b>3</b>	<b>Materials and samples (Details)</b>
	<p>CONDITION: Details of facing materials including samples shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing. The details and samples shall include:</p> <p>a) brickwork, bond and mortar courses;</p> <p>b) cladding panels (including details of the edge and seams/gap treatments, method(s) of fixing, and any profiling)</p>

	<p>d) glazing, windows, doors and balustrades;  e) roofing materials; and  f) any other materials to be used on the exterior of the development.</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.</p>
<b>4</b>	<b>Roof-level structures (Details)</b>
	<p>CONDITION: Details of any roof-level structures shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing. The details shall include a justification for the height and size of the roof-level structures, their location, height above roof level, specifications and cladding.</p> <p>The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority. No roof-level structures shall be installed other than those approved.</p> <p>REASON: In the interests of good design and also to ensure that the Local Planning Authority may be satisfied that any roof-level structures do not have a harmful impact on the surrounding streetscene or the character and appearance of the area.</p>
<b>5</b>	<b>Window and door reveals (Compliance)</b>
	<p>CONDITION: With the exception of the projecting windows at the western elevation of the building, windows and doors shall be set within reveals no less than 200mm deep unless otherwise agreed in writing by the Local Planning Authority.</p> <p>REASON: To ensure that the resulting appearance and construction of the development is to a high standard, to ensure sufficient articulation in the elevations.</p>
<b>6</b>	<b>External pipes, cables and CCTV (Details)</b>
	<p>CONDITION: No cables, plumbing, down pipes, rainwater pipes, foul pipes or CCTV cameras or related equipment and installations shall be located/fixed to any elevation(s) of the buildings hereby approved.</p> <p>Should additional cables, pipes be considered necessary the details of these shall be submitted to and approved in writing by the Local Planning Authority prior to their installation.</p> <p>Notwithstanding the drawings hereby approved, no CCTV cameras or related equipment and installations are hereby approved.</p> <p>REASON: To ensure that the resulting appearance and construction of the development is to a high standard.</p>
<b>7</b>	<b>Security and general lighting (Details)</b>

	<p>CONDITION: Notwithstanding the approved drawings listed under condition 2, details of general or security outdoor lighting (including full specification of all luminaries, lamps and support structures) as well as measures to control access to the lifts, and additionally from the refuse and cycle stores into the building shall be submitted to and approved in writing by the Local Planning Authority prior to superstructure works commencing on site.</p> <p>The development shall be carried out strictly in accordance with the details so approved prior to the first occupation of the development hereby approved and shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In the interests of good design, security and protecting neighbouring and future residential amenity and existing and future habitats from undue light-spill.</p>
<b>8</b>	<b>Piling (Details)</b>
	<p>No impact piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to 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. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of the piling method statement.</p>
<b>9</b>	<b>Cycle parking (Compliance)</b>
	<p>CONDITION: The bicycle storage areas shown on the approved plans shall be secure and provide for no less than 104 bicycle spaces shall be provided prior to the first occupation of the development hereby approved, shall be maintained as such thereafter and no change therefrom shall take place unless otherwise agreed in writing by the Local Planning Authority.</p> <p>REASON: To ensure adequate and suitable bicycle parking is available and easily accessible on site and to promote sustainable modes of transport.</p>
<b>10</b>	<b>Micro and small enterprises (Compliance)</b>
	<p>CONDITION: The business accommodation suitable for occupation by micro and small enterprises shall be provided strictly in accordance with the details hereby approved 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>
<b>11</b>	<b>Landscaping (Details)</b>
	<p>CONDITION: A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include the following details:</p>

	<ul style="list-style-type: none"> <li>• existing and proposed underground services and their relationship to landscaping and tree planting;</li> <li>• proposed trees: their location, species and size at planting</li> <li>• tree pit detail</li> <li>• modular system providing adequate soil volume for the tree planting</li> <li>• hard landscaping: including surface treatment, permeability, drainage, kerbs, edges, unit paving, furniture and lighting.</li> <li>• any other landscaping feature(s) forming part of the scheme.</li> </ul> <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>
<b>12</b>	<b>Sustainable urban drainage (Details)</b>
	<p>CONDITION: Prior to any works commencing on site a drainage strategy including full justification for any non-compliance with the requirements of Development Management Policy DM6.6 and London Plan policy 5.13, and confirmation that best endeavours have been made to comply with these policies, 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 drainage strategy so approved, shall be maintained as such thereafter, and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: To ensure the development achieves appropriate surface water run-off rates.</p>
<b>13</b>	<b>Mechanical Ventilation System (Details)</b>
	<p>Details of the mechanical ventilation system(s) for the development shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site.</p> <p>The mechanical ventilation system(s) shall be carried out strictly in accordance with the details so approved, installed and operational prior to the first occupation of the development and maintained as such thereafter.</p> <p>REASON: To protect the amenity of nearby residential occupiers.</p>
<b>14</b>	<b>Hours of Use (Compliance)</b>
	<p>The ground floor Café and external roof terrace/balcony areas shall not be in used outside the following hours: 07.00 to 23.00, Mondays to Saturdays, 10.00 to 18.00 Sundays, Public or Bank Holidays.</p>

	<p>REASON: To ensure that the amenity of the occupiers of the proposed development is not adversely affected by noise.</p>
<b>15</b>	<p><b>Deliveries (Compliance)</b></p> <p>There shall be no loading or unloading of vehicles outside the hours of 08.00 and 18.00, Monday to Saturdays, and at no time on Sundays or Bank Holidays.</p> <p>REASON: To ensure that the amenity of the occupiers of the proposed development is not adversely affected by noise and disturbance associated with servicing and deliveries at the site.</p>
<b>16</b>	<p><b>BREEAM (Compliance)</b></p> <p>CONDITION: All business floorspace within the development hereby approved shall achieve a BREEAM (2011) New Construction Scheme rating of no less than "Excellent".</p> <p>REASON: In the interests of sustainable development and addressing climate change.</p>
<b>17</b>	<p><b>Energy/carbon dioxide reduction (Compliance)</b></p> <p>CONDITION: The development shall be undertaken in accordance with the proposed measures relevant to energy as set out in the Sustainability and energy report 7100.003.005, and email from the planning agent and MTT comments (16 October 2015) hereby approved, including installation of solar voltaic panels at roof level, the approved measures 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.</p>
<b>18</b>	<p><b>Bird and/or Bat Nesting Boxes (Details)</b></p> <p>Details of bird and/or bat nesting boxes/bricks shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of superstructure works on site.</p> <p>The nesting boxes/bricks shall be provided strictly in accordance with the details so approved, installed prior to the first occupation of the building to which they form part or the first use of the space in which they are contained and shall be maintained as such thereafter.</p> <p>REASON: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.</p>
<b>19</b>	<p><b>Demolition and Construction Management and Logistics Plan (Details)</b></p> <p>CONDITION: No demolition shall take place unless and until a Demolition and Construction Management and Logistics Plan (DCMLP) has been submitted to and approved in writing by the Local Planning Authority.</p> <p>The DCMLP shall include measures to protect street trees to be retained on the footway of Balls Pond Road. The development shall be carried out strictly in accordance with the approved DCMLP throughout the demolition and construction period.</p> <p>REASON: In the interests of residential amenity, highway safety and the free flow of traffic on streets, and to mitigate the impacts of the development.</p>



<b>20</b>	<b>Construction Environmental Management Plan (Details)</b>
	<p>A Construction Environmental Management Plan (CEMP) assessing the environmental impacts (including (but not limited to) noise, air quality including dust, smoke and odour, vibration and TV reception) of the development shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site. The report shall assess impacts during the construction phase of the development on nearby residents and other occupiers together with means of mitigating any identified impacts. The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>REASON: In the interests of residential and local amenity, and air quality.</p>
<b>21</b>	<b>Delivery and Servicing Management Plan and Waste Management Plan (Details)</b>
	<p>CONDITION: A Delivery and Servicing Management Plan (DSMP), including a Waste Management Plan (WSP), shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development.</p> <p>The DSMP shall include details of all servicing and delivery requirements, including details of how waste (including recyclable waste) would be transferred and collected, and shall confirm the timings of all deliveries and collections from service vehicles.</p> <p>The development shall be carried out strictly in accordance with the DSMP so approved.</p> <p>REASON: In the interests of residential amenity, highway safety and the free flow of traffic on streets, and to mitigate the impacts of the development.</p>
<b>22</b>	<b>Waste storage (Compliance)</b>
	<p>CONDITION: The dedicated refuse/recycling stores, which shall incorporate facilities for the recycling of food/compostable waste hereby approved shall be provided prior to first occupation of the development hereby approved and shall be maintained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.</p> <p>REASON: To ensure the necessary physical waste storage to support the development is provided.</p>
<b>23</b>	<b>Air quality – residents’ exposure (Details)</b>
	<p>CONDITION: Notwithstanding the plans hereby approved, prior to the commencement of works except in relation to demolition, a report detailing measures to minimise the exposure of the development’s future occupiers to air pollution 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 measures 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 residents’ exposure to pollution is minimised.</p>

<b>24</b>	<b>Plant noise (Compliance and Details)</b>
	<p>CONDITION: The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level LAeq Tr arising from the proposed plant, measured or predicted at 1m from the façade 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>A report to demonstrate compliance with the above requirements and prepared by an appropriately experienced and qualified professional shall be submitted to and approved 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 approved details and shall be retained and maintained for the life of the development.</p> <p>REASON: To ensure that the development does not have an undue adverse impact on nearby residential amenity or business operations.</p>
<b>25</b>	<b>Site contamination (Details)</b>
	<p>CONDITION: If during development contamination not previously identified is found to be present at the site no further development shall be carried out (unless otherwise agreed in writing with the Local Planning Authority) until a remediation strategy has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority.</p> <p>All soils used for landscaping purposes shall be clean and free of contamination.</p> <p>REASON: Previous industrial and/or commercial activities at this site may have resulted in contaminated soils and groundwater, the underlying groundwater is vulnerable to pollution and potential contamination must be investigated and a risk assessment carried out to determine impacts on the water environment.</p>

**List of Informatives:**

<b>1</b>	<b>Section 106 Agreement</b>
	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.
<b>2</b>	<b>Definition of ‘Superstructure’ and ‘Practical Completion’</b>
	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.
<b>3</b>	<b>Community Infrastructure Levy (CIL) (Granting Consent)</b>
	Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to

	<p>pay the London Borough of Islington's Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with the London Borough of Islington CIL Charging Schedule 2014 and the Mayor of London CIL Charging Schedule 2012. One of the development parties must now assume liability to pay CIL by submitting an Assumption of Liability Notice to the council at <a href="mailto:cil@islington.gov.uk">cil@islington.gov.uk</a>. The council will then issue a Liability Notice setting out the amount of CIL that is payable.</p> <p>Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed. The above forms can be found on the planning portal at: <a href="http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil">www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil</a></p> <p><b>Pre-Commencement Conditions:</b> 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>
<b>4</b>	<b>Site contamination</b>
	The verification report required under condition 37 shall demonstrate completion of the works set out in the approved remediation strategy and the effectiveness of the remediation. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.
<b>5</b>	<b>Sustainable Sourcing of Materials</b>
	Materials procured for the development should be selected to be sustainably sourced and otherwise minimise their environmental impact, including through maximisation of recycled content, use of local suppliers and by reference to the BRE's Green Guide Specification.
<b>6</b>	<b>Car-free development</b>
	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.
<b>7</b>	<b>Construction works</b>
	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 <a href="mailto:pollution@islington.gov.uk">pollution@islington.gov.uk</a> ) 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.
<b>8</b>	<b>Highway matters</b>
	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](mailto:streetworks@islington.gov.uk)

Page 59 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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto:streetlights@islington.gov.uk)

## APPENDIX 2: RELEVANT POLICIES

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

### 1 National Guidance

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

### 2. Development Plan

The Development Plan is comprised of the London Plan 2015, Islington Core Strategy 2011, Development Management Policies 2013, 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

1 Context and strategy Policy 1.1 Delivering the strategic vision and objectives for London	Policy 5.11 Green roofs and development site environs Policy 5.13 Sustainable drainage Policy 5.14 Water quality and wastewater infrastructure
2 London's places Policy 2.2 London and the wider metropolitan area Policy 2.3 Growth areas and co-ordination corridors	6 London's 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
3 London's people Policy 3.1 Ensuring equal life chances for all	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
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	7 London's living places and spaces 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
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 5.9 Overheating and cooling  
Policy 5.10 Urban greening

8 Implementation, monitoring and review  
Policy 8.2 Planning obligations  
Policy 8.3 Community infrastructure levy

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

Strategic Policies  
Policy CS9 (Protecting and Enhancing Islington's Built and Historic Environment)  
Policy CS10 (Sustainable Design)

Policy CS13 (Employment Spaces) Infrastructure and Implementation  
Policy CS18 (Delivery and Infrastructure)  
Policy CS19 (Health Impact Assessments)

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

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

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

Energy and Environmental Standards  
DM7.1 Sustainable design and construction statements  
DM7.2 Energy efficiency and carbon reduction in minor schemes

Infrastructure  
DM9.1 Infrastructure  
DM9.2 Planning obligations

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

Site Allocation OIS3 (Leroy House)

### **Designations**

The site is within a designated Employment Growth Area (Balls Pond Road)

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

The following SPGs and/or SPDs are relevant:

Islington Local Development Plan  
- Environmental Design  
- Inclusive Landscape Design  
- 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

## **APPENDIX 3: DESIGN REVIEW PANEL RESPONSE**

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**CONFIDENTIAL**



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Planning and Development  
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222 Upper Street  
London  
N1 1YA

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W [www.islington.gov.uk](http://www.islington.gov.uk)

Our ref: DRP/52

Date: 06 March 2015

ATT: Sophie Hitchins  
Nathaniel Lichfield & Partners,  
14 Regent's Wharf,  
All Saints Street,  
London N1 9RL

Dear Sophie Hitchins,

### **ISLINGTON DESIGN REVIEW PANEL**

**RE: Leroy House - pre-application reference Q2014/2214/MJR**

Thank you for attending Islington's Design Review Panel meeting on 13<sup>th</sup> February 2015 for an assessment of the above scheme. The proposed scheme under consideration was for a five-storey extension, side extension on the existing car park, single storey roof extension to the existing building and refurbishment of the existing building to create additional B1a business use (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), Paul Reynolds, Tim Ronalds, Charles Thomson and Ben Gibson on 13 February 2015 including a site visit and a presentation from the design team followed by a questions 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 found that the existing 1930s industrial building is an original classic of its period and a complete building in its own right. The Panel argued that, although slightly tired, the building was appropriate for its current use. Panel members were concerned that the proposed redevelopment of the building failed to take its architectural merits into account and that the character of the building would be lost. The Panel recommended that a thorough analysis of the existing building should be undertaken. This analysis should in turn inform the design approach. The design approach should then be better explained so that that the Panel can follow the evolution of the design.

#### Elevations and materials

The Panel raised concerns over the proposed alterations to the existing building, which it felt would strip it of its original character. The Panel questioned the proposed staining and painting to replace the original appearance of the building in an attempt to homogenise it with the extension.

Panel members also queried the dominance of the two storey glazed extension in relation to the original legibility and proportions of the existing building with an articulated bottom, middle and top. The Panel queried whether the internal furniture layouts would result in desks looking untidy against the glazing.

### Side extension

The Panel supported the idea of building on the car park, but argued that in light of the prominence of the site and strong identity of the original building, an extension building of higher architectural quality was required. The Panel noted that the existing entrance elevation, arguable the finest façade, would be lost with the proposed extension. This underscores the need to provide a building of the highest quality on the corner site.

The Panel questioned the attempt to reference the surrounding Georgian architecture in the design of the extension. Panel members argued that extending the architectural vocabulary of the original building to the extension would be more appropriate. They suggested that the extension would not need to be in the style of the 1930s building, but that a better architectural dialogue between the old and the new should be found.

The Panel queried the alignment of the building edge along Balls Pond Road and Essex Road and the resulting space between the proposed building and site boundary. The chamfer to the side extension and the corner appeared weak. The Panel considered that the overall impact would not improve the corner of the site.

Panel members wondered whether other options for siting and building form had been explored. The Panel considered that a more positive solution to dealing with the public realm and architectural juxtaposition with both the 1930's building and church would create a better design.

### Sustainability

The Panel advised that under building regulations, the windows would likely need to be replaced or improved. The Panel raised concerns regarding potential overheating of the glazed roof extension and questioned whether this would need mechanical ventilation.

### **Summary**

The Panel welcomed the principle of continuing and extending the employment-led use of the building and improving the relationship with the public realm with more active street frontage. Panel members found that the building needed a gentle lift and renovation and that the original characteristics should be retained. They argued that the existing architecture should be respected by the extension. The Panel argued the side and roof extension needed to be of higher architectural quality and that the relationship between the original building and the extension needed to be resolved more appropriately.

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 grey ink, appearing to read 'Lucy', written in a cursive style.

**Luciana Grave**  
Design Review Panel Coordinator  
Design & Conservation Team Manager

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